U.S. Department of
Homeland Security

**United States
Coast Guard**

U.S. COAST GUARD
MARINE ENVIRONMENTAL RESPONSE AND PREPAREDNESS MANUAL

COMDTINST M16000.14A
August 2016

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U.S. Department of Homeland Security
United States Coast Guard

Commandant
United States Coast Guard

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Subj: U.S. COAST GUARD MARINE ENVIRONMENTAL RESPONSE AND PREPAREDNESS MANUAL

Ref: (a) Spill of National Significance (SONS) Response Management, COMDTINST 16465.6 (series)
(b) Notice of Violation User's Guide, COMDTINST M5582.1 (series)
(c) USCG Marine Safety Manual, Volume V: Investigations and Enforcement, COMDTINST M16000.10 (series)
(d) Coast Guard After Action Program, COMDTINST 3010.19 (series)
(e) Safety and Environmental Health Manual, COMDTINST M5100.47 (series)

1. PURPOSE. This Manual establishes policies, guidelines, procedures, and general information for Coast Guard use in marine environmental response and preparedness operations.

2. ACTION. All Coast Guard Unit Commanders, Commanding Officers, Officers-in-Charge, Deputy/Assistant Commandants, and Chiefs of Headquarters staff elements shall comply with the provisions of this Manual. Internet release is authorized.

3. DIRECTIVES AFFECTED. The following directives and policy letters are hereby cancelled:

   a. Marine Safety Manual Volume IX, Marine Environmental Protection, COMDTINST M16000.14

   b. Vessel Removal/Destruction Under Federal Water Pollution Control Act or Comprehensive Environmental Response Compensation & Liability Act, COMDTINST 16465.5

   c. Area Contingency Plan Organization, Content, Revision Cycle, and Distribution, COMDTINST 16471.3

   d. U. S. Coast Guard Places of Refuge Policy, COMDTINST 16451.9

   e. Use of Special Monitoring of Applied Response Technology (SMART) Protocols, COMDTINST 16470.1

DISTRIBUTION – SDL No. 167

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NON-STANDARD DISTRIBUTION:

f. Guidelines for Implementation and Enforcement of Vessel Response Plans, Facility Response Plans, and Shipboard Oil Pollution Emergency Plans, COMDTINST 16540.32A

g. MER Policy Letter 00-12: MER Policy Letter Program

h. MER Policy Letter 01-12: Pollution Response Posture

i. MER Policy Letter 02-12: Minimum MER Staffing and Competency Standards for Personnel at Sectors and MSUs

j. MER Policy Letter 01-13: MISLE Data Entry Requirements for Pollution Incident Response Actions

k. MER Policy Letter 03-13: Oil Spill Removal Organization Classification Program

l. MER Policy Letter 04-13: Emergency Support Function (ESF-10) Guidance for Disaster Response

m. MER Policy Letter 05-13: Consolidation of District Vessel of Opportunity Skimming System

n. MER Policy Letter 01-14: ESA Section 7 and EFH Consultation Process Guidance

o. MER Policy Letter 01-15 CH1: Government Initiated Unannounced Exercise Policy Updates

p. Commandant (CG-MER) memo dated 17 Oct 2013, Vessel Response Plan Activation

q. Commandant (CG-MER) memo dated 24 Aug 2015, Messaging Requirements for Marine Environmental Response Operations

4. DISCUSSION. Since 1997, the Marine Safety Manual Volume IX has served as the primary repository for all marine environmental response and preparedness policy and guidance. In the nearly two decades since its promulgation, numerous structural and organizational changes have occurred both internal to the Coast Guard and across the federal interagency. Following the terrorist attacks of September 11th, 2001, the Coast Guard reorganized the marine environmental protection (MEP) mission under two Assistant Commandants: 1) MEP Prevention functions under the Assistant Commandant for Prevention Policy, Commandant (CG-5P) and 2) MEP Response and Preparedness functions under the Assistant Commandant for Response Policy, Commandant (CG-5R). This Manual focuses on the Coast Guard's response and preparedness requirements under the MEP mission.

5. DISCLAIMER. This Manual is not a substitute for applicable legal requirements, nor is it itself a rule. It is intended to provide operational guidance for Coast Guard personnel and is not intended to nor does it impose legally binding requirements on any party outside the Coast Guard.

6. MAJOR CHANGES. This Manual represents a complete revision of the Marine Safety Manual Volume IX, promulgated 25 August 1997, and consolidation of 17 policy documents. Units are encouraged to conduct a thorough review of this Manual.

7. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS.

   a. The development of this Manual and the general policies contained within have been thoroughly reviewed by the originating office in conjunction with the Office of Environmental Management. The Manual is categorically excluded (CE) under current Coast Guard CE # 33 from further environmental analysis, in accordance with Section 2.B.2 and Figure 2-1 of the *National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series).*

   b. This Manual will not have any of the following: significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any federal, state, or local laws or administrative determinations relating to the environment. All future specific actions resulting from the general policies in this Manual *must* be individually evaluated for compliance with the National Environmental Policy Act (NEPA), U.S. Department of Homeland Security (DHS) and Coast Guard NEPA policy, and compliance with all other environmental mandates.

8. DISTRIBUTION. No paper distribution will be made of this Manual. An electronic version will be located on the following Commandant (CG-612) Websites. Internet: http://www.uscg.mil/directives/, and CGPortal: https://cgportal2.uscg.mil/library/directives/SitePages/Home.aspx.

9. RECORDS MANAGEMENT CONSIDERATIONS. This Manual has been evaluated for potential records management impacts. The development of this Manual has been thoroughly reviewed during the directives clearance process, and it has been determined there are no further records scheduling requirements, in accordance with Federal Records Act, 44 U.S.C. §§ 3101 *et seq*., National Archives and Records Administration (NARA) requirements, and the *Information and Life Cycle Management Manual, COMDTINST M5212.12 (series).* This policy does not have any significant or substantial change to existing records management requirements.

10. FORMS/REPORTS. The forms referenced in this Manual are available on USCG Electronic Forms and CGPortal. Coast Guard directives referenced in this Manual can be accessed electronically on CGPortal. Interagency policy and guidance documents referenced in this Manual can be accessed electronically on Commandant (CG-MER)'s Portal. Enclosure (2) provides a list of marine environmental response and preparedness interagency and international agreements. The full agreements are located on the Commandant (CG-MER)'s Portal.

11. REQUEST FOR CHANGES. Units and individuals are encouraged to recommend changes to this Manual via their chain of command. Recommendations should be sent to: MERManualComments@uscg.mil using the Comments Matrix available on Commandant (CG-MER)'s Portal. Commandant (CG-MER) will adjudicate comments quarterly and incorporate into subsequent changes to this Manual, as appropriate. Commandant (CG-MER) will promulgate time-sensitive amendments via administrative notification, pending their inclusion in the next change to this Manual.

Dana S. Tulis /s/
U.S. Coast Guard
Director of Incident Management & Preparedness Policy

RECORD OF CHANGES			
CHANGE NUMBER	**DATE OF CHANGE**	**DATE ENTERED**	**BY WHOM ENTERED**

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NOTES TO READERS

Note 1: Policy and Doctrine

The hallmark of policy is the use of the terms “must” and “shall.” These are mandatory terms. They require compliance or action. The term “prescribe” encompasses the term “restricts.” Thus, other hallmarks of policy are the terms “must not” and “shall not.”

By comparison, the hallmark of doctrine is the use of the terms “can” and “may.” These are permissive terms. The term “should” is mandatory **unless justifiable reason** exists for not complying. Since there is significant degree of judgment included within its use, the term “should” is more associated with doctrine than policy.

The term “will” is sometimes used in place of “shall.” This is incorrect in the context of both doctrine and policy. “Will” applies only to a statement of future condition and should not be used in place of “shall.”

Source: Doctrine Study Group Final Report, 01 April 2009

Note 2: Use of Bold/Italic

Items highlighted in bold/italic text are used to highlight certain policy. This marking is based on the use of the terms “shall” and “must” (this includes, of course, “shall not” and “must not”).

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CHAPTER 1. MARINE ENVIRONMENTAL RESPONSE (MER) AND PREPAREDNESS PROGRAM

A. Introduction.

1. Purpose.

a. This Chapter provides an overview of the marine environmental response and preparedness program (MER program), policy and guidance for MER organizational responsibilities, key programmatic functions and terminology, and Marine Environmental Protection (MEP) awards for Coast Guard units, Coast Guard individuals, and the maritime industry.

b. The Federal Water Pollution Control Act of 1972 (FWPCA), as amended, states "Congress hereby declares that is the policy of the United States that there should be no discharges of oil or hazardous substances into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States."

c. In furtherance of that policy, through the Oil Pollution Act of 1990 (OPA 90) at section 4202, Congress directed that the President (further delegated to the Coast Guard in the Coastal Zone and to EPA in the Inland Zone): "…in accordance with the National Contingency Plan and any appropriate Area Contingency Plan, ensure effective and immediate removal of a discharge, and mitigation or prevention of a substantial threat of a discharge, of oil or a hazardous substance—(i) into or on the navigable waters; (ii) on the adjoining shorelines to the navigable waters; (iii) into or on the waters of the exclusive economic zone; or (iv) that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States."

d. To carry out these responsibilities, the Coast Guard established the MEP Mission, as one of its eleven statutory mission areas, and the MER program to manage the oil and hazardous substance pollution response and preparedness functions of the MEP program.

2. Background.

a. The Office of Marine Environmental Response Policy manages the MER program. Commandant (CG-MER) develops policy and guidance for Coast Guard Federal On-Scene Coordinators (FOSCs) and other Special Teams responsible for marine environmental response and preparedness activities. This policy and guidance supports their preparation for and response to oil and hazardous substance incidents. As an element of the MEP mission, the MER program supports the Coast Guard's goal for stewardship of the environment.

b. Support for the MER program begins with Sectors and Marine Safety Units (MSUs), which serve as the planners and first responders for pollution incidents. As the FOSC, the Sector Commander, and in some cases the MSU Commanding Officer, coordinates and directs all

on-scene activities during a pollution incident. The FOSC authority requires units to plan, prepare, and respond to maritime pollution incidents.

c. The Sector Contingency Planning and Force Readiness (CPFR) Staff executes the FOSC's planning and preparedness responsibilities. CPFR Staff responsibilities include developing Area Contingency Plans (ACPs), which outline how the Coast Guard, other federal, state, and local government agencies, and the private sector respond to oil or hazardous substance incidents. CPFR Staff coordinate exercises that test the operational validity of the ACP, other contingency plans, and private sector response plans.

d. Once a pollution incident triggers a response, the Sector or MSU Incident Management Division executes the FOSC's responsibilities by overseeing the deployment of response capabilities and activities and coordinating the participation of local, state, and other federal agencies. Federal On-Scene Coordinator's Representatives (FOSCRs) provide on-scene oversight of cleanup activities. These activities require FOSCRs to direct or monitor cleanup operations and resources engaged by either the Responsible Party or the FOSC. When a pollution incident exceeds a unit's capabilities to manage an incident, the FOSC requests support from the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) Special Teams (e.g., National Strike Force (NSF), District Response Advisory Team (DRAT), Public Information Assist Team (PIAT), Scientific Support Coordinator), and requests additional Coast Guard support through the District.

e. The Districts and Areas provide both operational and regional support during response and preparedness activities. They support and direct operational responses and foster partner relationships at the regional level, particularly through Regional Response Teams (RRTs). District responsibilities also include coordinating resources across multiple Sectors, as necessary, or deploying additional support to FOSCs. Under the District Response Group (DRG) concept, all resources within the District are available to support response operations. DRATs provide additional highly trained response personnel and capabilities to support the FOSC. Areas maintain operational control of major Coast Guard cutter, aircraft assets, Deployable Specialized Forces (DSFs), and provide additional support to the FOSC during a response. As the size, scope, or impact of the spill grows, additional capabilities such as the NSF and the Coast Guard Incident Management Assistance Team (CG-IMAT) can be surged.

f. Headquarters and National level units not only provide policy support, but also support the surging of specialized skill sets to assist during larger-scale incidents. Per the Coast Guard's *Contingency Planning and Preparedness Manual, Vol.4 (COMDTINST M3010.24)*, examples include Crisis Actions Teams, specialists in public affairs, legal, strategic planning, information requirements, Congressional affairs, spill science, response operations, logistics specialists, and funding experts. These Coast Guard professionals work alongside federal, state, local and industry representatives to manage and oversee cleanup resources and ensure unity of efforts and a whole of government response.

g. Additional information on Coast Guard surge capability for large-scale incidents, including major oil spills and hazardous substance releases, can be found in *Obtaining Personnel*

Resources to Meet Surge Operations, COMDTINST 5400.1 (series) and *Incident Management and Crisis Response, Coast Guard Publication 3-28.*

B. Mission and Purpose.

1. Marine Environmental Protection.

a. The MEP mission is one of the Coast Guard's eleven statutory missions. The MEP mission includes the "planning, preparations, and operations to prevent, enforce, investigate, respond to, and mitigate the threat, frequency, and consequences of oil discharges and hazardous substance releases in U.S. waters." As a goal, the MEP mission facilitates the safe, efficient, and sustainable use of the Maritime Transportation System (MTS) by mitigating and reducing the risk of harm to the maritime environment.

b. The MEP mission includes distinct, but complementary, functions across the prevention, preparedness, and response spectrum. The Coast Guard performs the MEP mission at all levels of the organization. Section D of this Chapter provides additional details on the organizational responsibilities for the MEP mission.

2. Marine Environmental Response and Preparedness.

a. Overview.
Critical functions of the MEP mission include marine environmental response and preparedness. As the lead federal agency for preparedness and response to oil discharges and hazardous substance releases in the Coastal Zone (as defined in the NCP), the Coast Guard develops policy and guidance to implement and support the National Response System (NRS). The Office of Marine Environmental Response Policy, Commandant (CG-MER), provides units with the policies, resources, and training to ensure effective and efficient execution of the MEP response and preparedness activities.

b. Mission Statement.
Commandant (CG-MER) protects public health and safety, the environment, national security, and U.S. economic interests by ensuring the coordinated, integrated, efficient and effective preparedness for and response to unintentional or intentional pollution incidents, maritime contingencies, and Spills of National Significance (SONS).

C. History.
This section summarizes the Coast Guard's historical commitment to marine environmental response and preparedness for the protection of human health and the environment. Large oil spills have been "focusing events" for U.S. and international policy on oil pollution prevention, preparedness, response, liability, and compensation. In many instances, large oil spills result in legislative action, reprogrammed budgets, or policy and regulatory changes that have had a dramatic effect on the MER program. Enclosure (3) of this Manual provides a list of significant marine environmental response incidents and the resulting changes to domestic and international policy. Chapter 2 of this Manual outlines U.S. statutes and regulations, international conventions and agreements, and bilateral/regional agreements from which the Coast Guard derives marine environmental response

and preparedness authorities and responsibilities. Although the Coast Guard's involvement with environmental protection dates to 1822, documented response activities did not begin until the 1960s.

1. Response and Preparedness Timeline – 1960s.

   a. The first reference to the Coast Guard's role in marine environmental response resulted from the enactment of the 1966 amendments to the Oil Pollution Act of 1924.

   b. In 1967, more than 37 million gallons of crude oil discharged during the *M/T Torrey Canyon* disaster off the coast of the United Kingdom. President Johnson directed the Secretaries of the Interior and Transportation to conduct a joint study on mobilization of U.S. national resources in the event of a major oil spill. Shortly thereafter, the Commandant directed all District Commanders to prepare oil spill contingency plans and to coordinate their efforts with other federal agencies. In the summer of 1968, the President directed the Secretary of the Interior to develop oil spill contingency plans for each coastal region. However, an interagency working group recommended requirements be set in a national framework. In September 1968, the President accepted the "National Multi-Agency Oil and Hazardous Materials Pollution Contingency Plan" (NCP), with Regional Plans to follow.

      (1) The NCP established the concept that the person responsible for oil spills should take action to contain and remove the contamination. In addition, the NCP provided a means of organizing the Federal Government for a response, using the NRS. The NRS provided for an On-Scene Coordinator based on the location of the spill.

      (2) The NCP established the phases for a federal response to an oil spill, which remain intact today: Discovery or Notification (Phase I); Preliminary Assessment and Initiation of Action (Phase II); Containment, Countermeasures, Cleanup, and Disposal (Phase III); and Documentation and Cost Recovery (Phase IV).

2. Response and Preparedness Timeline – 1970s.

   a. In 1969, the first major test of the initial NCP occurred during the Santa Barbara Oil Well Blowout. The incident provided an impetus for significant changes to the regime for U.S. oil pollution response and liability. This blowout, along with an increasing awareness of the threat of oil spills in the navigable waters of the U.S., led to the passage of the Water Quality Improvement Act of 1970 (WQIA), which amended the Federal Water Pollution Control Act of 1948 (FWPCA). This led to the creation of the Marine Environmental Protection Division (G-WEP), the forerunner of the Office of Marine Environmental Response Policy (G-MER), within a new directorate, the Office of Marine Environment and Systems (G-W).

   b. WQIA prohibited the discharge of harmful quantities of oil into the navigable waters of the U.S., adjoining shorelines, and the waters of the contiguous zone. The WQIA authorized the Federal Government to ensure that the Responsible Party took immediate action to clean up oil spills, if the Responsible Party was not taking appropriate action, to make the Responsible Party pay the cost of cleanup, and to levy fines and penalties against the Responsible Party.

The law established a “strike force” to carry out the provisions of the Act, provided for a “revolving fund” of $35 million to carry out various provisions of the law, and established limits of liability for vessels and onshore and offshore facilities. The Coast Guard coordinated with the Environmental Protection Agency (EPA), created in December 1970, and other agencies in administering the law and in establishing the NRS in the revisions to the NCP called for by the WQIA.

c. In the late 1970s, hazardous waste sites such as Times Beach, Missouri; Love Canal, Buffalo, NY; and the Valley of the Drums in Kentucky, began dramatically affecting public health. EPA was working to force the parties responsible for the mishandling of toxic chemicals to undertake removal action, but lacked sufficient funding or legal authority to compel emergency remediation. In 1980, Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in response to the public concern about these and other sites. Among other things, CERCLA establishes prohibitions and requirements concerning closed and abandoned hazardous waste sites; provides for liability of persons responsible for releases of hazardous waste at these sites; and establishes a trust fund to provide for cleanup if no Responsible Party. The CERCLA Fund (commonly referred to as the “Superfund”) continues to be available to FOSCs through the National Pollution Funds Center (NPFC) to fund emergency response actions for releases of hazardous substances, pollutants, or contaminants that pose an imminent and substantial threat to public health of welfare.

d. In April 1970, the International Joint Commission (IJC) pointed out the need for a Joint U.S./Canadian Marine Pollution Contingency Plan for the Great Lakes. The report recommended, “the two Governments under the auspices of the International Joint Commission arrange for the development of a coordinated international contingency plan so that both countries may quickly and effectively respond to major accidental spills of oil and hazardous or radioactive materials in the boundary waters of the Great Lakes system.” On 23 June 1970, the newly convened Joint Working Group on Great Lakes Pollution began coordinating various Canada-U.S. pollution control programs. The original joint plan and Annex One were developed by a contingency planning sub-group. This joint plan was incorporated into the Agreement between Canada and the United States on Great Lakes Water Quality, which was signed by the Canadian Prime Minister and President of the United States on 15 April 1972.

e. Amendments to the FWPCA in 1972 (or, as it is often referred to, the Clean Water Act (CWA)) extended the provisions of the WQIA to include releases of hazardous substances.

f. In December 1976, the *M/V Argo Merchant* grounded off the coast of Nantucket, broke up, and spilled its entire cargo of over seven million gallons of heating oil. The *M/V Argo Merchant* and 14 additional tanker incidents in 1977 provided another impetus for statutory and Coast Guard programmatic change. The CWA of 1977 extended the application of the prohibition against oil pollution to activities on the Outer Continental Shelf, activities involving “Deepwater Ports,” or that affect natural resources under the exclusive management of the U.S. It also added a provision extending federal removal authority to include the “substantial threat” of a discharge of oil.

(1) The National Oceanic and Atmospheric Administration (NOAA) developed a hazardous materials team to provide the means to coordinate scientific information necessary for a response, to funnel necessary information to the Coast Guard FOSC and to develop standard methods of assessing oil spills.

(2) Since the *M/V Argo Merchant*, NOAA hazardous materials capabilities have expanded. NOAA assigns each Coast Guard District a Scientific Support Coordinator to support FOSCs during oil spills and hazardous substance releases.

3. Response and Preparedness Timeline – 1980s.

a. In September 1983, following the introduction of the U.S./Canadian Marine Pollution Contingency Plan for the Great Lakes, discussions resumed to establish joint contingency plans for other waters of mutual interest. Combined resources would improve the response posture and capability of each nation. This resulted in the adoption of four additional geographic annexes covering the Atlantic Coast, Beaufort Sea and two geographic areas on the Pacific Coast (i.e., Strait of Juan de Fuca and Dixon Entrance). The responsible Canadian Coast Guard Regional Directors and the United States Coast Guard District Commanders developed detailed bilateral supplements to the U.S./Canadian Marine Pollution Contingency Plan for their respective trans-boundary regions.

b. On 24 March 1989, the *M/V Exxon Valdez* ran aground in Prince William Sound, discharging 11 million gallons of crude oil. The vivid images of the damage caused by that incident raised national attention and resulted in the most far reaching changes to the system of oil pollution prevention, preparedness, response, liability, and compensation in U.S. history as articulated in the Oil Pollution Act of 1990 (OPA 90).

c. In November 1989, the International Maritime Organization (IMO), under the leadership of the Coast Guard, began work on a draft convention aimed at providing a global framework for international co-operation in combating major incidents or threats of marine pollution. The International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC) resulted from that effort. Parties to OPRC were required to establish measures for dealing with pollution incidents, either nationally or in cooperation with other countries. Ships were required to carry a shipboard oil pollution emergency plan and operators of offshore units under the jurisdiction of Parties were required to have oil pollution emergency plans or similar arrangements, which *must* be coordinated with national systems for responding promptly and effectively to oil pollution incidents.

4. Response and Preparedness Timeline – 1990s.

a. In August 1990, President George H.W. Bush signed OPA 90 into law. OPA 90 reaffirmed earlier provisions of U.S. oil pollution policy. For example, the responsibility of the polluter, or Responsible Party, to take action to remove spilled oil or hazardous substances that have been released and the duty of the U.S. government to oversee those actions and take removal actions if the Responsible Party is unknown, unwilling, or unable to take appropriate action. OPA 90 provided for the following:

(1) Added responsibilities for the FOSC;

(2) Increased limits of liability for oil spills;

(3) Established the NPFC;

(4) Established the National Response Unit (National Strike Force Coordination Center);

(5) Reestablished three Coast Guard Strike Teams (Atlantic, Gulf, Pacific);

(6) Created the concept of Area Contingency Plans and Vessel/Facility Response Plans;

(7) Required planning for worst case discharges; and

(8) Enhanced community and industry involvement for oil pollution preparedness and response through the establishment of Area Committees within each Captain of the Port (COTP) Zone.

b. The U.S. ratified the OPRC in March 1992, and it entered into force in May 1994, when fifteen member governments of IMO acceded to its provisions.

c. In 1992, the Coast Guard created oil and hazardous substance advisory and assist teams to comply with Title IV of OPA, which required the formation of DRG and DRAT within each Coast Guard District.

d. Revisions to the NCP (now titled the National Oil and Hazardous Substances Pollution Contingency Plan) took place in 1994. Changes reflected and implemented the initiatives in OPA 90. Among other things, the National Response Unit established in OPA 90 was renamed the National Strike Force Coordination Center (NSFCC), and certain large, complex oil spills were defined as SONS. The revisions established lead agency roles. For a SONS in the inland zone, the EPA Administrator may designate a Senior Agency Official (SAO); for a SONS in the coastal zone, the U.S. Coast Guard Commandant may designate a National Incident Commander (NIC).

e. In 1996, the Coast Guard formally adopted the Incident Command System (ICS) as the means to organize responses to pollution incidents over which it had responsibility. The U.S. Forest Service developed the ICS in the 1970s to address organizational and management challenges posed by multiple firefighting agencies responding to forest fires.

5. Response and Preparedness Timeline – 2000s.

a. On February 25, 2000, the Coast Guard and the *Secretaria de Marina, Armada de Mexico* signed a Joint Contingency Plan Regarding Pollution of the Marine Environment by Discharges of Hydrocarbons or Other Hazardous Substances (also known as the MEXUS Plan). The MEXUS Plan provides standard operational procedures, in accordance with the 1980 Agreement of Cooperation between the United States and the United Mexican States

Regarding Pollution of the Marine Environment by Discharges of Hydrocarbons and Other Hazardous Substances. The MEXUS Plan contains two annexes: MEXUSGULF first signed on February 12, 2003; and MEXUSPAC first signed on February 26, 2003.

b. The terrorist attacks on September 11th, 2001 had a significant effect on all Coast Guard missions, including the MEP mission. In 2002, the Coast Guard transferred to the newly established Department of Homeland Security. As a result, preparedness and response focused on "all hazards." In February 2003, President G.W. Bush signed Homeland Security Presidential Directive-5 (HSPD-5). This HSPD required a National Response Plan (NRP) to be developed and established the National Incident Management System (NIMS) to "provide a consistent nationwide approach for federal, state, and local governments to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity."

c. The NCP continued as the means for response and preparedness to oil discharges and releases of hazardous substances. The NRP cited the NCP as the basis for such responses under Emergency Support Function (ESF) #10. In March 2008, the National Response Framework (NRF) replaced the NRP.

d. On April 20, 2010, the semi-submersible Mobile Offshore Drilling Unit (MODU) *Deepwater Horizon* exploded and sank during drilling operations in the Macondo Prospect oil field in the Gulf of Mexico. The incident resulted in the largest marine oil spill in United States history, with an estimated 210 million gallons discharged, and the death of eleven workers on board. The oil discharge continued for 87 days; and involved 47,000 response personnel and 7,000 vessels at the height of the response operations.

e. Unlike many previous catastrophic spills, there was limited legislative change prompted by the *Deepwater Horizon* Spill of National Significance (SONS), even though the incident strained Coast Guard and other agency resources at the federal, state, and local levels. The Coast Guard took action to improve various preparedness and response functions of the MER program highlighted during the incident and captured in after action reports:

(1) *National Incident Commander's Report: MC252 Deepwater Horizon (October 1, 2010)*;

(2) *BP Deepwater Horizon Incident Specific Preparedness Review (January 2011)*;

(3) *Deep Water: The Gulf Oil Disaster and the Future of Offshore Drilling, Report to the President, National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling (January 2011)*; and

(4) *On Scene Coordinator Report Deepwater Horizon Oil Spill, Submitted to the National Response Team (September 2011).*

f. Examples of policy and programmatic changes that occurred post *Deepwater Horizon* include:

(1) Policy.

(a) Offshore Engagement and Coordination.
The Coast Guard and the Bureau of Safety and Environmental Enforcement (BSEE) formed a workgroup and signed a Memorandum of Understanding to coordinate oil spill planning and response for offshore drilling units.

(b) Spills of National Significance (SONS) Policy.
The Coast Guard revised the SONS policy, including development of guidance for the National Incident Commander. The annual SONS Training and Exercise Plan and Executive Seminar exercises this policy. Reference (a) and Chapters 6 and 9 of this Manual provide additional details on SONS policy.

(c) Area Contingency Plans.
Commandant (CG-MER) developed updated policy and guidance to assist FOSCs in developing ACPs.

(d) Dispersant Guidance.
Under the NRT Subsea Dispersant Subcommittee, the Coast Guard collaborated with EPA and NOAA on the development of monitoring guidelines for dispersant injection below 300 meters. Simultaneously, the NRT's Science and Technology Committee developed monitoring protocols for prolonged surface application of dispersants. The NRT combined the efforts into the *Environmental Monitoring for Atypical Dispersant Operations: Including Guidance for Subsea Application and Prolonged Surface Application (May 2013)*. Common protocols in the dispersant guidance may apply to all atypical dispersant operations and draw distinctions where a unique approach is necessary.

(2) People.

(a) Marine Safety Specialist Response (MSSR).
The Coast Guard established the Marine Safety Specialist Response (MSSR) Warrant Officer Specialty to mitigate gaps in marine environmental response technical knowledge and proficiency. MSSRs include marine environmental response and preparedness experts assigned to Sectors, NSF, and NPFC. MSSRs support the FOSC in their response and preparedness requirements under the NCP.

(b) Incident Management Assistance Team (IMAT).
The Coast Guard created the Coast Guard IMAT (CG-IMAT) to provide Coast Guard Incident Commanders 24/7 support from highly trained Incident Command System experts.

(c) Incident Management and Preparedness Advisors (IMPAs).
The Coast Guard established IMPA positions at each of the Districts. The IMPAs serve with EPA as co-chairs to the Regional Response Team and advise the District Commander on pollution response and preparedness.

(d) Director, Incident Management and Preparedness Policy (CG-5RI).
The Coast Guard established a senior executive position to coordinate and implement incident management protocols and policy with other government agencies, industry, and non-governmental organizations.

(3) Training.

(a) Federal On-Scene Coordinator's Representative Course.
The Coast Guard instituted a standardized FOSCR C-School and updated the Performance Qualification Standard (PQS).

(b) MER Career Guidance.
Commandant (CG-MER) developed career guidance for Officers in the Marine Environmental Response subspecialty.

D. Marine Environmental Response (MER) Organization and Responsibilities.

1. Organization.
Figure 1-1 provides an overview of the Coast Guard's organizational structure for marine environmental response and preparedness.

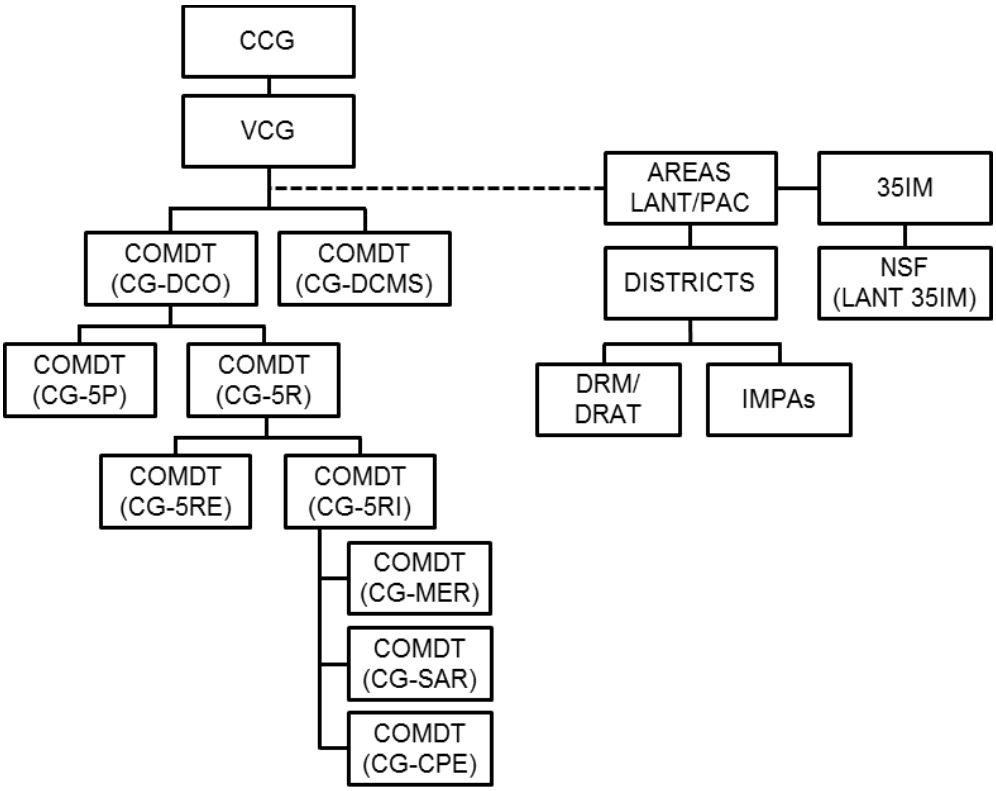

Figure 1-1: Coast Guard Marine Environmental Response and Preparedness Organization

2. Programmatic Responsibilities.
The following headquarters program offices, Area and District offices, and field units have specific responsibilities for implementing the response and preparedness functions of the MEP mission, as outlined in the Deputy Commandant for Operations (CG-DCO) Functional Statements. The full Commandant (CG-DCO) Functional Statements are available on the Commandant (CG-MER)'s Portal.

a. Assistant Commandant for Response Policy (CG-5R).
Under the general direction and supervision of the Deputy Commandant for Operations, the Assistant Commandant for Response Policy:

(1) Develops and implements program performance plans;

(2) Sets mission performance outcome targets;

(3) Develops Program Strategic Plans to support mission execution;

(4) Develops policy and doctrine for Response missions, including the MER program;

(5) Develops partnerships necessary to achieve mission outcomes;

(6) Serves as the Program Director for the Maritime Response Program, which includes marine environmental response and preparedness; and

(7) Coordinates and manages the integration of Commandant (CG-5R) mission planning, development, analysis, and requirements with other Headquarters directorates.

b. Director of Incident Management and Preparedness (CG-5RI).
Under the general direction and supervision of the Assistant Commandant for Response Policy, the Director of Incident Management and Preparedness Policy:

(1) Serves as the Program Manager for the maritime response program strategic plan;

(2) Manages the preparedness cycle that supports contingency plans;

(3) Establishes mission requirements for all-hazards;

(4) Leads and supports the following environmental response and readiness interagency forums:

(a) Vice-Chairman, NRT;

(b) Vice-Chairman, International Oil Spill Conference General Committee;

(c) Chair, Interagency Coordinating Committee on Oil Pollution Research;

(d) Member, Clean Gulf General Committee;

(e) Member, American Petroleum Institute (API) Spills Advisory Group;

(f) Board Member, EPA Hazmat Conference;

(g) University of New Hampshire Coastal Response Research Center, Board Member;

(h) Member, Spill Control Association of America (SCAA);

(i) Member, Pacific States British Columbia Oil Spill Task Force;

(j) Member, Association of Petroleum Industry Cooperative Managers (APICOM); and

(k) Coast Guard lead on the Emergency Support Function Leadership Group (ESFLG).

(5) Coordinates Commandant and Coast Guard participation in the National Exercise Program, including inter-departmental, interagency, and Department of Defense (DOD) sponsored exercises.

c. Office of Marine Environmental Response Policy (CG-MER).
Under the general direction and supervision of the Director of Incident Management and Preparedness Policy, Commandant (CG-MER):

(1) Serves as Program Manager for planning and preparedness for oil spills, hazardous substance pollution incidents, CBRN incidents and other threats to public safety, the marine environment, or marine transportation/commerce.

(2) Develops, publishes, and maintains program policies for preparedness and response; implements laws and develops regulations; and provides field guidance for execution.

(3) Externally and internally, manages the development, coordination, and integration of strategic planning policy for marine environmental response contingencies.

(4) Serves as the following:

(a) Vice-Chairman, NRT;

(b) Vice-Chairman, International Oil Spill Conference General Committee;

(c) Chair, Interagency Coordinating Committee on Oil Pollution Research;

(d) Member, Clean Gulf General Committee;

(e) Member, API Spills Advisory Group;

(f) Member, EPA Hazmat Conference;

(g) Board Member, University of New Hampshire Coastal Response Research Center;

(h) Board Member, SCAA;

(i) Member, Pacific States British Columbia Oil Spill Task Force;

(j) Member, APICOM;

(k) Head of Delegation, International Maritime Organization (IMO)/Marine Environmental Protection Committee (MEPC)/Oil Pollution Preparedness, Response and Co-operations (OPRC) Technical Working Group;

(l) Coast Guard Representative, the Arctic Council Emergency Prevention, Preparedness, and Response (EPPR) Working Group; and

(m) Chair, Incident Specific ESFLG ESF-10.

(5) Serves as marine environmental response technical advisor to multi-national and international groups and associations.

(6) Serves as program manager on marine environmental response and preparedness policy for the National Strike Force.

(7) Develops program measures of effectiveness, and analyzes relevant data and alternatives required to support budgetary and policy decisions to achieve program goals.

(8) Develops marine environmental response strategic plans.

(9) Provides guidance to operational and support commanders on the allocation of resources and priorities to achieve program goals.

d. LANT/PAC 35 Incident Management (IM).
LANT/PAC 35IM provides operational oversight and policy support for oil and hazardous substance incidents at the Area level. Specific responsibilities include:

(1) Supports the Incident Management Section by planning, coordinating, and monitoring the execution of National Strike Force (NSF) Strike Teams' roles and responsibilities in conducting MER operations and exercises (LANT 35IM only);

(2) Oversees planning, coordination and execution of the NRS oil discharges and hazardous substance release responses including preparedness capabilities and response efforts;

(3) Serves as technical advisors with specialized knowledge and experience in all aspects of response and preparedness to mitigate the effects of weapons of mass destruction events, hazardous substance releases, oil discharges and other emergencies;

(4) Reviews data, including MISLE cases and lessons learned, to improve capabilities, assess preparedness, and correct deficiencies; and

(5) Participates in implementation of multi-agency terrorism and all-hazard response exercises encompassing the use of both civilian and military emergency response agencies.

e. LANT/PAC 55.
LANT/PAC 55 provides preparedness program subject matter expertise to District and Area Contingency Planners. They direct planning efforts for the development of all-hazards and all threats contingency response plans, support Commandant (CG-MER) in developing OPA 90 policy and guidance, and review ACPs.

f. District Response Advisory Teams (DRATs).
As a NCP Special Team, DRATs provide District-level policy development and oversight and support FOSCs within their Area of Responsibility (AOR). Additional details on DRAT responsibilities can be found in Section E of this Chapter and Chapter 11 of this Manual.

g. National Pollution Funds Center (NPFC).
The Coast Guard's NPFC implements Title I – Oil Pollution Liability and Compensation of OPA, which addresses issues associated with preventing, responding to, and paying for oil pollution. Title I of OPA 90 established oil spill liability and compensation requirements,

including the Oil Spill Liability Trust Fund (OSLTF) to pay for expeditious oil removal and uncompensated damages.

h. National Strike Force (NSF).
As a NCP Special Team and Coast Guard Deployable Specialized Force, the NSF provides rapidly deployable technical experts, specialized equipment, and incident management capabilities. NSF activities aid FOSCs and lead agency Incident Commanders with their response and preparedness missions. The National Strike Force Coordination Center (NSFCC) provides oversight of the three Strike Teams. In addition, the NSFCC manages the Oil Spill Removal Organization (OSRO) classification program, conducts Preparedness Assessment Visits (PAV), and manages the Response Resource Inventory (RRI) program in support of the Coast Guard's marine environmental response and preparedness goals. Additional details on NSF responsibilities can be found in Section E of this Chapter and Chapter 11 of this Manual.

i. National Response Center (NRC).
As a part of the NRS, the NRC became the sole national point of contact for reporting all oil, chemical, radiological, biological, nuclear, and etiological discharges into the environment, anywhere in the United States and its territories. The NRC takes reports of suspicious activity, security breaches, and terrorist related activities within the waters of the United States and its territories. Although a NRT entity, the Coast Guard houses and staffs the NRC. Additional details on NRC responsibilities can be found in Chapter 11 of this Manual.

j. Sector/Marine Safety Unit Incident Management Division (IMD).
At the field level, the Sector or MSU Incident Management Division manages MER operations. The *U.S. Coast Guard Sector Organization Manual, COMDTINST M5401.6 (series)* provides additional policy and guidance on IMD roles and responsibilities.

k. Sector/Marine Safety Unit Contingency Planning and Force Readiness (CPFR) Staff.
At the field level, Sector or MSU CPFR Staff manage marine environmental preparedness functions. The *U.S. Coast Guard Sector Organization Manual, COMDTINST M5401.6 (series)* provides additional policy and guidance on CFPR roles and responsibilities.

3. Relationship to Other Programs.
The various functions of the MEP mission are inextricably linked. Coordination of these functions across all levels of the Coast Guard is necessary to prevent, enforce, investigate, respond, and mitigate the threat, frequency, and consequences of oil discharges and hazardous substance releases. Commandant (CG-MER) works extensively with the following Assistant Commandant for Response Policy (CG-5R) and Assistant Commandant for Prevention Policy (CG-5P) program offices to ensure alignment of MEP policies:

a. Office of Contingency Preparedness and Exercises (CG-CPE).
Commandant (CG-CPE) develops all-hazards response, exercise, and training policy. This includes policy on the use of the Incident Command System (ICS) and the Contingency Preparedness System (CPS), which provides a mechanism to evaluate exercises and real-

world incidents, identify lessons learned, and develop appropriate policy and guidance to improve future mission performance.

b. Office of Commercial Vessel Compliance (CG-CVC).
Commandant (CG-CVC) establishes policies to ensure the safety and security of commercial vessels, including pollution prevention regulations. Commandant (CG-MER) develops policy, reviews, and approves vessel response plans (VRPs) and shipboard oil pollution emergency plans (SOPEPs). Sector/MSU vessel inspectors ensure these plans are current and available onboard the vessel. VRP/SOPEP policy and guidance can be found in Chapter 5 of this Manual.

c. Office of Port and Facility Compliance (CG-FAC).
Commandant (CG-FAC) establishes policies to ensure the safety and security of intermodal containers and waterfront facilities. Commandant (CG-MER) develops policy for facility response plans (FRPs). FRPs are submitted by facility owners/operators, reviewed by Coast Guard Waterfront Facility Inspectors, and approved by the COTP. FRP policy and guidance can be found in Chapter 5 of this Manual.

d. Office of Investigations and Casualty Analysis (CG-INV).
Commandant (CG-INV) establishes investigation and enforcement procedures for marine casualties and pollution incidents. Coordination of efforts between Pollution Responders (PRs) and Investigating Officers (IOs) is vital when investigating pollution incidents resulting from, contributing to, or qualifying as a reportable marine casualty. Policy and guidance on the roles of the PR/IO during pollution incidents can be found in Chapter 9 of this Manual.

e. Office of Design and Engineering Standards (CG-ENG).
Commandant (CG-ENG) establishes the list of oils to which the FWPCA applies. The current *Coast Guard List of Petroleum and Non-petroleum Oils* can be found on the Commandant (CG-MER)'s Portal.

f. Office of Shore Forces (CG-741).
Commandant (CG-741) establishes standards for Sectors, MSUs, and Marine Safety Detachments. Commandant (CG-MER) and Commandant (CG-741) coordinate to establish responsibilities and staffing standards for Incident Management Divisions and certain functions of the CPFR Staff.

g. Office of Waterways and Ocean Policy (CG-WWM).
Commandant (CG-WWM) establishes overall policy for abandoned barges, abandoned vessels, and marine debris. Commandant (CG-MER) coordinates extensively with Commandant (CG-WWM) to establish policy for abandoned barges, vessels, or marine debris that pose an actual or substantial threat of oil discharge or hazardous substance release.

4. Quality Partnerships.

   a. Background.
   Commandant (CG-MER) maintains quality partnerships with several industry trade organizations, primarily focused on spill response, preparedness, and salvage and marine firefighting. These partnerships strengthen the communication and working relationships between the Coast Guard and industry to improve safety, promote timely, responsible, and professional oil spill response, and enhance the protection of the marine environment. Quality partnerships are authorized under the provisions of 14 U.S.C. § 88 and 93(a)(4).

   b. Organizations.
   Commandant (CG-MER) maintains quality partnership MOUs with the following organizations:

      (1) American Salvage Association (ASA);

      (2) API;

      (3) SCAA; and

      (4) APICOM.

E. Key Terms and Functions.
This Section includes a description of key roles, functions, and terminology associated with the MER program and the NCP.

1. Federal On-Scene Coordinator (FOSC).
The NCP uses the term “On-Scene Coordinator” to describe the predesignated official responsible for coordinating and directing the removal of oil discharges and hazardous substance releases. As a matter of policy, the Coast Guard refers to this individual as the “Federal On-Scene Coordinator” (FOSC). For the purposes of this Manual, FOSC and On-Scene Coordinator are used synonymously. This Manual and other Coast Guard policy documents use the term FOSC.

   a. Roles and Responsibilities.

      (1) Upon discovery or notification of an oil discharge or the release of a hazardous substance, pollutant or contaminant, the pre-designated FOSC immediately starts collecting pertinent facts about the discharge or release to evaluate the situation. The FOSC directs response efforts and coordinates all other efforts at the scene of an oil discharge or hazardous substance release.

      (2) The FOSC *must* ensure adequate and timely communications with state and local response agencies in the event of an oil discharge or the release of a hazardous substance, pollutant or contaminant. The FOSC and Area Committee ensure the ACP provides for a

well-coordinated response that is consistent, to the greatest extent possible, with the response plans of local, state, tribal, and other non-federal entities.

b. Predesignated FOSC.
Sector Commanders and MSU Commanding Officers with Captain of the Port (COTP) authority are, by regulation and Coast Guard policy, predesignated as the FOSC for their COTP Zone. The COTP Zones are listed in 33 Code of Federal Regulations (C.F.R.) § 3.

c. Incident-Specific FOSC Designations.

(1) Background.
Complex multi-hazard incidents such as Hurricane Katrina and Superstorm Sandy have the potential to quickly overwhelm units and stress individual span of control. During these types of incidents, Sector Commanders and MSU Commanding Officers have many responsibilities, in addition to their roles as FOSC. One mechanism used to improve marine environmental response capabilities and efficiency is to designate an incident-specific FOSC, such as a Strike Team Commanding Officer.

(2) Policy.
FOSCs designate an incident specific FOSC if, in their determination, the size and/or complexity of an incident requires this designation to reduce the risk of the substantial threat to public health or the environment and/or improve the overall response. This designation *shall* be in writing, with specific responsibilities, requirements, and limitations, including access to the appropriate pollution funding sources (i.e., OSLTF, CERCLA, Stafford Act), clearly outlined. While the FOSC designates an incident-specific FOSC to act on their behalf, the FOSC is still ultimately responsible to ensure the response activities adhere to all applicable laws and regulations. FOSCs should carefully consider the decision to issue an incident-specific FOSC designation, based on the benefits and potential risks. FOSCs *shall* consult with Commandant (CG-MER), via their Chain of Command, prior to issuing this designation. Examples of Incident-Specific FOSC designation memos can be found on the Commandant (CG-MER)'s Portal.

2. Federal On-Scene Coordinator's Representative (FOSCR).
As the direct representative of the FOSC, an FOSCR acts on behalf of the FOSC for certain pollution response and preparedness activities under the NCP. The FOSCR coordinates and directs responses and removal actions for actual or substantial threats caused by oil discharges or releases of hazardous substances, pollutants, or contaminants.

a. Roles and Responsibilities.
FOSCR roles and responsibilities include, but are not limited to:

(1) Ensuring the safety of the public and response personnel;

(2) Providing recommendations to the FOSC;

(3) Overseeing Responsible Party/contractor operations;

(4) Determining federal fund and incident federalization requirements;

(5) Determining consultation (e.g., Endangered Species Act, National Historical Preservation Act) requirements;

(6) Completing required forms (e.g., Incident Command Systems (ICS), Authorizations to Proceed, Pollution Removal Funding Authorizations);

(7) Ensuring waste disposal follows all federal, state, and local laws;

(8) Conducting briefings and notifications to the FOSC and Sector Command Center;

(9) Notifying external stakeholders of response actions; and

(10) Completing cost documentation and Incident Report and Transmittal in accordance with policy and guidance in Chapter 13 of this Manual.

b. Certification.
FOSCs *shall* designate FOSCRs to perform functions within their specific COTP zone. Chapter 8 of this Manual provides additional policy and guidance on FOSCR certifications and recertification.

c. NSF Role as FOSCRs.

(1) Background.
NSF Strike Team personnel frequently perform FOSCR functions in support of Coast Guard and EPA FOSCs. In the past, during Type I and II incidents, FOSCs issued incident-specific FOSCR letters of designation. While some NSF personnel may lack the FOSCR (ET) qualification, the Response Officer and Response Supervisor qualifications provide similar level of training for NSF personnel to perform FOSCR roles associated with pollution response operations. Example roles include managing a pollution site for operational efficiency, contractor monitoring and oversight, cost documentation, and issuing of pollution removal funding authorizations.

(2) Policy.
FOSCs should consider Strike Team Response Supervisor (EG) and Response Officer (EH) as equivalent to FOSCRs and may use them as such during a response. When used, the FOSC *shall* designate Strike Team personnel as incident-specific FOSCRs in writing. Additionally, the FOSC should ensure the Strike Team personnel are familiar with unit policy and the area of responsibility prior to issuing the incident-specific designation. This incident-specific designation does not constitute full qualification as an FOSCR. The member *must* complete the requirements outlined in Chapter 8 of this Manual to become a fully qualified FOSCR.

3. Pollution Responders.
Pollution Responders conduct the initial investigation and response to a report of an actual or substantial threat of discharge or release. Pollution Responders complete investigation and enforcement documentation and casework to identify Responsible Parties and take appropriate enforcement action for violations of the FWPCA.

   a. Roles and Responsibilities.
   Pollution Responder roles and responsibilities include, but are not limited to:

      (1) Ensuring the safety of the public and response personnel;

      (2) Conducting an initial assessment;

      (3) Identifying the source of the discharge/release and initiating appropriate actions to secure the source (if necessary);

      (4) Identifying the Responsible Party;

      (5) Determining necessity of cleanup and recommending appropriate strategies;

      (6) Identifying and protecting sensitive areas;

      (7) Conducting briefings and notification to the FOSC, FOSCR, and Sector Command Center;

      (8) Notifying and informing external stakeholders of response action; and

      (9) Providing enforcement and response recommendations to the FOSCR.

   b. Certification.
   Chapter 8 of this Manual provides additional details on training and certifying Pollution Responders.

4. Marine Safety Specialist Response (MSSR).
In October 2013, the Coast Guard created the MSSR warrant officer specialty to mitigate gaps in MER experience, technical knowledge, and proficiency. The MSSR specialty established a natural career progression for Marine Science Technicians (MSTs). MSTs have MER technical spill response knowledge, qualifications, and experience to continue building and leveraging those skills through progression into more senior leadership positions. Chapter 8 provides policy and guidance for the selection and development of MSSRs.

   a. Policy.

      (1) MSSRs serving at Sectors and MSUs *shall* be assigned to the Incident Management Division. MSSRs serve as the unit technical expert in marine environmental response and preparedness. Placed in positions of great trust and leadership, MSSRs advise the

Command Cadre, Response Department Head, and IMD Chief. Additionally, MSSRs guide, train, and mentor junior officers and enlisted personnel in response and preparedness activities.

(2) MSSRs serving at a National Strike Force (NSF) Strike Team follow NSF policy and perform functions required of Response Officers and the Hazardous Materials Division Officer. MSSRs serving at the National Pollution Funds Center (NPFC) follow unit policy and perform pollution case management functions. MSSRs serving at DRATs follow District policy and perform functions required as Equipment/Environmental Specialists.

b. Roles and Responsibilities.
MSSRs ensure the connectivity of the prevention, preparedness, and response aspects of the MEP mission at the field level. MSSRs coordinate response and preparedness activities closely with the Prevention Department and the CPFR Staff to unite the unique elements of the MEP mission across the Sector enterprise and improve operational effectiveness and efficiency. Specific responsibilities include:

(1) Supervising and conducting pollution investigations and response operations and other incident management activities;

(2) Ensuring compliance with MER related federal laws, regulations, and agreements;

(3) Conducting Coast Guard pollution response operations within the bounds of regulatory and statutory authorities while interfacing with a broad array of private and public members of the maritime and emergency management communities;

(4) Implementing the Government Initiated Unannounced Exercise Program;

(5) Supporting the CPFR Staff in preparedness activities, including, but not limited to: Area Contingency Plan updates, Regional Contingency Plan updates, Geographic Response Plan updates, Preparedness for Response Exercise Program (PREP) exercises, and Ecological Risk Assessment workshops;

(6) Liaising with various port partners and attending interagency stakeholder meetings, including, but not limited to: Area Committees, Regional Response Team(s), Area Maritime Security Committees, Harbor Safety Committees, and State/Local Emergency Planning Committees;

(7) Coordinating with the National Strike Force Coordination Center and District Response Advisory Team (DRAT) to conduct Preparedness Assessment Visits for Oil Spill Removal Organizations within their AOR;

(8) Depending on the nature of the incident, serving as a Pollution Responder (PR), Federal On-Scene Coordinators Representative (FOSCR), or Incident Management Team Incident Commander, Operations Section Chief, or Planning Section Chief. Due to the

unique skill sets of MSSRs, they may also be tasked with representing the Sector Commander/Commanding Officer on certain FOSC preparedness, Captain of the Port, or Federal Maritime Security Coordinator issues;

(9) Training IMD personnel in MER response operations and policy and serving as a verifying official for the FOSCR and PR PQS workbooks; and

(10) Maintaining situational awareness of new trends in oil production and transportation within their AOR, including, but is not limited to, alternative modes of oil transportation (e.g., railcar, pipeline), new routes, and new types of oil (e.g., Bakken crude, Canadian oil sands).

5. FOSC Jurisdiction.
Table 1-1 provides an overview of FOSC jurisdiction based on incident type and location, in accordance with 40 C.F.R. § 300.120. These are general categories; the NCP provides additional details on inland and Coastal Zone jurisdiction. Regional/Area Contingency Plans provide specific geographical demarcations to separate the Inland and Coastal Zone within the respective Captain of the Port Zone. If uncertain regarding jurisdiction for an oil discharge or hazardous substance release, the FOSC should contact their servicing legal office for guidance.

FOSC	Oil Discharge	Hazardous Substance Release
Coast Guard	Coastal Zone	Coastal Zone (removal only)
EPA	Inland Zone	Inland Zone
Department of Defense	Not applicable	DOD facility/vessel
Department of Energy	Not applicable	DOE facility/vessel

Table 1-1: Federal On-Scene Coordinator (FOSC) Jurisdiction

6. Spill Classifications.
The NCP prescribes certain classifications for oil discharges and hazardous substance releases based on the quantity discharged or potential threat to the public health or environment. While important, these classifications are only one indicator of the incident's magnitude. Other factors such as incident location, nature of the discharge, environmental sensitivity, and political issues can be better indicators of the incident's potential and the resources needed to mount an effective response. FOSCs should consider these classifications and other factors when organizing a response. FOSCs should always be proactive and err on the side of caution when evaluating and responding to an incident.

a. Oil Discharges.
In accordance with 40 C.F.R. § 300.5, oil discharges are classified as minor, medium, or major. Table 1-2 summarizes discharge specifications for inland and coastal areas.

Classification	Inland	Coastal
Minor	Less than 1,000 gallons	Less than 10,000 gallons
Medium	1,000 – 10,000 gallons	10,000 – 100,000 gallons
Major	Greater than 10,000 gallons	Greater than 100,000 gallons

Table 1-2: National Oil and Hazardous Substances Pollution Contingency Plan (NCP) Classifications for Oil Discharges

b. Hazardous Substance Releases.
40 C.F.R. § 300.5 of the NCP defines hazardous substance releases as follows:

(1) Minor Release.
A hazardous substance release is a minor release if there is a minimal threat to the public health or welfare or to the environment.

(2) Medium Release.
A hazardous substance release is a medium release if it does not meet the criteria for classification as a minor or major release.

(3) Major Release.
A hazardous substance release is a major release if it poses a substantial threat to the public health or welfare or the environment or that results in significant public concern.

c. Worst Case Discharge.
40 C.F.R. § 300.5 of the NCP defines worst case discharge (WCD) as follows:

(1) Vessels.
A discharge in adverse weather conditions of its entire cargo.

(2) Offshore/Onshore Facilities.
The largest foreseeable discharge in adverse weather conditions.

7. Coast Guard-Regulated Facility/Vessel Response Plan Planning Standards.

a. The FRP and VRP regulations, 33 C.F.R. § 154 and 33 C.F.R. § 155, respectively, establish certain categories of oil discharges that serve as planning standards for identifying response resources for FRPs/VRPs. Those standards include:

(1) Average Most Probable Discharge.

(a) Vessels.
A discharge of the lesser of 50 barrels of oil or 1 percent of the cargo from the vessel during cargo oil transfer operations to or from the vessel.

(b) Facilities.
A discharge of the lesser of 50 barrels or 1 percent of the volume of the worst case discharge.

(2) Maximum Most Probable Discharge.

(a) Vessels.
A discharge of:

[1] 2,500 barrels of oil for vessels with an oil cargo capacity equal to or greater than 25,000 barrels; or

[2] 10 percent of the vessel's oil cargo capacity for vessels with a capacity of less than 25,000 barrels.

(b) Facilities.
A discharge of the lesser of 1,200 barrels or 10 percent of the volume of a worst case discharge.

(3) Worst Case Discharge.

(a) Vessel.
A discharge in adverse weather conditions of a vessel's entire oil cargo.

(b) Facility.
The largest foreseeable discharge in adverse weather conditions meeting the requirements of 33 C.F.R. §154.1029.

b. Additional details on these planning standards and their response plan implications can be found in Chapter 5 of this Manual.

8. National Response System (NRS).

a. The NRS is the Federal Government's mechanism for emergency response to discharges of oil into navigable waters of the United States, and releases of chemicals into the environment. The system provides a framework for coordination among federal, tribal, state, and local responders and RPs.

b. The NCP describes the NRS. The NCP establishes five organizational levels: 1) The National Response Team (NRT); 2) Regional Response Teams (RRTs); 3) FOSCs; 4) Area Committees; and 5) Special Teams.

9. National Response Team (NRT).

a. The NRT membership consists of 15 federal agencies with authority, jurisdiction, and expertise in various aspects of emergency response to pollution incidents. EPA serves as chair and the Coast Guard serves as vice-chair of the NRT. The NRT is primarily a national planning, policy, and coordinating body and does not respond directly to incidents. The NRT provides policy guidance prior to an incident and assistance during an incident as requested

by the FOSC, via the Regional Response Team. NRT assistance usually takes the form of technical advice, access to additional resources/equipment, or coordination with other RRTs.

b. The Coast Guard NRT Vice-Chair assumes the Chair during NRT activations for incidents in which the Coast Guard in the FOSC. Additional details on the NRT can be found in Chapter 3 of this Manual.

10. Regional Response Teams (RRTs).

a. There are 13 RRTs, one for each of the ten federal regions, plus one each for Alaska, Caribbean, and Oceania. Coast Guard Incident Management Preparedness Advisors (IMPAs) serve as the co-chair for each RRT and assumes the Chair for Incident-Specific RRTs for incidents in which the Coast Guard is the FOSC. Each RRT includes state and regional federal-agency representation.

b. Each RRT develops and maintains a Regional Contingency Plan (RCP) for its AOR. During an incident, the affected RRT assists as requested by the FOSC for the incident.

c. If the assistance requested by an FOSC exceeds an RRT's capability, the RRT may request assistance from the NRT. During an incident, the RRT convenes as a group or participates via telephone. At the request of the FOSC, RRTs may convene on-scene (or via a conference call) in the form of an Incident-Specific RRT. RRTs provide assistance to other federal, state, and local governments in preparedness, planning, and training for emergency response.

d. In accordance with the NCP 40 C.F.R. § 300.210(c), each RRT consults with Area Committees to develop Area Contingency Plans.

e. RRTs review local plans at the request of Local Emergency Planning Committees (LEPCs), established under Environmental Planning and Community Right-to-Know Act (EPCRA) as a local planning body for response to chemical accidents. The RRT review offers follow-up technical assistance to State Emergency Response Commissions (SERCs) and LEPCs that could enhance local planning.

11. Special Teams.

a. The NCP prescribes several “special teams” that are available to support the FOSC in their environmental response and preparedness functions. These teams include:

(1) Coast Guard National Strike Force;

(2) Coast Guard Public Information Assist Team;

(3) Coast Guard National Pollution Funds Center;

(4) Coast Guard District Response Advisory Teams;

(5) Coast Guard Incident Management Assistance Team;

(6) NOAA Scientific Support Coordinators;

(7) EPA Radiological Emergency Response Team;

(8) EPA Environmental Response Team;

(9) EPA Chemical, Biological, Radiological, and Nuclear (CBRN) Consequence Management Advisory Team (CMAT);

(10) EPA National Criminal Enforcement Response Team (NCERT); and

(11) U.S. Navy Supervisor of Salvage.

b. The Coast Guard FOSC contacts the NCP special teams directly. A request for forces (RFF) through the District/Area is *not* required to request assistance from a special team for an actual or substantial threat of discharge or release. The FOSC uses the Oil Spill Liability Trust Fund or CERCLA Fund (commonly referred to as the "Superfund') to fund direct costs associated with the use of special teams. The Coast Guard FOSC contacts NCP Special Teams directly. A request for forces (RFF) through District/Area is not required to request assistance from a special team for an actual or substantial threat of oil discharge or hazardous substance release.

c. Additional details on NCP Special Teams can be found in Chapter 11 of this Manual. Additional details on funding can be found in Chapter 13 of this Manual.

12. National Incident Management System.

a. The National Incident Management System (NIMS) provides an organizational structure for all emergencies. Emergencies include response to oil discharges; hazardous substance releases; biological, radiological, and chemical incidents; and incidents caused by terrorists. Based on the ICS structure, NIMS divides emergency response into six functions that are essential for emergency response operations:

(1) Unified Command and Staff;

(2) Operations;

(3) Planning;

(4) Intelligence/Investigations;

(5) Logistics; and

(6) Finance/Administration.

b. Additional information can be in the *U.S. Coast Guard Incident Management Handbook (IMH), COMDTPUB P3120.17 (series).*

13. Incident Commander.
The Incident Commander manages the incident or event using ICS principles and functions. The Incident Commander develops incident objectives and manages all aspects of the response. The Incident Commander sets priorities and defines the ICS organization for a particular response. For oil discharges and hazardous substance releases under the NCP, the FOSC generally assumes the role of Incident Commander. However, the FOSC may delegate Incident Commander responsibilities to a qualified member of the FOSC's staff. While an incident may have multiple Incident Commanders from other federal, state, and local agencies, there will only be one FOSC for a pollution incident.

14. Unified Command.
The Unified Command provides organization for a response involving multiple agencies or levels of government to facilitate and coordinate the effective involvement of the various agencies. It creates the link between the organizations responding to the incident and provides a forum for these agencies to make decisions that all responders approve. Under this single Unified Command, the various jurisdictions and/or agencies blend throughout the Incident Command System to create an integrated response team. While the Unified Command structure varies from incident-to-incident, a typical Unified Command structure for a pollution incident includes the FOSC, State On-Scene Coordinator, Local On-Scene Coordinator, and a Responsible Party representative.

15. National Incident Commander (NIC).

a. The Commandant, subject to the Secretary of Homeland Security's oversight, direction, and guidance, could declare an oil spill incident in the Coastal Zone as a SONS and designate a National Incident Commander (NIC). The NIC supports the FOSC by establishing and communicating strategic national objectives and coordinating with senior representatives in the government and private sector.

b. Reference (a) provides additional policy and guidance on designating a NIC and Coast Guard staff roles and responsibilities during a SONS event.

F. Marine Environmental Response and Preparedness Awards.
This Section establishes the RADM Sidney A. Wallace Award for excellence in marine environmental response and preparedness.

1. Background.
RADM Sidney A. Wallace served as the first Program Manager of the MEP Program and the first Chief of the Marine Environmental Protection Division. Under his leadership, the MEP Program quickly achieved prominence in marine environmental response and preparedness among federal and state agencies, the industry, and non-governmental organizations. He implemented the provisions of the WQIA, which, among other things, created the NRS. RADM Wallace was a frequent delegate to the IMO and was a delegate to the International Marine

Pollution Conference in 1973, which adopted the International Convention for the Prevention of Pollution from Ships (MARPOL), the main international convention covering prevention of pollution of the marine environment from vessels. He later served as Chair of IMO's Marine Environment Committee during work on the International Convention on Oil Pollution Preparedness Response and Cooperation (OPRC).

2. Purpose.
The Coast Guard awards The Sidney A. Wallace Award for Excellence in Marine Environmental Response and Preparedness (or Wallace Award) annually to those members who exemplify the high standards of professionalism and initiative embodied by RADM Wallace throughout his career. The Wallace Award includes two categories: Individual and Unit Excellence. The Wallace Award recognizes Coast Guard individuals and units for the following:

   a. Excellence in the area of marine environmental response and preparedness;

   b. Contributions to the MER program;

   c. Efforts to improve coordination and cooperation among all MER partner agencies, the industry, and the public;

   d. Professional conduct in carrying out program assignments;

   e. Innovations in response and preparedness to pollution incidents; and

   f. Furthering the goals and objectives of the MER program.

3. Application Process.

   a. Area, District, and Sector Commanders, and the Commander, National Strike Force nominate individuals and/or units whose performance in carrying out MER program assignments during the preceding calendar year was notable and deserving of national attention. Nominations for the Wallace Award are restricted to operational units (i.e., Sectors, MSUs, and National Strike Force Strike Teams).

   b. Submit applications to Commandant (CG-MER) no later than 01 March following the end of the calendar year. A separate message (e.g., administrative notification) will provide additional details on application requirements and formats.

4. Evaluation.
Commandant (CG-MER) convenes a panel of Coast Guard member with expertise in marine environmental response and preparedness to evaluate Wallace Award applications. The panel provides Commandant (CG-5R) with recommendations for the Wallace Award in both the Individual and Unit award categories. Upon approval by Commandant (CG-5R), the panel notifies the Wallace Award winners and their Commanding Officers. The official presentation of the awards occurs at an appropriate public forum. A board precept with additional will be provided to panel members.

CHAPTER 2. AUTHORITIES AND RESPONSIBILITIES

A. Introduction.
This Chapter provides an overview of the marine environmental response and preparedness program (MER program) authorities and responsibilities under U.S. statutes and regulations, international conventions and agreements, and bilateral/regional agreements.

B. U.S. Statutes and Regulations.

1. Federal Water Pollution Control Act (FWPCA) of 1972 as amended by the Clean Water Act (CWA).

a. Background.
The passage of the CWA amended the FWPCA (codified at 33 United States Code (U.S.C.) § 1251 *et seq*.) and both names are now in general use for the statute. The Oil Pollution Act of 1990 (OPA 90), codified at 33 U.S.C. § 2701 *et seq.*, further amended the FWPCA. This legislation prohibits oil discharges or hazardous substance releases in such quantities as may be harmful, for the following: 1) into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone; or 2) which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson-Stevens Fishery Conservation Action (16 U.S.C. § 1801 *et seq.*).

b. Coast Guard MER Program Responsibilities under FWPCA.
Under FWPCA, the Coast Guard is responsible for investigating actual or potential discharges of pollutants into the waters of the United States and taking appropriate enforcement action against the Responsible Party.

2. Oil Pollution Act of 1990.

a. Background.
OPA 90 (33 U.S.C. §§ 2701-2761) amended the Clean Water Act and addressed the wide range of problems associated with preventing, responding to, and paying for oil pollution incidents in navigable waters of the United States. It created a comprehensive prevention, response, liability, and compensation regime to deal with vessel and facility caused oil pollution to U.S. navigable waters. OPA 90 greatly increased federal oversight of maritime oil transporation, while providing greater environmental safeguards by the following:

(1) Setting new requirements for vessel construction and crew licensing and manning;

(2) Mandating contingency planning;

(3) Enhancing federal response capacity;

(4) Broadening enforcement authority;

(5) Increasing penalties;

(6) Creating new research and development programs;

(7) Increasing potential liabilities; and

(8) Broadening financial responsibility requirements.

b. Coast Guard MER Program Responsibilities under OPA 90.
Oversee the National Preparedness for Response Exercise Program (PREP), Regional and Area Contingency Plans (RCPs/ACPs), facility and vessel response plans (FRPs/VRPs), Oil Spill Removal Organization (OSRO) classification, and the Response Resource Inventory (RRI).

3. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

a. Background.

(1) Congress enacted CERCLA in 1980, and the Superfund Amendments and Reauthorization Act (SARA) substantially amended CERCLA in 1986. CERCLA, codified at 42 U.S.C. §§ 9601 *et seq*., creates a structure and authority to regulate hazardous substances, and establishes a funding mechanism—Superfund—to clean up sites contaminated by hazardous waste. Coast Guard authority and responsibilities for CERCLA-funded responses are contained in the NCP.

(2) EPA administers the Superfund; however, the funds authorized for CERCLA are also available to Coast Guard FOSCs. A Memorandum of Understanding (MOU) between EPA and the Coast Guard provides the means of accessing the funds. Detailed information regarding the use of the Superfund can be found in the *National Pollution Funds Center (NPFC) User Reference Guide*.

b. Coast Guard MER Program Responsibilities under CERCLA.
Access the Superfund for CERCLA responses when serving as the FOSC in the Coastal Zone to remove or arrange for the removal of released and threatened releases of hazardous substances, pollutants, or contaminants that may present an imminent and substantial danger to public health or welfare.

4. National Oil and Hazardous Substances Pollution Contingency Plan (NCP).

a. Background.

(1) The NCP (40 Code of Federal Regulations (C.F.R.) § 300) is the Federal Government's blueprint for responding to oil discharges and hazardous substance releases. The NCP is the result of efforts to develop a national response capability and promote coordination among the hierarchy of responders and contingency plans.

(2) The first NCP was developed and published in 1968 in response to a massive oil spill originating from the tanker *M/T Torrey Canyon*, off the coast of England. The 1968 plan provided the first comprehensive system of accident reporting, spill containment, and cleanup. The plan also established a response headquarters, a national reaction team, and regional reaction teams (precursors to the current NRT and RRTs).

(3) Congress has incrementally broadened the scope of the NCP since its inception. As required by the FWPCA, the revised NCP included a framework for responding to hazardous substance releases, as well as oil discharges.

(4) Following the passage of CERCLA in 1980, Congress required a broadening of the NCP to cover releases at hazardous waste sites requiring emergency removal actions. Congress required additional revisions to the NCP to keep pace with the enactment of related legislation. The most recent revisions to the NCP, finalized in 1994, reflect the oil spill provisions of OPA 90.

(5) Expansion of the NCP followed a three-tiered approach:

(a) Federal Government is required to direct all public and private response efforts for certain types of spill events;

(b) Area Committees, comprised of federal, tribal, state, and local government officials; non-government organizations; and the private sector *must* develop detailed, location-specific Area Contingency Plans; and

(c) Owners/operators of vessels and certain facilities that pose a serious threat to the environment *must* prepare their own VRP or FRP.

b. <u>Coast Guard MER Program Responsibilities under the NCP</u>.

(1) Serve as the Vice-Chair of the NRT and Co-Chair of each RRT.

(2) Serve as lead agency during activations of the NRT for incidents in the Coastal Zone.

(3) Direct all federal, state, and private response activities at the site of a discharge via a pre-designated FOSC to remove or arrange for the removal of actual or substantial discharges of oil or releases of hazardous substances, pollutants, or contaminants that may present an imminent and substantial threat or danger to the public health or welfare. In addition, submit a pollution report, upon request, on all removal actions taken at a site to the RRT and NRT.

(4) Develop and implement Regional Contingency Plans (RCPs) for oil discharges and hazardous substance releases.

(5) Designate areas, form Area Committees, and develop and review ACPs in the Coastal Zone.

5. Resource Conservation and Recovery Act (RCRA).

   a. Background.

      (1) RCRA is codified at 42 U.S.C. §§ 6901 *et seq*. RCRA, enacted in 1976 as an amendment to the Solid Waste Disposal Act, defines and regulates the management of solid wastes, hazardous wastes, medical wastes, and certain substances in any environment, including stored in underground storage tanks. It established a "cradle to grave" system for governing the generation, transport, storage, treatment, and disposal of hazardous wastes. The primary goals of RCRA are to reduce the generation of hazardous waste or eliminate hazardous waste as expeditiously as possible. Generated waste is treated, stored, or disposed of to minimize the present and future threat to human health and the environment.

      (2) RCRA applies to hazardous waste at facilities that are currently in operation and are using, managing, or disposing of hazardous wastes. In general, CERCLA applies to contaminated sites while RCRA's focus is on controlling the ongoing generation and management of particular waste streams.

   b. Coast Guard MER Program Responsibilities under RCRA.
   Coast Guard personnel are responsible for ensuring waste generated at cleanup sites are processed and disposed of in accordance with RCRA requirements.

6. Clean Air Act, as amended (CAA).

   a. Background.

      (1) The CAA is codified at 42 U.S.C. §§ 7401 *et seq*. Among the purposes of the CAA is "to protect and enhance the quality of the Nation's air resources so as to promote public health and welfare and the productive capacity of its population." Under CAA authority, EPA has established National Ambient Air Quality Standards (NAAQS) at 40 C.F.R. § 50, for six "criteria" air pollutants (i.e., carbon monoxide, lead, nitrogen dioxide, ozone, particle pollution, and sulfur dioxide)).

      (2) EPA has developed the *EPA Emergency Response Air Monitoring Guidance Tables* for the use of emergency responders who may be dealing with potential air pollution from various types of events. Additionally, EPA's Environmental Response Team (ERT) can assist with establishing emergency stations to monitor air quality during a response operation.

   b. Coast Guard MER Program Responsibilities under CAA.
   FOSCs should be aware of the potential for air pollution caused by an oil spill or a hazardous substance release. In addition, FOSCs should be aware of response actions needed to combat an oil spill or hazardous substance release. Notify the Regional EPA Co-Chair to the Regional Response Team (RRT) early in a response of potential air quality impacts from an

oil spill or hazardous substance release. In addition, notify the Regional EPA Co-Chair if a response action could affect air quality (e.g., in-situ burning).

7. Occupational Safety and Health Act of 1970.

   a. Background.
   Coast Guard personnel, government agencies, and private sector individuals involved with pollution response activities may encounter serious safety and occupational health hazards when conducting these activities. Federal law *requires* public and private personnel engaged in emergency cleanup operations to have taken safety and response training. The primary federal regulations are the Occupational Safety and Health Act (29 U.S.C. § 651 *et seq.)* standards for hazardous waste operations and emergency response, found in 29 C.F.R. § 1910.120, which applies to cleanup operations at an "uncontrolled hazardous waste site." The Occupational Safety and Health Act classifies an area impacted by oil as such a site; however, the regulations do not automatically apply to an oil spill cleanup. There m*ust* be a reasonable possibility for employee exposure to safety or health hazards.

   b. Coast Guard MER Program Responsibilities under the Occupational Safety and Health Act.

      (1) In a response taken under the NCP, the Coast Guard *shall* make available an occupational safety and health program for the protection of workers at the response site, consistent with, and to the extent required by 29 C.F.R. § 1910.120. Contracts relating to a response action under the NCP should contain assurances that the contractor at the response site will comply with this program and with any applicable provisions of the Occupational Safety and Health Act, including state laws with plans approved under section 18 of the OSH Act.
      (2) The Coast Guard *must* comply with requirements, standards, and regulations of the Occupational Safety and Health Act and of state occupational safety and health laws where applicable. Regulatory requirements include, among others, Construction Standards (29 C.F.R. § 1926), General Industry Standards (29 C.F.R. Part 1910), and the general duty requirement of section 5(a)(1) of the OSH Act (29 U.S.C. § 654(a)(1)). Response actions taken by the Coast Guard under the NCP are not exercises of statutory authority that would relieve governmental agencies or private entities of responsibility under the OSH Act.

      (3) Refer to *Training Marine Oil Spill Response Workers under OSHA's Hazardous Waste Operations and Emergency Response Standard (OSHA PUB 3172)*, or HAZWOPER, for information on worker safety and health issues during emergency response activities.

8. Endangered Species Act of 1973 (ESA).

   a. Background.
   Signed on December 28, 1973, the ESA (16 U.S.C. § 1531 *et seq.)* provides for the conservation of species endangered or threatened throughout all or a significant portion of their range, and the conservation of the ecosystems on which they depend. The ESA also

directs the Coast Guard to enforce the provisions of the Act and permits issued under its auspices.

b. Coast Guard MER Program Responsibilities under ESA.

(1) Consider and address any potential impacts to listed species and critical habitats.

(2) Similarly, whenever Coast Guard authorizes, funds, or carries out actions such as oil spill response that may adversely affect an Essential Fish Habitat (EFH), they *must* consult with the National Oceanic and Atmospheric Administration's (NOAA's) National Marine Fisheries Service (NMFS) regarding the impact of their activities on the EFH.

(3) Additional policies and guidance regarding consultation can be found in Chapter 4 of this Manual.

9. Migratory Bird Treaty Act (MBTA).

a. Background.

(1) The MBTA (16 U.S.C. § 703 *et seq.*), originally passed in 1918, implements the United States' commitment to four bilateral treaties, or conventions, for the protection of a shared migratory bird resource. The purpose of the MBTA is to protect migratory birds and their habitat during the time they are within the United States. The MBTA is not specific in its geographic scope.

(2) The MBTA prohibits the take (e.g., capture, collection, pursuit, wounding, or killing) of migratory birds and eggs, and prohibits destruction of occupied migratory bird nests.

b. Coast Guard MER Program Responsibilities under MBTA.
In situations where the taking of a migratory bird or destruction of an occupied nest becomes necessary for a pollution response, the Coast Guard should contact the U.S. Fish and Wildlife Service (FWS) to obtain a permit before taking action.

10. Marine Mammal Protection Act of 1972, as amended (MMPA).

a. Background.

(1) The MMPA (16 U.S.C. § 1361 *et seq.*) prohibits, with certain exceptions, the taking of marine mammals in U.S. waters and by U.S. citizens on the high seas, and the importation of marine mammals and marine mammal products into the United States.

(2) Section 109(h)(1) of the MMPA states: "Nothing in this title or title IV shall prevent a Federal, State, or local government official or employee or a person designated under section 112(c) from taking, in the course of his or her duties as an official, employee, or designee, a marine mammal in a humane manner (including euthanasia) if such taking is for:

(a) The protection or welfare of the mammal;

(b) The protection of the public health and welfare; or

(c) The nonlethal removal of nuisance animals."

b. Coast Guard MER Program Responsibilities under MMPA.

(1) Under emergency conditions threatening public safety, an MMPA consultation is not explicitly required; however, the Coast Guard should work with the National Oceanic and Atmospheric Administration (NOAA) to minimize effects and to ensure that MMPA 109(h)(1) applies.

(2) The Coast Guard should address foreseeable impacts in preemptive programmatic consultation to the degree possible.

(3) Additional policies and guidance regarding consultation are contained in Chapter 4 of this Manual.

11. Coastal Zone Management Act of 1972, as amended (CZMA).

a. Background.

(1) The CZMA (16 U.S.C. § 1456 *et seq.*) encourages coastal states to develop and implement Coastal Zone Management Plans (CZMPs), with the aim of preserving, protecting, developing, and restoring the coastal zones and coastal resources. Most coastal states have federally approved CZMPs.

(2) U.S. jurisdiction over waters off its coasts extends to the seaward limit of its 200 nautical mile Exclusive Economic Zone (EEZ), and to the outer limit of its continental shelf (Presidential Proclamation 5030 of March 10, 1983: Exclusive Economic Zone of the United States and Presidential Proclamation 2667 of September 28, 1945). The CZMA contains a "federal consistency provision," which requires federal agency activities that have reasonably foreseeable effects on state coastal zones to be consistent to the maximum extent practicable with the enforceable policies of a coastal state's federally approved coastal management program (16 U.S.C. § 1456).

b. Coast Guard MER Program Responsibilities under CZMA.

(1) Ensure that response activities that have reasonably foreseeable effects on state coastal zones are consistent with the enforceable policies of that state's federally approved coastal management program.

(2) Additional policies and guidance regarding consultation can be found in Chapter 4 of this Manual.

12. Intervention on the High Seas Act of 1974 (IHSA).

a. Background.
The IHSA, codified at 33 § U.S.C. 1471 *et seq.*, implements the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969. The IHSA permits the Secretary of the department in which the Coast Guard is operating to take any action deemed necessary to prevent, mitigate, or eliminate a threat of oil pollution resulting from a maritime incident on the high seas. The IHSA requires an express determination by the Secretary that there exists a grave and imminent danger to the coastline or related interests of the United States from pollution or threat of pollution of the sea by oil before exercising such authority. It authorizes the Secretary to use the revolving fund established pursuant to the FWPCA as a means of funding extraordinary federal activities under the IHSA, and specifies those limits within which the Secretary *must* act and those criteria upon which action should be taken.

b. Coast Guard MER Program Responsibilities under IHSA.

(1) The Commandant of the Coast Guard, acting for the Secretary of the Department of Homeland Security (DHS), may take physical control of any non-military vessel on the high seas, if a collision, stranding, or other incident results in material damage or the threat of such damage. In turn, this damage *must* create a "grave and imminent danger" of a pollution hazard to the U.S. coastline or "related interests." The Coast Guard may act regardless of the vessel's flag.

(2) The Commandant may act following a series of consultations and notifications among the State Department, EPA, and the International Maritime Organization (IMO). FWPCA authorizes use of funds for high seas intervention activities.

(3) The IHSA authorizes action in the following circumstances:

(a) There is "material damage or the imminent threat of material damage" to a ship or its cargo;

(b) The damage or threat results from a ship collision, stranding, or other incident; and

(c) The damage or threat "creates a grave and imminent danger" to the U.S. coastline or related interests from pollution of the sea by convention oil or of the sea or atmosphere by a substance other than convention oil, which may reasonably be expected to result in major harmful consequences.

13. National Historic Preservation Act of 1966, as amended (NHPA).

a. Background.
The NHPA (54 U.S.C. § 300101 *et seq.*) requires federal agencies to consider the potential impacts of projects that they carry out, assist with, or permit on historic properties. Section 106 of the NHPA seeks to accommodate historic preservation concerns with the needs of

such projects ("undertakings" as referenced in section 106) through consultation with parties who have an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess those effects, and seek ways to avoid, minimize, or mitigate any adverse effects on historic properties.

b. Coast Guard MER Program Responsibilities under NHPA.

(1) Section 106 of the NHPA mandates Coast Guard consult with the appropriate State Historic Preservation Office (SHPO) to address any cultural resource protection issues of historical or archeological significance in the development of emergency plans.

(2) Additional policies and guidance regarding consultation can be found in Chapter 4 of this Manual.

14. Abandoned Barge Act of 1992.

a. Background.
The Abandoned Barge Act of 1992, codified at 46 U.S.C. §§ 4701-4705 and 12301(b), was enacted to prevent future marine pollution from abandoned barges. The act contains the following provisions:

(1) Barges over 100 gross tons may not be abandoned on the navigable waters of the United States;

(2) Coast Guard may assess civil penalties of up to $1,000 for each day of violation against an owner or operation that violates 46 U.S.C. § 4702;

(3) Coast Guard may remove an abandoned barge; and

(4) All undocumented barges over 100 gross tons *must* be numbered.

b. Coast Guard MER Program Responsibilities.
Abandoned Vessels, COMDTINST M16465.43 (series), provides policy and guidance for enforcement of the Abandoned Barge Act. More information is available in Chapter 10 of this Manual.

C. International Conventions and Agreements.

1. International Law.
In general, international treaties and conventions become federal law once signed by the United States and, if necessary, ratified by the Senate. International standards established through these treaties and conventions become enforceable as U.S. domestic law.

a. Obligations and Applications.
A complex relationship exists between domestic law and international law. International agreements to which the United States is a party are subject to the prohibitions, restrictions, and requirements of the Constitution and cannot be given effect in the United States if they are barred by the Constitution. It is the responsibility of the United States to determine how it will carry out its obligations under international law.

b. International Maritime Organization (IMO).

(1) International organizations play an increasingly important part in making international law. The United Nations Charter authorizes formation of autonomous organizations. The formation occurs under separate agreements that constitute the charters of the organizations. These agreements link to the United Nations by agreements entered into between governments and the United Nations. These organizations become the primary vehicles for the development of multilateral treaties and conventions that become the basis of international law. The IMO is included among these autonomous organizations.

(2) Because of the international nature of the shipping industry, action to improve safety in maritime operations becomes more effective if carried out at an international level rather than by governments acting independently. Therefore, in 1948, the United Nations adopted a convention establishing the International Maritime Consultative Organization as the first international body devoted to maritime matters. The convention entered into force on March 17, 1958. The name of the organization became “IMO” in 1982.

(3) The IMO states its purpose is “to provide machinery for cooperation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade [and] to encourage and facilitate the general adoption of the highest practicable standards in matters concerning maritime safety, efficiency of navigation and prevention and control of marine pollution from ships.” The IMO is responsible for developing and amending the majority of international conventions to which the United States is signatory that involve marine safety and control of marine pollution from ships.

(4) Established committee charters address specific issues under IMO cognizance. The Marine Environment Protection Committee (MEPC) and its Pollution Prevention and Response (PPR) Subcommittee address issues related to oil and hazardous materials pollution prevention, preparedness, and response. The United States and the Coast Guard are heavily involved in the workings of the IMO and its committees.

c. International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC).

(1) Background.

(a) The OPRC, developed in 1990 in recognition of the international nature of some oil spill response and preparedness activities, entered into force on May 13, 1995. The

purpose of the OPRC is to provide a global framework for international cooperation in combating major incidents or threats of marine pollution. Parties to the OPRC are required to establish measures to address pollution incidents, either nationally or in cooperation with other countries. The OPRC establishes requirements in the following main areas: international cooperation and mutual assistance, pollution reporting, oil pollution emergency plans, national and regional preparedness and response capability, technical cooperation and transfer of technology, and research and development.

(b) The Protocol on Preparedness, Response and Co-Operation to Pollution Incidents by Hazardous and Noxious Substances of 2000 (OPRC-HNS Protocol) extends this regulatory framework to address pollution incidents involving hazardous and noxious substances.

(c) Governments that are party to the OPRC and OPRC-HNS Protocol are required to establish a national system for responding to oil and HNS pollution incidents, including a designated national authority, a national operational contact point, and a national contingency plan. This system *must* be backstopped by a minimum level of response equipment, communications plans, and regular training and exercises.

(d) In addition to the requirement for implementing national response systems, the OPRC and OPRC-HNS Protocol also promote cooperation among the parties to the convention through the establishment of bilateral and multilateral agreements to augment national-level response capacity, when needed. Most importantly, the OPRC and Protocol provide the mechanism for parties to request assistance from any other party, when faced with a major pollution incident.

(2) Coast Guard MER Program Responsibilities under the OPRC.
Upon receiving an oil pollution report, the Coast Guard should:

(a) Cooperate and provide advisory services, technical support and equipment for responding to an oil pollution incident, when the severity of such incident so justifies, upon the request of any nation affected or likely to be affected.

(b) Cooperate and provide technical assistance, training, transfer of technology, and share research and development with regard to oil pollution preparedness and response;

(c) Assess the event to determine whether it is an oil pollution incident;

(d) Assess the nature, extent, and possible consequences of the oil pollution incident;

(e) Advise the Operational Commander in accordance with the bilateral agreement, if applicable;

(f) Immediately inform all governments whose interests are affected or likely to be affected by the incident, including details of the assessment, actions taken, intended

actions, and any other relevant information, until the response is complete or until joint action has been decided by the affected governments; and

(g) When the severity of the incident so justifies, notify the IMO of the incident and provide the aforementioned information, using the IMO's oil pollution reporting system if practical.

2. International Convention on Salvage, 1989 (Salvage Convention).

a. Background.

(1) The Salvage Convention is an environmental initiative that creates economic incentives for salvors and ship owners to conduct their operations in an environmentally sound manner. In addition, the convention serves to strengthen the maritime industry by increasing salvage compensation and by ensuring rewards for salvors who respond to situations that threaten the environment.

(2) The Salvage Convention offers increased protection for the marine environment in four primary ways. First, it imposes reciprocal obligations upon both the vessel owner and the salvor to use "due care" to protect the marine environment. Second, the "skill and efforts of the salvor in preventing or minimizing damage to the environment" added a new factor for consideration along with the traditional criteria in determining the amount of the salvage reward. Third, under laws before 1989, in situations involving a threat of damage to the environment, salvors have little incentive to conduct their operations in an environmentally sound manner because there is no means to compensate them for actions taken to prevent or minimize damage to the environment. As a result, salvage efforts are not always consistent with environmental protection. The Salvage Convention addresses this problem by providing economic incentives that guarantee expenses to the salvor for services rendered to a vessel that threatens environmental damage, as well as an additional bonus if the salvor successfully prevents or minimizes damage to the environment. Finally, the convention introduces a new provision encouraging parties to the convention to consider the "need for cooperation between salvors, other interested parties and public authorities" in ensuring successful salvage operations "for the purpose of saving life or property in danger as well as preventing damage to the environment."

b. Coast Guard MER Program Responsibilities under the Salvage Convention.

(1) In the United States, Vessel Response Plans (VRPs) for both tank vessels and non-tank vessels are required to identify Salvage and Marine Firefighting (SMFF) providers under agreement with the vessel owner/operator. The vessel owner/operator pays for salvage services during a response. Coast Guard negotiates payment under the standards established in the Salvage Convention. However, the Oil Spill Liability Trust Fund (OSLTF) pays for certain uncompensated costs for services undertaken by a SMFF as part of a response (see Chapter 13 of this Manual).

(2) FOSCs should be mindful of the need for salvors during a response and ensure close coordination with contracted SMFFs to ensure successful salvage operations for saving life or property in danger and for preventing damage to the environment.

3. International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 (Intervention Convention).

a. Background.

(1) The Intervention Convention of 1969, which resulted from the *Torrey Canyon* disaster in 1967, affirms the right of a coastal state to take such measures on the high seas as may be necessary to prevent, mitigate or eliminate danger to its coastline or related interests from pollution by oil or the threat thereof, following a maritime casualty.

(2) The coastal state is empowered to take only such action as is necessary, and after due consultations with appropriate interests including, in particular, the flag state or states of the ship or ships involved, the owners of the ships or cargoes in question and, where circumstances permit, independent experts appointed for this purpose.

(3) A coastal state, which takes measures beyond those permitted under the Intervention Convention, is liable to pay compensation for any damage caused by such measures. Provision is made for the settlement of disputes arising in connection with the application of the convention. The convention applies to all seagoing vessels except warships or other vessels owned or operated by a state and used on government non-commercial service.

(4) The 1973 protocol, *Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil*, extended the convention to cover substances other than oil. Subsequently amended in 1991, Annex A listed substances covered in the protocol. The United States became signatory to the Intervention Convention and the provisions of the convention were implemented by the IHSA of 1974 (33 U.S.C. § 1471) (see Paragraph B.5 of this Chapter).

b. Coast Guard MER Program Responsibilities under the Intervention Convention.
Coast Guard takes necessary measures on the high seas to prevent, mitigate, or eliminate danger to the U.S. coastline or related interests from pollution by oil or the threat thereof, following a maritime casualty.

D. Bilateral/Regional Agreements.
The Coast Guard maintains bilateral agreements for pollution preparedness and response with Canada, Russia, Mexico, Panama, and the Caribbean. Details regarding these bilateral agreements, including international offers of assistance, can be found in Chapter 15 of this Manual.

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CHAPTER 3. PREPAREDNESS FOR RESPONSE POLICY

A. Introduction.

1. This Chapter provides policy and guidance on preparedness activities and processes for marine environmental response. It presents an overview of the National Response System (NRS) and the National Response Framework (NRF), discusses the relationships between the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and NRF, and addresses the need for MER program partnerships, particularly at the regional or District level. The preparedness policy and guidance found in this Chapter are established by Commandant (CG-MER) to ensure Coast Guard personnel are prepared to effectively coordinate responses to oil and hazardous substance incidents across the organization and interagency.

2. Preparedness for response is a critical element of the MER program at multiple levels of the organization:

   a. At the national level through the NCP, the NRF, and Coast Guard Headquarters' NRT role;

   b. At the regional level through District participation in Regional Response Teams (RRTs) and development of Regional Contingency Plans (RCPs); and

   c. At the local level through Sector Contingency Planning and Force Readiness (CFPR) Staffs, participation in Area Committees, and development of Area Contingency Plans (ACPs).

B. National Response System (NRS).
This section provides an overview of the NRS, including the NRT, RRTs, and RCPs.

1. Overview.
As defined in the NCP, the NRS is the mechanism for coordinating response actions for oil and hazardous substance incidents by all levels of the government. The NRS is composed of the NRT, RRTs, Federal On-Scene Coordinators (FOSCs), Area Committees, special teams, and the National Response Center (NRC). The NRS is an ever-present and flexible system designed to ensure a whole of government approach to planning, preparedness, and response to a pollution incident. This state of preparedness supports a cohesive and effective response by multiple elements of the system when triggered by a pollution incident.

2. Response Coordination.
The NRS ensures effective mitigation of environmental threats through an intricate network of people, plans, and resources. Execution of the NRS occurs through detailed processes for notifying and coordinating response resources (Figure 3-1). The NRS capabilities expand or contract to accommodate the required response effort based on the size or complexity of the incident. The coordination structure and processes of the NRS are in effect from the moment the incident occurs through completion of all cleanup operations.

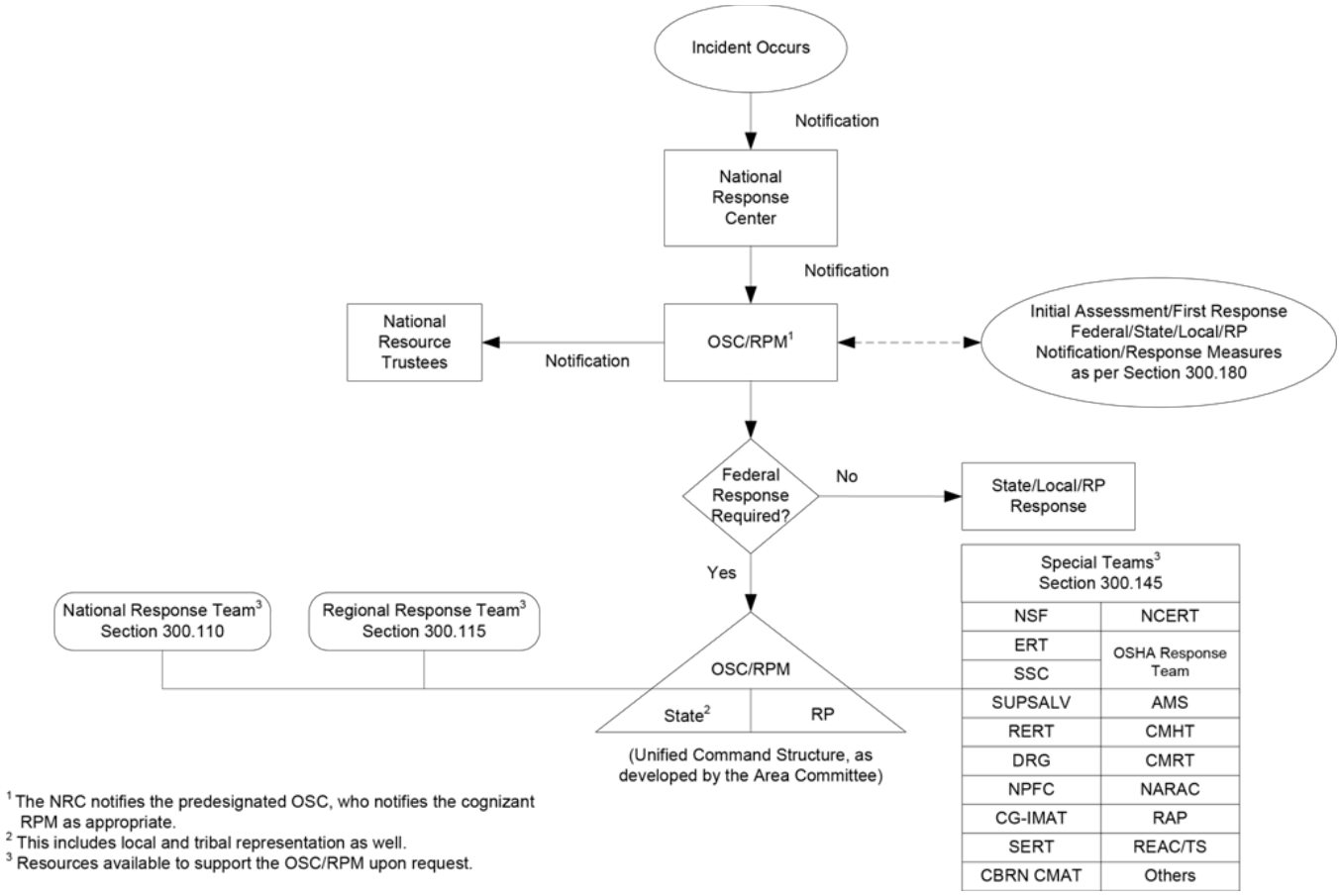

Figure 3-1: National Response System (NRS) Notification and Decision Process (40 C.F.R. § 300.105)

3. Preparedness Planning.
   The NRS supports the FOSC in oil discharge and hazardous substance preparedness planning via networked organizational structures at the national, regional, and local level. This tiered structure (Figure 3-2) provides a hierarchy of preparedness planning, addressing specific response tactics at the local level, and more generalized policy and guidance through the regional and national level.

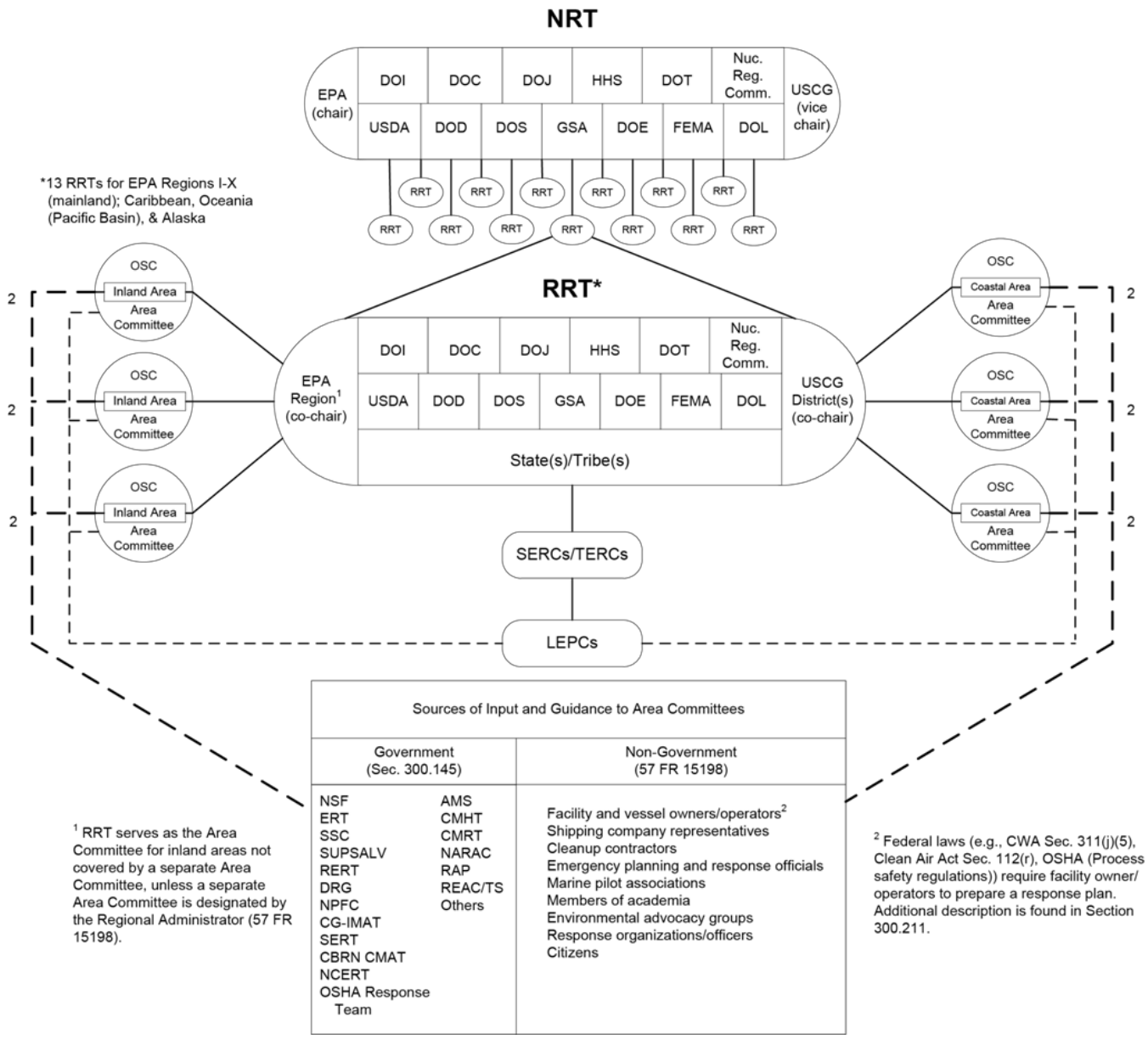

Figure 3-2: National Response System (NRS) Planning Concept (40 C.F.R. § 300.105)

a. National Response Team.

(1) Overview.

(a) The NRT is comprised of representatives from 15 federal departments and agencies responsible for coordinating emergency preparedness and response to oil and hazardous substance pollution incidents. Each agency designates a member(s) to serve on the NRT. In accordance with 40 Code of Federal Regulations (C.F.R.) § 300.110, a representative from the U.S. Environmental Protection Agency (EPA) serves as the NRT Chair, with a Coast Guard representative as the Vice-Chair. The Chief, Office of Marine Environmental Response Policy, (CG-MER), *shall* serve as

the Vice-Chair to the NRT and incident-specific chair when the Coast Guard provides the FOSC during Coastal Zone response events.

(b) The NCP summarizes the role of each NRT agency with regard to discharges of oil and releases of hazardous substances. For a detailed description of member agencies of the NRT and their responsibilities and assistance, refer to 40 C.F.R. § 300.175.

(2) NRT Committees.
The NRT maintains three standing committees: the Preparedness Committee, the Response Committee, and the Science and Technology (S&T) Committee. These committees address NRT, RRT, and FOSC preparedness and response concerns and needs, assist in supporting the mission of the NRT, and provide expertise on specific oil spill preparedness and response tactics. When deemed necessary by either individual NRT committees or the NRT Chairs, the NRT will establish ad hoc committees and/or workgroups to address issues that exceed the capabilities, resources, or available time of its standing committees. Figure 3-3 depicts the organization structure of the NRT and its committees. Additional information on the NRT committees, including available publications and reports, is available on the NRT Website.

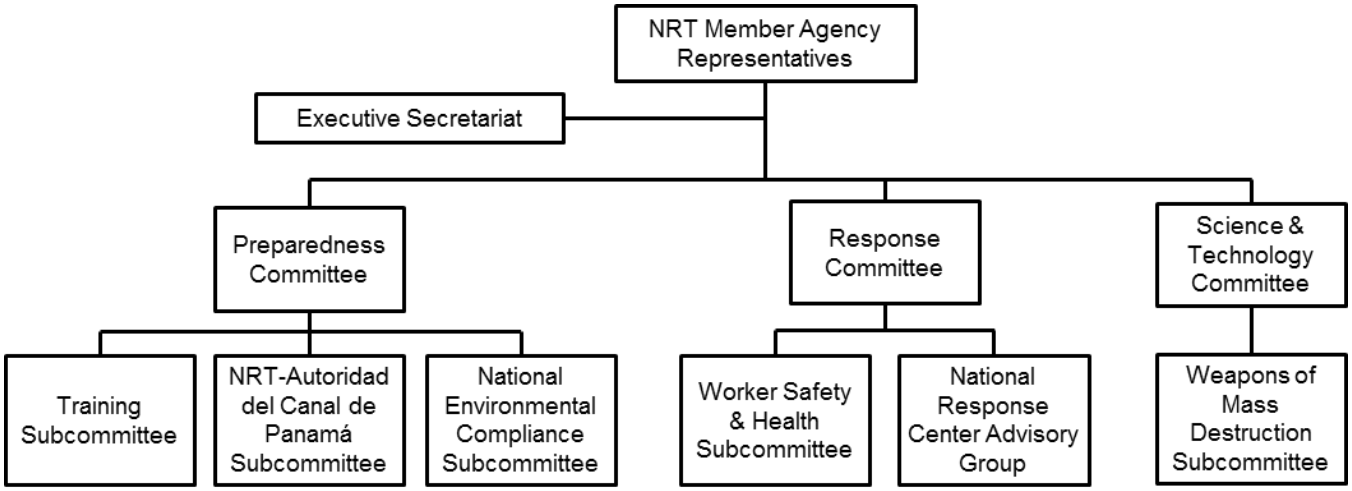

Figure 3-3: National Response Team (NRT) Organizational Structure

(a) Preparedness Committee.

[1] The Preparedness Committee provides support to FOSCs and RRTs through implementing activities designed to improve response preparedness, prevent spill impacts, and reduce safety hazards to responders and the public. The committee is heavily engaged in the Spill of National Significance (SONS) Exercise and Training Program, providing critical input into exercise design and addressing gaps identified in the lessons learned analysis.

[2] Ad hoc workgroups form as necessary to produce procedures to fill specific preparedness gaps (e.g., use of volunteers in spill response). Commandant (CG-MER) *shall* designate a member to serve as the Coast Guard representative to the

NRT Preparedness Committee. Either the Coast Guard representative or the EPA representative to the committee may serve as the Chair of the committee.

[3] The Training Subcommittee develops training programs and materials to address specific response and prevention needs (e.g., emerging risk responder awareness training for Bakken crude oil).

[4] The National Response Team – Autoridad del Canal de Panamá (NRT-ACP) Subcommittee manages the U.S. obligations under the NRT agreement with the Panama Canal Authority. The Subcommittee updates the Incident Response Guide, assists with the planning and execution of spill response exercises for the Panama Canal, and addresses gaps identified in the process.

[5] The National Environmental Compliance Subcommittee develops streamlined procedures and guidance for consultation with trustee agencies to ensure the maximum protection of natural, cultural, and historic resources during response actions.

(b) Response Committee.

[1] The Response Committee provides a forum for the NRT to assess the effectiveness of oil discharge and hazardous substance release-reporting and response structures established by the NCP to provide a feedback mechanism to FOSCs and RRTs regarding their reports of response actions, and to make recommendations to all levels regarding improvements to the response system. The committee performs the following:

[a] Highlights and summarizes response-related lessons learned from FOSC reports;

[b] Identifies gaps in coverage or needs for additional guidance throughout the NRS; and

[c] Extracts information from case histories about technologies or procedures to provide useful feedback to RRTs, FOSCs, and other members of the NRS.

[2] Commandant (CG-MER) *shall* designate a member to serve as the Coast Guard representative to the NRT Response Committee. Either the Coast Guard representative of the EPA representative serves as the Chair of the Committee.

[3] The Worker Safety and Health (WS&H) Subcommittee assists the Response Committee and addresses concerns specific to responder health and safety.

[4] In addition to the WS&H Subcommittee, a longstanding National Response Center (NRC) Advisory Group advises the NRC on its processes, procedures, operations, and any interagency issues that arise.

(c) Science & Technology Committee.

[1] The Science & Technology Committee provides a forum for the NRT to fulfill its NCP-delegated responsibilities for research and development. Specifically, 40 C.F.R. § 300.110(h)(6) lists “monitoring response-related research and development, testing, and evaluation activities of NRT agencies to enhance coordination, avoid duplication of effort, and facilitate research in support of response activities” as one of the NRT's responsibilities. Additionally, 40 C.F.R. § 300.110(g) states “the NRT may consider and make recommendations to appropriate agencies on ... necessary research, development, demonstration, and evaluation to improve response capabilities.” The Science & Technology Committee performs the following:

[a] Researches and compiles data on national and international oil discharges and/or hazardous substances release-related technical advancement, including research and development, testing, and evaluation;

[b] Supports the NRT through monitoring oil discharges and/or hazardous substances release response-related research and development, testing, and evaluation activities of NRT agencies; and

[c] Supports the trial of new approaches to oil discharge and hazardous substances release responses as they develop.

[2] NOAA is the Chair for this Committee. Commandant (CG-MER) *shall* designate a member to serve as the Coast Guard representative to the NRT S&T Committee. Commandant (CG-MER) engages other Coast Guard entities to participate, such as the Research, Development, Test, and Evaluation Program as appropriate.

[3] The Weapons of Mass Destruction Subcommittee addresses concerns specific to chemical and biological warfare agents through the development of Quick Reference Guides (QRGs) for specific agents.

(3) NRT Activation.

(a) Primarily a national policy and coordination entity, the NRT does not respond directly to incidents. The NRT can provide policy guidance to the FOSC through the RRT. Whenever there is insufficient national policy guidance on a matter before the RRT, a technical matter requiring solution, a question concerning interpretation of the NCP, or a disagreement on discretionary actions among RRT members that cannot be resolved at the regional level, it may be referred to the NRT, described in 40 C.F.R. § 300.110, for advice.

(b) The NRT should activate when:

[1] An oil discharge or hazardous substance release exceeds the response capability of the region in which it occurs, transects regional boundaries, and/or involves a substantial threat to the public health or welfare of the United States or the environment, substantial amounts of property, or substantial threats to natural resources;

[2] When requested by a NRT member;

[3] When requested by an FOSC;

[4] When requested by a RRT;

[5] When there is competition for resources that requires national interagency adjudication;

[6] When there are questions that require interagency input into answers at the national level (e.g., White House, National Security Council/Domestic Resilience Group (DRG), Congress, Cabinet-level officials, or national-level private groups); and/or

[7] During an Emergency Support Function (ESF) #10 activation under the NRF that involves significant interagency coordination.

(c) The NCP and the NRT Website provide additional policy and guidelines on conditions and processes for activation and termination. During NRT activation, the Coast Guard *shall* chair the NRT for incidents when the Coast Guard is designated as the FOSC, in accordance with the NCP.

b. Regional Response Teams.

(1) Overview.
Federal agency membership in RRTs parallels that of the NRT, as described in 40 C.F.R. § 300.110. RRTs include representation from states and federally recognized tribes. In addition, local entities may have RRT representation as agreed upon by the states. There are 13 RRTs: one for each of ten Federal Standard Regions, plus one each for Alaska, the Caribbean, and Oceania (Figure 3-4). Similar to the NRT, RRTs are planning, policy, and coordinating bodies, and do not respond directly to incidents. During activation, the Coast Guard *shall* chair the RRT for incidents when the Coast Guard serves as the FOSC, in accordance with the NCP. RRT responsibilities include recommending changes in the regional response organization as needed, revising the RCP, evaluating the preparedness of participating agencies and the effectiveness of ACPs for the federal response to discharges and releases, and providing technical assistance for preparedness. RRTs also ensure the availability of proper resources for a major response in support of the FOSC. RRTs may defer to the NRT when there is insufficient national policy guidance on an

RRT matter, a question concerning interpretation of the NCP, or a disagreement on discretionary actions among RRT members that cannot be resolved at the regional level as described in 40 C.F.R. § 300.110.

Figure 3-4: Regional Response Team Areas of Responsibility (AORs) (40 C.F.R. § 300.105)

(2) RRT Composition.

(a) Coast Guard RRT Participation.
In accordance with the NCP, a representative from the EPA and the Coast Guard will act as RRT Co-Chairs, except upon activation of the RRT. The District Incident Management Preparedness Advisor (IMPA) *shall* serve as the Coast Guard Co-Chair for the RRT(s) within their respective District. The District IMPA *shall* appoint an alternate Coast Guard Co-Chair from within the District based on knowledge and expertise in MER and RRT activities. In addition to District participation, FOSCs should attend their respective RRT meetings. Attendance ensures report out of local Area Committee activities to the RRT.

(b) State RRT Participation.
States may designate a lead agency and representative to represent state issues and concerns on the RRT. A state representative may participate fully in all RRT activities. States may coordinate with local representation to communicate and coordinate preparedness, planning, and response activities with the RRT.

(c) Tribal Participation.
The NCP provides for RRT participation by federally recognized native tribes. Tribal governments may arrange for representation with the RRT appropriate to their

geographical location. Refer requests by tribal governments to participate on an RRT to the appropriate RRT in their geographical location.

(d) Local Agency RRT Participation.
Local agencies generally participate through the Area Committee and the ACP process. However, Local Emergency Planning Committees (LEPCs) established through the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986, may request that their respective RRT review local emergency plans through the state representative to the RRT.

(3) Standing RRT and Incident-Specific RRT.
The RRT standing team consists of designated representatives from each participating federal agency; and state, local, tribal, and territorial governments. The RRT can also form an incident-specific team upon activation of the RRT for a response.

(a) Standing RRT Activities and Processes.
In accordance with the NCP, the standing RRT *shall* recommend changes in regional response organization as needed, revise the RCP as needed, evaluate the preparedness of the participating agencies, evaluate the effectiveness of ACPs, and provide technical assistance for preparedness to the response community. The RRT should evaluate regional and local responses to oil discharges or hazardous substance releases on a continuing basis, and meet at least semi-annually to review response actions, consider changes in RCPs, recommend changes in ACPs in coordination with Area Committees, and—through the NRT—recommend changes to the NCP. The NRT requests that each RRT provide an annual report that summarizes recent activities, organizational changes, and operational concerns. The RRT also plays a significant role in conducting and/or participating in training and exercises while ensuring maximum participation in the National Preparedness for Response Exercise Program for announced and unannounced exercises.

(b) Incident-Specific RRT Activation.
Incident-specific team participation by RRT member agencies varies based on response requirements, the technical nature of the incident, and its geographic location. The NCP provides guidance on what conditions warrant the activation of an incident-specific RRT. RCPs should specify detailed criteria for activation and termination. In general, RRTs activate by request to the RRT Co-Chairs from the FOSC or any RRT representative during any discharge or release, and the agency providing the FOSC chairs the RRT.

(c) Incident-Specific RRT Services.
The NCP provides guidance on incident-specific RRT services expected during activation. Generally, agency representatives may monitor and evaluate incident reports, provide advice on the duration and extent of a response, arrange agency support resources, and recommend to the FOSC specific response actions. Though some incidents may not require full RRT activation, notification of the RRT may still

be appropriate to facilitate systematic communication informing the RRT of response actions or to assist in later RRT evaluation of region-wide response effectiveness.

(4) Regional Contingency Plans (RCPs).

(a) Purpose.
In accordance with the NCP, RCPs provide the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants within a region. The RCP fulfills this purpose by providing a framework through which ACPs in that region will be consistent with each other, with the NCP, and with other federal emergency response plans. The RCP contains policies and guidance that are applicable across the region. It also describes the mechanisms by which RRTs assist FOSCs before a response through planning and training activities, and during a response through organizational and coordination assistance.

(b) RCP Content.

[1] RCPs capture specific functions relative to response technologies (e.g., preauthorization of dispersant use within a region), establish inland and coastal boundaries, and provide guidance on interagency issues of concern for the entire region. The IMPA assigned to each Coast Guard District is responsible for ensuring the RCP adequately addresses the Coast Guard concerns during the development and maintenance of the RCP for their respective region. To the greatest extent possible, RCPs should follow the format of the NCP and be coordinated with state emergency response plans and ACPs. ACPs, RCPs, and the NCP taken in aggregate should provide sufficient guidance to respond to a worst-case discharge (WCD) and to mitigate or prevent a substantial threat of a WCD.

[2] The RCP itself expands upon the planning and response requirements established by the NCP to address region-specific issues, provide guidance for the development of ACPs, and augment coordination with response partners to coordinate timely and effective response designed to minimize adverse impacts resulting from discharges of oil or releases of hazardous substances. RCPs are updated as necessary on a biennial basis, but may be updated or revised more frequently as required or desired.

(c) Delineation of Inland and Coastal Zones.

[1] The delineation of the Inland Zone from the Coastal Zone within a region is a critical element of the RCP. Generally, EPA provides the FOSC for responses in the Inland Zone and for removal actions involving hazardous waste sites, while the Coast Guard provides the FOSCs for oil discharges and hazardous substance releases, including oil discharges from facilities and vessels under jurisdiction of another federal agency, within or threatening the Coastal Zone. EPA and Coast Guard established boundaries between the two zones using recognizable

landmarks, typically roads. The inland/coastal delineation changes with the concurrence of the RRT Co-Chairs.

[2] Typically, EPA considers the Inland Zone to be one area covered under one ACP, which may be the RCP itself or a separate document. In contrast, the Coastal Zone is divided into separate areas covered by multiple ACPs, generally defined by Coast Guard COTP Zones listed in 33 C.F.R. § 3.05 (additional details are in Chapter 4 of this Manual).

(d) Preauthorization on the use of Dispersants within a Region.

[1] ACPs should include applicable preauthorization plans for the use of dispersants in a region and address the specific contexts for use of dispersants. In meeting the provisions of this Paragraph, preauthorization plans address the following factors, but are not limited to:

[a] Potential sources and types of oil that could be spilled;

[b] Existence and location of environmentally sensitive resources that could be impacted by spilled oil;

[c] Available product and storage locations;

[d] Available equipment and adequately trained operators;

[e] Available means to monitor product application and effectiveness;

[f] Limits on the total amount of dispersant that may be applied during an onging spill; and

[g] Requirements for underwater application of dispersants.

[2] The following entities *shall* review and either approve, disapprove, or approve with modification the preauthorization plans developed by Area Committees, as appropriate:

[a] RRT representatives from EPA;

[b] RRT representatives from the states with jurisdiction over the waters of the area to which a preauthorization plan applies; and

[c] The Department of Commerce (DOC) and the Department of the Interior (DOI) natural resource trustees.

[3] Approved preauthorization plans *shall* be included in the applicable ACPs within that region.

(e) Coordination Between NCP, RCP, ACP, and State Plans.
Area Committees design ACPs to be consistent with the NCP and to ensure consistency among ACPs in the region. States are encouraged to ensure that their emergency response plans are consistent with the applicable RCP/ACPs for areas included within state boundaries.

(5) Area Committees and Area Contingency Plans.
Detailed policy and guidance on Area Committees and ACPs can be found in Chapter 4 of this Manual.

(6) International Joint Contingency Plans.
Detailed policy and guidance on these plans can be found in Chapter 15 of this Manual.

C. Marine Environmental Response (MER) and the National Preparedness System.

1. The Coast Guard has synchronized its all-hazards preparedness and response functions with the broader system for national preparedness pursuant to Presidential Policy Directive 8: National Preparedness (PPD-8). The *Contingency Preparedness and Planning Manual, Volume 1: Contingency Planning Policy, COMDTINST M3010.11 (series)* further describes this relationship.

2. The marine environmental response and preparedness roles connect to and support PPD-8: National Preparedness by contributing to the Environmental Response/Health and Safety Core Capability and through leadership (in conjunction with EPA) of Emergency Support Function (ESF) #10 – Oil and Hazardous Materials Response, of the NRF. ESF #10 serves as the "connection point" for the NRS into the NRF. Commandant (CG-MER) is responsible for Coast Guard activities through the NRS to support the Response Mission area of PPD-8. Other Coast Guard programs and other agencies provide further support for the prevention, protection, mitigation, and recovery missions under PPD-8.

D. National Response Framework (NRF).
This section provides an overview of the NRF. It also discusses the Coast Guard's role under ESF #10 and the FOSC's ability to use coordinating structures of the NRF to assist with a response effort.

1. Overview.

a. The NRF is a framework under PPD-8 that organizes and aligns federal agencies across a wide variety of jurisdictions and organizations. The *Coast Guard Connectivity to the National Response Framework, COMDTINST 16000.22 (series)* explains Coast Guard's role in the NRF. This instruction mandates specific preparedness and response management activities within the Coast Guard to ensure connectivity with all levels of interagency governance during disaster preparedness and response activities.

b. The NRF consists of 14 ESFs, which are the primary, but not exclusive, federal coordinating structures for building, sustaining, and delivering effective core capabilities for response support to affected state and local governments. ESFs and their associated annexes group

resources and capabilities into functional areas most frequently needed during a national response. ESF #10 – Oil and Hazardous Materials Response, provides for coordinated federal support in response to an actual or potential discharge of oil or a release of hazardous substances. Consistent with the NCP, the Coast Guard is the primary agency for oil discharges and hazardous substance releases into the waters and adjoining shorelines of the Coastal Zone, while the EPA is the primary agency for the inland zone. EPA will lead the ESF#10 response for incidents that span both zones.

c. The *Response Federal Interagency Operational Plan* (FIOP) provides additional policy and guidance for coordination of oil and hazardous substance incidents under ESF #10.

2. Relationship with the NCP.

a. General.

(1) The operational supplement to the NRF, the NCP provides detailed information regarding the roles and responsibilities, organizational structures, and procedures described in ESF #10. As articulated in the NRF and its ESF #10 annex, most federal responses to oil and hazardous substance incidents do not require coordination by the Department of Homeland Security (DHS) and are generally carried out consistent with the NCP under the authorities of the Federal Water Pollution Control Act (FWPCA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Certain incidents, however, may require a greater level of coordination or support and warrant full or partial ESF #10 activation.

(2) Figure 3-5 provides a brief overview of the major federal response coordination constructs under the NCP and NRF that may be used to respond to pollution incidents. These incidents range from those effectively managed by local entities to those that require substantial federal assistance via the Stafford Act. These coordination constructs present a scalable federal response to an oil discharge or hazardous substance release occurring alone or in concert with a broader contingency or disaster event.

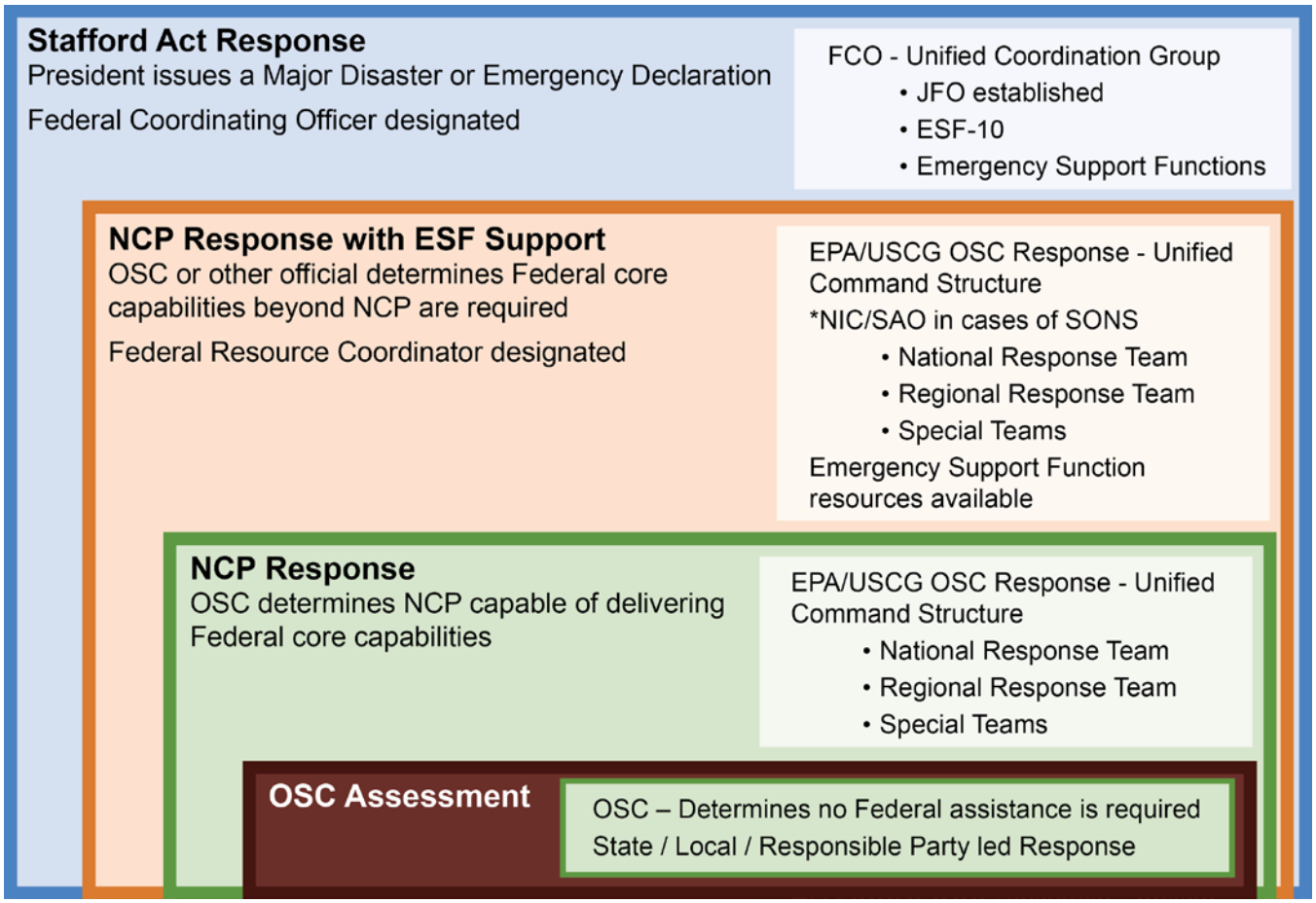

Figure 3-5: Federal Response Coordination Constructs Under the National Response Framework (NRF) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP)

b. <u>ESF #10 Activation</u>.

(1) Numerous factors dictate which federal construct applies to a given incident and the level of federal involvement under those constructs. ESF #10 may be activated by DHS for incidents requiring a more robust coordinated federal response, such as:

(a) A major disaster or emergency under the Stafford Act;

(b) A federal-to-federal support request (e.g., a federal agency, such as the Department of Health and Human Services, requests support from ESF #10 and provides funding for the response through the mechanisms described in the Financial Management Support Annex); and

(c) An actual or potential oil discharge or hazardous substance release to which the Coast Guard responds under FWPCA and/or CERCLA authorities and funding, for which DHS determines it should lead the federal response.

(2) The type and extent of incident impacts DHS considers when making the determination to activate ESF #10 include:

(a) Type and extent of environmental contamination;

(b) Environmental impacts;

(c) Public health impacts;

(d) National Special Security Events (NSSE);

(e) Amount of property damage;

(f) Need for lifesaving/sustaining requirements;

(g) Severity of impacts to critical infrastructure/key resources;

(h) General economic impacts; and

(i) Whether the incident itself is broader than just an oil discharge or hazardous substance release.

c. Activation of Other ESFs for FOSC Support.

(1) An FOSC may encounter many complex situations during a response that require support from multiple agencies. District IMPAs are knowledgeable about ESFs and can provide the FOSC support in activating appropriate ESFs.

(2) Federal Emergency Management Agency (FEMA) participation is required when requesting activation of an ESF to support the FOSC. The District IMPA will act as the liaison between the FOSC and FEMA for ESF support.

3. Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act).
FEMA is the lead agency for administering financial and technical assistance during a Presidential declaration of disaster or major emergency under the Stafford Act. When an incident exceeds or potentially exceeds state, local, tribal, and/or territorial government's capacity to respond, the state may request federal response assistance to supplement ongoing disaster relief activities. Mission Assignments (MAs) establish the form of assistance. More information on MAs can be found in Section C.4 of this Chapter. While most responses associated with the NRF are declared emergencies or disasters under the Stafford Act, the NRF provides a holistic national approach to response.

4. Mission Assignments (MA).

a. Overview.
Federal Emergency Management Agency (FEMA) Mission Assignments: Operational Acceptance and Execution, COMDTINST 3006.1 (series), provides operational background and policy about MAs issued to the Coast Guard by FEMA. MAs are work orders that direct the completion of a specific task. FEMA issues MAs to a federal agency. MAs cite funding, management controls, and guidance. FEMA may issue an MA to an agency without the expectation of reimbursement to that agency. An important point to remember is that MAs are directives issued by FEMA; MAs are not contracts or Interagency Agreements (IAs). However, a specific agreement between EPA and FEMA exists, described in Paragraph D.4.c of this Chapter, regarding MA assignment for environmental response.

b. Background.
The Stafford Act requires a non-federal cost share assistance authorized by the President. Some states have been reluctant to request federal assistance under the Stafford Act for ESF #10 due to the required 25 percent state cost share. This decision has pressed FOSCs to use the Oil Spill Liability Trust Fund (OSLTF) and the CERCLA fund (which are not designed to fund disaster response), to conduct ESF #10 activities in the aftermath of various natural disasters. In some cases, states may also delay requesting MAs for pollution response, speculating that cost share percentages would be lower under ESF #10 if the Coast Guard and/or EPA maximize their expenditure of existing OSLTF or CERCLA funds. These tactics can delay pollution response operations—especially in the case of hazardous substance removal activities. CERCLA does not fund pollution response during natural disasters beyond mitigating an imminent threat and substantial danger to public health or welfare. Furthermore, processing responses on a case-by-case basis with recoupment of expended funds from the responsible entity may not be in the public interest. This is especially true for widely scattered and largely unidentifiable pollution sources. If states delay an MA request from FEMA it could result in suspended operations, and eventual disposition of all remaining hazardous substance sites may transfer to state and local authorities.

c. Federal Emergency Management Agency (FEMA) Policy on Issuing Mission Assignments under Emergency Support Function (ESF) #10.
Mission Assignments for ESF #10, FEMA Policy 9523.8 provides policy guidance on MAs and activities funded with Stafford Act funds. The policy is clear that funding for environmental response is contingent upon a state request for this assistance following an emergency or major disaster declaration.

d. ESF #10 Guidance.
This section provides policy and guidance for determining when to respond to oil and hazardous substance incidents under the NCP and when to seek an MA from FEMA under ESF #10 during an emergency or major disaster response. Requests for assistance are principally state-driven during emergency and major disaster responses. Close coordination and open communication between FOSCs/Incident Commanders and states before an emergency or major disaster can help facilitate the process during a response.

(1) FOSC's Engagement with the State.
FOSCs should encourage states to submit a request for assistance to FEMA early in a disaster event to facilitate Stafford Act funding to complete the oil and hazardous substance response activities as outlined in *Mission Assignments for ESF #10, FEMA Policy 9523.8*. If the state does not request assistance from FEMA, the FOSC should use OSLTF and/or CERCLA funds to mitigate the most significant oil discharges and hazardous substance releases not addressed by the Responsible Party.

(2) FOSC's Determination of Federal Funding Mechanism for Pollution Responses.

(a) Under the NCP, the FOSC has the authority to determine the need for any federal assistance following an oil or hazardous substance incident. The federal funding mechanism chosen by the FOSC will be contingent upon many factors, including whether or not the state has requested federal assistance from FEMA.

(b) Upon an approved Stafford Act Declaration, FEMA can issue MAs to support a state's request if the activities requested exceed the state's capabilities to respond to the disaster.

(c) FEMA issues an MA, then the FOSC *shall* use Stafford Act funding, subject to the terms of the MA, in lieu of OSLTF and/or CERCLA funding. Stafford Act access and accounting procedures can be found in Chapter 13 of this Manual.

(d) If the state has not requested an MA for ESF #10 support, FOSCs *shall* follow established policy on the use of OSLTF/CERCLA funds; however, once an MA is issued FOSCs *shall* cease using OSLTF/CERCLA funding and begin using Stafford Act funds. If the state has not requested an MA and OSLTF and/or CERCLA funds are no longer available, FOSCs should contact the applicable Coast Guard District, Area, National Pollution Funds Center (NPFC), and Commandant (CG-MER).

(e) FOSCs and Coast Guard Liaison Officers assigned to FEMA National and Regional Response Coordination Centers (RRCCs) *shall* maintain federal situational awareness to help validate the FOSC's need for an MA or transition plan related to cleanup and final disposition of ESF #10 emergency response activities.

(f) FOSCs *shall* develop a comprehensive status assessment and transition plan for submission to the appropriate state and local government officials for the disposition of all sites requiring further action if a state is delaying submitting a request for an MA.

(3) Responsible Parties (RPs).
The Federal Government expects RPs to take primary responsibility for addressing pollution in instances of oil spills and/or hazardous substance releases. Regardless of Stafford Act, OSLTF, or CERCLA funding availability, FOSCs *shall* make every reasonable attempt to identify the RP to ensure that the RP funds the response to their respective discharge and/or release.

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CHAPTER 4. AREA CONTINGENCY PLANNING POLICY

A. Introduction.

1. This Chapter provides policy and guidance regarding Area Committee responsibilities and processes; Area Contingency Plan (ACP) organization, content, revision, approval, and distribution; federal consultation requirements; ecological risk assessments; and places of refuge. Commandant (CG-MER) establishes the policy and guidelines in this Chapter to ensure coordinated and effective planning and preparedness for oil discharges and/or hazardous substance releases, up to and including a worst-case discharge (WCD).

2. The Oil Pollution Act of 1990 (OPA 90) formally established ACPs and the use of Area Committees as the basic planning unit for oil spill response, However, their use by some Captains of the Port (COTPs) preceded that legislation. Certain COTPs effectively used Port Safety Committees or Port Planning Committees prior to the *T/V Exxon Valdez* oil spill to plan for coordination during a response to incidents in a port. During the development of OPA 90, the Federal Government determined that the concept of local coordination and planning provided an efficient means of organizing a response through: 1) identifying critical habitats and the means of protection, and 2) identifying gaps in response capabilities. Area Committees and ACPs became the means to overcome these challenges and ensure preparedness for actual or substantial oil discharges and hazardous substance releases.

3. ACPs provide the basis for the creation of Facility Response Plans (FRPs) and Vessel Response Plans (VRPs). Regulations implementing OPA 90 with regard to FRPs and VRPs require those plans to be consistent with applicable ACPs, including environmentally sensitive areas, roles and responsibilities, and notification procedures.

B. Area Committees.
This section provides policy and guidance on the purpose, organization, Areas of Responsibility (AORs), and responsibilities of Area Committees to support oil discharge and hazardous substance release planning and preparedness, as well as the requirements for Area Committee meetings, records, and reports.

1. Background.
The Federal Water Pollution Control Act (FWPCA) encouraged local contingency planning to coordinate community response to oil discharges and hazardous substance releases. OPA 90 expanded upon FWPCA and required establishment of Area Committees using qualified members of federal, state, and local government agencies. Area Committees do not constitute a formal Federal Advisory Committee under the Federal Advisory Committee Act, and as such, each agency funds its own participation in Area Committee meetings and events.

2. Area of Responsibility.
Each COTP zone established in 33 Code of Federal Regulations (C.F.R.) § 3, requires establishment of an Area Committee and development of an ACP. The U.S. Environmental Protection Agency (EPA) develops ACPs in the inland zone. The program standard includes maintaining one Area Committee and one ACP for the Coastal Zone in each COTP zone. If

however, geographical, jurisdictional, and political considerations may preclude Area Committees from operating effectively under one Area Committee or one ACP, Area Committees could be subdivided as follows:

a. Separate Area Committees.
Subject to District Commander approval, Federal On-Scene Coordinators (FOSCs) may establish geographically separate Area Committees, with separate ACPs, to facilitate stakeholder engagement, program administration, and planning and preparedness. The FOSC *shall* serve as the Chair for each Area Committee established.

b. Regional Subcommittees.
The FOSC may establish Regional Subcommittees within Area Committees to facilitate stakeholder engagement and geographic-specific planning and preparedness. Area Committee Regional Subcommittees *shall* operate under the guidance and requirements of the parent Area Committee. The ACP should include a geographic-specific annex to address the unique requirements of the Regional Subcommittees.

3. Organization.
The FOSC *shall* serve as the Chair for their respective Area Committee(s). The FOSC should designate a representative of a federal, state, or local agency, or a territorial representative to serve as Vice-Chair, who *shall* be appointed in writing. Commandant (CG-MER) strongly recommends State On-Scene Coordinators (SOSCs) be designated as Vice-Chairs. The FOSC may designate multiple Vice-Chairs to the Area Committee.

4. Area Committee Composition and Membership.
The FOSC *shall* appoint members, in writing, to serve on the Area Committee for their COTP zone. Broad representation provides for effective spill response planning and preparedness. In order to achieve this objective without imposing excessive burden on available Coast Guard and stakeholder resources, Area Committees should be organized to include appointed members from federal, state, local, tribal and territorial governmental agencies. The actual composition of each Area Committee varies significantly by area, based on area-specific needs and resources. Appendix A of this Manual contains a list of agencies for potential inclusion on the Area Committee.

5. Subcommittees.

a. Area Committees establish subcommittees, including ad hoc committees, as needed to support preparedness and planning responsibilities or short-term committee requirements.

b. The subcommittee Chair *must* be an appointed member of the Area Committee. The FOSC may designate members from the Area Committees and other organizations to appropriate subcommittees.

c. Subcommittee participants include individuals such as facility and vessel owners/operators, spill cleanup contractors, emergency response officials, marine pilots, local chemical

manufacturers, salvage and marine fire-fighting entities, and members of other qualified organizations from the local community, such as Non-Governmental Organizations (NGOs).

d. Input from subcommittees to the Area Committee goes through the respective subcommittee Chair.

6. Area Committee Responsibilities.

a. Area Committees prepare an ACP for their area, under the direction of the FOSC and in consultation with the appropriate Regional Response Team (RRT), District Response Advisory Team (DRAT), National Strike Force (NSF) Strike Teams, Scientific Support Coordinators (SSCs), State Emergency Response Commissions (SERCs), and Local Emergency Planning Committees (LEPCs). The ACP *shall* be prepared as described in 40 C.F.R. § 300.210(c) and in accordance with the format described in Appendix B of this Manual. Upon implementation of the ACP, it *shall* be adequate to address response to a WCD, and to mitigate or prevent a substantial threat or release from a vessel, offshore facility, or onshore facility operating in the area. ACPs *shall* be approved by the District Commander and submitted to Commandant (CG-MER) through the appropriate Coast Guard Area Commander.

b. Area Committees follow guidance developed by the RRT, and work with appropriate federal, state, and local officials to expedite decisions for the use of alternative response technologies.

c. As part of the planning activities, the Area Committee should assess the desirability of using: appropriate burning agents, chemical dispersants, surface washing agents, surface collecting agents, bioremediation agents or miscellaneous oil spill control agents listed on the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) Subpart J Product Schedule. Where applicable, ACPs *shall* include applicable preauthorization plans and address the specific situations to use preauthorization of these agents.

d. Under the NCP, RRTs review and approve, disapprove, or approve with conditions the preauthorization plans, as appropriate. For dispersants and other mitigating substances, devices, or technologies not pre-approved, the ACP *shall* outline the process established by the RRT for that region for an expedited decision regarding the use of such items.

7. Meeting Frequency.

a. Area Committees *shall* meet at least twice during each calendar year. However, Commandant (CG-MER) strongly recommends holding quarterly meetings to optimize Area Committee planning functions. Frequent meetings (e.g., quarterly meetings) optimize opportunities to support marine environmental response and preparedness activities, maintain currency of stakeholder points of contact, and foster collaborative relationships. The FOSC *shall* preside at each Area Committee meeting. Area Committees should take advantage of video conferencing, webinars, and conference calls to enhance participation from the community of Area Committee stakeholders.

b. Subcommittee meeting frequency is at the discretion of the FOSC based on the subcommittee's roles and responsibilities.

8. Records.
The FOSC documents, safeguards, and maintains all committee records. FOSCs *shall* assign the CPFR Chief or an equivalent-unit staff member the responsibility to maintain records of the Area Committee. Record keeping includes, but is not limited to the following:

a. Area Committee member appointment letters;

b. Area Committee meeting agendas and minutes;

c. Documents recording key decisions and actions approved by the Area Committee;

d. Subcommittee reports;

e. Annual Area Committee Reports; and

f. Current edition of the ACP, including digital versions.

The CPFR Chief or equivalent-unit staff member *shall* also be responsible for publishing Area Committee meeting agendas and disseminating meeting minutes to Area Committee members.

9. Area Committee Annual Reports.

a. FOSCs *shall* compile and submit annual reports regarding the activities of each Area Committee for the preceding year through their chain of command to Commandant (CG-MER). The report *shall* be submitted to their District by 01 February of each year. Commandant (CG-MER) promulgates additional details and timelines for District and Area endorsements via separate administrative notification. These reports include an overview of Area Committee efforts, activities, significant milestones, and best practices from the previous calendar year (CY), and identify challenges and areas for further improvement. Commandant (CG-MER) uses this information to identify areas for improvement and to encourage the implementation of best practices nationwide.

b. The Area Committee Annual Report *shall* include the following minimum information:

(1) Names and organization information of appointed Area Committee members;

(2) Summaries of meetings conducted, including agendas and minutes;

(3) List of active subcommittees, if any, responsibilities, and a summary of activities;

(4) Summaries of training conducted and participating organizations;

(5) Summary of exercises conducted, participating organizations, and lessons learned;

(6) Any noteworthy responses, participating organizations, and lessons learned;

(7) Challenges and identified areas for Area Committee and Commandant (CG-MER) program improvement;

(8) The status of any standing or new local Memorandums of Understanding (MOUs) or Memorandums of Agreement (MOAs) that affect the MER program;

(9) Consultations or communications with special teams listed in Chapter 11; and

(10) The status of any consultations with other federal agencies regarding spill response planning and activities in accordance with Section D of this Chapter.

c. Commandant (CG-MER) reviews all Area Committee annual reports and District and Area endorsements. Commandant (CG-MER) consolidates individual Area Committee reports and generates a report that summarizes the major program accomplishments and best practices for distribution to Areas, Districts, and field units. The information provided in the annual reports facilitates information sharing among Area Committees, revises Area Committee/ACP policy, and assists in the response to Congressional inquiries and other data calls.

C. Area Contingency Plans (ACPs).
This section provides policy and guidance on the purpose, content, format, distribution, and review process for ACPs.

1. Purpose.

a. ACPs contain critical elements of sound oil and hazardous substance spill response, incident management, and all-hazards preparedness. The ACP should be a useful tool for the FOSC and other responders, providing practical and easily accessible information to assist in conducting an effective response. Do not view information found in the ACPs related to certain items, such as the availability and response time for operational resources, as performance standards. Based on a set of assumptions, these planning criteria may not exist during each actual incident.

b. Standardization of ACPs improves the plan's utility as a response tool by facilitating integration with appropriate governmental and non-governmental planning requirements. A functionally organized plan focuses on essential response information and minimizes the amount of support documentation. Oil spill response professionals typically respond to multiple areas and regions throughout the country – the consistent organization of ACPs helps them quickly access vital oil spill response and preparedness information.

c. In general, ACPs serve the following purposes:

(1) Provide for orderly and effective implementation of response actions to protect the people, natural resources, and property of the Coastal Zone from the impacts of an actual or substantial threat of oil discharges and/or hazardous substance releases;

(2) Promote the coordination of and describe the strategy for achieving a unified and coordinated federal, state, local, tribal, territorial, Responsible Party, response contractors, and community response to an actual or substantial threat of oil discharges and/or hazardous substance releases;

(3) Align with the NCP and Regional Contingency Plans (RCPs) to ensure consistency of planning and preparedness from the local to national level; and

(4) Maintain the ability to guide actions to remove a WCD and to mitigate or prevent a substantial threat of such a discharge, from an offshore facility, onshore facility, or vessel operating in or near the area.

d. The NCP mandates that an ACP be adequate to remove a WCD from a vessel, onshore or offshore facility. As per the CWA, "onshore facility" means any facility (including, but is not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land (§1321(a)(10) of the CWA). It is the responsibility of the FOSC to plan for WCD events from pipelines, rail, offshore facilities, on-shore facilities and vessels. While the Coast Guard does not have approval authority over all facility response within the Coastal Zone, it does have the legal requirement to ensure the ACP addresses WCD scenarios that could reasonably affect federal waterways within the Coastal Zone. Likewise, as per 40 C.F.R. § 300.210(c)(3)(v), each ACP *must* contain a detailed description of how the plan is aligned with other ACPs and integrated with tank vessel and onshore/offshore response plans and into operating procedures of the NSFCC. As the pre-designated FOSC for all discharges within the Coastal Zone (regardless of the source) and having responsibility for the ACPs, the Coast Guard *must* seek to ensure the two fundamental objectives are met:

(1) ACPs are synchronized with all oil spill response plans in the COTP Zone; and

(2) All WCD scenarios that may impact the Coastal Zone waterways are accounted for and addressed in the ACP.

2. Content.

a. Required Elements.
FOSCs *shall* ensure that the ACP includes the following items, as required under 40 C.F.R. § 300.210(c)(3):

(1) A description of the area covered by the plan, including the areas of special economic or environmental importance that might be damaged by a discharge;

(2) A description of the responsibilities of an owner/operator and of federal, state, and local agencies in removing, mitigating, or preventing a substantial threat of a discharge;

(3) A list of equipment (including firefighting equipment), dispersants or other mitigating substances and devices, and personnel available to an owner/operator and federal, state, and local agencies, to ensure an effective and immediate removal of a discharge;

(4) A description of procedures to be followed for obtaining an expedited decision regarding the use of dispersants (lists of response equipment not included *must* be referred to by reference and/or hyperlinked to the ACP);

(5) A detailed description of how the plan is integrated into other ACPs, VRPs, and FRPs for onshore and OSRPs for offshore facilities; and

(6) A detailed annex containing a Fish and Wildlife and Sensitive Environments Plan that is consistent with the RCP and NCP. The annex will be prepared in consultation with the U.S. Fish and Wildlife Service (USFWS), the National Oceanic and Atmospheric Administration (NOAA), and other interested natural resources management agencies and parties.

b. Functional Grouping.
The functional grouping of the plan follows the National Incident Management System (NIMS)-based Incident Command System (ICS) structure (Command, Operations, Planning, Logistics, and Finance/Administration). The ICS recognizes the grouping as a response management structure and not a plan format. Aligning the plan's format with the desired response management organization enhances the utility of the plan as a "go to" response document.

c. National and Regional Considerations.
ACPs typically include national and regional policies, procedures, and protocols associated with issues extending beyond the scope of the local Area Committee. Articulate to the Area Committees the national perspective on issues such as the Commandant's policy on use of public versus private resources, compliance policy with respect to the ESA and the protection of historic properties, fund access, and cost documentation procedures. Equally significant are regionally based responsibilities such as the approval, monitoring, and decision protocols associated with dispersants and burning agents. In order to maintain consistency and reduce the burden on committee members, Area Committees should use appropriate national and regional level policy and guidance in development of their Area Contingency Plans. Area Committees should insert these documents or information directly into their plans, reference them in their plans, or customize them to suit their local needs, so long as it is consistent with the parameters set forth in this Manual.

d. ACP Review Process.
Coast Guard Districts, FOSCs, and Area Committees follow the guidance outlined in the *Area Contingency Planning Process Job Aid* to revise, update, and review their ACPs prior to District approval and promulgation.

3. Format.
Each ACP *shall* contain nine sections, named and numbered as follows: Introduction (1000), Command (2000), Operations (3000), Planning (4000), Logistics (5000), Finance/Administration (6000), Hazardous Materials (7000), Marine Fire Fighting (8000), and Appendices (9000). Appendix B of this Manual delineates plan content, sequence, and the desired national organizational structure of ACPs. ACPs *shall* be organized so that section names, numbers, and sequence mirror the first two hierarchical levels (e.g., the thousand and hundred series). This requirement allows plan users to locate information from ACPs and permits predictable citation and reference among different plans.

a. Section Names and Numbers.
The first level of organization divides the plan into major sections: Introduction, Command, Operations, Planning, Logistics, Finance/Administration, and Appendices. These major sections assign whole, thousand series numbers (e.g., section 1000 is Introduction, 2000 is Command). The next level below the major sections assign hundred series numbers (e.g., 3100 is Operations Section Organization, 3200 is Recovery and Protection). The Area Committee decides on the specificity of information organized below the hundred level.

b. Section Content.
Appendix B of this Manual provides an example Table of Contents, with capacity to expand below the hundred series. Information placed below the hundred series *must* be consistent with information potentially used by that section or branch. Liberal referencing or hyperlinks to pertinent source information are preferred over paraphrasing existing documents whenever possible.

c. Reserved/Open Sub-Sections.
Under every major thousand-level section, an entire hundred series section has been reserved for the Area Committee or District’s discretionary use. Information identified and placed under this reserved section *shall not* contain information that would appropriately fit under any of the identified mandatory section headings. This reserved subsection allows flexibility for Area Committees and Districts to accord special nuances and unanticipated circumstances.

d. Regional flexibility.
A degree of flexibility allows for the accommodation in variability of local and regional circumstances within the plan's numeric architecture. Below the hundred level of the ACP’s numeric format, Area Committees have discretionary influence over presentation of information, provided it is consistent with the section in which it lies.

e. Electronic Versions.
The FOSC *shall* make posted electronic versions available to the Area Committee members, the public, and VRP and FRP plan holders for electronic downloading and viewing through standard computer software programs. The FOSC *shall* post approved ACPs on Homeport (or successor systems) directly or with a description and link; if a partner agency in the ACP process hosts the ACP in another location, a descriptive link on Homeport assures that all customers may use this to find every ACP.

f. Hazardous Substance Planning.
Federal statutes mandate contingency planning for the removal of discharges for both oil and hazardous substances (FWPCA section 311(j) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 105). Relevant hazardous substance response information *shall* be appropriately integrated throughout the ACP and more specifically in section 7000 – Hazardous Substances.

g. Marine Fire Fighting Contingency Planning.
FOSCs *must* determine whether specific areas within their jurisdiction may retain stand-alone Marine Fire Fighting Contingency Plans (MFFCP), or fully integrate marine fire response information into the ACP. If exercising the standalone MFFCP option, the ACP *must* clearly refer users to the MFFCP where applicable. References to marine firefighting response resources *shall* distinguish between public and private sources.

h. Geographic Response Plans.
Some Districts and Area Committees determined that organization and presentation of certain area information in separate, geographically delineated subsections facilitates the response-oriented utility of the plans. They continued to maintain these geographic response sub-plans as distinct components within the ACPs in section 9700 – List of Response References. It will be necessary to cross-reference or hyperlink appropriate sections of the ACP to the relevant location within the geographic response sub-plans.

i. Heavy Oil Spill Planning.
If a substantial risk of non-floating oil spills exists based on volume, frequency, or trade patterns experienced in the Area Committee's AOR, the ACP *shall* incorporate this information. ACPs in high-risk areas should include regulatory requirements, emergency resources, and information necessary to respond to non-floating oil spills. For example, detailed items should include procedures for emergency dredging permits, pre-approval protocols with the RRT, and other resources available to respond specifically to non-floating oil spills.

4. Review and Update.
As living documents, review and update ACPs regularly to ensure their accuracy and utility for oil and hazardous substance planning and preparedness. The minimum review and update schedule for ACPs include:

a. Annual ACP Review.
ACPs *shall* be reviewed annually to determine if any changes are necessary. Annual updates do not require the approval of the District Commander. Pay particular attention to contact information and any lessons learned resulting from real-world incidents or annual exercises. Upon completion of the review, the FOSC *shall* complete the following no later than 01 June of each year:

(1) Document changes via Record of Change page;

(2) Post the most recent ACP, with record of changes, on the unit's HomePort;

(3) Promulgate updated plan to the Area Committee and notify the District Commander; and

(4) Provide a copy of the updated ACP to Commandant (CG-MER), Area, District, National Strike Force Coordination Center (NSFCC), and the servicing NSF Strike Team. Electronic copies are preferred.

b. Quadrennial ACP Update.

(1) A comprehensive review and update of the ACP *shall* be completed on a quadrennial schedule. This update *shall* occur no later than one year following completion of a government-led or industry-led Area Preparedness for Response Exercise Program (PREP) exercise, or after the granting of area PREP exercise credits by the PREP National Schedule Coordinating Committee. In addition to the quadrennial update following the Area PREP exercise, appointed Area committee members may request review and update the entire ACP separately from the Area PREP exercise schedule. FOSCs should work with the Area Committee to identify needed changes and update as appropriate.

(2) The ACP review process verifies that all NCP required areas include consistency with the NCP, RCPs, adjacent Coastal and Inland Zone ACPs, and other federal, state and local plans. The NSFCC reviews each plan to ensure the NSF can fulfill the resource requirements stated in the plan. District Commanders *shall* develop procedures for formal ACP review submissions within their jurisdictions, generally using the District Incident Management and Preparedness Advisor (IMPA) and the DRAT. Additionally, the District Commander *shall* ensure consistency with the guidance contained in this Manual. The District Commander may approve the plan or return it for revisions, as necessary.

(3) Once the full review and update have been completed, the FOSC *shall* complete the following no later than one year following completion of the government or industry led PREP exercise:

(a) Forward a copy of the plan to NSFCC for consultation;

(b) Submit the revised plan to the District Commander for review and approval;

(c) Promulgate updated plan to the Area Committee; and

(d) Provide a copy of the updated ACP to Commandant (CG-MER), Area, District, NSFCC, and the servicing NSF Strike Team. Electronic copies are preferred.

D. Environmental Consultation.

This section provides policy and guidance for District Commanders and FOSCs to ensure compliance with key environmental statutes and consultation laws during oil spill contingency planning and response activities.

1. Background.
Under federal law, it is the responsibility of the federal agency taking an action (e.g., Coast Guard directing oil spill cleanup efforts in the Coastal Zone) to consider and address any potential impacts to listed species, critical habitats, Essential Fish Habitats (EFH), and culturally sensitive property. The most important step in pre-spill, emergency, and post-response consultation efforts includes securing consistent participation and involvement from key players—including Coast Guard, EPA, Department of Commerce, NOAA (through the National Marine Fisheries Service (NMFS) and National Ocean Service), the Department of the Interior (DOI) (through the U.S. Fish and Wildlife Service (USFWS))—and FOSCs. The importance of the Coast Guard's role, in cooperation with RRTs and Area Committees, in initiating, planning, coordinating, overseeing, and documenting consultation processes from start to finish cannot be overemphasized. Interagency cooperation and commitment is essential for successful consultations, which can identify and mitigate impacts to listed species and critical habitat, directly inform development of ACP response strategies, and minimize or eliminate the need to conduct subsequent consultations.

2. Roles and Responsibilities.

   a. FOSCs, RRTs, DRATs, and Area Committees all have key roles in supporting regional and local area-level planning, including community engagement and environmental compliance. These District and Sector personnel *must* work together as a cohesive team to ensure successful coordination and completion of consultations.

   b. During quadrennial ACP revisions, FOSCs *shall* ensure that any changes or updates to response activities or preauthorized actions consider updating or re-initiating consultation with NMFS and USFWS.

3. Key Statutes and Responsibilities.

   a. Endangered Species Act (ESA) (Section 7).
   As described in Chapter 2 of this Manual, the ESA as amended (16 U.S.C. §§1531 *et seq*.) provides a means to protect threatened and endangered species and the ecosystems upon which they depend. Section 7(a)(1) of the ESA requires all federal agencies, in consultation and with the assistance of the Secretaries of the Interior or Commerce, as appropriate, to review their programs and to use their authorities in furtherance of the purposes of the ESA by carrying out programs for the conservation of listed species. Regulations for conducting section 7 consultation are set forth in 50 C.F.R. § 402.

      (1) Interagency Memorandum of Agreement (MOA).

         (a) The Coast Guard, EPA, DOI Office of Environmental Policy and Compliance and USFWS, and NOAA's NMFS and National Ocean Service entered into an MOA: *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.*

This MOA can be found in the *Area Contingency Planning Process Job Aid* and on the Commandant (CG-MER)'s Portal.

(b) The MOA agencies conducted a review of the NCP and associated oil spill response activities to coordinate their actions under section 1321(d) of the Clean Water Act and section 7(a)(1) of the ESA, as amended (16 U.S.C. *et seq.*). As a result of this review, recommended procedures were developed to better provide for the conservation of listed species, improve the oil spill planning and response procedures delineated in the NCP, and ultimately streamline the process required by section 7(a)(1) of the ESA.

(c) The MOA also coordinates the consultation requirements specified in the ESA regulations, 50 C.F.R. § 402, with the pollution response responsibilities outlined in the NCP. It addresses three areas of oil spill response activities: 1) pre-spill planning activities, 2) spill response event activities, and 3) post-spill activities.

(d) Specific job aids in the MOA include:

[1] Appendix A: Flow Charts for Pre-Spill Planning, Response, and Post Spill Activities;

[2] Appendix B: Emergency Consultation Information Checklist in Anticipation of Follow-Up Formal Consultation (50 C.F.R. § 402.05);

[3] Appendix C: Planning Template; and

[4] Appendix D: Sample Pollution Removal Funding Authorization (PRFA) Language.

(e) RRTs and Area Committees are highly encouraged to make use of information and procedures found in the *Area Contingency Planning Process Job Aid* to guide and assist their consultation efforts.

(2) Memorandum of Agreement (MOA) Consultation Activities.

(a) Pre-spill Planning Activities.
The RRT or Area Committee engages USFWS and NMFS during the ACP planning process while developing or modifying ACPs and associated response strategies.

(b) Emergency Consultation.
Appendix A of the MOA shows the emergency consultation process. This process is required for oil spill response activities that may affect listed species and/or critical habitat. If necessary, the FOSC should conduct emergency consultation during the spill event. The FOSC should work with the NOAA SSC and the Services to update required best management practices (BMPs) and to limit the interference with

ongoing cleanup. Pre-spill consultation does not eliminate the need for emergency consultation.

(c) Post-Response Consultation.
Appendix A of the MOA presents the post-response consultation process. Adverse effects to listed species or critical habitats from oil spill response activities require a formal consultation. Emergency consultation *shall* remain active as long as response operations continue. Upon initiation of a Natural Resource Damage Assessment (NRDA), some of the information collected related to impacts to listed species or critical habitat during the NRDA may inform post-response consultation efforts. Please note that NRDA and post-response ESA consultations are separate activities with discrete purposes.

b. Essential Fish Habitat (EFH).

(1) The consultation requirements of section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) (16 U.S.C. § 1855(b)) requires the Coast Guard to consult with NMFS on all actions, or proposed actions, authorized, funded, or undertaken by the agency, that may adversely affect EFH. NMFS will provide recommendations to the Coast Guard to conserve EFH, which may include measures to avoid, minimize, mitigate, or otherwise offset adverse effects on EFH. The April 2004 *NMFS Essential Fish Habitat Consultation Guidance* outlines the NMFS process and agency specific requirements under the process.

(2) The Coast Guard *must* provide a detailed response in writing to the NMFS and to any Fishery Management Council commenting under section 305(b)(3) of the MSFCMA within 30 days after receiving an EFH Conservation Recommendation.

(3) Although the ESA and MSFCMA are different laws, the consultation processes required for essential fish habitats are very similar to those required by ESA section 7. RRTs and Area Committees are encouraged to use the ESA section 7 consultation process outlined in 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* as the mechanism to conduct EFH consultations. To streamline the consultation process, RRTs and Area Committees should coordinate with NMFS officials to conduct joint EFH and ESA section 7 consultations in conjunction with each other whenever possible.

c. National Historical Preservation Act of 1966 (NHPA) (Section 106).
As per the NHPA, federal agencies take into the effects of "federal or federally assisted undertakings" on historic properties listed in or eligible for inclusion in the National Register of Historic Places. The *Programmatic Agreement on Protection of Historic Properties During Emergency Response Under the National Oil and Hazardous Substances Pollution Contingency Plan* provides additional policy and guidance on Section 106 consultation. The Programmatic Agreement states that, as part of pre-incident planning activities, FOSCs *shall* consult with the State Historic Preservation Officer (SHPO), federal land-managing agencies,

appropriate native tribes and appropriate native organizations to identify historic properties and develop emergency response strategies. The agreement is located on the Commandant (CG-MER)'s Portal.

d. Tribal Consultation.
Certain actions may affect one or more recognized Native American Groups. An example would be exclusion of native fishing craft from areas they have been granted access to by treaty. If it appears that a given action might affect tribal interest, it is import to contact the tribes as soon as practicable. *Executive Order 13175 – Consultation and Coordination With Indian Tribal Governments* and the Department of Homeland Security Tribal Consultation Policy provide additional guidance on tribal consultation.

4. Funding and Technical Support.
Funding and technical support may be necessary to support pre-spill planning consultations, completion of Biological Assessments or Biological Evaluations, Ecological Risk Assessment (ERA) Workshop planning and execution, or other consultation-related activities. In these situations, Coast Guard RRT Co-Chairs and FOSCs should strive to support the majority of this work with available District and/or Sector Command operating funds and regional or local interagency sponsors. Only under extraordinary circumstances, and if all potential unit and interagency funding sources have been exhausted, should units pursue funding requests through their appropriate District, Area, and Headquarters chain of command.

5. Documentation.
RRT Co-Chairs and RRT Coordinators *shall* forward electronic copies of all ESA, EFH, and NHPA historical documentation (e.g., consultation request letters, no effect response letters, concurrence letters, non-concurrence letters, biological assessments, biological opinions, and biological evaluations) to Commandant (CG-MER). Commandant (CG-MER) maintains this information in a repository to assist in the development of guidance and best practices, and to assist other units in consultation planning.

E. Ecological Risk Assessments (ERA).

1. Area Committees and RRTs should strongly consider use of ERA Workshops as a tool to support FOSCs in the development or re-evaluation of response strategies across one or more COTP zones. The ERA provides an organized, facilitated process that allows regional and local stakeholders to present the best available scientific data to determine what response options are most likely to minimize the environmental consequences and maximize recovery potential in a particular area. These workshops provide a more complete understanding of interests and equities among federal, state, and local officials, and they serve as an ideal forum to improve consensus and decision-making among RRTs and Area Committees.

2. ERAs place special emphasis on use of NCP Subpart J (40 C.F.R. § 300.910) countermeasures that require preauthorization or case-by-case authorization and they can directly inform these decision-making processes at the RRT level. ERAs can help determine levels of consultation needed based on impacts to listed species or critical habitat because of various response options.

Furthermore, information and material developed during ERA workshops can provide valuable data to inform the ESA and EFH consultations.

3. FOSCs and Area Committees should consult the guidebook, *Developing Consensus Ecological Risk Assessments: Environmental Protection in Oil Spill Response Planning*, to find guidance on how to incorporate ERA workshops into the Area Committee planning process. FOSCs and Area Committees should direct specific questions regarding the guidebook or ERAs to the Commandant (CG-MER) ACP Program Manager.

F. Places of Refuge.

1. Introduction.
This section provides policy and guidance for Sector Commanders, MSU Commanding Officers, Area Committees, and RRTs to prepare for and respond to a vessel requesting a place of refuge as described in the *International Maritime Organization (IMO) Resolution A.949(23), Guidelines on Places of Refuge for Ships in Need of Assistance*. In addition, this section provides guidance for similar events in which a vessel, not in need of immediate Search and Rescue (SAR) assistance, may pose a variety of risks to a port or coastal area. This section focuses primarily on the decision process of selecting the lowest risk place of refuge option for a stricken vessel. In any such situation, Operational Commanders will also be conducting other, simultaneous operations, including, but is not limited to developing transit plans; staging pollution, fire, and/or hazmat response equipment; and addressing any security concerns. Appendix C (Sample Place of Refuge Checklist), Appendix D (Place of Refuge Risk Assessment Job Aid), and Appendix E (Authorities, Responsibilities, and Roles During a Place of Refuge Incident) of this Manual provide additional information to assist Coast Guard personnel in carrying out responsibilities preparing for or responding to an actual or potential place of refuge request.

2. Background.

a. On December 5, 2003, the IMO adopted *Resolution A.949(23), Guidelines on Places of Refuge for Ships in Need of Assistance*, which were drawn up in response to three significant events—*M/T Erika* (Dec 1999), the *M/T Castor* (Dec 2000), and the *M/T Prestige* (Nov 2002)—involving tank ship structural failures at sea. In the cases of the *M/T Erika* and *M/T Prestige*, both tank ships broke apart and sank, resulting in catastrophic environmental damage to coastal states due to spilled oil. The purpose of this resolution is to encourage nations to adopt systems to balance the needs of the vessel and the needs of the coastal state, and make sound decisions to enhance maritime safety and the protection of the marine environment.

b. A second IMO resolution, A.950 (23), *Maritime Assistance Services* (MAS), recommends that all coastal states establish a MAS. In the United States, Coast Guard Rescue Coordination Centers (RCCs) meet the intent of this resolution and function as a MAS.

c. These incidents demonstrated that in some circumstances, coastal states could actually increase their risk by denying a vessel the opportunity to enter a place of refuge and make repairs, or delaying a decision until no options remain. This section establishes a process to

support risk-based planning and decision-making. A repeatable, transparent process is also important in building stakeholder and public confidence in the final decision, regardless of outcome.

3. Discussion.

a. Contingency Planning/Pre-Incident Surveys.
Operational Commanders—including Area, District, and Sector Commanders, the Commanding Officers of Marine Safety Units (MSUs), and Chairs of Area Committees—and RRTs *shall* use this section as part of their normal contingency planning process. Any evaluations of possible places of refuge conducted before an actual incident *shall* be considered "pre-incident surveys" rather than a final decision. If an actual event occurs, the Operational Commander, working within a Unified Command structure as appropriate, *shall* review, verify, and modify as necessary these pre-surveys. Note that the term "place of refuge" refers simply to a location where a ship can go so that its crew or others can stabilize the situation or make repairs. It may, but need not, include actual ports or terminals.

b. National Response Team (NRT) Places of Refuge Guidelines.

(1) The NRT developed and approved the *Guidelines for Places of Refuge Decision-Making*. These NRT guidelines provide:

(a) An incident-specific decision-making process to assist Coast Guard COTPs in deciding whether a vessel needs to be moved to a place of refuge, and if so, which place of refuge to use; and

(b) A framework for pre-incident identification of potential places of refuge for inclusion in appropriate ACPs.

(2) The NRT guidelines emphasize consultation with the Area Committees, RRTs, natural resource trustees, other stakeholders, and technical experts in the identification of potential places of refuge during pre-incident planning and during the decision-making process of an event. In general, Operational Commanders may use this and other planning tools that are consistent with the intent of this instruction.

c. Transit Oversight.
Operational Commanders impose appropriate restrictions on the vessel before and during its transit to a place of refuge and during any repair operations and subsequent departure. Furthermore, Operational Commanders plan the transit in stages with appropriate requirements at each stage to allow responders to gain control and reduce risk. For example, a vessel could be required to move from open sea, to a lee, to anchor, and finally to a pier or dock, with each stage providing an opportunity to re-evaluate and take necessary actions.

d. Risk-Informed Decision-Making.
The Ports and Waterways Safety Act (33 U.S.C. §§ 1221 *et seq*.) is a cornerstone of the Coast Guard's responsibility and authority to manage risk in coastal areas. The purpose of this act is

to increase navigation and vessel safety, to protect the marine environment, and to protect life, property, and structures in, on, or immediately adjacent to the navigable waters of the United States. A decision to allow a damaged vessel to enter a port area in response to a place of refuge request could seem at odds with the purpose of this act. As officials learned with the *Prestige* and other incidents, denying a vessel a place of refuge has not always led to reduced risk for a coastal area. Nonetheless, in some circumstances the lowest risk option may require the COTP to deny entry to a vessel. Only deny a vessel entry when the Operational Commander can, having considered all options, identify a practical and lower risk alternative to granting a place of refuge. Such alternatives might include continuing the voyage (independently or with assistance), directing the vessel to a specific place of refuge in another locale, or scuttling the vessel in a location where the expected consequences will be relatively low. Note that Appendix D of this Manual lists "continue voyage," "scuttle," and "ground" as options and should be evaluated if the Operational Commander believes that they are realistic options. A plan to render assistance and/or impose restrictions should accompany any decision to deny a vessel a place of refuge until the situation is ultimately resolved. An arbitrary decision to force the vessel to another locale, particularly one that may involve higher risk and/or with less capability to address the situation is unacceptable.

e. Search and Rescue (SAR).
A SAR response does not include assistance to ships and other craft unless it entails rescuing persons in distress. Vessels requesting a place of refuge may also require a SAR response, either when the incident first occurs or later as the situation develops. SAR authorities will monitor all places of refuge situations and prepare to respond when necessary. If the situation evolves to the distress of person(s) on board the vessel, concerns for lifesaving *shall* take priority and the SAR Mission Coordinator (SMC) will be responsible for coordinating the SAR response in accordance with *The U.S. Coast Guard Addendum to the United States National Search and Rescue Supplement (NSS) to the International Aeronautical and Maritime Search and Rescue Manual (IAMSAR), COMDTINST M16130.2 (series)*. RCCs should understand the distinction between places of refuge and SAR, and be prepared to function as a MAS when needed. Within the Coast Guard, the COTPs have the primary responsibility for decisions made on place of refuge requests. RCCs should be prepared to immediately relay any request for a place of refuge to the COTP, and as appropriate, facilitate communications between the COTP and the ship or representative who made the request.

f. Security Concerns.
Operational Commanders *shall* evaluate security risks as part of the decision-making process, including the standard procedures conducted for any vessel and crew bound for the United States, such as the International Ship and Port Facility Security (ISPS) and High Interest Vessel (HIV) targeting matrices. Operational Commanders incorporate security risk considerations into the final decision, and could, where the risks so warrant, determine that security concerns override all other risks. In some circumstances, it could be necessary to conduct security related operations, such as an escort or boarding, while simultaneously evaluating a potential place of refuge, staging salvage and spill response equipment, and taking other actions. Remind Operational Commanders of their responsibility to protect classified and sensitive security information. Appendix E of this Manual depicts the parallel relationship among SAR, safety, environmental, and security concerns.

g. National Defense Concerns.
Operational Commanders *shall* evaluate the risks that a vessel seeking a place of refuge may pose a threat to national defense, including limiting freedom of action (such as by blocking a channel), or compromising Operational Security (OPSEC) by exposing Department of Defense (DOD) or Coast Guard personnel, installations, or equipment to unacceptable surveillance. Operational Commanders *shall* include appropriate DOD personnel in place of refuge planning activities, and incorporate DOD stakeholder concerns into any final place of refuge decision. As in the section regarding security concerns, Operational Commander responsibilities include protecting classified information.

h. Safety Concerns.
Operational Commanders *shall* exercise extreme caution before placing boarding officers or other Coast Guard personnel aboard a stricken vessel. Personnel safety concerns remain paramount and boarding operations *shall* be conducted in accordance with this Manual and the *U. S. Coast Guard Maritime Law Enforcement Manual (MLEM), COMDTINST M16247.1 (series) (FOUO),* and with due regard for unusual safety hazards. Survey and response operations onboard a stricken vessel *shall* be conducted only in accordance with an approved site safety plan. This applies equally to Coast Guard and non-Coast Guard personnel.

i. Force Majeure.
Force majeure is defined as an overwhelming force or condition of such severity that it threatens loss of the vessel, cargo, or crew unless immediate corrective action is taken. A request for a place of refuge could precede or be issued in conjunction with, a *force majeure* declaration. In general, *force majeure* is a doctrine of international law that confers limited legal immunity upon vessels forced to seek refuge or repairs within the jurisdiction of another nation due to uncontrollable external forces or conditions. If a vessel's master cites *force majeure* as a reason for entry, Sector Commanders *shall* consult with the servicing staff judge advocate before allowing the vessel to enter. If time and circumstances permit, Sector Commanders *shall* use these places of refuge guidelines and the Maritime Operational Threat Response (MOTR) process to reach a decision and direct the vessel to a particular location. In all cases, Sector Commanders can and *shall* impose appropriate requirements needed to ensure safety, security, and the protection of natural resources.

j. Notice of Arrival (NOA).

(1) NOA regulations, found in 33 C.F.R. § 160, grant COTPs authority to waive any requirements of the NOA regulation for any vessel if the NOA requirements are "unnecessary or impractical for purposes of safety, environmental protection, or national security." An Operational Commander's bases their decision to grant a waiver, such as for the 96-hour NOA time requirement, on an examination of the facts and circumstances of each particular place of refuge request. Factors to take into account when considering a waiver include but are not limited to, Maritime Security (MARSEC) level, available intelligence, and homeland security threat level. Base any decision concerning civil penalty or similar enforcement action on a case-by-case basis.

(2) Vessels arriving under *force majeure* may be considered exempt from NOA requirements under 33 C.F.R. § 160.203(b)(3) if they are not carrying certain dangerous cargo or controlling another vessel carrying certain dangerous cargo. Any vessel requesting a place of refuge will almost certainly meet the standard of a hazardous condition as defined in 33 C.F.R. § 160.204, and therefore *must* meet the reporting requirements of 33 C.F.R. § 160.215.

k. Intervention on the High Seas.
The International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (Intervention Convention) (1969) affirms the right of a coastal state to take such measures on the high seas as may be necessary to prevent, mitigate, or eliminate danger to its coastline or related interests from pollution by oil or the threat thereof, following a maritime casualty. “Interests” is defined to include, but is not limited to, fisheries, tourism activities, and the health and wellbeing of coastal populations. The measures taken must be proportionate to the threat. Note that consultation with the affected flag state is required and that the authority to take such action remains with the Commandant and has not been delegated. Sector Commanders who believe Intervention on the High Seas actions may be necessary *shall* notify their Operational Commander as soon as possible.

l. Financial Responsibility Concerns.
In general, most financial responsibility concerns confronting the FOSC/COTP will be satisfied if the vessel holds a valid Certificate of Financial Responsibility (COFR). If a vessel requesting a place of refuge does not hold a valid COFR, Operational Commanders *shall* contact the National Pollution Funds Center (NPFC) to discuss other options before allowing the vessel to enter United States waters and may put the vessel’s representative in direct communication with the NPFC. Additional information on response funding and the NPFC can be found in Chapter 13 of this Manual. Sector Commanders seeking a Letter of Undertaking (LOU) or other surety *shall* consult the servicing staff judge advocate for guidance. Additional information on LOUs/surety bonds can be found in Chapter 9 of this Manual.

m. Notifications and International Coordination.

(1) The complex and sensitive nature of place of refuge incidents makes rapid communication with stakeholders, partner agencies, and the Coast Guard chain of command particularly important. Most places of refuge requests will involve foreign flag vessels. In order to meet treaty obligations, follow established protocol, and ensure that Coast Guard’s response is consistent with foreign policy objectives. It is imperative that Sector Commanders inform Coast Guard HQ (via their operational chain of command) and the servicing District legal office of the facts of the situation and any proposed course of action related to a foreign flag vessel. Within the Coast Guard, Operational Commanders *shall* ensure that the following offices are notified at the onset of the event, and kept informed through message traffic and other routine channels:

(a) Office of Marine Environmental Response Policy (CG-MER);

(b) Office of Law Enforcement (CG-MLE);

(c) Office of Maritime and International Law (CG-LMI); and

(d) Office of Commercial Vessel Compliance (CG-CVC).

(2) The Commandant (CG-LMI) duty team, in-country liaison officers, and other in-country personnel can be reached 24 hours a day, 365 days a year, through the Coast Guard National Command Center.

(3) When directed by competent authority, communicate place of refuge incidents via Maritime Operational Threat Response (MOTR) protocols. MOTR protocols are a national-level interagency communications process designed to achieve consistent coordinated action and desired outcomes that directly support National Security Presidential Directive 41 (NSPD-41)/Homeland Security Presidential Directive 13 (HSPD-13): Maritime Security Policy, December 21, 2004. Strategic in nature, MOTR protocols achieve a coordinated U.S. Government response to threats against the United States and its interests globally in the maritime domain. MOTR addresses the full range of maritime threats including terrorism, piracy, drug smuggling, migrant smuggling, weapons of mass destruction (WMD) proliferation, maritime hijacking, and fisheries incursions.

(4) Triggering the MOTR sets in place the action to establish protocols and initiate real-time interagency communication, coordination, and decision-making through the integrated network of command centers. MOTR events are coordinated with the National Joint Terrorism Task Force (NJTTF) or Joint Terrorism Task Force (JTTF). Agencies that typically participate in MOTR calls, depending on the threat, include, but are not limited to:

(a) Department of Homeland Security (DHS);

(b) Department of Defense (DOD);

(c) Department of Justice (DOJ);

(d) Department of Energy (DOE);

(e) Department of State (DOS);

(f) Department of Transportation (DOT);

(g) U.S. Coast Guard;

(h) U.S. Customs and Border Protection (CBP);

(i) Immigration and Customs Enforcement (ICE);

(j) White House Situation Room (WHSR); and

(k) National Counterterrorism Center (NCTC).

(5) As with other pollution preparedness activities concerning events near international borders, conduct place of refuge planning activities in cooperation with foreign governments and under the auspices of the appropriate Joint Contingency Plan (JCP). When considering places of refuge, RRTs *shall* use Section F of this Chapter as part of their normal JCP planning process. Coast Guard representatives should encourage their foreign counterparts to adopt a risk-based, transparent approach to place of refuge planning and decisions.

(6) In the event of a place of refuge situation occurring near an international border, or where a transit to a place of refuge will cross an international border, the Coast Guard, in accordance with the governing JCP, *shall* do the following:

(a) Notify and cooperate with the appropriate foreign authorities;

(b) Share all available information; and

(c) In cooperation with foreign government representatives, strive to present a united and consistent set of requirements for the vessel seeking refuge.

(7) Note that the United States is party to the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC) 1990. This treaty requires, among other provisions, that ships notify coastal states of pollution incidents, and that potentially impacted states share information and cooperate during the response.

n. Captain of the Port (COTP) Orders and Administrative Orders.
Sector Commanders and MSU Commanding Officers may need to direct the owners/operators of vessels seeking a place of refuge to take certain actions in order to reduce safety, security, or other risks. For vessels within the territorial seas, as defined in 33 C.F.R. § 2.22, or navigable waters of the United States, as defined in 33 C.F.R. § 2.36(a), COTP Orders are typically used to issue such direction. For vessels outside of the territorial seas, as defined in 33 C.F.R. § 2.22, or navigable waters of the United States, as defined in 33 C.F.R. § 2.36(a), Sector Commanders may, using the FOSC's authority, issue Administrative Orders as authorized by section 311(c) of the FWPCA (33 U.S.C. § 1321) as amended by OPA 1990. The FOSC *must* first determine that the action will mitigate or prevent a substantial threat of a discharge into or upon the navigable waters or the Exclusive Economic Zone (EEZ) of the United States. Sector Commanders should consult the servicing judge advocate before issuing direction to a vessel in place of refuge situations. Do not construe this paragraph as limiting other regulatory or statutory authorities that the Coast Guard may have.

o. Place of Refuge and the Incident Command System.
Using this Manual, the incident management team evaluates the incident and makes a recommendation to the Unified Command on any place of refuge request by the RP. A proper place of refuge evaluation should consider input from subject matter experts (SMEs) from various fields and positions within the Incident Command System (ICS) structure. Area Committees should pre-identify subject matter experts to be on a "place of refuge evaluation team" to advise the Unified Command of place of refuge options and their concerns. These SMEs could come from the ICS structure or they may come from the Area Committee or other government agencies and non-government agencies. To avoid the distractions of current operations and planning, the Unified Command may consider forming a "future plans" unit, headed by the Deputy Planning Section Chief, to conduct the place of refuge evaluation. This cell would include necessary personnel from Operations and Planning Sections and the Command Staff. In some cases, it may also be appropriate to include stakeholders through the Liaison Officer that are not otherwise part of the Unified Command. When the unit has completed its evaluation, the unit makes a recommendation via the Planning Section Chief to the Unified Command.

p. Stakeholder Concerns.
Place of refuge situations can raise significant concerns among local stakeholders regarding risks to their citizens, natural resources, and economy. Area Committees should make every attempt to incorporate local stakeholders into the planning processes. This should include an explanation of risk reduction measures that will be part of any place of refuge decision, such as transit and salvage plans, escort requirements, or the staging of pollution response equipment. Two-way communication efforts will provide a better understanding of the resources at risk, may help identify lower risk options, and will promote acceptance of the process and any final decision.

q. Urgent Situations.
In some cases, circumstances may be so urgent that the stakeholder consultation and formal risk analysis processes described in this Chapter are not possible, even in an abbreviated form. In such cases, Operational Commanders *shall* make all notifications that circumstances permit and *shall* determine the best course of action based on the available information, prior place of refuge planning efforts, and their own professional judgment.

CHAPTER 5. INDUSTRY RESPONSE PLANS

A. Introduction.
This Chapter provides policy and guidance for the oversight and management of industry response plans, review and approval of plans, alternative means of compliance, and the Oil Spill Removal Organization (OSRO) and Preparedness Assessment Visit (PAV) programs. Commandant (CG-MER) establishes the requirements set forth in this Chapter to ensure the proper review and approval of vessel response plans (VRPs) and facility response plans (FRPs). These requirements ensure preparedness for marine environmental response incidents, as well as the proper activation of plans during actual or substantial threats of an oil discharge or hazardous substance release.

B. Response Plans Overview.
This Section provides background on industry response plans, headquarters responsibilities, external coordination, and exercises.

1. Background.

a. Response plan regulations for tank vessels are codified in 33 Code of Federal Regulations (C.F.R.) § 155; the regulations for marine transportation-related (MTR) facilities—including deepwater ports—are codified in 33 C.F.R. §§ 150 and 154. These regulations identify commercial vessels and facilities that could reasonably cause “substantial harm” or “significant and substantial harm” to the environment by discharging oil into or on the navigable waters of the United States, adjoining shorelines, or Exclusive Economic Zone (EEZ). These vessels and facilities are required to maintain response plans specific to and consistent with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 C.F.R. § 300) and applicable Regional and Area Contingency Plans (RCP/ACP). Figure 5-1 details the relationship of the response-planning framework.

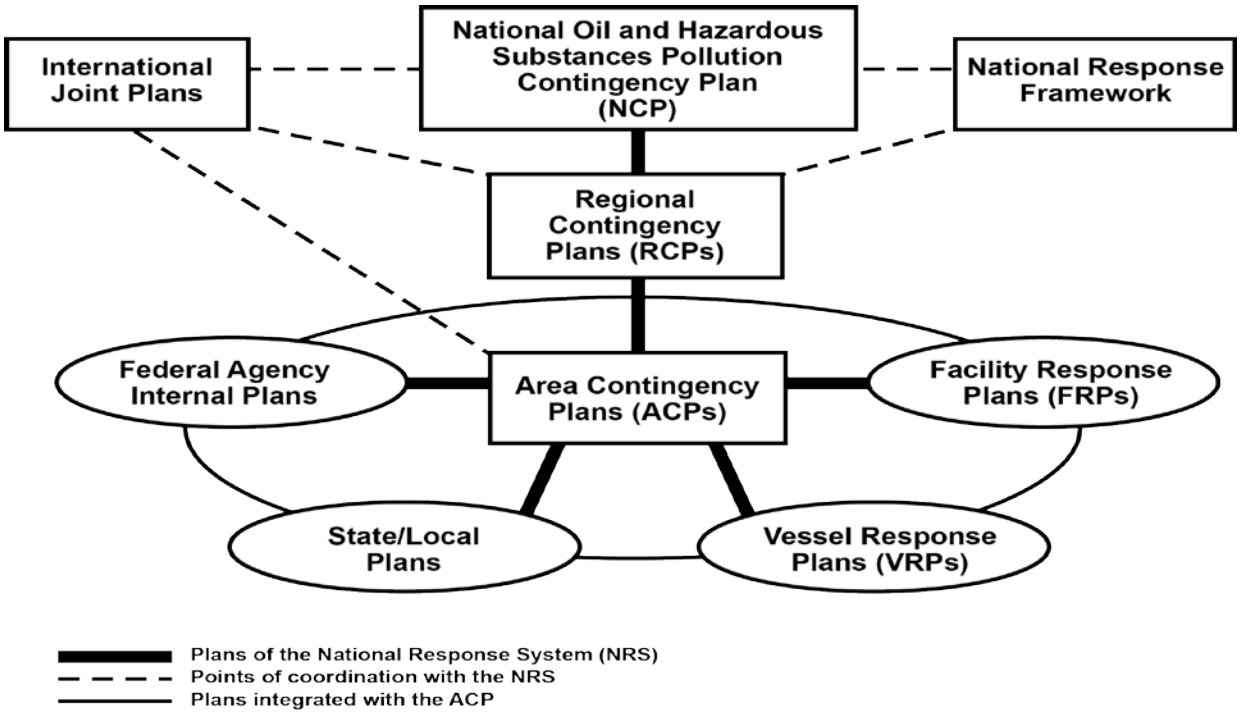

Figure 5-1: Relationship of Components in the Response Planning Framework (40 C.F.R. § 300.210)

b. In 2008, the pollution prevention regulations were amended to include Salvage and Marine Firefighting (SMFF) regulations contained within 33 C.F.R. §§ 155.4010-155.4055, which required owners and operators of tank vessels to update their VRPs to include SMFF services and resources specific to their respective operations within the applicable Captain of the Port (COTP) zone. In 2014, the Coast Guard issued a final rule implementing response plan requirements for nontank vessels (NTV). This implemented the statutory requirement for an owner/operator of a self-propelled NTV of 400 gross tons or greater that operates on the navigable waters of the United States to prepare and submit a nontank vessel response plan (NTVRP) to the Coast Guard.

2. Headquarters Responsibilities.
In 1993, Commandant (G-MEP) implemented the FRP and VRP regulations established by OPA90 and developed policy for Coast Guard review, approval, and enforcement of FRPs/VRPs. Coast Guard Headquarters underwent several reorganizations and the FRP/VRP program aligned under the Assistant Commandant for Prevention Policy (CG-5P). In 2015, an Organizational Modification Request moved the response plan programs under the Assistant Command for Response Policy (CG-5R). Commandant (CG-MER) now serves as the program office for VRP policy development, review, and approval. Commandant (CG-MER) also serves as the program office for FRP policy development; however, FRP review, approval, and enforcement are conducted at the COTP level.

3. External Coordination.
In order to ensure robust and effective response plan implementation, Coast Guard representatives from Commandant, Areas, Districts, and field units *must* be proactive in their coordination with industry and other government agency representatives.

a. Headquarters.

(1) Commandant (CG-MER) *shall* serve as the single headquarters program office for all external response plan stakeholders, including the American Petroleum Institute (API), American Salvage Association (ASA), Oil Spill Removal Organizations (OSROs), response plan holders, and shipping representatives. Commandant (CG-MER) *shall* represent the Coast Guard response plan program for response plan issues at external meetings, such as National Response Team (NRT) meetings, International Oil Spill Conferences (IOSC), and other venues applicable to the coordination and improvement of response planning initiatives.

(2) Commandant (CG-MER) *shall* coordinate with appropriate HQ program offices to ensure a unified and coordinated outreach effort with regulated industry. The Office of Commercial Vessel Compliance, Commandant (CG-CVC), the Office of Port and Facility Compliance (CG-FAC), and the Office of Investigations and Analysis, Commandant (CG-INV) are the primary headquarters program offices that support the FRP/VRP programs.

b. Areas, Districts, and Field Units.
Coast Guard marine environmental response and preparedness personnel at Areas, Districts, and field units should maximize opportunities to coordinate with other federal, state, local, and private sector representatives during appropriate venues, such as Area Committee meetings and industry days, to strengthen partnerships in support of the response plan program.

c. The Bureau of Safety and Environmental Enforcement (BSEE).
The Coast Guard partners with the Department of the Interior's (DOI) BSEE in the coordination of oil spill planning, preparedness, and response activities associated with the oil and gas exploration and production seaward of the coastline. Commandant (CG-MER) *shall* coordinate the following joint activities with BSEE, where appropriate:

(1) Coast Guard review of Oil Spill Response Plans (OSRPs) for offshore facilities;

(2) Federal On-Scene Coordinator (FOSC) participation in BSEE Government-Initiated Unannounced Exercises (GIUEs) on offshore facilities; and

(3) OSRO Preparedness Assessment Visits (PAVs).

4. Exercise Participation.

a. Facility and vessel plan holders are required to perform certain minimum exercises annually in accordance with 33 C.F.R. §§ 154 and 155. These exercises test the plan holder's ability to implement their response plan in response to average most probable discharges (AMPDs), maximum most probable discharges (MMPDs), and worst-case discharges (WCDs). They specifically test notification, containment, and recovery procedures. The *National Preparedness for Response Exercise Program (PREP) Guidelines* assist plan holders in

meeting the intent of the exercise requirements under OPA90. While voluntary, the PREP Guidelines provide a mechanism for plan holders to organize their exercise programs to comply with regulatory requirements and ensure adequate response preparedness.

b. Chapter 6 of this Manual provides detailed exercise policy and guidance.

C. Vessel Response Plans (VRPs).
Section 311(j) of the FWPCA, amended by section 4202 of OPA 90, requires the preparation and submission of response plans for all vessels defined as tank and nontank vessels. These types of vessels, through their response plans, establish preparedness measures and response protocols to mitigate the impact of oil discharges and hazardous substance releases within their area of operation.

1. General Requirements.
VRPs support the Coast Guard's strategic goals of protecting natural resources and ensuring maritime mobility. VRPs *shall* meet the following minimum requirements:

a. Be consistent with the requirements of the NCP and applicable RCP and ACP;

b. Identify the Qualified Individual (QI) having full authority to implement removal actions and require immediate communications between that individual and the appropriate federal official and the persons providing personnel and equipment;

c. Identify and ensure, by contract or other approved means, the availability of private personnel and equipment necessary to remove to the maximum extent practicable a WCD, including a discharge resulting from a fire or explosion, and to mitigate or prevent a substantial threat of such a discharge;

d. Describe the training, equipment testing, exercise requirements, and response actions of persons on the vessel, proposed under the plan to ensure the safety of the vessel and to mitigate or prevent the discharge or the substantial threat of a discharge. The On-water Oil Removal Capacity rule (CAPS), which establishes the amount of resources plan holders are required to ensure available by contract or other approved means, limits worst-case discharge planning volumes. If the required capacity exceeds the applicable cap, then a vessel owner or operator *must* contract for at least the quantity of resources required to meet the cap, but *must* identify sources of additional resources up to twice the cap;

e. Be periodically updated and/or resubmitted for approval of each significant change; and

f. Be exercised fully to ensure the plan can effectively supply the appropriate level of response and preparedness to which the plan applies.

2. Tank Vessels.

a. Applicability.
VRPs are required for all tank vessels that are constructed or adapted to carry oil in bulk as cargo or cargo residue. Exception: vessels exempted in 33 C.F.R. § 155.1015 and fishing/fish

tender vessels of not more than 750 gross tons when engaged only in the fishing industry (see Public Law 103-206).

b. Review and Approval.

(1) VRPs for tank vessels undergo a review at the national level by Commandant (CG-MER). These reviews are conducted against the national planning standards set forth in 33 C.F.R. § 155.

(2) VRPs undergo a review process that is similar to the FRP review process. The plans undergo a preliminary review upon receipt, and upon passing this review undergo a comprehensive review for approval. After this step, all plans are logged into a VRP database that tracks the plan throughout the review and approval process.

(3) It is important to note that, because of the transitory nature of vessels, the geographic-specific appendices in VRPs are not as detailed as the geographic information section within an FRP. Therefore, place more reliance on the ACP for guidance on resources at risk and other response considerations in the event of an oil spill involving a vessel.

(4) After acceptance of a response plan for review and approval, the information will then be available in Marine Information for Safety and Law Enforcement (MISLE) information system and publicly on VRP Express to determine if a tank vessel has an approved VRP. If a tank vessel's VRP status cannot be determined, the unit, in coordination with District and Area, may contact Commandant (CG-MER) for further information.

(5) As required, look for combined VRP and Ship Oil Pollution Emergency Plan (SOPEP) approval letters (with approval letters from the flag state or the Coast Guard) aboard vessels.

3. Nontank Vessels (NTV).
Marine casualties such as the *M/V New Carissa*, *M/V Selendang Ayu*, and *M/V Cosco Busan* highlight the potential environmental threat posed by NTVs. The NTVRP requirements improved the nation's pollution response planning and preparedness posture and help to minimize environmental damage resulting from NTV marine casualties.

a. Applicability.
Vessel owners and operators of self-propelled NTVs that are 400 gross tons and above are required to prepare and submit response plans for vessels operating on the navigable waters of the United States.

b. Review and Approval.

(1) Commandant (CG-MER) reviews at the national level VRPs for nontank vessels. These reviews are conducted in the same manner as for tank vessels, against the national planning standards set forth in 33 C.F.R. § 155. Coast Guard members may download full VRP documents when logged into the VRP Express database. A quick reference card

available from the VRP Program provides instructions for downloading plans. The Quick Response Card (QRC) is located on the Commandant (CG-MER)'s Portal.

(2) After acceptance of a response plan for review and approval, the information will then be available in the MISLE information system and publicly on VRP Express to determine if a nontank vessel has an approved NTVRP.

(3) If a nontank vessel's NTVRP status cannot be determined, the unit (in coordination with District or Area) may contact Commandant (CG-MER) for further information.

(4) As required, look for combined VRP and SOPEP approval letters (with approval letters from the flag state or the Coast Guard) aboard vessels.

4. VRP Verification.

a. Coast Guard personnel can access VRP information for tank vessels and nontank vessels either through MISLE vessel information searches or through VRP Express. Basic information to conduct a query includes plan number, vessel name, IMO number, official number, plan status, and vessel status. Units should check VRP Express or contact Commandant (CG-MER) to verify a particular vessel's approval letter.

b. Once a specific vessel's VRP status is accessed, the following information can be viewed:

(1) Total WCD;

(2) VRP type;

(3) Owner/ operator;

(4) Vessel specific identification information;

(5) Cargo type carried;

(6) Largest oil tank capacity;

(7) Gross tonnage; and

(8) Operating zones (e.g., identifies location where the vessel operates based upon the contracted response resources and authorization).

5. VRP Activation.

a. Background.
Sector Commanders and Marine Safety Unit (MSU) Commanding Officers routinely make difficult decisions to manage complex events, operations, and marine casualties. The successful handling of commercial vessel casualties can often be particularly challenging as

they require coordinated, simultaneous efforts, not only from Coast Guard Prevention and Response personnel, but also from industry partners. Marine salvage companies and/or OSROs mitigate the casualty and prevent or minimize the threat of pollution. VRPs provide clear guidance to vessel operators, QIs, and the FOSC regarding the vessel's pre-designated marine salvage companies and OSROs, and how these entities are to be activated during a response. VRPs are a valuable tool for a marine casualty response and they ensure that qualified and effective professionals engage safely and efficiently.

b. Policy and Guidance.

(1) When the master of a vessel determines that the resources and personnel available on board the vessel cannot meet the needs of an actual or potential incident, the master follows the procedures approved in their VRP.

(2) The master *must* notify resource providers identified in a VRP and, as appropriate, activate when a discharge of oil or a substantial threat of such discharge of oil exists.

(3) Accurate situational assessment is critical to initiating an effective response to a vessel incident. Quick activation of a VRP facilitates rapid assessment of the vessel's condition by competent salvage resources identified in the VRP. Coast Guard personnel may download vessel diagrams and pre-fire plans electronically 24/7 as instructed by the SERT team, or during working hours by the VRP Program.

(4) The expectation to activate a vessel's VRP in no way limits or dictates the Sector Commander/MSU Commanding Officer's FOSC or COTP authorities. FOSCs possess the regulatory authority to approve a deviation from an approved VRP under exceptional circumstances and if the proposed alternative actions would clearly enable a more effective response. Before the FOSC authorizes a deviation, the FOSC *must* clearly document why the deviation is necessary in the MISLE activity and/or other relevant incident response documentation, such as an Incident Action Plan (IAP).

(5) The topic of VRP activation should be exercised routinely (e.g., PREP exercises), discussed frequently in Area Committees, and reviewed during appropriate portions of Coast Guard training curriculum (e.g., On-Scene Coordinator Crisis Management course).

6. Shipboard Oil Pollution Emergency Plan (SOPEP).

a. Background.
The Nontank Vessel Response Plans and Other Response Plan Requirements regulations aligned U.S. domestic SOPEP requirements in 33 C.F.R. § 155.26 with the current international SOPEP requirements reflected in Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, as amended (MARPOL, Annex I).

b. Applicability.
Approved SOPEPs are required to be carried on board all oceangoing oil tankers of 150 gross tons and above, and all other vessels of 400 gross tons and above, when operating in the navigable waters of the United States.

c. Policy and Guidance.

(1) The Act to Prevent Pollution from Ships authorizes the Coast Guard to administer and enforce certain MARPOL Annexes, including Annex I, which contains international regulations for the prevention of pollution by oil.

(2) The vessel's flag state administration reviews and approves SOPEPs. For U.S. flag vessels, 33 C.F.R. § 151.27 requires Coast Guard review and approve the plan.

(3) The purpose of a SOPEP is different from that of the VRPs/FRPs mandated by OPA 90. A SOPEP provides guidance to the ship's master and officers with respect to the onboard emergency procedures.

(4) As required, look for approved SOPEPs (with approval letters from flag state or the Coast Guard) aboard the vessel.

(5) Mandatory sections of a SOPEP include:

(a) Section 1: Introduction;

(b) Section 2: Preamble;

(c) Section 3: Reporting requirements;

(d) Section 4: Steps to control a discharge;

(e) Section 5: National and local coordination; and

(f) Section 6: Appendices. The SOPEP *must* contain plans, drawings, and ship-specific details (a general arrangement plan or tank location diagram) and tank capacity information for cargo, bunker and ballast. These plans and diagrams should be appended.

D. Facility Response Plans (FRPs).

1. General Requirements.
FRPs support the Coast Guard's strategic goals of protecting natural resources and ensuring maritime mobility. The facility's personnel and its owner/operator use FRPs to increase their level of environmental response preparedness. The facility presents FRPs in a manner consistent with other guidance and plans used by the facility. The facility bases information contained in

FRPs upon national planning standards, and the response scenarios should be applicable to that facility. FRPs *shall* meet the following minimum requirements:

a. Be consistent with the requirements of the NCP and applicable RCP and ACP;

b. Identify the QI having full authority to implement removal actions, and require immediate communications between that individual and the appropriate federal official and the persons providing personnel and equipment;

c. Identify and ensure, by contract or other approved means, the availability of private personnel and equipment necessary to remove to the maximum extent practicable a WCD, including a discharge resulting from a fire or explosion, and to mitigate or prevent a substantial threat of such a discharge;

d. Describe the training, equipment testing, exercise requirements, and response actions of persons on the vessel, carried out under the plan to ensure the safety of the vessel and to mitigate or prevent the discharge or the substantial threat of a discharge. The On-water Oil Removal Capacity rule (CAPS), which establishes the amount of resources plan holders are required to ensure available by contract or other approved means, limits planning volumes. If the required capacity exceeds the applicable cap, then a vessel owner or operator *must* contract for at least the quantity of resources required to meet the cap, but *must* identify sources of additional resources up to twice the cap;

e. Be periodically updated and/or resubmitted for approval of each significant change; and

f. Be exercised to the fullest extent practicable to ensure that the plan can effectively supply the appropriate level of response and preparedness as applicable.

2. Applicability.
33 C.F.R. § 154 requires that the owner/operator of a “substantial harm” or “significant and substantial harm” facility submit a response plan to the local COTP. Section 4202(b)(4)(B) of OPA 90 precludes a facility from handling, storing, or transporting oil unless a response plan has been submitted to the Coast Guard. “Significant and substantial harm” facilities are further required to have their plans approved by the Coast Guard. The local COTP reviews and approves all Marine Transportation Related (MTR) facilities.

3. Review and Approval.

a. General.
FRPs *shall* be reviewed and approved by the COTP. FRP reviews should ensure that the owner/operator has completed the planning process to prepare facility personnel to respond, to the maximum extent practicable, to an actual or threatened discharge of oil. OPA 90 identifies a number of actions considered key to effective preparedness. These include identifying properly trained personnel, prearranging private response resources, and establishing a system to allow the timely and efficient activation and employment of

equipment and personnel. A reviewer looks at the plans overall effectiveness, workability, and organization for ease of use toward the goal of preparedness.

b. Timeline and Process.

(1) Upon receipt of the FRP, the COTP should conduct a preliminary review of the plan for legal sufficiency, provide confirmation of receipt of the plan to the submitter, conduct a comprehensive review, and issue an approval letter upon satisfactory completion of the review. If the FRP is for a new facility, COTP's *shall* confirm with the EPA On-Scene Coordinator that the EPA is in receipt of the respective FRP for the new facility.

(2) COTPs should ensure Coast Guard personnel are timely and responsive with respect to FRP review and approval to facilitate the continuation of commerce. In addition, COTPs confirm the facilities ability to adequately prevent and/or respond to any spill scenario at the facility. COTPs *shall* communicate readily with facility representatives to keep open communications regarding the plan approval process in order to not disrupt facility operations nor allow a lapse in response capability.

c. Preliminary Review.

(1) During preliminary review, the following items within the FRP *must* be reviewed to ensure that the plan complies with regulatory requirements. The plans should include, at a minimum:

(a) Notification procedures;

(b) Identification of the QI and alternate QI;

(c) WCD scenario;

(d) Identification of the resources available to respond to a WCD; and

(e) Description of required training and drills.

(2) If a plan does not pass the preliminary review, the COTP *shall* notify the owner/operator in writing, informing him/her that the plan does not contain the required elements and that these deficiencies *must* be corrected before the plan can be accepted or further reviewed for approval. The communication reminds the owner/operator that since the plan is lacking elements required in a FRP, they cannot handle, store, or transport oil. The communication should specifically note the missing elements and the applicable regulatory requirements to help expedite compliance. All communications *shall* be documented in MISLE.

d. Interim Authorization.
If a plan passes the preliminary review, the COTP sends a letter to the owner/operator advising him/her that the plan has been accepted and, if a "significant and substantial harm"

facility, that the plan undergo a comprehensive review for approval. In addition, if an owner/operator has certified the adequacy and availability of the response resources in accordance with 33 C.F.R. § 154.1025(c), the COTP could authorize the handling, storage, or transporting of oil for up to two years from the date of plan submission, pending the Coast Guard's approval of the plan. This interim authorization *shall* be documented in MISLE.

e. Comprehensive Review.
After the preliminary review, the COTP conducts a comprehensive review of FRPs submitted by facilities defined as a "significant and substantial harm" and "substantial harm" facility in 33 C.F.R. § 154.1015.

(1) The FRP Comprehensive Review Checklist shows a reviewer how to conduct a comprehensive analysis of a plan while allowing the plan preparer latitude in the plan's form and format. In addition, the checklist is appropriate for significant and substantial harm facilities with Groups I-IV petroleum oils. For facilities handling Group V and non-petroleum oils, the COTP *shall* initiate a review and analysis beyond that indicated by the checklist.

(2) Further review could require coordination with the National Strike Force Coordination Center (NSFCC) to ensure that the Group V response capability is documented and valid.

(3) 33 C.F.R. § 154.1047 and § 154.1049 require the owner/operator to identify the procedures and equipment necessary to respond to a WCD of Group V oils. There are no specific requirements for identifying the amount of response resources. Regulations allow the owner/operator to determine the type and amount of equipment needed to respond to a WCD of non-petroleum oils.

(4) The Coast Guard's review determines if the response scenario is appropriate for the identified oil's characteristics, and that the resources identified are satisfactory in type and consistent with the volume of oil spilled because of the WCD. For Group V oils, the plan *must* also include procedures, strategies, and identification of equipment to locate, recover, and mitigate discharges.

f. Final Approval.
If all required response plan components applicable to the facility, its operations, and regulatory requirements lack deficiencies, the COTP could issue a final approval.

(1) If the COTP notes deficiencies during the comprehensive review, the COTP *shall* send a letter to the owner/operator describing each deficiency and the actions required to correct the deficiency. This letter *shall* specify the time allowed to correct the deficiencies.

(2) The COTP sets the timeframe on consideration of the nature of the deficiency and the usefulness of the written plan. Generally, the COTP allows 30 to 60 days to correct deficiencies. If the operating authorization has not expired, the facility could continue to operate during this period.

(3) COTPs are encouraged to assist facility owners/operators towards achieving compliance with the OPA 90 response plan requirements.

(4) When the facility corrects all deficiencies, or if COTP noted no deficiencies during the comprehensive review, the COTP *shall* send an approval letter. The COTP *must* sign the FRP approval letters.

(5) In accordance with 33 C.F.R. § 154.1060(c), plan approval could be for a period of up to five years from the date of the plan's submission. COTPs could approve plans for a period of less than five years, but only in specific circumstances (apply judicious discretion). Most approvals cover five years.

g. Documentation.
Each COTP *shall* ensure that FRPs are:

(1) Tracked from initial submittal to final approval;

(2) Uniquely identified and logged into MISLE; and

(3) Logged/ tracked with, at a minimum, the following key information:

(a) Facility name;

(b) Date received;

(c) Review status (preliminary, in process, approved, deficiencies noted);

(d) Date authorized by COTP to operate under submitted plan;

(e) Date authorization letter expires;

(f) Date plan was approved; and

(g) Plan approval expiration date.

h. MISLE.
After the COTP has issued the final approval for the plan, MISLE *shall* be updated to reflect the results of the review. For approved plans, make an entry showing the status to be "valid" and the date the approval expires. Plans that fail to obtain approval should have the status of "expired." Units *shall* ensure that the MISLE record for each facility within their COTP zone is accurate, does not contain duplicative information, and is as up-to-date as possible. COTPs *shall* immediately correct MISLE errors to ensure the most accurate record for each facility, as this information may prove critical during response operations.

E. Alternative Planning Criteria.

1. General Requirements.
The planning standards contained in VRP and FRP regulations are national standards. However, these standards may not be appropriate for all areas in which a vessel may operate, nor for all facilities. For this reason, provisions exist for an owner/operator to request the acceptance of alternative planning criteria (APC). The intended purpose of an APC is to increase gradually the response capability within the remote area or gap identified by the facility or vessel. APCs should address how this will occur. The owner/operator of the facility or vessel *must* initiate this action.

2. Applicability.
Waiver and alternative compliance provisions apply to any vessel or facility that is regulated by 33 C.F.R. §§ 154 and 155.

3. Review and Approval.

a. Waiver and alternative compliance requests *shall* be initiated by the owner/operator of the facility or vessel and should set forth details of the alternative being proposed, including:

(1) Alternative response methodologies (e.g., chemical countermeasures);

(2) Alternative response equipment including type and quantity;

(3) An assessment of the increased or decreased risk posed by the facility or vessel if the waiver/alternative is granted;

(4) An assessment of the efficiency of the proposed alternative/waiver relative to strict compliance with the regulations; and

(5) Any operational restrictions proposed to limit the risk.

b. A facility owner/operator should submit requests for consideration of a waiver or alternative planning standard directly to the COTP for the zone in which the facility is located.

c. The APCs should articulate in detail the planning requirement that cannot be met, and then provide a gap analysis.

d. APCs should identify prevention measures that mitigate the risk of a spill proportionate to the limited maximum available response resources.

e. APC submittals should provide examples of participation agreements or certificates, and outline the procedure for the vessel or facility to verify compliance.

f. A vessel owner/operator should submit a request for acceptance of a waiver or alternative planning standard 90 days before the vessel intends to operate under the proposed waiver or alternative. The 90-day period is a minimum requirement and does not guarantee approval, as

the COTP *must* first review and endorse the request. These requests *shall* be submitted to Commandant (CG-MER) via the COTP for the geographic area(s) affected.

g. The COTP *shall* advise Commandant (CG-MER) of evaluation and recommendation regarding the acceptability of the proposed alternative planning criteria. In cases where a facility owner/operator is objecting to a facility's classification as a "substantial harm" or "significant and substantial harm" facility, the appeal procedures are set forth in 33 C.F.R. § 154.1075. Clearly identify alternative planning standards granted to a vessel or facility in the response plan and in MISLE.

h. Vessels are required to include a list of geographic areas within a COTP zone in which the vessel intends to handle, store, or transport oil. The identification of these areas establishes a set of self-imposed operating parameters that apply to that vessel and the identified response resources evaluated for applicability based on that information. This list of geographic areas within a COTP zone does not constitute a waiver. Where a plan preparer fails to identify any specific geographic areas, the COTP reviews the plan for the appropriateness of the response resources for the entire COTP zone.

F. Enforcement.

1. General Requirements.
Each command *must* decide within the framework of Coast Guard policy how to enforce the federal regulations within their Area of Responsibility (AOR). Commands retain the discretion not to issue a Notice of Violation (NOV) for any offense(s) for which a NOV is authorized if they believe that the Coast Guard's enforcement goals would be better served by pursuing a Class I Administrative Civil Penalty. When the civil penalty authority statute provides that each day of a continuing violation constitutes a separate violation, commands *shall* issue only one NOV per incident. Some factors to consider include, but are not limited to: the nature of the offense, the seriousness of the offense, the deterrent effect of the NOV on the party involved, and the violation history of the party. Commands should consult Reference (b) and Reference (c) when creating their enforcement framework.

2. Available Captain of the Port (COTP) Authorities.
When a VRP or FRP discrepancy or incident requires immediate Coast Guard intervention, each command should consider their appropriate COTP authorities. 33 C.F.R. § 160 ensures the safety of vessels and waterfront facilities and the protection of the navigable waters and the resources therein. If necessary to secure or protect vessels, waterfront facilities, or U.S. waters from damage, or secure U.S. rights and obligations, 33 C.F.R. § 6 can prevent any person, article, or thing from:

a. Boarding or being taken or placed on board any vessel; or

b. Entering or being taken into or upon or placed in or upon any waterfront facility.

3. Marine Information for Safety and Law Enforcement (MISLE) Activities.
The MISLE Investigation and Enforcement Process Guide *shall* be used to document the issuance of a NOV. All NOV enforcement activities *shall* be referred from the detection activity (incident investigation, vessel boarding, vessel inspection, facility inspection, etc.) within three working days of the NOV being issued. The NOV activity *shall* be processed within ten working days of the NOV being issued to facilitate the processing by the Finance Center (FINCEN) of immediate payments received from the RP.

G. Oil Spill Removal Organizations (OSRO) Guidelines.

1. In order to relieve the burden placed upon the plan holders to provide extensive and detailed lists of response resources, the Coast Guard created the OSRO classification program. Under this program, plan holders identify and list the OSROs only by name in their response plans. If the Coast Guard classifies the OSRO, it means its capacity has been determined to equal or exceed the response capability needed by the plan holder for regulatory compliance (see 33 C.F.R. § 154.1035 and § 155.1035). In addition, the classified OSROs provide detailed lists of response resources, including dispersant capability, in the Response Resource Inventory (RRI), also administered by the NSFCC. The RRI is the backbone of the classification system and its capabilities are two-fold: an inventory element and a classification element. The inventory element provides FOSCs and contingency planners with the ability to query available spill response equipment and its proximity to Coast Guard COTP zones. The classification element, largely considered an incentive for OSROs to enter their inventories into the RRI, complements facility and vessel response plan development and review processes by systematically classifying OSRO response capabilities.

2. The NSFCC administers the OSRO program. Additional information on the OSRO program can be found in the *Guidelines for the U.S. Coast Guard Oil Spill Removal Organization Classification Program*.

H. Preparedness Assessment Visits (PAVs).

1. While classification is an indicator of an OSRO's response capability, OSRO classification does not assure the readiness of the equipment or response personnel during an actual incident. Therefore, the Coast Guard assesses OSRO preparedness through the Preparedness Assessment Visit (PAV) program. During a PAV, Coast Guard personnel inspect equipment, review OSRO personnel training and equipment maintenance records, and conduct an inventory to ensure that the data entered into the RRI are representative of true response capabilities and available to plan holders and FOSCs. The NSFCC administers the PAV program and coordinates PAVs with the DRATs and COTPs. Participation by representatives from the NSFCC, DRAT, and field unit ensures a thorough review of OSRO capabilities for national, regional, and local level planning, as well as minimizes the burden on any one organizational element. At a minimum, the PAV team *shall* consist of one member from the NSFCC, the DRAT, and the Sector/MSU. However, maximum participation is encouraged by Sector/MSU Incident Management Division personnel.

2. The *Guidelines for the U.S. Coast Guard Oil Spill Removal Organization Classification Program* provide additional details on the PAV program.

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CHAPTER 6. MARINE ENVIRONMENTAL RESPONSE (MER) EXERCISE POLICY

A. Introduction.
This Chapter provides policy and guidance in support of the National Preparedness for Response Exercise Program (PREP), Government Initiated Unannounced Exercise (GIUE) program, and the Spill of National Significant (SONS) Training and Exercise program. Commandant (CG-MER) has established these requirements to ensure adequate spill response planning and preparedness, full compliance with prescribed exercise requirements, standardized evaluation of GIUEs, and readiness for major coastal oil discharges and hazardous substance releases.

B. National Preparedness for Response Exercise Program (PREP).

1. Overview.

a. Response plan requirements for the private sector (e.g., oil industry) and government are designed to prepare for an oil discharge or hazardous substance release and, when an incident occurs, serve as the basis for a coordinated response that will minimize the damage to public health and the environment. The Oil Pollution Act of 1990 (OPA 90) requires facility and vessel response plan holders to exercise their plans to ensure they are accurate and can be executed during actual spill response operations. In 1994, the creation of the *Preparedness for Response Exercise Program Guidelines (PREP Guidelines)* helped meet these OPA 90 requirements. The PREP Guidelines created a workable exercise program for both government and the regulated industry that meets the intent of section 4202 (a) of OPA 90.

b. The issuing agencies intermittently update the *PREP Guidelines* to incorporate changes in regulation and practice. Publication of the original *PREP Guidelines* occurred in 1994 with subsequent revisions in 2002 and 2016. The 2016 version incorporates Nontank Vessel Response Plans (NTVRPs) and Salvage and Marine Firefighting (SMFF) exercise requirements, which are applicable only to certain Coast Guard regulated vessels in accordance with changes to 33 Code of Federal Regulations (C.F.R.) § 155.

2. Purpose.

a. The *PREP Guidelines* outline the frequency and types of exercises a plan holder should conduct to satisfy exercise requirements mandated by OPA 90. PREP provides a mechanism for compliance with these requirements, while being economically feasible for the government and private sector to adopt and sustain.

b. PREP clarifies OPA 90 exercise objectives and provides a methodology for evaluating compliance with federal regulations. PREP does not mandate a given exercise design process. Plan holders are free to design exercises that meet the PREP objectives as well as their own internal ones. Most plan holders have adapted the Homeland Security Exercise and Evaluation Program (HSEEP) exercise design guidance to meet PREP and internal objectives. The Federal Emergency Management Agency (FEMA) National Exercise Program provides more information on HSEEP. The Coast Guard uses an exercise process

consistent with HSEEP as outlined in the *Contingency Preparedness Planning Manual Volume III – Exercises, COMDTINST M3010.13 (series).*

c. PREP exercises are an opportunity to inform the continuous improvement process for response plans and the overall National Response System (NRS). Government and plan holder representatives should coordinate throughout the design, evaluation, and documentation process to address any issues that arise from evaluation of exercises and implement changes to respective response plans to ensure the highest level of oil and hazardous substance preparedness.

3. PREP Compliance, Coordination, and Consistency Committee (PREP4C).

a. PREP is a unified federal effort that satisfies exercise requirements of the four agencies that regulate the oil and hazardous substance transportation modes addressed in OPA 90: the Coast Guard, the U.S. Environmental Protection Agency (EPA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Bureau of Safety and Environmental Enforcement (BSEE).

b. Coast Guard, EPA, PHMSA, and BSEE comprise the PREP Compliance, Coordination and Consistency Committee (PREP4C). PREP4C ensures PREP and all response plan compliance activities overseen by member organizations are fully implemented, maximize interagency collaboration, promote national consistency, and ensure effectiveness oversight of OPA 90 and National Contingency Plan (NCP) requirements.

c. PREP4C responsibilities include:

(1) Replace and perform functions of the former National Scheduling Coordination Committee (NSCC);

(2) Maintain common operating picture (COP) of current risks, emerging issues, and trends that affect response plan development, maintenance, compliance, and exercise activities;

(3) Maintain the national PREP exercise schedule;

(4) Evaluate and authorize PREP credit requests for real world events;

(5) Coordinate policy guidance related to Government Initiated Unannounced Exercises (GIUEs) to promote national consistency and effectiveness;

(6) Review incidents and exercises that have national level PREP policy and program implications. Discuss emerging trends in industry's response planning, exercise performance and preparedness, and share lessons learned as appropriate. Develop unified recommendations and best practices for exercise planning, execution and evaluation as well as agency compliance activities, and response; and

(7) Promote consistent guidelines and posture with respect to Oil Spill Response Organizations (OSROs) or equivalent.

4. Participation.

a. Overview.

(1) The *PREP Guidelines* describe the minimum expectations for ensuring adequate response preparedness. Government and private sector representatives are highly encouraged to further expand their exercise programs beyond those PREP standards. Adherence to the *PREP Guidelines* provides one option for maintaining compliance with mandated OPA 90 exercise requirements and oil pollution response planning requirements.

(2) The *PREP Guidelines* are not a substitute for applicable legal requirements and are not regulations. Although agency regulations state that compliance with the PREP Guidelines will satisfy certain legal requirements, use of the *PREP Guidelines* is not a requirement. The plan holder may implement alternative procedures if the approach satisfies the requirements of applicable statutes and regulations.

b. Coast Guard PREP Roles and Responsibilities.

(1) Office of Marine Environmental Response Policy (CG-MER).
Commandant (CG-MER) prescribes marine environmental response and preparedness policy and ensures the *PREP Guidelines* meet the requirements of OPA 90 and other applicable laws and regulations. These activities occur through close coordination with the National Response Team (NRT), PREP4C, Coast Guard program offices, and Area, District, and Sector staffs.

(2) Office of Contingency Preparedness and Exercise Policy (CG-CPE).
Commandant (CG-CPE) ensures that exercise scope and content meet overall Coast Guard preparedness goals. In addition, Commandant (CG-CPE) provides funding for Coast Guard exercises and support resources, strategic policy guidance, subject matter experts (SMEs), oversight on planning, execution, and evaluation of exercises, and tracking of post-exercise corrective actions.

(3) District Planning and Force Readiness Division (dx).
District (dx) ensures the exercise meets the District Commander's objectives and coordinates with the District's Response Division (dr) to develop exercise goals/objectives; provides overall direction to exercise participants; assigns representatives to exercise design, control, and evaluation teams; and works with lead plan holder(s) to identify additional exercise participants.

(4) Force Readiness Command (FORCECOM) Exercise Support Division.
FORCECOM provides expertise and support in design, execution, and evaluation of contingency exercises. FORECOM facilitates exercise planning meetings, supports the

conduct of the exercise, guides the evaluation process, and assists in the development of the After Action Report.

(5) Plan Holder/Federal On-Scene Coordinator (FOSC).
The FOSC is responsible for managing the Quadrennial Area Exercise cycle. This includes working with the Area Committee, local stakeholders, and Districts to ensure all discussion and operations based Area exercises are strategically selected and designed. FOSCs *must* exercise all components of the ACP during the 4-year exercise cycle and address any gaps identified. Additionally, the FOSC is responsible for ensuring facility and vessel response plan holders meet all regulatory exercise requirements as required by OPA 90. This is typically accomplished through compliance activities, including GIUEs.

c. State and Local Participation in PREP.
State and local elected officials, or their representatives, should be invited to participate in PREP exercises, particularly Area Exercises. Exercise planners should conduct outreach to state and local officials early in the exercise planning process to ensure their specific objectives are incorporated into the exercise. State and local officials and agencies can bring authorities, capabilities, and resources that can enhance the exercise and improve marine environmental response preparedness.

5. Exercise Support.
Commandant (CG-CPE), Commandant (CG-MER), District Planning (dx), and the National Strike Force (NSF) may provide exercise assistance, pending resource availability. The FORCECOM Exercise Support Division is available to provide professional support and expertise in the design, development, execution, evaluation, and after-action reporting of PREP exercises. The Marine Safety School at Training Center (TRACEN) Yorktown has designed a model exercise to walk an Incident Management Team (IMT) through its responsibilities to further refine and improve the Unified Command employment in an Incident Command System (ICS) exercise. Each year, Commandant (CG-CPE) releases funding to support exercise planning and implementation through the Multi-Year Training and Exercise Plan (MTEP) process. Units can request the above support resources through the annual MTEP process.

6. Exercise Domains.

a. Overview.

(1) The *PREP Guidelines* address two exercise domains:

(a) Facility/Vessel plan holder exercises, which test individual oil spill response plans (e.g. FRPs and VRPs); and

(b) Area exercises, which test the Area Contingency Plan.

(2) All exercises fall within two basic categories of exercise: operations based exercises or discussion based exercises. Appendix B to the *Prep Guidelines* provides a summary of all exercises managed under the PREP program.

b. Facility/Vessel Plan Holder Exercises.
Plan holder exercises are planned and implemented within the plan holder's organization. This type of exercise may include personnel that are employed or contracted by the plan holder, such as the qualified individual, cooperatives, OSROs, associated supporting contractors, consultants, and others affiliated with the plan holder's Incident Management Team (IMT). Plan holders should consider the appropriate level of involvement of external participants. The plan holder exercises are designed to examine specific components of their response plan cumulatively to ensure that the whole plan is ready to be implemented. The owner or operator self-evaluates and self-certifies all plan holder exercises. FRP/VRP exercise types include:

(1) QI notification exercises;

(2) Remote assessment and consultation exercises (SMFF) for vessels;

(3) Emergency procedures exercises for vessels;

(4) Emergency procedures exercises for facilities (optional);

(5) IMT exercises;

(6) Shore-based salvage and shore-based marine firefighting management team exercises for vessels; and

(7) Equipment deployment exercises.

c. Area Exercises.

(1) Overview.

(a) Area exercises are intended to ensure every component of an ACP is exercised over a four year period. There are four types of Area exercises required per the *PREP Guidelines*:

[1] Quarterly Area notification drills;

[2] Annual Area IMT table top exercise (TTX);

[3] Annual equipment deployment drill; and

[4] Quadrennial Area full scale exercise (FSE).

(b) Conducting an FSE may satisfy other Area exercise requirements as described above. Quadrennial Area exercises test the government and industry interface for an actual or substantial threat of a discharge or release. OPA 90 describes an "area" as that geographic area for which a separate and distinct ACP has been prepared. The purpose is to ensure that the entire response community (e.g., federal, state, local, and

tribal stakeholders) in a particular area is prepared to respond to and mitigate threats from a pollution event within their Area of Responsibility (AOR).

(2) Area Exercise Planning.

(a) The complexity of the planning and execution are dependent on the FOSC and the design team. An exercise should challenge as many of the 15 core components of the response plan as possible. These core components can be found in Appendix A to the *PREP Guidelines.*

(b) Although the FOSC is responsible for conducting Area exercises, the design and execution of such exercises is a collaborative process involving the FOSC, the Area Committee, and industry. Division of labor and level of effort among all government and industry stakeholders is exercise specific. The lead exercise-planning role may be either Coast Guard, industry, or a combination thereof. However, it is important that the design team composition include all appropriate stakeholders.

(c) State and local officials, or their representatives, should be included in the Area Exercise planning process. Inclusion of state and local officials early in the planning process will ensure the exercise objectives are representative of the port community and will improve the overall value of the exercise.

(3) Area Exercise Program Management.
The Coast Guard's web-based Contingency Preparedness System (CPS) ensures management of exercising planning and execution. CPS, an online searchable database, connects exercise planning and execution with contingency plans, lessons learned, and corrective actions. It enhances management of the Coast Guard exercise program and individual contingency planning programs. CPS provides an efficient means of entering, integrating, managing, and monitoring Contingency Plans and Concepts of Exercise spend plans, and AARs, from real events, incidents, and exercises.

7. Additional Coast Guard Exercises.
The Coast Guard conducts the following exercises outside the normal Area exercise schedule:

a. Government-Initiated Unannounced Exercises (GIUE).
Section C of this Chapter provides additional policy and guidance on the GIUE program.

b. Spill of National Significance (SONS) Training and Exercise Program.
Section D of this Chapter provides additional policy and guidance on the SONS training and exercise program.

c. Vessel of Opportunity Skimming Systems (VOSS) Exercise.
VOSS annual exercise requirements remain in effect for District 7 (San Juan), District 14, District 17, and the NSF. Districts *shall* coordinate scheduling VOSS exercises using the MTEP process. NSF Strike Team and District Response Advisory Team (DRAT) personnel

are available to assist with VOSS exercise deployments. Exercising of Strike Team VOSS equipment *shall* be coordinated through area planning staff.

d. Spilled Oil Recovery Systems (SORS) Exercise.
SORS annual exercise requirements remain in effect for all 225' Coast Guard buoy tenders (WLBs) outfitted with SORS. Districts *shall* coordinate scheduling of SORS exercises using MTEP. SORS vessels *shall* ensure that select members have completed the Oil Spill Response Technician (OSRT) course. Additional details on the OSRT training requirements can be found in Chapter 8 of this Manual. NSF Strike Team and DRAT personnel are available to provide training and assist in the exercise design and equipment deployment.

e. Special Teams Exercises under the National Strike Force.
A SMART protocol annual exercise is required for the NSF. The NSFCC *shall* coordinate SMART protocol exercises with the Strike Teams and FOSCs. Incorporating SMART protocol exercises into Area FSEs through the MTEP process is highly encouraged, if practical. If no Area exercises in an annual cycle include SMART deployment, the NSF may plan an exercise separately through the MTEP to meet this requirement. All aspects of the SMART protocol *shall* be exercised, to include mobilization of air, water, and shore assets to ensure full implementation of the SMART protocol.

8. Exercise Credit.

a. Area Exercises.
PREP4C authorizes exercise credit for responses to actual discharges or releases in lieu of conducting an FE/FSE. The FOSC may request credit for a real world incident to the PREP4C, via District and Area. A template request memo is located on the Commandant (CG-MER)'s Portal. Entities receive Area credit for participation in an actual discharge or release if the following circumstances exist:

(1) The ACP was used in the response;

(2) The response involved the entire response community in a Unified Command structure;

(3) The objectives of an Area FE/FSE were met as outlined in the *PREP Guidelines*;

(4) The response was evaluated;

(5) The response was properly documented and certified, including the type and amount of product spilled/released and recovered; and

(6) The names of all OSROs and SMFF providers activated, including a list of all equipment deployed, a copy of the Incident Action Plan, and a summary of spill abatement procedures used.

b. Facility/Vessel Plan Holders.
Facility and vessel response plan holders may take credit for exercises when they implement their FRP/VRP in response to an actual or substantial threat of oil discharges or hazardous substance releases. Credit for exercises required by 33 C.F.R. § 154 and 155 is self-certified by the plan holder and validated by the Captain of the Port during annual inspections. The facility or response plan holder *must* determine which exercise requirements were met during the response and document accordingly. This determination is based whether the response effort would meet the objectives of the exercise requirements as listed in the *PREP Guidelines*.

C. Government Initiated Unannounced Exercise (GIUE) Program.

1. GIUEs are one of the cornerstones of the area oil spill exercise cycle and a tool for COTPs to evaluate industry preparedness for oil spill response. GIUEs test the ability of facility response plan (FRP) and vessel response plan (VRP) holders to execute their plan in response to an average most probable discharge (AMPD). GIUEs strengthen interagency and industry partnerships and improves COTP's awareness of the plan holder's emergency procedures and local Oil Spill Removal Organization (OSRO) capabilities. The Office of Contingency Preparedness and Exercise Policy (CG-CPE); the Office of Commercial Vessel Compliance (CG-CVC); and the Office of Port and Facility Activities (CG-FAC) participated in the development of Section C of this Chapter.

2. It is vitally important that COTPs correctly and consistently conduct GIUEs within their respective zones. The GIUE Implementation Workbook, Appendix F of this Manual, aims to clarify requirements, prevent unnecessary costs to industry, and promote the collection and documentation of accurate compliance data that fosters cooperation and supports the Coast Guard's marine environmental response preparedness goals.

   a. COTP Responsibilities.

      (1) COTPs *shall* ensure they complete the required number of GIUEs per fiscal year as established by Commandant (CG-MER) through a separate administrative message. GIUE requirements are based on the number of Marine Transportation Related (MTR) facilities, both fixed and mobile, as outlined in 33 Code of Federal Regulations (C.F.R.) § 154 Subpart F, within each COTP Zone. COTPs with twelve or more MTR facilities *shall* complete exactly four GIUEs per fiscal year. COTPs with less than twelve MTR facilities *shall* complete a minimum of two GIUEs per fiscal year, but are encouraged to conduct the maximum of four GIUEs per fiscal year.

      (2) Commandant (CG-MER) will coordinate with Areas and Districts to evaluate the GIUE program and refine GIUE requirements as appropriate.

      (3) COTPs *shall* follow the procedures outlined in Appendix F of this Manual, the GIUE Implementation Workbook, to design, execute, and document GIUEs within their zone.

b. Unit Organization.
Appendix F of this Manual provides detailed policy on qualification requirements and composition of the GIUE Team.

c. General GIUE Requirements.

(1) Facilities and vessels required to have a FRP/VRP in accordance with 33 C.F.R. § 154 Subpart F, 155 Subpart D, and 155 Subpart J are *required* to participate in GIUEs. If a facility or vessel refuses to participate in a GIUE, the COTP *shall* take appropriate enforcement action as outlined in Section C.2.i of this Chapter and in accordance with 33 C.F.R. § 154 Subpart F, 155 Subpart D, and 155 Subpart J.

(2) GIUEs conducted at an MTR facility should exercise FRP notifications and deployment of the facility's AMPD equipment during GIUE scenarios.

(3) Tank vessels moored at an MTR facility should not be the considered for a GIUE due to the regulatory requirement that permits vessels to rely on the MTR facility for AMPD coverage.

d. Special Considerations for Lightering Operations at Anchorage.
When a tank vessel is conducting an oil cargo transfer at anchor within 12 miles of U.S. shorelines, the vessel *must* have a contract in place with an OSRO to respond within one hour of a spill, 33 C.F.R. § 155, App. B. In order for a local OSRO to meet this time requirement at a vessel's anchorage location, AMPD standby coverage *must* be arranged to cover the lightering operation. COTPs may conduct a GIUE on a tank vessel before, during, or after lightering operations while at anchorage in order to evaluate both notification and OSRO equipment deployment (both response time and capability) as required under contract.

e. Stakeholder and Interagency Coordination.

(1) COTPs *shall* communicate this new policy to industry, OSROs, and interagency representatives to ensure GIUE requirements and expectations are clear and transparent. This can be achieved through a variety of mechanisms, including outreach letters, Marine Safety Information Bulletins, Homeport notifications, and presentations at Area Committees, Area Maritime Security Committees, and Harbor Safety Committees, amongst others. An example outreach letter is included as part of Appendix F of this Manual.

(2) Units are encouraged to engage and partner with federal and state regulatory agencies to conduct joint GIUEs. Joint GIUEs can leverage scarce resources in order to more readily assess plan holder and OSRO capability within each COTP Zone and provide a more holistic evaluation of industry preparedness. Joint GIUEs can be conducted with the following agencies:

(a) U.S. Environmental Protection Agency (EPA).
Units are encouraged to take advantage of opportunities to conduct joint GIUEs with EPA representatives at MTR facilities regulated by both agencies. These joint exercises should include an AMPD scenario that includes the Coast Guard regulated portion of the facility. COTPs may count joint GIUEs with EPA (Coast Guard or EPA led) towards the unit's annual GIUE requirements.

(b) Bureau of Safety and Environmental Enforcement (BSEE).
COTPs with offshore drilling activities in their AOR are encouraged to partner with BSEE on GIUEs involving offshore facility scenarios. If the GIUE includes an AMPD scenario with an equipment deployment, the COTPs may count the joint GIUE with BSEE (Coast Guard or BSEE led) towards the unit's annual GIUE requirements. Use this credit only once per fiscal year.

(c) State Environmental Protection Agencies.
Units are encouraged to incorporate state environmental protection agencies into their GIUE design and execution. While state agencies lack federal regulatory authority in accordance with 33 C.F.R. § 154 Subpart F, 155 Subpart D, and 155 Subpart J, participation by state representatives can provide valuable local knowledge, strengthen unity of effort for oil spill preparedness and response, and serve as a force multiplier for the GIUE Team. State representatives should serve as observers and provide recommendations on the performance of the industry representatives; however, the final decision regarding a satisfactory or unsatisfactory performance resides with the Coast Guard GIUE Team Leader.

(3) GIUEs conducted by other regulatory agencies in which the Coast Guard does not participate should not count towards the plan holder's participation in a Coast Guard GIUE.

f. Exercise Design and Evaluation.
Standardized design and evaluation of GIUEs is necessary to accurately evaluate industry preparedness, produce valid data, and ensure the integrity of the GIUE program. The GIUE Implementation Workbook provides detailed policy and guidance on how to design, execute, and document facility and vessel GIUEs. COTPs *shall* follow the policy and guidance in Appendix F of this Manual when designing, executing, and documenting a GIUE.

g. Exercise Credit.
Facilities and vessels are required to perform various types of exercises in accordance with the PREP Guidelines and 33 C.F.R. § 154 Subpart F, 155 Subpart D, and 155 Subpart J to test the components of their response plans. Each industry GIUE participant should follow the appropriate steps to document the completed exercises as part of their training and exercise plan. Successfully completing a GIUE can alleviate some of these exercise requirements on industry personnel. Appendix F of this Manual provides detailed policy and guidance for COTPs to document credit earned by the GIUE participant.

h. Documentation.
GIUEs *shall* be tracked by fiscal year to align with Coast Guard operational planning and performance reporting processes. COTPs *shall* ensure the tracking of GIUE Team hours in the Marine Information for Safety and Law Enforcement (MISLE) system with Resource Sorties described in Chapter 12 of this Manual. GIUE activities *shall* also be documented in MISLE as outlined in Appendix F of this Manual. MISLE is the only data entry platform to document GIUEs. The Coast Guard Contingency Preparedness System (CPS) and Standard After Action Information and Lessons Learned System (CG-SAILS) *shall not* be used to document GIUEs.

i. Enforcement Actions.
Generally, the Coast Guard will not take enforcement actions as a result of a facility or vessel GIUE. The following are key exceptions to this guideline:

(1) Refusal to participate.
As stated in Section C.1.c of this Chapter, plan holders are required to participate in GIUEs. If a facility or vessel refuses to participate in a GIUE, the COTP *shall* issue a Notice of Violation, in accordance with Reference (b) and Reference (c) and document the enforcement action as part of the GIUE activity in MISLE. The 36-month exception does not apply to facilities or vessels who decline to participate in a GIUE. A plan holder that refuses to participate should be targeted for a future GIUE at COTP discretion in accordance with 33 C.F.R. § 154 Subpart F, 155 Subpart D, and 155 Subpart J.

(2) Deficiencies associated with the GIUE.
Deficiencies associated with the GIUE (i.e. inaccurate contact list, inappropriate AMPD equipment, etc.) *shall* be documented as part of the GIUE activity in MISLE and included in the GIUE Results Letter. Deficiencies *must* be specifically listed with the applicable regulation and the plan holder *must* be given a reasonable amount of time to correct the deficiencies. The COTP *shall* follow up with the plan holder to ensure the correction of deficiencies. If the plan holder fails to correct the deficiencies as stated in the GIUE Results Letter, the COTP *shall* take appropriate enforcement action.

(3) Deficiencies not associated with the GIUE.
As regulators and law enforcement officers, Coast Guard personnel are always responsible for ensuring compliance with applicable regulations. If the GIUE Team identifies a deficiency not associated with the GIUE (i.e., improperly marked hoses), the GIUE Team should document this through a separate MISLE activity (i.e., PPR/Safety Spot Check) and take the appropriate enforcement action (i.e., Vessel/Facility Inspection Requirements, Form CG-835). The plan holder *shall* only be evaluated on the GIUE objectives and the exercise *shall not* be deemed unsatisfactory for any reason outside the evaluation guidelines.

D. Spill of National Significance (SONS) Training and Exercise Program.

1. Purpose.
The SONS Training and Exercise Program was reenvisioned following the *Deepwater Horizon* incident to focus on national-level senior leadership engagement. Multi-year strategies are developed to design an exercise construct most effective for top priority issues for a SONS incident. This has resulted in a series of annual training and executive seminar/tabletop exercises that provide a forum to strengthen and build relationships, broaden perspectives, and refine response capabilities at the most senior levels of the National Response Team (NRT). The SONS Training and Exercise Program concentrates on the following primary objectives:

   a. Familiarize agency principals, deputies, senior executives, and policy makers with the NCP, the National Response Framework (NRF), the NRS and SONS response doctrine;

   b. Discuss potential courses of action for current national oil spill response policy issues; and

   c. Explore interagency coordination processes and procedures during a SONS event.

2. Participation.

   a. Coast Guard Headquarters administers the SONS Training and Exercise Program in coordination with the NRT member agencies. The EPA may also choose to coordinate SONS Training and Exercises for spill scenarios in the inland zone. SONS Training and Exercise participants include representatives from the 15 NRT member agencies, DHS, the White House National Security Council Staff, and applicable States. SONS Executive Steering Committee Meetings are held to develop challenging and relevant scenarios to test and improve interagency coordination at the most senior levels and to develop or enhance national-level policies pertaining to oil spill response.

   b. See Reference (a) for additional information on the SONS program.

3. Documentation.
SONS exercises *shall* be documented in CPS in accordance with Reference (d).

CHAPTER 7. MARINE ENVIRONMENTAL RESPONSE (MER) PERSONNEL EQUIPMENT

A. Introduction.

1. This Chapter provides policy and guidance for outfitting and equipping Marine Environmental Response (MER) personnel. Commandant (CG-MER) has established these requirements to ensure the safety and readiness of active duty, reserve, and Auxiliary personnel conducting MER operations. This Chapter applies to all personnel conducting general pollution response operations. National Strike Force (NSF) Strike Team personnel *shall* follow NSF Standard Operating Procedures (SOP) for personnel equipment policy.

2. Area and District staff may expand upon the policy set forth in this Chapter to authorize and/or require additional response team equipment or kits to meet geographic-specific mission needs.

3. Responses to oil spills and hazardous substance releases are inherently dangerous. During pollution incidents, the safety of Coast Guard personnel, as well as all first responders and the public, is of paramount importance. Coast Guard Pollution Responders *must* proactively identify potential hazards and *shall* use operational risk management tools before arriving on-scene at a pollution incident to mitigate the exposure risk. If the hazards are unknown, Coast Guard responders should use all available resources to address hazards presented by the situation and mitigate them accordingly. **With the exception of NSF personnel, Coast Guard responders are limited to Level D response**.

4. Coast Guard responders should never enter a confined space without having first received documented training on the hazards associated with confined spaces and a marine chemist has certified the space is safe for entry. Additionally, Coast Guard personnel *must* coordinate with a rescue service prior to entering a confined space. Determination of a confined space can be highly variable depending on the situation involved. The NSF receives extensive training and has specialized equipment to conduct confined space entry and rescue operations. FOSCs are highly encouraged to use the NSF when confined space entry may be necessary during response operations. Reference (e) provides additional policy and guidance for the safety of MER personnel.

B. Pollution Response Team Equipment.
This section provides policy and guidance for outfitting personnel assigned to Pollution Response Teams with the necessary equipment and personal protective equipment (PPE) required to perform their functions safely and effectively.

1. Pollution Response Team Clothing.

   a. Except as authorized below, the standard response apparel is the Coast Guard Operational Dress Uniform (ODU).

   b. As Pollution Response Team duties typically involve conditions that could soil or damage ODUs and render them unserviceable, Coast Guard units are authorized to procure dark blue

coveralls for Pollution Response Teams to wear during investigation and response duties. Coverall identification *shall* consist of "U.S. COAST GUARD" placed above the left breast pocket and across the back of the coveralls. The lettering will be white block letters, one inch high for the front, and three inches high for the back, in accordance with the *Uniform Regulations, COMDTINST M1020.6 (series).*

c. In order to present a uniform and professional appearance, members of the Pollution Response Team *shall* wear the same Coast Guard apparel, either ODUs or coveralls, when conducting MER operations.

d. Disposable coveralls are authorized (e.g., Tyvek suits) for wear in highly contaminated areas to protect against adsorption hazards and damage/heavy soiling to uniforms. The need for Tyvek should prompt the response team to re-evaluate the level of risk exposure. The team should consider updating their risk assessment or starting a new risk assessment.

2. Personal Protective Equipment (PPE).

a. Pollution Response Teams *shall* be equipped to perform Level D operations in accordance with 29 Code of Federal Regulations (C.F.R.) § 1910.120 Appendix B and Reference (e). **Use Level D protection when the atmosphere contains no known hazards and when work functions preclude splashes, immersion, or the potential for unexpected inhalation of or contact with hazardous levels of any chemicals**.

b. **Pollution Response Teams *shall not* conduct operations in any environment that requires Level A, B, or C protection as defined in 29 C.F.R. § 1910.120 Appendix B**. If conditions exist requiring these levels of protection, Coast Guard Pollution Response Teams *shall* egress the exclusion zone to a safe location, assess the situation, and implement appropriate engineering and administrative control measures necessary to mitigate the hazardous situation. If entry into the exclusion zone is required, Pollution Response Teams *shall* remain in the support zone, requiring no greater than Level D PPE, until properly trained hazardous materials personnel—either contractor, NSF Strike Team, or other government personnel—can make entry and mitigate the hazard.

c. The Coast Guard Super Boot III meets all required American Society for Testing Materials (ASTM) standards for pollution response operations and Level D equipment. The Super Boot III is a Coast Guard Uniform Distribution Center (UDC) issued item and there is no authorization of unit funding for initial procurement of boots. Units may replace boots if damaged during an oil or hazardous substance incident through the appropriate pollution fund or unit funds as authorized. Response personnel are encouraged to wear boot protectors to minimize damage to boots and the potential for cross contamination.

d. Pollution Responders *shall* be issued proper PPE by the unit for responding to cold weather climates, as necessary for their Area of Responsibility (AOR).

e. Appendix G of this Manual provides a list of required Level D equipment and other optional equipment for each Pollution Response Team member.

3. Monitoring Equipment.

a. Air Monitoring Equipment.

(1) In accordance with Reference (e), each member of the Pollution Response Team *shall* wear an air-monitoring device during an initial pollution response, while taking samples, or if there is a known or potential hazard based on the circumstances of the incident.

(2) Air monitoring devices used by Pollution Response Teams *shall* contain the following minimum sensor capabilities:

(a) Oxygen (O_2);

(b) Carbon Monoxide (CO);

(c) Hydrogen Sulfide (H_2S); and

(d) Lower Explosive Limit (LEL).

(3) Additional air monitoring equipment authorized by the Sector Commander/Commanding Officer, cognizant Safety and Environmental Health staff, or Incident Command System (ICS) Safety Officer (SOFR) based on the incident-specific hazards present.

(4) Pollution Response Teams should request NSF assistance with air monitoring operations. The NSF provides a wide array of monitoring equipment to ensure a safe operating environment prior to entry.

b. Radiation Detection Equipment.

(1) Each member of the Pollution Response Team *shall* wear a Personal Radiation Detector (PRD) on all pollution response operations in accordance with *Maritime Radiation Detection Policy, COMDTINST 16600.2 (series) (FOUO).* PRD placement can include a mix of locations among the Pollution Response Team members on the belt, collar, and/or boot.

(2) Pollution Response Teams *shall* follow the policy outlined in *Maritime Radiation Detection Policy, COMDTINST 16600.2 (series) (FOUO)* when detection of gamma or neutron source occurs during pollution response operations.

(3) The PRD is not intrinsically safe. The Pollution Response Team should use caution when spaces that could present an explosion hazard (e.g. pump rooms) and evaluate the situation using Operational Risk Management principles to determine if it is safe to continue wearing the PRD.

(4) The NSF provides expertise that exceeds Radiation Level II capabilities. Commandant (CG-MER) encourages the use of the NSF's specialized services when radiation concerns exist.

4. Rescue and Survival Equipment.

a. Pollution Response Teams *shall* wear Personal Flotation Devices (PFDs) and appropriate survival equipment at all times when embarking or disembarking boats (i.e., Coast Guard, other government agency, or private sector boats), being transported by boat to or from a vessel, or when conducting operations within six feet of water (e.g., boom deployment/ retrieval, walking along marine docks, jetties, riprap). PFDs may be removed after boarding a vessel if, in the opinion of the Pollution Response Team leader, wearing these items unduly restricts an individual's range of movement and negatively affects the team's ability to carry out the response safely.

b. PFDs and survival equipment *shall* comply with the requirements outlined in *Rescue and Survival Systems Manual, COMDTINST M10470.10 (series)*. PFDs and survival equipment *must* be clean and free of stains or blemishes.

c. Sectors and Marine Safety Units (MSUs) *shall* ensure that the appropriate number and type of PFDs and survival equipment are available and maintained to ensure that Pollution Response Teams can conduct MER operations within their respective AORs.

5. Communications Equipment.

a. Pollution Response Teams *shall* carry appropriate communications equipment that will allow communication with the Sector Command Center during all pollution response operations, in all locations within their AOR. Appendix H of this Manual contains recommendations for communication equipment.

b. Pollution Response Teams can meet this requirement through a combination of communications devices, such as cell phones, radios, satellite phones, laptops, tablet computers, and landlines.

c. Pollution Response Teams *shall* maintain a redundant communications capability. Teams should work with their Sector Command Center and port partners to identify locations in their AOR with reduced communications capability and develop plans to mitigate this risk. Use intrinsically safe communications equipment depending on the product discharged or released.

6. Hydration Kits.

a. The Sector Commander/Commanding Officer authorizes hydration packs.

b. If authorized, hydration packs *must* meet the following requirements:

(1) Black or dark blue in color (no patterns);

(2) Backpack style (waist packs are not authorized);

(3) Water reservoir *shall not* exceed three liters (approximately 100 oz.); and

(4) Minimalistic/streamlined design.

C. Marine Environmental Response (MER) Response Kits.
This section provides policy and guidance for response kits required to perform pollution response operations.

1. Pollution Response Kit.

   a. The Pollution Response Team *shall* carry a kit containing the minimum basic supplies and equipment anticipated necessary for pollution investigations and response.

   b. Appendix H of this Manual contains the minimum requirements for the unit's Pollution Response Kit. Units are encouraged to work with their federal, state, and local partners to identify additional equipment necessary for efficient and safe operations within AORs.

2. Sampling Kit.

   a. Sectors, MSUs, and Marine Safety Detachments (MSDs) *shall* ensure a Pollution Sampling Kit is available to support sampling collection and storage following an oil discharge. The kit *shall* contain the minimum sampling supplies as outlined in the *Marine Safety Lab Oil Sampling and Transmittal Guide.* The guide also contains suggested sources of supplies to outfit unit Sampling Kits.

   b. Units are encouraged to expand upon these minimum standards as needed to support sampling requirements within their AOR.

   c. Units that collect oil samples *shall* have an explosive-proof and locking refrigerator meeting the standards outlined in the *Marine Safety Lab Oil Sampling and Transmittal Guid*e.

   d. Pollution Response Teams *shall* follow the policy and guidance outlined in the *Marine Safety Lab Oil Sampling and Transmittal Guide* when collecting, processing, storing, and shipping oil spill samples.

3. Shoreline Cleanup Assessment Technique (SCAT) Kit.

   a. Sectors, MSUs, and MSDs *shall* maintain appropriate gear necessary for a Pollution Response Team to conduct SCAT operations.

   b. Appendix I of this Manual contains the minimum SCAT Kit requirements. The National Oceanic and Atmospheric Administration's (NOAA) *Shoreline Assessment Manual* contains

additional information on this topic. Units are encouraged to work with their Scientific Support Coordinator (SSC) and other federal, state, and local partners to identify additional SCAT equipment necessary for their AOR.

CHAPTER 8. MARINE ENVIRONMENTAL RESPONSE (MER) PROFESSIONAL DEVELOPMENT

A. Introduction.
This Chapter provides policy and guidance regarding Marine Environmental Response (MER) training, certification, and professional development. Commandant (CG-MER) establishes the training and qualification requirements in this Chapter to ensure proper training of units to respond safely and efficiently to an actual or potential oil discharge and/or hazardous substance release.

B. Marine Environmental Response (MER) Training Program Overview.
This section provides an overview of the MER training program, including Coast Guard sponsored courses, public and private sector training sources, and MER training program duties and responsibilities.

1. Coast Guard Sponsored Courses.
Commandant (CG-MER) sponsors and develops priorities for six Coast Guard C-School courses necessary to train and certify MER personnel. Course schedules are available through the Training Quota Management Center (TQC) Website. Coast Guard personnel can request a quota to the following courses by submitting an Electronic Training Request (ETR) to their unit Training Officer.

a. Pollution Incident Response (PIR) Course.

(1) The PIR course is a 12-day resident training program at Training Center (TRACEN) Yorktown. The PIR course provides introductory level oil and hazardous substance response and investigation training, with an emphasis on an all-hazards approach to incident response. This course is required for active duty and reserve personnel assigned to the Incident Management Division (IMD) at a Sector or Marine Safety Unit (MSU) and for personnel required to respond to an actual or potential oil discharge and/or hazardous substance release. Personnel who have successfully completed Marine Science Technician (MST) A-school are exempt from attending this course. Successful completion of this course or MST A-school is required to attain the Pollution Responder (ED) competency. The target audience for this course is O-1 through O-3, since most enlisted personnel needing the ED competency have successfully completed MST A-school.

(2) Prerequisites: There are no prerequisites for this course.

b. Federal On-Scene Coordinator's Representative (FOSCR) Course.

(1) The FOSCR course is a 12-day resident training program at TRACEN Yorktown. The FOSCR course provides expert-level administrative and technical pollution responder skills required to function as the direct representative of the Federal On-Scene Coordinator (FOSC). The course teaches FOSC responsibilities to direct and coordinate multiagency oil and hazardous substance incident response in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and National

Response Framework (NRF), with particular emphasis on public and responder safety, protection of the environment, and incident documentation. This course is required for active duty and reserve personnel assigned to the IMD at a Sector or MSU who are required to perform FOSCR duties to mitigate actual or potential oil discharges and/or hazardous substance releases and oversee the use of the pollution funds. The target audience is Sector, MSU, and Marine Safety Detachment (MSD) enlisted personnel E-5 and above, and officer/warrant officers (O-3 and below). National Strike Force (NSF) personnel frequently perform FOSCR duties for Coast Guard and EPA FOSCs and, as such, may also attend the course and attain the FOSCR (ET) competency. Completion of the FOSCR course is required to attain the FOSCR (ET) competency.

(2) Prerequisites: Students *must* have at least one of the following competencies prior to attending the FOSCR course:

(a) Pollution Responder (ED); or

(b) Response Member.

c. Hazardous Material Incident Response (HMIR) Course.

(1) The HMIR Course is a five-day contracted residential training program combining classroom and hands-on exercises. The course meets the 40-hour training requirements of 29 Code of Federal Regulations (C.F.R.) § 1910.120 (e)(3)(i) for Hazardous Waste Operations and Emergency Response (HAZWOPER) training. Students will learn how to identify the correct personal protective equipment based on the released material, how to address safety concerns and the difficulties of operating in various levels of equipment. The HMIR Course increases the FOSCRs decision-making capability. The target audience is active duty Sector, MSU, and Marine Safety Detachment (MSD) enlisted personnel (E-5 and above), and officer/warrant officers (O-3 and below) who are assigned in the IMD.

(2) Prerequisites: Students *must* have the Federal On-Scene Coordinator (ET) competency prior to attending the HMIR course.

d. Oil Spill Control Course.

(1) The Oil Spill Control Course is a 5-day contracted resident training program combining classroom and hands-on pollution response training. Course topics include contingency planning and response team training, public relations, oil containment and cleanup, boom and skimmer design, shoreline protection, communications equipment, oil spills prevention, and aerial surveillance. The target audience is active duty IMD personnel at a Sector, MSU, or MSD and the NSF. This course is required for NSF personnel to attain the Response Technician (EF) or Response Officer (EH) competencies.

(2) Prerequisites: Students *must* have the Pollution Responder (ED) or Response Member (EE) competencies prior to attending the Oil Spill Control Course.

e. Oil Spill Response Technician (OSRT) Course.

(1) The OSRT Course is a 5-day resident training program at the Oil Spill Response Research and Renewable Energy Test Facility in New Jersey. The course includes a combination of classroom and hands-on training using the Spilled Oil Recovery System (SORS) and Vessel of Opportunity Skimming System (VOSS). The target audience is personnel assigned to Juniper Class buoy tenders (WLB), NSF, and District Response Advisory Teams (DRATs). The OSRT course is required pipeline training for the BMC and BM1 billets assigned to the WLB buoy tenders in accordance with the *Cutter Training and Qualification Manual, COMDTINST M3502.4 (series)* and the Master Training List. Additionally, this course is required for NSF personnel to attain the Response Technician (EF) or Response Officer (EH) competencies.

(2) Prerequisites: There are no prerequisites for this course.

f. On-Scene Coordinator Crisis Management (OSC-CM) Course.

(1) The OSC-CM Course is a senior-level 11-day resident training program at TRACEN Yorktown. The course provides emergency preparedness and response capstone training for FOSCs. The scenario-based seminar focuses on developing decision-making, public relations, stakeholder interaction and response management skills. Students complete the Incident Command System (ICS)-410 Advanced Incident Commander training as part of the OSC-CM Course. The target audience is active duty Command Cadre from Sectors, MSUs, and NSF, and Sector Department Heads (O-4 and above) and various non-Coast Guard stakeholders (by invitation only).

(2) Prerequisites: There are no prerequisites for this course

2. Other MER Training Sources.
In addition to the courses listed in Paragraph B.1 of this Chapter, MER personnel may receive formal and informal training from a variety of public and private sector sources.

a. National Strike Force.
The NSF is a deployable specialized force and special team under the NCP comprised of oil and hazardous substance response experts designed to support Coast Guard and U.S. Environmental Protection Agency (EPA) FOSCs. Operations permitting, the NSF may be able to provide oil spill and hazardous substance response training to Coast Guard field units. Sectors and MSUs can request training directly from their cognizant NSF Strike Team. The field unit is typically responsible for providing funding for travel and student materials.

b. District Response Advisory Teams.
DRATs are a deployable special team comprised of District MER personnel. They can provide response training, support contingency planning, develop booming strategies, and sponsor geographic-specific workshops to assist FOSCs and Area Committees in fulfilling their response and preparedness requirements under the Federal Water Pollution Control Act (FWPCA) and the Oil Pollution Act of 1990 (OPA 90) mandates. Sectors and MSUs can

request DRAT support through their District's Chain of Command. The field unit is typically responsible for providing funding for travel and student materials.

c. National Pollution Funds Center (NPFC).
The NPFC can provide training on a diverse range of topics related to oil spill and hazardous substance response funding and cost documentation. Sectors and MSUs can request training by contacting their NPFC Regional Case Manager. The field unit is typically responsible for providing funding for travel and student materials.

d. Shore Infrastructure Logistics Center (SILC).
The SILC consists of contracting officers who are experts in matters of finance and can provide training and assistance regarding Basic Ordering Agreements (BOA) and non-BOA contractors, Military Interdepartmental Purchase Requests (MIPR), Authorizations to Proceed (ATPs), and expense summaries. Sectors and MSUs can request training by contacting the SILC Emergency Response Branch, Pollution Contracting Team. The field unit is typically responsible for providing funding for travel and student materials.

e. National Oceanic and Atmospheric Administration (NOAA).
NOAA provides a variety of specialized oil spill response training courses that can benefit Coast Guard Pollution Responders, FOSCRs, and NSF members. Coast Guard Pollution Responders are encouraged to attend the following three courses:

(1) Science of Oil Spills Course.
Designed for new and mid-level responders, the Science of Oil Spills Course helps increase understanding of oil spill science when analyzing spills and making risk-based decisions;

(2) Aerial Observation of Oil Spills Course.
The Aerial Observation of Oil Spills online training provides a one-hour introduction to aerial (overflight) observation of oil on water. Although designed for Coast Guard aircrews, who may spot oil spills in the course of their work, other flight crewmembers could find this lesson useful, including those from IMDs or the Coast Guard Auxiliary, commercial aircrews, and private pilots.

(3) Shoreline Cleanup Assessment Technique (SCAT) Course.
The SCAT course is a systematic method for surveying an affected shoreline after an oil spill. The SCAT approach uses standardized terminology to document shoreline oiling conditions. The SCAT course supports decision-making for shoreline cleanup. SCAT training is typically coordinated through the Sector's cognizant, Scientific Support Coordinator.

f. Other Federal, State, and Local Government and Industry Training Sources.
Sector and MSU personnel are encouraged to conduct formal and informal training with other federal, state, and local government agencies and industry within their Area of Responsibility (AOR). Joint training and exercises provide Coast Guard personnel with an opportunity to develop a better understanding of the authorities, responsibilities, and

capabilities of government and industry partners that play key roles in oil and hazardous substance preparation and response.

g. Private Sector Courses.
Sector and MSU personnel are encouraged to consider private sector courses that enhance the knowledge and proficiency of pollution response personnel and address certain geographic-specific training needs (e.g., fast water booming, rail car response, oil in ice). This Manual and the policy contained herein supersede any information presented in private sector courses that is inconsistent with the content of this Manual. Direct questions regarding the suitability and relevancy of private sector courses to Commandant (CG-MER). The field unit is responsible for funding any travel or tuition costs. Coast Guard members do not use unit funds to attend private sector courses that are also offered by Training Quota Management Center.

3. MER Training Program Duties.
The following are the duties and responsibilities of organizational entities and personnel involved in MER training.

a. Commandant (CG-MER).
Commandant (CG-MER) is responsible for the functions listed below regarding MER training:

(1) Establishing MER performance requirements and standards;

(2) Serving as Program Manager for the courses listed in Paragraph B.1 of this chapter;

(3) Establishing C-School priorities and developing course rosters;

(4) Providing annual throughput requirements for each MER course; and

(5) Establishing Personnel Qualification Standards (PQS).

b. Commandant (CG-721).
Commandant (CG-721) is responsible for the functions listed below regarding NSF MER training:

(1) Establishing C-School priorities and developing course rosters; and

(2) Providing annual throughput requirements for each NSF course.

c. Force Readiness Command (FORCECOM).
FORCECOM is responsible for the functions listed below regarding MER training:

(1) Serving as Training Manager for the courses listed in Paragraph B.1 of this Chapter;

(2) Managing AFC-34 and AFC-54 budgets;

(3) Managing the C-School training quota allocations for MER courses;

(4) Providing training policies and procedures needed to support MER training;

(5) Upon Commandant (CG-MER) review, serving as final approving authority for curriculum developed for MER C-Schools;

(6) Assisting Commandant (CG-MER) in identifying appropriate performance interventions to meet program objectives; and

(7) Reviewing MER C-School curricula to ensure consistency with analysis results and program requirements, and compliance with training system policies and standard operating procedures.

d. TRACEN Yorktown Port Operations School.
TRACEN Yorktown Port Operations School is responsible for the functions listed below regarding MER training:

(1) Developing course curricula and standard lesson plans for PIR, FOSCR, and OSC-CM courses; and

(2) Conducting the PIR, FOSCR, and OSC-CM courses.

e. National Strike Force Center of Expertise (COE).
The NSF COE is responsible for the functions listed below regarding NSF training:

(1) Serving as the training manager for all NSF courses;

(2) Establishing contracted courses to satisfy NSF training needs; and

(3) Providing annual throughput for each NSF course.

f. Sector Commanders/Commanding Officers.
Sector Commanders and Commanding Officers are responsible for the functions listed below regarding MER training:

(1) Ensuring personnel are properly trained and certified in accordance with this Manual;

(2) Ensuring training is documented in the Training Management Tool and competency codes are assigned in Direct Access; and

(3) Ensuring the accuracy of the certification status of qualified FOSCR members in the Training Management Tool (i.e., member's departing a unit *shall* have their certification deactivated); and

(4) Ensuring personnel selected to attend MER C-School courses meet applicable prerequisites.

C. Certification of Marine Environmental Response (MER) Personnel.
This section provides policy for certifying and designating active duty and reserve MER response personnel.

1. Certification and Documentation.
Sector Commanders and Commanding Officers *shall* ensure MER personnel adhere to the following certification and training documentation requirements:

a. Pollution Responder.
Officer and enlisted personnel who have not successfully completed MST-A school *shall* attend the PIR course. To be a certified Pollution Responder, all officers and enlisted personnel *shall* complete the Pollution Responder PQS and satisfactorily complete a unit level board. The member *shall* be designated in writing and the competency code entered into Direct Access.

b. Federal On-Scene Coordinator's Representative.
Officer and enlisted personnel *shall* attend the FOSCR course, complete the FOSCR PQS, and satisfactorily complete a unit level board to be a certified FOSCR. The member *shall* be designated in writing and the competency code entered into Direct Access.

c. Notice of Violation (NOV) Issuing Officer.
Reference (b) requires units to designate NOV Issuing Officers. Units *shall* review the policy enclosed in this Manual and ensure that officers and enlisted personnel qualified as Pollution Responders are designated as NOV Issuing Officers. An example designation letter can be found in Enclosure (1) of Reference (b).

d. OSHA HAZWOPER Requirements.

(1) Initial Training.
In accordance with Reference (e), Coast Guard personnel who are likely to be involved at any level in an emergency response *shall* be trained by their commands to the level of action they are expected to take. Marine environmental response personnel shall complete the following training prior to responding to an actual or potential discharge or release:

(a) First Responder Awareness (FRA).
FRA training is for personnel likely to witness an oil spill or hazardous substance release, but not expected to take any defensive actions. The FRA training is available through the Coast Guard Learning Management System.

(b) First Responder Operations (FRO).
FRO training is for personnel positioned to take defensive actions with the purpose of protecting nearby persons, property, or the environment from the effects of a spill or release. The FRO training is completed through the Coast Guard Learning Management System and unit specific hands-on training that focuses on the unique make-up of the member's AOR and equipment that is available to the unit.

(c) Alternative Training Courses.
The Marine Science Technician A-School and the Pollution Incident Response and Hazardous Materials Incident Response C-Schools satisfy the requirements of the FRO/FRA training. Personnel who have attended one of these courses are not required to complete the online FRO/FRA course for their initial response training.

(2) National Strike Force (NSF) Personnel Initial Training.
NSF Strike Team members respond to releases or potential releases for the purposes of stopping the release. They assume a more aggressive role than a first responder at the operations level and may approach the point of release in order to plug, patch, or otherwise stop the release of a hazardous substance. Therefore, in addition to the FRA and FRO training requirements, NSF Team members *shall* be trained to the Hazardous Material Technician level up to level A.

(3) Annual Refresher.
All MER personnel *shall* complete the FRO and FRA training annually via the Coast Guard Learning Management System and/or unit level training. This training satisfies the annual refresher training requirements in accordance with 29 Code of Federal Regulations (C.F.R.) § 1910.120 (q) and Reference (e).

(4) Occupational Medical Surveillance and Evaluation Program (OMSEP).
In accordance with 29 C.F.R. § 1910.120 (f), personnel that are or may be exposed at or above PEL, wear a respirator, have been injured or become ill, or are members of HAZMAT team *shall* enroll in a medical surveillance program. The *Coast Guard Medical Manual, COMDTINST M6000.1 (series)* requires personnel engaged in pollution response for 30 days or more per calendar year enroll in OMSEP. Commanding Officers *shall* ensure compliance of all MER personnel with this requirement.

2. Recertification.

a. Pollution Responders are not required to recertify upon assignment to a new unit. Sector Commanders and Commanding Officers are encouraged to review a Pollution Responder's training records and experience to ensure the member is current on MER policy and guidance.

b. The FOSC entrusts the FOSCRs with substantial authority and responsibilities. Success as an FOSCR is contingent upon establishing relationships with public and private stakeholders and developing a thorough understanding of the AOR. Therefore, FOSCRs *shall* complete a unit level board, complete recertification, and be designated in writing upon assignment to a new field unit. Sector Commanders and Commanding Officers have the discretion to determine the appropriate level of specificity for recertification as a FOSCR. In addition to ensuring that the member is thoroughly versed on FOSCR roles, responsibilities, and policies, the unit level board should focus on the following areas:

(1) Geographic-specific policies;

(2) Pollution threats;

(3) Threatened and endangered species;

(4) Sensitive areas;

(5) Resource trustees and managers;

(6) Geographic response plans; and

(7) Equipment capabilities and limitations within the AOR.

c. Upon the successful completion of a recertification board, the member's FOSCR qualification *shall* be updated in the Training Management Tool.

3. Waivers.
Waiver requests for the requirements outlined in this chapter *shall* be submitted directly to Commandant (CG-MER) via the unit's chain of command. District and Area endorsements are not required. However, Districts and Areas *shall* be copied for informational purposes only. Although evaluation of waiver requests occurs on a case-by-case basis, Commandant (CG-MER) typically does not grant waivers. Personnel requesting a waiver for any reason are strongly encouraged to contact Commandant (CG-MER) and seek guidance prior to submitting a waiver request.

D. Professional Development.
The following section provides officers and enlisted members guidance on professional development opportunities within the marine environmental response subspecialty.

1. Officer Development.

a. Specialty Guides.
Commandant (CG-MER) has developed the *Marine Environmental Response Officer Subspecialty Guide*. This guide complements the *Response Ashore Officer Specialty Guide* and provides detailed guidance to officers desiring a career within the MER officer subspecialty. Officers are highly encouraged to thoroughly review the subspecialty guide and engage the Officer Personnel Management Division (OPM) for career counseling to ensure that they remain competitive for MER field and staff assignments.

b. Officer Specialty Codes.
The *Coast Guard Officer Specialty Management System Manual, COMDTINST M5300.3 (series)* provides guidance to officers regarding specialty and subspecialty codes and assists in officer workforce management functions. Officers working in MER should strive to attain the Marine Environmental Response (OAR-15) subspecialty code. OAR-15 identifies critical pollution response and ICS courses and qualifications and provides a progressive framework

for officers to attain the apprentice, journeyman, and master level MER subspecialty. The OAR-15 subspecialty requirements form is available at OPM's Website. Direct questions or comments for the OAR-15 subspecialty code to Commandant (CG-MER).

2. Warrant Officer Development.
Newly appointed/selected MSSRs and members seeking appointment as MSSRs should continue to develop their MER and contingency preparedness skill sets through resident and on the job training.

a. Training.

(1) MSSRs and those desiring to become MSSRs should consider pursuing the following Coast Guard qualifications and C-School courses:

(a) Basic Preparedness and Exercise Course (501304);

(b) ICS-351 Logistics and Finance (502330);

(c) ICS-410 Advanced Incident Commander (502320);

(d) ICS-430/440 Operations and Planning Section Chiefs (502320);

(e) Oil Spill Response Technician (501393); and

(f) Oil Spill Control (400475).

(2) In addition to Coast Guard sponsored C-Schools, MSSRs and those desiring to become MSSRs are highly encouraged to attend training courses and workshops sponsored by other federal, state, and local agencies and the private sector. Examples include:

(a) NOAA Science of Oil Spill course;

(b) NOAA Shoreline Clean-Up Assessment Technique training;

(c) NOAA Aerial Observation of Oil training; and

(d) Industry Spill Management Team exercises.

b. Selection Criteria.
The Personnel Service Center provides specific guidance, requirements, and timelines for applications to the MSSR specialty via an annual message. General requirements for prospective applicants are as follows:

(1) Active Duty Applicants.
Active duty MSTs *must* meet the following criteria to apply for MSSR:

(a) Possess one of the following qualifications: FOSCR or NSF Response Supervisor; and

(b) Possess one of the following ICS qualifications: Type III Operations Section Chief or Type III Planning Section Chief.

(2) Reserve Applicants.
Reserve MSTs *must* possess either the Pollution Responder or NSF Response Member qualifications. Coast Guard strongly encourages reserve MSTs to pursue the Type III Operations and/or Planning Section Chief qualifications.

(3) Program Guidance.
Commandant (CG-MER) strongly encourages all candidates to pursue assignments in CPFR billets and attain the Contingency Preparedness Officer qualification to diversify their environmental response and preparedness skill sets. Candidates with this qualification have a strong advantage in their application. Additional qualities and experiences highly desired for MSSR selection include, but are not limited to:

(a) Sustained high performance and outstanding leadership skills;

(b) Strict adherence to the Coast Guard Core Values;

(c) Diversity of experience within the MER field;

(d) Incident Command System qualifications and expertise;

(e) Contingency preparedness expertise; and

(f) Diverse Marine Safety qualifications and expertise.

3. Enlisted Development.

a. MSTs are the field level pollution response experts and possess the technical knowledge and capabilities to implement the Coast Guard's marine environmental protection mission requirements. Within Sectors, MSUs, and Marine Safety Detachments (MSDs), E-4s in an IMD billet are *required* to obtain the Pollution Responder competency and should aggressively pursue the FOSCR competency. Personnel E-6 and above in an IMD billet are *required* to obtain the FOSCR competency. This requirement does not preclude junior personnel (E-4 and E-5) from obtaining the FOSCR competency if they demonstrate the knowledge, judgment, and maturity to serve as an FOSCR.

b. The establishment of Sector Response and Prevention Departments challenged MSTs to obtain the full suite of qualifications included in the rating across departmental lines. It is imperative that MSTs get an opportunity to cross train and acquire additional marine safety qualifications; and not be restricted only to training opportunities linked to their primary duties. However, Petty Officers assigned to the IMD should concentrate on attaining the

Pollution Responder and FOSCR competencies as required in Paragraph D.3.a of this Chapter prior to cross training to attain relevant Prevention competencies. Qualifications such as Waterfront Facility Inspector, Waterways Management Representative, Container Inspector, and Port State Control Examiner provide MSTs with a holistic set of skills to better understand pollution threats and improve response effectiveness. Sector Commanders and Commanding Officers are encouraged to allow MSTs assigned within the IMD to attain marine safety qualifications beyond Pollution Responder and FOSCR to enhance enlisted professional development opportunities and improve pollution response capabilities.

c. Assignment to field units (Sectors, MSUs, and MSDs), special teams (NSF, DRATs), and Commandant (CG-MER) provide unique opportunities to grow and develop new pollution response and preparedness skill sets. MSTs should consider diversity of assignments to enhance their overall MER expertise. MSTs are encouraged to contact the Enlisted Personnel Management Division (EPM) for career guidance on assignments in both Response and Prevention.

4. Post Graduate Training.

a. Commandant (CG-MER) is the program manager for the Environmental Management postgraduate degree program. Selected junior officers will earn a Master's of Science degree in Environmental Management that involves course work related to environmental policy development and analysis, policy development, scientific research, geographic information systems (GIS), legislative processes, emergency management, and national and international contingency plan development. Do not consider Ensigns (at the time of the application), as the payback positions are at the O-3/O-4 level. This program is open to individuals with a background in MER. Individuals having the MER Officer Specialty Code (OAR-15) and/or the FOSCR, Pollution Responder, NSF, and ICS competencies are strongly encouraged to apply. Graduates from this program participate in a follow-on tour within the Office of Marine Environmental Response Policy (CG-MER) at Coast Guard Headquarters, working in response policy development, international spill coordination, or industry and interagency coordination. Graduate Record Examination (GRE) scores are required for purposes of the selection panel since most institutions will require GRE scores prior to admission. School selection may be flexible based on individual needs, budget constraints, available curriculum, and the needs of the service. Interested applicants and selectees are highly encouraged to engage Commandant (CG-MER) early in the process to align graduate school expectations. Final approval for the graduate school and program resides with Commandant (CG-MER).

b. Commandant (CG-DCO) releases an annual administrative notification providing additional details, application requirements, and deadlines for the Environmental Management postgraduate degree program. Applicants are encouraged to contact OPM for career counseling to discuss the benefits of postgraduate degree programs and the appropriate timing within the officer's career path. Applicants should also review the *Performance, Training, and Education Manual, COMDTINST M1500.10 (series)*, the *Response Ashore Officer Specialty Guide*, and the *MER Officer Subspecialty Guide* prior to applying.

5. Marine Environmental Protection Industry Training.

   a. Commandant (CG-MER) is the program manager for the Marine Environmental Protection Industry Training (MEPIT) program. MEPIT provides a unique opportunity for experienced officers and MSTs with a marine environmental protection background to gain insight and industry perspective into domestic and international pollution mitigation operations. The MEPIT program offers short-term (4-6 months), long-term (one-year) industry, and governmental internship opportunities. MEPIT selectees have participated in a diverse range of industry training opportunities, including oil spill removal, contingency planning, national-level organizational policymaking, salvage operations, and emergency management. Interested applicants and selectees are highly encouraged to engage Commandant (CG-MER) early in the process to align MEPIT expectations. Final approval for the MEPIT internship resides with Commandant (CG-MER).

   b. Commandant (CG-741) releases an annual administrative notification providing additional details, application requirements, and deadlines for the MEPIT program. Selectees will coordinate with Commandant (CG-MER) to identify appropriate industry training opportunities. Applicants are encouraged to contact OPM/EPM for career counseling to discuss the benefits of the MEPIT program and the appropriate timing within the officer's career path. Applicants should also review the *Performance, Training, and Education Manual, COMDTINST M1500.10 (series),* the Response Ashore Officer Specialty Guide, and the *MER Officer Subspecialty Guide* prior to applying.

6. Industry Conferences.
   Industry conferences provide a critical opportunity to educate and develop officer and enlisted personnel within the MER subspecialty, and provide an otherwise unavailable forum for MER professionals to learn from and network with industry, academia, and the other agencies. Commandant (CG-MER) encourages officers and enlisted personnel to attend and actively participate in industry conferences by writing technical papers, developing posters, and conducting oral presentations to enhance professional development and strengthen the MER program. Funding for industry conferences varies, but it is typically the responsibility of the attendee's unit. Commandant (CG-MER) provides separate guidance on attendance and funding for certain industry conferences. While not all-inclusive, the following is a list of conferences particularly relevant to the MER program:

   a. International Oil Spill Conference (IOSC).

      (1) First held in 1969, the IOSC provides a triennial forum for professionals from the international community, the private sector, government, and non-governmental organizations (NGOs) to highlight and discuss innovations and best practices across the spectrum of prevention, preparedness, response and restoration related to oil spills. Seven organizations manage the IOSC through an Executive Committee: Coast Guard, EPA, Bureau of Safety and Environmental Enforcement (BSEE), NOAA, American Petroleum Institute (API), International Maritime Organization (IMO), and IPIECA. The IOSC is part of the "triennial conference series," which also includes European and Australian

counterparts known as Interspill and Spillcon. All three conferences are major venues for hosting the latest oil pollution research communications and technology displays.

(2) With a 40-year record of participation, the Coast Guard anchors several aspects of the IOSC. Commandant (CG-MER) represents the Commandant on the IOSC Executive Committee. Chief, Industry and Interagency Coordination Division (CG-MER-3) serves as the IOSC Program Chair. The Program Chair is responsible for leading an interagency/industry team with developing the theme, planning and executing the technical program, and developing and publishing the IOSC Proceedings. Not only is IOSC an unparalleled educational opportunity for Coast Guard officers and enlisted members in the MER subspecialty, but it serves as an effective public affairs and networking tool for the Coast Guard MER program.

(3) The IOSC Proceedings is the official chronicle of the IOSC. In 2013, the IOSC launched the online IOSC Proceedings after digitally converting all past IOSC hardcopy formats into useable online content; providing free access to more than 3,000 articles related to oil spill prevention, response, and restoration. Spanning over 40 years of oil pollution issues, the online IOSC Proceedings provides easy access to unique articles and perspectives not available elsewhere.

b. CLEAN GULF Conference.
The CLEAN GULF Conference meets annually in various locations throughout the Gulf Coast. BSEE; the States of Florida, Texas, Louisiana, Mississippi, and Alabama; and in association with the Coast Guard all co-host Clean Gulf. This conference invites subject matter and policy experts throughout the Gulf Coast and beyond to view the latest products, services, and technologies, and discuss the latest trends and developments in the oil spill response industry. Participation in this conference is beneficial for both officers and enlisted, particularly for prevention, response, and planning personnel.

c. CLEAN PACIFIC Conference.
The CLEAN PACIFIC Conference meets annually in various locations throughout the West Coast. The States of Alaska, California, Oregon, Washington, and Hawaii; the Province of British Columbia; and in association with the Coast Guard all co-host the Clean Pacific Conference. This is the Pacific Region's largest oil spill prevention and response event, bringing together operators, responders and regulators to discuss regulatory, preparedness and response issues. Participation in this conference is beneficial for both officers and enlisted, particularly for prevention, response, and planning sector personnel.

d. Arctic and Marine Oilspill Program (AMOP).
AMOP Technical Seminar on Environmental Contamination and Response meets annually and is organized and sponsored by Environment Canada. It is an international technical forum focused on topics related to preventing, assessing, containing, and cleaning up spills of hazardous materials.

e. Interspill Conference and Exhibition (Interspill).
The Interspill Conference and Exhibition meets triennially in various locations throughout Europe. The European Oil Spill Industry, IPIECA, and the European Maritime Safety Agency jointly own and organize Interspill. This conference provides a venue for subject matter experts to interact and share knowledge and new developments related to spill prevention, preparedness, response and restoration.

f. International Oil Spill Prevention and Preparedness Conference (Spillcon).
Spillcon meets triennially in various locations throughout Asia and the Pacific. Australia's key government and industry agencies responsible for Australia's marine environmental protection arrangements organize Spillcon. This conference provides a venue for global environmental and shipping representatives from industry, government, and NGOs to discuss oil and hazardous material prevention, preparedness, and response issues.

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CHAPTER 9. RESPONSE OPERATIONS, INVESTIGATIONS, AND ENFORCEMENT

A. Introduction.

This Chapter provides policy and guidance for response to actual or potential threats of oil discharges and/or hazardous substance releases in the Coastal Zone. Specifically, this Chapter establishes policy regarding the roles and responsibilities for Federal On-Scene Coordinators (FOSCs); implementation of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP); and investigation, enforcement and compliance activities. Commandant (CG-MER) establishes the requirements and guidelines in this Chapter to provide for the safety of response personnel and ensure standardization of response operations, compliance action, and enforcement actions.

B. Federal On-Scene Coordinator (FOSC) Authority and Responsibility.

1. Based on Presidential delegation of authority under Section 311 of the FWPCA, the FOSC:

   a. Removes or arranges for the removal of a discharge, and mitigates or prevents a substantial threat of a discharge, at any time;

   b. Directs or monitors all federal, state, and private actions to remove a discharge; and

   c. Recommends that a vessel discharging or threatening to discharge be removed and, if necessary, destroyed.

2. Section 311 of the FWPCA requires the FOSC to direct all federal, state, and private actions to remove, mitigate, or prevent the threat of oil discharges and or hazardous substance releases if it poses a substantial threat to the public health or welfare of the United States. This includes, but is not limited to, fish, shellfish, wildlife, other natural resources, and the public and private beaches and shorelines of the United States.

3. The NCP establishes the FOSC as the federal official designated to coordinate and direct responses for actual or potential discharges of oil and/or releases of hazardous substances, among other responsibilities. Under Presidential delegation, the FOSC makes decisions during an incident, manages response and support resources, ensures the safety of the public and response personnel, and mitigates incident impacts.

4. The NCP provides for the designation of capable persons to be the on-scene representatives and assistants to the FOSC. This Manual summarizes other groups and entities capable of providing support. The Coast Guard designates service members to be FOSC Representatives (FOSCR). These service members receive specialized training to ensure implementation of FOSC responsibilities.

5. Under the NCP, the first federal official affiliated with an NRT member agency to arrive at the scene of an incident coordinates response activities. The first federal official initiates, in consultation with the FOSC, any necessary actions normally carried out by the FOSC until the

arrival of the FOSC or the FOSCR. If authorized by the FOSC, or a designated representation, this official could initiate Oil Spill Liability Trust Fund (OSLTF) or Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) funded actions.

C. Incident Management Division (IMD) Standards.
This section provides an overview of the IMD responsibilities for actual or potential oil discharges and hazardous substance releases and standards for minimum response to notifications of these incidents. These standards apply to Sectors and Marine Safety Units (MSUs) conducting marine environmental response operations. These standards do not apply to the National Strike Force.

1. Incident Management Division (IMD) Staffing Standards.
All IMDs in Sectors or MSUs with Captain of the Port (COTP) authority *shall* maintain a minimum of two qualified Federal On-Scene Coordinator's Representative (FOSCR) and three qualified Pollution Responders (PR). All IMDs in Sectors or MSUs without COTP authority *shall* maintain a minimum of two qualified FOSCRs and two qualified PRs. The Coast Guard encourages units to qualify as many personnel as possible based on training availability and unit caseload.

2. Incident Management Division (IMD) Staffing.
IMDs *shall* implement the following staffing standards for responding to reports of actual or potential oil discharges and/or hazardous substance releases:

a. Pollution Response Team.
All IMDs *shall* maintain a Pollution Response Team able to deploy from the unit within ninety minutes of a report of an actual or potential oil discharge and/or hazardous substance release. A Pollution Response Team *shall* consist of a minimum of two Coast Guard personnel, one of which *shall* be qualified as a PR. If the second member is not a qualified PR, they *shall* complete the minimum required OSHA HAZWOPER training in accordance with Chapter 8.C.d. of this Manual prior to responding to a report of pollution.

b. Federal On-Scene Coordinator Representative (FOSCR).
Under the NCP, FOSCs ensure their FOSCRs received adequate training to carry out responsibilities, to the extent practicable. The Coast Guard provides special training to qualify certain members as FOSCRs. Coast Guard members *must* attend the FOSCR C-School to be certified FOSCRs. Chapter 8 of this Manual provides additional policy and guidance on training and certification of FOSCRs.

c. FOSCR Availability.
Commanding Officers *shall* ensure a qualified FOSCR is available at all times to manage the response on behalf of the FOSC and provide guidance to the Pollution Response Team as necessary.

d. Pollution Response Standards.

(1) Preliminary Assessments.

(a) Sectors and MSUs *shall* conduct a preliminary assessment for ALL reports of actual or potential oil discharges and/or hazardous substance releases. Sectors and MSUs *shall* respond as appropriate to the situation. Preliminary assessments *shall*, at a minimum, investigate the following:

[1] Injuries or risk to the public;

[2] Source of the pollution;

[3] Source status (i.e., secured or unsecured);

[4] Identification of the suspected Responsible Party; and

[5] Verification the Responsible Party has taken appropriate action to mitigate the spill and its actual or potential impacts.

(b) Preliminary assessments determine incident potential and appropriate resource needs. Sectors and MSUs should not confuse preliminary assessments with the requirement to conduct an investigation or to determine if the five elements of an FWPCA violation occurred in accordance with Paragraph H.3 of this Chapter.

(2) Deployment of Coast Guard Resources.
Not all preliminary assessments require deployment of Coast Guard personnel or resources. The preliminary assessment could be a telephone interview with the reporting source; a federal, state, local response agency; or, when appropriate, the to validate the report. However, the preliminary assessment may require an on-scene assessment by the Pollution Response Team or other available Coast Guard response assets, such as small boat surface patrols and aerial overflights. If uncertainty remains regarding the size, complexity, source status, or incident potential, the FOSC *shall* direct Pollution Responders to conduct an on-scene assessment.

(3) Command Center Coordination.
Pollution Response Teams and FOSCRs should maintain close coordination with the respective Sector Command Center throughout all phases of a pollution response, in accordance with applicable unit policy. The *U.S. Coast Guard Command Center Manual, COMDTINST M3120.20 (series)* sets forth specific tasks for Command Center watchstanders in support of the Marine Environmental Protection Mission.

D. National Oil and Hazardous Substances Pollution Contingency Plan (NCP) National Response Priorities.
The NCP, under 40 Code of Federal Regulations (C.F.R.) § 300.317, outlines National Response Priorities to assist the FOSC with planning and decision-making during an incident. These priorities do not preclude the consideration of other priorities that arise on a situation-specific basis. The NCP

designed the National Response Priorities and the general pattern of response to serve as guidelines for the FOSC. Additional information on the general pattern of response can found in Section D of this Chapter. During a SAR response, FOSCRs and Pollution Response Teams *shall* coordinate with the cognizant SAR Mission Coordinator to coordinate safe and efficient response operations.

1. Safety of Human Life.
   Safety of human life *must* be given top priority during every response action. This includes search and rescue efforts in the general proximity of the discharge and ensuring safety of the public and response personnel.

2. Stabilizing the Situation.
   The next priority includes stabilizing the situation to preclude the event from worsening. All efforts *must* be focused on saving a vessel involved in a grounding, collision, fire, or explosion; and to prevent the discharge/release of oil or hazardous materials. Take comparable measures to stabilize a situation involving a facility, pipeline, or other source of pollution. Stabilizing the situation includes securing the source of the spill and/or removing the remaining product from the container (i.e., vessel, tank, or pipeline) to prevent additional discharge or release. These actions could reduce the need for follow-up response action and minimize adverse impact to the environment.

3. Use of All Necessary Tactics.

   a. Responders *must* use all necessary containment and removal tactics in a coordinated manner to ensure a timely, effective response that minimizes adverse impact to the environment.

   b. Address the national response priorities concurrently, with safety and stabilization as the highest priorities. FOSC responsibilities include:

      (1) Limiting any unnecessary delay of containment and removal decisions;

      (2) Minimizing adverse impact to the environment that begins as soon as a discharge occurs;

      (3) Minimizing further adverse environmental impact from additional discharges.

E. General Pattern of Response.
   The general pattern of response, outlined in 40 C.F.R. § 300.320, provides a framework for the FOSC to follow during an actual or potential oil discharge and/or hazardous substance release.

1. Response Sequence of Events.
   Upon receiving a pollution report, the FOSC begins the following sequence of actions:

   a. Investigate the Report.
      The FOSC determines information relevant to the incident. Examples of relevant information include threats posed to public health or welfare of the United States or the environment; type and quantity of polluting material; source of the discharge; and whether the spill is accidental or intentional. Pollution incidents are often the result of a marine casualty. In these

circumstances, the Pollution Responders *shall* notify and coordinate with the Sector/MSU Investigating Officers. Paragraph H.1 of this Chapter provides policy and guidance on coordination between Pollution Responders and Investigating Officers.

b. Classify the Spill.
To classify the spill, the FOSC completes the following:

(1) Officially classifies the size (i.e., minor, medium, or major);

(2) Determine if the spill meets other severity criteria in the NCP (i.e., substantial threat to the public health or welfare of the United States, worst case discharge, spills of national significance); and

(3) Determine the course of action to ensure effective response and immediate removal, mitigation, or prevention of the discharge.

c. Determine Substantial Threat.

(1) In making a determination of a "substantial threat," FOSCs should consider the following:

(a) Size of the discharge.
The FOSC should consider the size of the discharge, including the quantity discharged, the quantity threatened to be discharged, and the rate of discharge.

(b) Nature of the discharge.
The FOSC should consider the nature of the discharge, including toxicity, potential for explosion or fire, and the rate at which the product will likely spread, evaporate, disperse, and dissipate based on weather and water conditions.

(c) Nature of the threat to public health or welfare.
The FOSC should consider the threat to public health and welfare, including the potential for serious, irreparable, or immediate harm or damage to human populations, drinking water, and food supplies (including subsistence resources); and

(d) Proximity to environmentally sensitive areas.
The FOSC should consider proximity to environmentally sensitive areas, including fish and wildlife and their habitats (including breeding areas, feeding grounds, nurseries, wetlands, coral reefs, significant concentrations of birds, mammals, threatened or endangered species, and other living resources).

(2) Many pollution incidents will be "routine" in nature and not identified by FOSCs as substantial threats to public health or welfare. In general, an actual or potential discharge of oil or release of a hazardous substance may not pose a substantial threat to public health and welfare of the United States or the environment, or may not result in substantial threat, if:

(a) There is no actual or threatened impact to the intertidal zone (including public and private shoreline), sensitive natural resources, or other critical marine habitat;

(b) The discharged/released material 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

(c) The discharged/released material will not result in irreparable, or irrecoverable, damage to natural, scenic, or economic resources.

(3) Even though a discharge may not pose a substantial threat to public health and welfare of the United States or the environment, the FOSC *shall* investigate and take enforcement actions in accordance with Section H of this Chapter.

d. Responsible Party Removal Efforts.
The FOSC *shall* determine the capabilities of private party efforts by or on behalf of the Responsible Party to launch an effective response and immediate removal, mitigation, or prevention of a discharge. If the FOSC determines that the discharge does not pose a substantial threat to the public health and welfare of the United States or the environment, an assessment *shall* be made to determine if a proper response and removal is conducted by or on behalf of the Responsible Party. The FOSC bases proper response and removal on the following conditions:

(1) The Responsible Party applies the services and resources called for in its vessel/facility response plan (VRP/FRP), if applicable, to remove, minimize, or mitigate threat(s) to public health and welfare and the environment effectively and immediately.

(2) The removal efforts are in accordance with applicable regulations, including the NCP, and informed by relevant trustee agencies. The FOSC may choose to supplement the Responsible Party's resources with government resources. However, the FOSC does not consider Responsible Party's response as "improper," unless specifically determined by the FOSC.

(3) The FOSC may authorize deviations from the services and resources called for in its VRP/FRP under certain circumstances when a deviation from the plan provides a more expeditious or effective response. The FOSC *shall* document any authorized deviations.

e. State and Local Notifications and Capability.
In accordance with provisions of the respective Regional Contingency Plan (RCP) and Area Contingency Plan (ACP), the FOSC *shall* ensure notification of state and local agencies. The FOSC uses the National Response Center (NRC) or other appropriate notifications consistent with the ACP. Where appropriate, the FOSC determines the capabilities of state or local organizations to carry out any or all removal actions. If capable, the FOSC arranges funding to support these actions. Chapter 13 of this Manual provides additional policy and details for state access to the OSLTF.

f. Trustee Notification.
The NCP, and applicable RCP and ACP, requires prompt notification of the trustees of affected natural resources. The FOSC *shall* ensure prompt notification to the applicable trustees for any actual or threatened impact to natural resources.

2. Concurrent Actions.
The FOSC actions listed in Paragraph D.1 above should be conducted concurrently to ensure an expedient and effective response to an actual or potential pollution incident.

F. Federal On-Scene Coordinator (FOSC) Roles and Responsibilities.

1. This section provides guidance on the roles and responsibilities of the FOSC in response to actual or potential oil discharges and/or hazardous substance releases. While the NCP assigns these responsibilities to the predesignated FOSC, these requirements *shall* apply to all Coast Guard personnel designated to act on behalf of the FOSC. This includes, but is not limited to: qualified FOSCRs, Response Department Heads, Incident Management Division Chiefs, Incident Commanders, Command Duty Officers, Public Information Officers, and Safety Officers.

2. As the pre-designated federal official, the FOSC ensures immediate and effective response to an actual or potential oil discharge or hazardous substance release. The FOSC directs response efforts, and coordinates all other efforts at the scene. The Coast Guard designates FOSCs for the Coastal Zone, while the U.S. Environmental Protection Agency (EPA) designates On-Scene Coordinators (OSCs) for the Inland Zone.

   a. Department of Defense (DOD) or Department of Energy (DOE) is the lead agency for oil discharges or hazardous substance releases from facilities and/or vessels under DOD or DOE jurisdiction, custody, or control. DOD and DOE provides an OSC to ensure completion of all necessary response actions.

   b. Upon authorization and funding availability, the FOSC could assist the DOD or DOE OSC.

3. Appendix J of this Manual, Table J-1 presents general FOSC responsibilities by category (e.g., Health and Safety, Response Management, Natural Resource Trustees). The FOSC adheres to these requirements during all NCP phases of oil discharges and/or hazardous substance releases.

G. National Oil and Hazardous Substances Pollution Contingency Plan (NCP) Response Phases.
This section provides an overview of FOSC responsibilities related to the NCP Operational Response Phases for Oil Removal.

1. Operational Response Phases for Oil Removal.
Subpart D of the NCP outlines four response phases for oil removal operations. Appendix J of this Manual, Tables J-2 through J-5, provides an overview of the phases and the associated FOSC responsibilities for oil removal. While the NCP assigns these responsibilities to the predesignated FOSC, these requirements apply to all Coast Guard personnel designated to act on the behalf of the FOSC.

a. Phase I – Discovery or Notification (Appendix J, Table J-2);

b. Phase II – Preliminary Assessment and Initiation of Action (Appendix J, Table J-3);

c. Phase III – Containment, Countermeasures, Cleanup, and Disposal (Appendix J, Table J-4); and

d. Phase IV – Documentation and Cost Recovery (Appendix J, Table J-5).

2. Hazardous Substance Response.
Subpart E of the NCP outlines the phases of hazardous substance response operations. Appendix J of this Manual, Tables J-6 through J-8, provides an overview of the phases and FOSC responsibilities for hazardous substance response. While the NCP assigns these responsibilities to the predesignated FOSC, these requirements apply to all Coast Guard personnel designated to act on the behalf of the FOSC.

a. Phase I – Discovery or Notification (Appendix J, Table J-6);

b. Phase II – Removal Site Evaluation (Appendix J, Table J-7); and

c. Phase III – Removal Actions (Appendix J, Table J-8).

3. Additional Hazardous Substance Response Phases.
The following phases of hazardous substance response under the NCP do not typically apply to Coast Guard FOSCs.

a. Remedial Site Evaluation;

b. Establishing Remedial Priorities;

c. Remedial Investigation/Feasibility Study and Selection of Remedy Remedial Design/Remedial Action; and

d. Operation and Maintenance Procedures for Planning and Implementing Off-Site Response Actions.

H. Investigation, Compliance, and Enforcement Procedures.
The Coast Guard investigates all pollution incidents occurring within the Coastal Zone. The purpose of the investigation is to identify the actual or potential Responsible Party, ensure compliance with applicable laws, and ensure the Responsible Party has taken appropriate preventative and removal actions to mitigate spill impacts. If the Responsible Party's actions violate the FWPCA, the Coast Guard *must* take appropriate enforcement actions to hold them accountable. This Section provides an overview of policy and guidance requirements for investigating, ensuring compliance, and taking appropriate enforcement actions for all actual or potential FWPCA violations.

1. Pollution Investigations.

   a. General.
   Pollution investigations *shall* be conducted in accordance with Chapter B.8.E of Reference (c).

   b. Sampling.
   Depending on the incident, oil samples could be required as part of the pollution investigation. Chapter B.8.E of Reference (c) includes guidelines on the circumstances that warrant collection of oil samples. If the Pollution Response Team determines the need to collect samples, the samples *shall* be collected, stored, and shipped in accordance with the procedures outlined in the *Marine Safety Lab Oil Sample Handling and Transmittal Guide* on the Commandant (CG-MER)'s Portal.

   c. Coordination with Investigating Officers.
   When pollution investigations involve a credentialed merchant mariner, the Pollution Responders *shall* immediately notify the unit Investigating Officer. In the event a pollution incident results from, contributes to, or qualifies as a marine casualty, both the Pollution Responder and Investigating Officer *shall* conduct investigations and document in a single Incident Investigation Activity. The Pollution Responder and Investigating Officer coordinate efforts early in the investigation to avoid duplication of effort. Specific responsibilities include:

      (1) Investigating Officer.
      The Investigating Officer collects the Report of Marine Casualty, Form CG-2692 and attaches it to a MISLE Notification.

      (2) Pollution Responder.
      The Pollution Responder oversees the investigation and all associated MISLE data entry in accordance with the *MISLE Incident Investigation and Enforcement Process Guide.*

   d. Environmental Crimes.
   Upon suspicion that a pollution case involves an intentional discharge or criminal activity, the Pollution Responder *shall* immediately notify the unit Investigating Officer. Depending on the situation, Coast Guard Investigative Service (CGIS) and District legal may need to be notified.

2. Compliance Procedures.
   This Paragraph provides an overview of compliance options the COTP/FOSC may use to ensure the actual or potential Responsible Party takes appropriate action.

   a. Notice of Federal Interest (NOFI).

      (1) Overview.
      The NOFI, Form CG-5549, advises the Responsible Party or potential Responsible Party of the applicable federal laws and regulations regarding an oil discharge or hazardous

substance release into a navigable waterway, their liabilities and responsibility to take appropriate actions for removal of oil or hazardous substance, and the potential consequences and fines for failure to comply.

(2) Policy.
The Pollution Responder *shall* issue a NOFI during the initial investigation to all actual or potential Responsible Parties. A NOFI template is located on the Commandant (CG-MER)'s Portal.

b. Administrative Order under the Federal Water Pollution Control Act (FWPCA).

(1) Overview.
An Administrative Order is a compliance tool available to the FOSC to remove an oil discharge or hazardous substance release or prevent the substantial threat of a discharge or release within the Coastal Zone. Administrative Orders can be used to direct the Responsible Party to take appropriate action to mitigate the threat to public health, welfare, or environment.

(2) Policy.
FOSCs may issue Administrative Orders to the Responsible Party to prevent a substantial threat of a discharge or release and ensure the effective and immediate removal of an oil or FWPCA hazardous substance. Administrative Orders should be used prior to issuing a Notice of Federal Assumption and assuming control of the response. The FOSC must make a determination of an imminent and substantial threat to the public health, welfare, or the environment of the United States prior to using an FWPCA Administrative Order.

c. Administrative Order under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

(1) Overview.
An Administrative Order is a compliance tool available to the FOSC to remove a hazardous substance release or prevent the substantial threat of a release within the Coastal Zone. Administrative Orders can be used to direct the Responsible Party to take appropriate action to mitigate the threat to public health, welfare, or environment.

(2) Policy.
FOSCs may issue Administrative Orders to the Responsible Party to prevent a substantial threat of a release and ensure the effective and immediate removal of a CERCLA hazardous substance, pollutant, or contaminant. Administrative Orders should be used prior to issuing a Notice of Federal Assumption and assuming control of the response. The FOSC must make a determination of an imminent and substantial endangerment to the public health, welfare, or the environment of the United States prior to using a CERCLA Administrative Order.

d. Notice of Federal Assumption (NOFA).

(1) Overview.
The FOSC assumes total or partial control when the Responsible Party does not take appropriate or timely removal actions and when assuming control would prevent or alleviate the substantial threat of a discharge or release.

(2) Policy.
The FOSC *shall* issue a NOFA when the FOSC assumes cleanup operations from the Responsible Party. Commandant (CG-MER) recommends FOSCs consult with District Legal and the NPFC prior to issuing a NOFA. A NOFA template is located on the Commandant (CG-MER)'s Portal.

e. Letter of Undertaking (LOU)/Surety Bond.

(1) Overview.
If suspected of discharging oil in violation of the FWPCA, the FOSC uses a LOU/Surety Bond to ensure payment from foreign-flagged vessels desiring to depart port. The LOU is a legal binding agreement that assures payment for the total amount of the sum of the maximum penalties for applicable violations.

(2) Policy.
Refer to Chapter C.1 of Reference (c) for additional information on LOUs and Surety Bonds.

f. Additional Compliance Options.

(1) Captain of the Port (COTP) Order.

(a) Overview.
COTP Orders provide operational controls over an emergent situation that poses safety, security, or environmental risks to the COTP's Area of Responsibility (AOR). COTP Orders can be used to order a vessel to operate in a particular manner or to direct a shore side facility to take certain actions regarding handling of dangerous cargo if there is a threat to the safety, security, or environment of the port, among many other potential uses.

(b) Policy.
Use COTP Orders to direct certain vessel and facility operations to prevent an actual or substantial threat of a discharge or release. COTP Orders can be issued orally, but *shall* be followed up in writing as soon as practical. COTP Orders *shall not* be used to direct specific cleanup operations. In this circumstance, Administrative Orders are the appropriate compliance tool. COTP Orders and Administrative Orders can be used in conjunction with one another. The *Captain of the Port Orders Tactics, Techniques, and Procedures (TTP), CGTTP 3-71.3* provides additional policy and guidance on the use of COTP Orders during pollution incidents.

(2) Suspension Order.

(a) Overview.
COTPs use Suspension Orders to suspend transfers of oil when the operation does not comply with applicable federal regulations. Vessel or facility operators are prohibited from conducting transfer operations until the COTP withdraws the Suspension Order. For additional guidance refer to 33 C.F.R. § 156.112.

(b) Policy.
COTPs should issue a Suspension Order to terminate transfer operations when necessary to prevent a substantial threat of discharge/release, or when necessary to conduct a removal subsequent to a discharge/release. Suspension Orders can be issued orally, but *shall* be followed up in writing as soon as practical.

3. Enforcement Actions.

a. General.
Use enforcement actions to document formal violations of applicable laws and regulations and to minimize the risk to people, property, and the marine environment. Reference (c) includes detailed guidance on the scope and range of enforcement options. Pollution Responders *must* document the following five elements of an unlawful discharge or release in order to pursue enforcement actions:

(1) Oil or hazardous substances was discharged or released;

(2) From a known source such as a vessel or facility;

(3) Into or upon a navigable water of the United States, an adjoining shoreline, or a water of the contiguous zone and/or which may affect natural resources belonging to, pertaining to, or exclusively managed by the United States;

(4) The Responsible Party (owner, operator, and/or person in charge) can be identified; and

(5) The oil is creating a visible sheen, film, sludge or emulsion including, discoloration upon the surface of the water or adjoining shoreline, or a sludge or emulsion deposited beneath the surface of the water or upon adjoining shorelines; or meeting the Reportable Quantity (RQ) requirements of 40 C.F.R. § 117.

b. Policy.
If the Pollution Response Team documents the five elements of a pollution violation, the COTP *shall* take one of the following enforcement actions without regard to any other state or local enforcement action:

(1) Letter of Warning (LOW).

(a) Overview.
LOWs include formal, written notices of an apparent violation for which no monetary or other sanction is appropriate. Additionally, the LOW documents the history of violation of a vessel, facility, or individual for future enforcement actions. For additional guidance on LOWs refer to Chapter B.2 of Reference (c).

(b) Policy.
LOWs *shall* be issued in lieu of a notice of violation when the discharge or release meets the criteria established in Chapter B.2 of Reference (c).

(2) Notice of Violation (NOV).

(a) Overview.
A NOV includes a formal, written notice of a violation with an appropriate predetermined monetary penalty.

(b) Policy.
NOVs *shall* be issued when the discharge or release meets the criteria established in Reference (b).

(3) Civil and Criminal Penalties.

(a) Overview.
Use Class I and II Civil Administrative Penalties, Judicial Civil Penalties, and Criminal Penalties when the issuance of a LOW or NOV is not appropriate.

(b) Policy.
Civil and/or criminal penalties *shall* be used when the pollution incident exceeds the thresholds for a LOW or NOV as per the above policy. Reference (c) and the *Civil Penalty Procedures and Administration, COMDTINST 16200.3 (series)* include detailed guidance for these types of penalties.

I. Additional Response Policies.

1. Emergency Support Function #10.
Chapters 3 and 13 of this Manual provide policy and guidance for ESF #10 operations.

2. Spill of National Significance Policy.
In accordance with 40 C.F.R. § 300.323, the Commandant may classify discharges in the Coastal Zone as a Spill of National Significance (SONS). A SONS is a spill that due to its severity, size, location, actual or potential impact on the public health and welfare or the environment, or the necessary response effort, is so complex that it requires extraordinary coordination of federal, state, local, and Responsible Party resources to contain and clean up the discharge. Upon a SONS declaration, the Commandant appoints a National Incident Commander (NIC). Reference

(a) provides detailed guidance on classifying a SONS, designating a NIC, and roles and responsibilities of various Coast Guard staff and units supporting a SONS incident.

3. Applied Response Technologies.
For the purposes of this Manual, Applied Response Technologies include any chemical agent or other additives (as defined in 40 C.F.R. § 300.5) used to remove or control oil discharges. Dispersants, other chemical agents, and bioremediation agents *must* be listed on EPA's NCP Product Schedule before authorization of use during a spill response in accordance with 40 C.F.R. § 300.900(a).

a. Authorization of Applied Response Technologies.
The FOSC authorizes the use of applied response technologies. Depending on the circumstance, the FOSC obtains concurrence from the EPA and state representatives to the RRT, as well as the DOC and DOI natural resource trustees. The NCP Subpart J outlines three general circumstances to guide the authorization of applied response technologies per 40 C.F.R. § 300.910:

(1) Preauthorization Plans.
RRTs and Area Committees develop preauthorization plans allowing for the use of certain products under specified conditions. The EPA and state representatives to the RRT, as well as the DOC and DOI natural resource trustees review the preauthorization plans and either approve, disapprove, or approve with modifications. Approved preauthorization plans become part of the RCPs/ACPs. In accordance with 40 C.F.R. § 300.910(a), the FOSC authorizes the use of applied response technologies in accordance with preauthorization plans without the concurrence of the EPA and State representatives to the RRT, or the DOC and DOI trustees subject to the terms established in the preauthorization plan. Although not required, Coast Guard encourages the FOSC to engage the RRT and resource trustees when considering the use of applied response technologies under preauthorization plans.

(2) Case-by-Case Decisions.
When the use of applied response technologies does not fall under circumstances outlined in preauthorization plans, or preauthorization plans have not been established, the FOSC authorizes the use of applied response technologies with the concurrence of the EPA and state representatives to the RRT and the DOC and DOI natural resource trustees, in accordance with 40 C.F.R. § 300.910(b)-(c).

(3) Use to Substantially Reduce Hazard to Human Life.
In accordance with 40 C.F.R. § 300.915(d), the FOSC authorizes the use of applied response technologies, including those not listed on the NCP Product Schedule, without obtaining the concurrence of the RRT, when, in the judgment of the FOSC, the use of the product is necessary to prevent or substantially reduce a hazard to human life. The FOSC *must* inform the EPA RRT representative and, as appropriate, the RRT representatives from the affected states and, when practicable, the DOC/DOI natural resource trustees, as soon as possible. Once the threat to human life subsides, the use of applied response

technologies *shall* be conducted in accordance with the requirements in 40 C.F.R. § 300.910 (a), (b), and (c).

b. Consultation.
The FOSC *shall* immediately initiate emergency consultation with the applicable natural resource trustees if considering applied response technologies as a response strategy during a pollution incident.

c. Monitoring.
This section provides guidance on actions the FOSC *shall* follow when using applied response technology.

(1) Special Monitoring Applied Response Technology (SMART).
SMART establishes a monitoring system for rapid collection of real-time information to assist the FOSC in assessing the efficacy, health, and safety of dispersant operations and decision-making during in-situ burn operations. FOSCs *shall* follow the SMART monitoring guidelines during dispersant and in-situ burn operations. The FOSC, in consultation with the NOAA Scientific Support Coordinator, may develop revised monitoring protocols to address incident specific needs. The Strike Teams have special capabilities and trained personnel to perform SMART monitoring. FOSCs are highly encouraged to request NSF assistance if applied response technologies are being considered as a response tactic.

(2) Atypical Dispersant Operations Monitoring.
Following the *Deepwater Horizon* SONS, the National Response Team developed the *Environmental Monitoring for Atypical Dispersant Operations: Including Guidance for Subsea Application and Prolonged Surface Application (May 2013).* This guidance supplements and complements existing protocols outlined in the SMART monitoring program. FOSCs should apply this guidance when making incident-specific decisions regarding the use of atypical dispersant operations. Atypical dispersant operations defined by the guidance include:

(a) Subsea Application.
Generally applies to the subsurface ocean environment, focusing particularly on operations in waters below 300 meters and below the average pycnocline, or layer of greatest density gradient.

(b) Prolonged Surface Application.
Generally applies to the use of dispersants beyond 96 hours from the time of the first application.

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CHAPTER 10. ABANDONED VESSELS, UNDERWATER LEGACY THREATS FROM SUNKEN VESSELS, VESSEL DESTRUCTION, AND MARINE DEBRIS POLLUTION POLICY

A. Introduction.
This Chapter provides policy and guidance on mitigating oil and hazardous substance threats from abandoned vessels, Remediation of Underwater Legacy Environmental Threats (RULET) including historic sunken wrecks, vessel destruction under the Federal Water Pollution Control Act (FWPCA), and oil and hazardous substance threats from marine debris. Commandant (CG-MER) established the policies and guidance in this Chapter to ensure safe and efficient response to oil discharges and hazardous substance releases associated with abandoned vessels and marine debris.

B. Abandoned Vessels.
This section provides an overview of the policy, guidance, and authorities for Federal On-Scene Coordinators (FOSC) when responding to an actual or substantial threat of discharge or release from an abandoned vessel.

1. Overview.

a. Abandoned vessels present an ongoing challenge to the Coast Guard due to their impacts to waterways throughout the United States. In accordance with *Abandoned Vessels, COMDTINST M16465.43 (series)*, the definition of abandoned vessels includes: "Any craft designed for navigation that has been moored, stranded, wrecked, sunk, or left unattended for longer than 45 days. A vessel is not abandoned if it is on private property with the permission of the owner."

b. Abandoned vessels become environmental and public health hazards due to their unattended condition and the presence of oil and hazardous substances onboard. They are prone to illegal dumping activities, which raises the risk of oil and hazardous substance exposure to the local community and surrounding environment. Solutions for mitigating the threat posed by abandoned vessels are complex and require extensive coordination between federal, state, and local agencies.

2. Program Responsibilities.
The Office of Waterways and Ocean Policy (CG-WWM) manages the abandoned vessel program and sets policy for tracking and assessing abandoned vessels. *Abandoned Vessels, COMDTINST M16465.43 (series)* provides this policy. Commandant (CG-MER) sets policy for oil or hazardous substance threats from all sources, including abandoned vessels. The *Abandoned Vessel Authorities and Best Practices Guidance*, developed by the National Response Team (NRT), provides additional guidance on mitigating threats from abandoned vessels. FOSCs are encouraged to become familiar with both of these documents and the policy in this Manual to ensure a thorough understanding of the broad array of authorities and responsibilities pertaining to abandoned vessels.

3. Pollutions Threats from Abandoned and Sunken Vessels.

   a. FOSCs should incorporate information about known abandoned vessels and vessels captured in the RULET program into their area planning process (see Paragraph 10.C of this Chapter and Chapter 4.C of this Manual for more details). Planning will help FOSCs prioritize, plan, and prepare for future response activities relating to abandoned vessels and underwater wrecks in RULET.

   b. Abandoned vessels *shall* be monitored by FOSCs, as abandoned vessels can be used as illegal dumping receptacles for oil and hazardous substances. Actions taken by the FOSC to prevent illegal dumping activities *shall* be documented to help demonstrate a pattern of repeated mitigation efforts per *Abandoned Vessels, COMDTINST M16465.43 (series).* Consistent documentation will help establish the need for the use of expedited removal authority and action. The FOSC *shall* follow the appropriate protocols and policies, if exercising authority under the FWPCA or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), to mitigate the pollution threat, including removing the oil and/or hazardous substance aboard an abandoned vessel, and/or to destroy a vessel to prevent future pollution threats.

4. Abandoned Vessels (Non-Pollution Threat).

   a. Oil Spill Liability Trust Fund (OSLTF) and CERCLA funding are not available for vessels that do not present a threat of oil discharge or hazardous substance, pollutant, or contaminant release.

   b. Captains of the Port (COTPs) *shall* follow *Abandoned Vessels, COMDTINST M16465.43 (series)* for policy regarding abandoned vessels that are not a pollution threat. The NRT *Abandoned Vessel Authorities and Best Practices Guidance* provides additional details regarding abandoned vessels, including an appendix outlining various state laws, which are typically more robust and capable of dealing with abandoned vessels that do not present a pollution threat.

5. Disaster Events.
   Natural disaster events (e.g., hurricanes, severe storms, tsunamis, and earthquakes) can displace and severely damage vessels in marinas, anchorages, and port facilities. Unlike traditional abandoned vessel cases—which lack a clear owner/operator—vessels displaced, sunk, or grounded due to a natural disaster typically have an owner/operator. COTPs should make every effort to identify the vessel owner/operator and compel them to remove/relocate vulnerable vessels before they become an obstruction or hazard to navigation. Chapter 3 of this Manual provides additional policy and guidance on disaster declarations and Emergency Support Function (ESF) #10, which may be used to mitigate the pollution threat from displaced or damaged vessels subsequent to a natural disaster.

6. Funding Options for Pollution Removal.
   The FOSC should in all instances attempt to identify an actual or potential Responsible Party and use appropriate enforcement action to ensure necessary steps are taken to mitigate the threat. In

cases where the Responsible Party is unknown, unwilling, or unable to take appropriate action, the FOSC should consider the funding options listed in Chapter 13 of this Manual and the NRT *Abandoned Vessel Authorities and Best Practices Guidance.*

C. Remediation of Underwater Legacy Environmental Threats (RULET) Vessels.

1. Overview.
Legacy shipwrecks, such as World War II vessels, freight ships, and other deep draft vessels, are located throughout our coastal waters. Many of these vessels contain thousands of gallons of oil or hazardous substances that were onboard at the time of sinking. As these vessels age and deteriorate, the risk increases for a significant discharge or release. Due to the threats these vessels pose, the National Oceanic and Atmospheric Administration (NOAA) received a one-time appropriation from Congress to conduct a comprehensive assessment and identify the most ecologically and economically significant potentially polluting wrecks in U. S. waters. In 2010, Commandant (CG-MER) worked with NOAA to ensure that the resulting efforts would benefit FOSCs and their respective Area Committees in their environmental preparedness responsibilities. The NOAA assessments contain recommendations from the NOAA RULET project team for consideration by the FOSC, which range from awareness and monitoring, to underwater assessments and removal actions. The NOAA *Risk Assessment for Potentially Polluting Wrecks in U. S. Waters* report provides an overview of the RULET program.

2. Guidance.

a. The RULET assessments by themselves do not create any programmatic expectations for action. FOSCs should coordinate with their respective Area Committees to carefully review the information, incorporate the data into their area planning process, and make a risk-based response determination.

b. FOSCs should coordinate with their respective Area Committees, Districts, Regional Response Teams (RRTs), National Strike Force (NSF) Strike Teams, and District legal staff when evaluating the substantial threat of discharge from any shipwreck, regardless of whether the vessel is contained within the RULET dataset.

c. The FOSC should make a determination of a “substantial threat” of a discharge that would authorize a response under Clean Water Act (CWA) section 311(c) on a case-by-case basis, after careful examination of all the facts.

d. In cases where action may be needed to prevent or mitigate the substantial threat of a discharge of oil from a shipwreck, FOSCs *shall* coordinate with the National Pollution Funds Center (NPFC) to review proposed response actions and to ensure funding through the OSLTF or CERCLA, as appropriate, using normal FOSC authorities and processes.

e. The following list provides several factors that an FOSC may consider when evaluating whether a shipwreck poses a substantial threat of a discharge or release:

(1) Type and quantity of product onboard;

(2) Overall condition of the wreck (e.g., internal piping, tanks and hull) and its potential to further deteriorate;

(3) History of past discharges/releases from the wreck site;

(4) Location of wreck in relation to human populations and environmentally sensitive areas;

(5) Potential effects of a discharge/release on industry, including fisheries and tourism;

(6) Issues associated with historic preservation and potential gravesite status;

(7) Salvage options available to prevent or mitigate a substantial threat of discharge/release; and

(8) Seasonal weather patterns and potential storm events that may disturb the wreck.

D. Vessel Destruction Policy.
This section provides policy and guidance on vessel destruction policies, as well as procedures for FOSCs to follow when requesting vessel destruction approval from Commandant (CG-00) for an actual or substantial threat of a discharge or release. ACPs should contain guidance for the FOSC and other stakeholders, including applicable environmental laws, instructions for consultation with federal, state and local authorities, and funding provisions. Destruction requests are an extremely detailed and time-consuming processes. Nothing in this policy precludes the FOSC from taking appropriate action (i.e. open the OSLTF and hire a contractor to remove the oil/hazardous substance) to immediately mitigate the substantial threat of discharge or substantial threat to public health. Early coordination with all levels of the Chain of Command (i.e., District, Area, Headquarters) is vital to the expedient processing of a destruction request.

1. Authorities.

a. FOSC Authority.

(1) FWPCA and CERCLA Authority.

(a) Under the FWPCA or CERCLA, the FOSC mitigates the effects of an actual or substantial threat of an oil discharge and/or hazardous substance release. However, the Commandant of the Coast Guard has the sole authority to destroy a vessel under these statutes.

(b) The Coast Guard considers vessel destruction requests only if the requirements outlined in Paragraph D.2 of this Chapter are met. Typically, the Coast Guard does not authorize destruction requests for vessels that are a community nuisance. The typical response action in these cases is to remove the threat of pollution from the vessel *in situ*.

(2) Intervention on the High Seas Act (IHSA) Authority.
The IHSA applies to oil and other substances, and allows the Coast Guard to "remove, and, if necessary, destroy" a vessel determined to be a "grave and imminent danger to the coastline or related interests of the United States," (33 United States Code (U.S.C.) § 1474). This authority applies even if the vessel and the source of pollution are located beyond the U. S. territorial sea boundary. Intervention with foreign vessels is used when an owner is uncooperative, taking no action, or taking insufficient action. The Commandant of the Coast Guard has the sole authority to destroy a vessel under the IHSA.

b. U. S. Army Corps of Engineers (USACE).
USACE shares some responsibility in removing abandoned vessels that are hazards to navigation in the navigable waters of the U. S., in accordance with 33 Code of Federal Regulations (C.F.R.) § 245. Vessels removed under this authority do not need Commandant approval and may be handled as a matter between the COTP and the USACE District Engineer, per Enclosure (9) of *Abandoned Vessels, COMDTINST M16465.43 (series)*.

c. U.S. State and Local Governments.
State and local governments may also have the authority to remove or destroy abandoned vessels. State and local regulations can vary, but some provide for a more expedient disposal of an abandoned vessel that may not otherwise fit the criteria for destruction under the aforementioned authorities. FOSCs should coordinate with state and local officials to determine appropriate authorities throughout their Area of Responsibility (AOR).

d. Abandonment.
Abandoned vessels, as defined in *Abandoned Vessels, COMDTINST M16465.43 (series)*, are often prime candidates for destruction. Although not necessary, declare a vessel as officially abandoned prior to removal or destruction, if time allows, avoiding future litigation. To prevent legal issues regarding ownership and abandonment, FOSCs *shall* consult with their District Legal Office before commencing any vessel destruction action for abandoned vessels. Coordination *shall* be conducted through Commandant (CG-MER) prior to final approval.

2. Vessel Destruction Process and Coordination.
The FOSC *must* complete a thorough review of the destruction request, including Commandant's written authorization, before initiating vessel destruction under FWPCA or CERCLA. The following steps represent the general guidance for all vessel destruction actions. Appendix K of this Manual provides a checklist that can assist FOSCs in determining coordination requirements and compiling the vessel destruction request. Address additional questions and legal inquiries to the servicing legal offices.

a. Owners.

(1) The FOSC *shall* notify the owner of any deficiencies via a Notice of Federal Interest, COTP order, Administrative Order, or other appropriate notification and enforcement action for vessels with an identifiable owner, where contact is possible.

(2) The FOSC may proceed with the vessel destruction request if deficiencies are not corrected, but may do so only after notifying the owner in writing of the intent to request authority to destroy the vessel. A Notice of Federal Assumption *shall* be issued by the FOSC for actions to mitigate any threat or potential threat in cases where an owner is unresponsive or is not taking satisfactory actions to mitigate the threat of an oil discharge and/or hazardous substance release. Additionally, the Notice of Federal Assumption *shall* be issued prior to submitting a vessel destruction request.

(3) In situations where an owner cannot be immediately identified or contacted, the FOSC should pursue an alternate avenue of notification, including public notification via notice to mariners announcements, or notification in an official local journal in the county where the vessel is located. In the case of an unregistered foreign vessel with no identified owner, but with an identified country of origin, a print or website posting in that country's trade or foreign journal would be appropriate.

(4) FOSCs *must* contact any parties that may have a stake in the vessel. Financial institutions, cargo owners, lien holders, investors, and insurers can have additional legal rights to a vessel, and these entities may be able to locate, notify, and compel the owner to take action.

(5) To prevent legal issues with regard to ownership, FOSCs *shall* consult with their District legal office before initiating the vessel destruction request process.

b. Flag States.
The FOSC *must* request a Statement of No Objection (SNO) from the vessel's flag state for foreign flagged vessels as a part of the destruction request package. However, do not allow efforts to obtain such a statement delay the removal or destruction process. Crew conditions (e.g., lack of food, fresh water, or sanitary conditions) should be resolved via local humanitarian organizations; OSLTF and CERCLA funds are not authorized for these purposes.

c. State Historical Preservation Office (SHPO).
Written approval from the appropriate (SHPO) *shall* be obtained for all vessels over 50 years of age. *The Programmatic Agreement on Protection of Historic Properties During Emergency Response Under the National Oil and Hazardous Substances Pollution Contingency Plan* (henceforth referred to as "Programmatic Agreement") provides additional guidance on the protection of historic properties during emergency responses under the NCP. The provisions of the Programmatic Agreement and implementing plans will apply in lieu of the provisions of 36 C.F.R. § 800. If applicable, a written summary of actions taken to comply with the Programmatic Agreement and the *Inter-agency Memorandum of Agreement Regarding Oil Spill Planning and Response Activities under the Federal Water Pollution Act's National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act* should be included with the application for removal/destruction.

d. National Pollution Fund Center (NPFC).
The FOSC *shall* coordinate with the NPFC to ensure that proposed actions are consistent with policies regarding the use of the OSLTF/CERCLA fund. NPFC concurrence on the destruction request is *required* prior to Commandant (CG-00) approval.

e. Shore Infrastructure Logistics Center (SILC).
The FOSC *shall* consult with SILC to identify Basic Ordering Agreements (BOA) for required commercial services within the COTP zone and provide contracting support. Additionally, the FOSC *shall* consult with SILC to ensure the proper licensing for hazardous waste of disposal facilities in cases where a contractor with a BOA is not available.

f. U.S. Environmental Protection Agency (EPA).
A vessel removal or destruction request may require an application for an EPA ocean dumping permit. FOSCs *shall* consult the EPA representative to the RRT when considering an ocean dumping permit for vessel destruction. The servicing District legal office *shall* review all ocean dumping permit applications.

3. Vessel Destruction Request Memorandum.
FOSCs requesting Commandant approval for a vessel destruction *shall* submit a memorandum through their chain of command (District and Area) to the Commandant (CG-00) via Commandant (CG-MER). Paragraph D.5 of this chapter provides additional details on the routing procedures and endorsement requirements. The request memorandum *must* articulate and document the factual basis behind the requested action. The FOSC should contact District for the most recently approved request package as a guide. Requests submitted for vessel destruction *shall* contain the following elements:

a. Purpose.
The purpose statement should indicate the requested action and include a brief summary of the situation.

b. Vessel Condition and Background.
This paragraph of the memorandum *shall* include the following:

(1) Vessel Description.
Describe the vessel including name, official number, date built (if known), flag state, owner/operator and last port of call (if known).

(2) Vessel Condition.
Describe the vessel's condition including hull, machinery, cargo, and presence or lack of appropriate documents or certificates.

(3) Physical Location.
Identify and describe the physical location of the vessel including the city, the dock or pier where the vessel is moored, the body of water the vessel is located in, and any nearby environmentally sensitive areas, potential archeological sites, sensitive cultural or

historic resources, and wildlife (including fish habitat) that may be affected. Location by latitude/longitude may be appropriate in some instances.

(4) Oil and Hazardous Substance Pollution Threat.
Identify the type, amount, and location of oil and hazardous substance onboard the vessel. Describe circumstances of past, present, or potential spills or releases. Discuss environmental, weather, or human events that may cause, spread, or accelerate a spill or release (e.g., hurricane season, the vessel's accessibility to the public).

(5) Cleanup Actions.
Describe any cleanup actions taken to date and their effect at reducing or eliminating the vessel's spills or releases.

(6) Vessel History.
Relate any relevant vessel history including use of the vessel for illegal dumping, or other criminal activities (e.g., drug manufacturing, theft).

(7) Photographs, Charts, and Graphics.
Explain how attached photographs, diagrams, charts, and other graphics describe the vessel and/or justify the request for removal or destruction action.

c. Threats to Public Health, Welfare, and the Environment.
To make the case for vessel removal, the FOSC should describe how the vessel's condition is a threat to public health, welfare, or the environment. The FOSC consults 40 C.F.R. § 300.305(d)(2) in cases of oil and 40 C.F.R. § 300.415(b)(2) in cases of a hazardous substance.

(1) Threats to the Environment.
Identify and describe any actual or potential exposure of nearby fish and wildlife or historic and cultural resources to oil or hazardous substances, contamination of sensitive ecosystems, or any bulk storage that poses a threat of an oil discharge and/or a hazardous substance release. Also, describe how weather or environmental factors such as tides and currents may exacerbate a spill or release or cause the oil and/or hazardous substance on the vessel to move or spread.

(2) Threats to Public Health or Welfare.
Describe any threats to public health and welfare, including actual or potential exposure to nearby populations or the food chain, contamination of drinking water supplies, or any bulk storage of oil and/or hazardous substance that may post a threat to nearby populations.

d. Endangerment Statement.
Specific endangerment criteria *must* be met for a vessel removal and destruction request, and be articulated by inclusion of a specific endangerment statement. It *must* read as follows:

"Actual or threatened spills or releases from this vessel, if not addressed by implementing the response action, may present an imminent and substantial endangerment to public health, or welfare, or the environment."

e. Proposed and Alternative Actions.
Explain the details of the proposed action and any other courses of action (COA) considered. Provide a discussion of the pros and cons of each COA, and indicate how the proposed COA will address the threat left by any residual oil and/or hazardous substance remaining onboard if cleanup operations did not include destruction. Also, include any records of the vessel being used as a site for illegal dumping and the likelihood that the vessel could be used for this purpose in the future. Finally, be sure to include a statement that the NPFC has been consulted and agrees that the proposed COA is an appropriate use of the OSLTF.

f. Proposed Disposal Strategies.
Describe the vessel disposal plan, including a signature agreement with the facility (e.g., shipyard, public or private party), agreeing to take the vessel for disposal at a licensed hazardous waste facility or an approved permit to dispose of the vessel at sea along with cost estimates per the COA. Example disposal strategies include transport and subsequent disposal at a shipyard, ship breaking yard, or other suitable licensed facility; disposal at sea after cleaning (requires EPA Ocean Dumping Permit); or scrapping in place and hauling away debris. FOSCs should refer to EPA's Ocean Dumping Website and the NRT *Abandoned Vessel Authorities and Best Practices Guidance* for specific details on EPA Ocean Dumping Permits.

g. Expected Impact Should Action be Delayed or Denied.
Describe worst-case scenario and any expected changes to the situation should the removal or destruction COA be delayed or denied, including further contamination, additional response COA, or increased costs.

h. Additional Issues.
Describe all consultations, all potential resolutions, and any other issues that are relevant to the situation that may include, but are not limited to the following:

(1) Condition of the crew;

(2) Onboard safety of life considerations;

(3) Cargo considerations;

(4) Flag state involvement;

(5) Protection and Indemnification (P&I) considerations;

(6) Archeological issues;

(7) Historic issues;

(8) State and federal permitting; and/or

(9) Emergency response verses non-emergency response.

i. Enforcement Actions.
List all relevant enforcement actions taken to date. Provide copies of all documents (e.g., Notice of Federal Assumption, Notice of Federal Interest, relevant owner correspondence)

4. Marine Information for Safety and Law Enforcement (MISLE).
The FOSC *shall* ensure MISLE documentation of all case information included in request package in accordance with MISLE user guides. The FOSC *shall* also ensure the MISLE Case includes any relevant correspondence regarding the request package, including the Commandant's authorization.

5. Routing Procedures.

a. Chain of Command.
The FOSC *shall* ensure the request package is complete in accordance with Paragraph D.3 of this Chapter, sign the request memorandum, and forward the request package to Commandant (CG-00) through the following chain of command:

(1) District Commander (d);

(2) Commander LANTAREA (LANT-3) or Commander PACAREA (PAC-3);

(3) Commandant (CG-MER);

(4) Commandant (CG-5RI);

(5) Commandant (CG-5R);

(6) Commandant (CG-DCO); and

(7) Commandant (CG-09).

b. District and Area Endorsement.
The request for vessel destruction *shall* be endorsed by the District and Area prior to arriving at Commandant (CG-MER). District and Area legal should review the request package prior to endorsement. If the District or Area declines to endorse a request, the decision *shall* be documented and the package sent to Commandant (CG-MER) for tracking purposes.

c. Headquarters Concurrence, Review and Approval.

(1) Commandant (CG-MER) *shall* review the request package and check it for accuracy and completeness prior to distribution. If the package is missing any required information,

Commandant (CG-MER) will work with the respective Area and District to correct the deficiency.

(2) Commandant (CG-MER) *shall* forward the request package to the following offices for concurrent clearance:

(a) Office of Maritime and International Law, Commandant (CG-LMI);

(b) Office of Commercial Vessel Compliance, Commandant (CG-CVC);

(c) Office of Waterways and Ocean Policy, Commandant (CG-WWM); and

(d) National Pollution Funds Center (NPFC).

(3) Upon receipt of concurrent clearance from the aforementioned offices, Commandant (CG-MER) will prepare the authorization memorandum and required Digests, Form CG-4229, and route the request package for sequential clearance to Commandant (CG-00), via the following chain of command:

(a) Director of Incident Management and Preparedness Policy, Commandant (CG-5RI);

(b) Assistant Commandant for Response Policy, Commandant (CG-5R);

(c) Deputy Commandant for Operations, Commandant (CG-DCO); and

(d) Vice Commandant, Commandant (CG-09).

(4) The review/approval process can vary from two to eight weeks, on average, due to the large number of program and legal offices involved. FOSCs should consider this routing timeline and plan vessel destruction actions accordingly. FOSCs deeming the circumstances critical should include the need for expedited handling of the request (e.g., potential severe weather) in the request. Commandant (CG-MER) will review this information and facilitate an expedited routing process, as necessary.

(5) When Commandant (CG-00) approves the destruction request, Commandant (CG-MER) will send the official electronic copy of the authorization memorandum to the FOSC, Area, and District within one business day. Commandant (CG-MER) *shall* ensure that the original package, endorsements, and authorization memorandum are sent directly to the FOSC. Commandant (CG-MER) *shall* maintain an electronic copy of the entire package for legal purposes and historical tracking.

E. Marine Debris.

1. Overview.

a. Marine debris is a significant threat to the marine environment, human health, and the overall quality of our Nation's environment. In accordance with the Marine Debris Act of 2012, marine debris is defined as "Any persistent, solid material that is manufactured or processed and, directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment or Great Lakes."

b. Examples of marine debris include but are not limited to docks, vessels, garbage, and abandoned nets. Marine debris may also pose an oil and/or hazardous substance threat. This section establishes policy for the FOSC on how to handle marine debris that is an oil and/or a hazardous substance threat.

2. Agency Authorities.

a. National Oceanic and Atmospheric Administration (NOAA).
NOAA is the lead federal agency for tracking and monitoring marine debris, and conducting research, prevention, and reduction activities for marine debris. NOAA chairs the Interagency Marine Debris Coordinating Committee (IMDCC), a multiagency body responsible for streamlining the Federal Government's efforts to address marine debris. The Coast Guard Office of Port and Facility Activities (CG-FAC) provides representation on the IMDCC.

b. Coast Guard.
The Coast Guard is responsible for ensuring safe navigation for shipping and for protecting the marine environment against oil or hazardous substance pollution. The action taken by Coast Guard units in response to marine debris will vary, with consideration given to location, size, and nature of debris.

(1) Marine Debris Presenting an Oil or Hazardous Substance Pollution Threat.

(a) In cases where marine debris poses an oil or hazardous substance threat, the FOSC *shall* notify the NPFC to ensure availability of the OSLTF. The FOSC *shall* also notify the regional NOAA Marine Debris Coordinator. The FOSC *shall* lead removal actions to address the oil and hazardous substance threat in accordance with the FWPCA, CERCLA, and NCP. It is important to note that actions taken are in response to actual or substantial threat from the oil or hazardous substance, and not to marine debris itself.

(b) For scenarios involving marine debris containing an actual or substantial threat of oil and/or hazardous substance (e.g. drum, barrel, or container potentially containing oil and/or hazardous substance), the FOSC *shall* lead removal actions necessary to remove the potential source in accordance with the NCP. When the potential source is mitigated, the FOSC's authority under the NCP does not apply to the remaining marine debris.

(c) For scenarios involving marine debris contaminated with oil and/or a hazardous substance, the FOSC is authorized to take any action necessary to mitigate the contamination (e.g., oily debris) and the discharge and/or release associated with the marine debris field.

(2) Marine Debris Non-Pollution Threat.
FOSCs who become aware of marine debris that does not pose an oil and/or hazardous substance threat, *shall* notify their regional NOAA Marine Debris Coordinator. Appropriate COTP authorities may be exercised if the marine debris is an obstruction or hazard to navigation. *Ports and Waterways Activities, COMDTINST 16001.1 (series)* provides details on COTP authorities to address actual or potential obstructions and/or hazards to navigation involving marine debris.

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CHAPTER 11. SPECIAL TEAMS AND SUPPORT RESOURCES

A. Introduction.

1. This Chapter describes special teams and support resources; and establishes policy for the Federal On-Scene Coordinator's (FOSC) use of these teams and resources to support marine environmental response (MER) operations. Special teams and support resources possess unique capabilities and expertise and are available to support the FOSC in their preparedness and response requirements.

2. The National Oil and Hazardous Substances Pollution Contingency Plan (NCP), amended by the Oil Pollution Act of 1990 (OPA 90), expanded on special teams that were initially established in the NCP following enactment of the Water Quality Improvement Act in 1970. Federal capabilities improved in the ensuing years; bolstered in response to the 1989 *Exxon Valdez* oil spill, which demonstrated both the need for additional support as well as a means by which FOSCs could efficiently access this support.

3. Following the 9/11 attacks on the U.S., additional capabilities were developed at the federal, state and local levels to provide for specialized response to incidents involving Weapons of Mass Destruction (WMD) and Chemical, Biological, Radiological, and Nuclear (CBRN) threats.

B. National Oil and Hazardous Substances Pollution Contingency Plan (NCP) Special Teams.

1. The NCP prescribes special teams organized, trained, and equipped to assist the FOSC in their oil and hazardous substance preparedness and response mandates. FOSCs *shall* ensure Area Contingency Plans (ACPs) contain communications, request procedures, locations, and capabilities of NCP special teams.

2. FOSCs may directly contact an NCP special team to request assistance in response to an actual or substantial threat of a discharge or release. FOSCs use the applicable pollution fund to pay direct expenses incurred by special teams. For incidents that do not pose an actual or substantial threat of a discharge or release (e.g., prepositioned security event), FOSCs may need to submit a request for forces (RFF) to obtain special team support. Chapter 13 of this Manual provides additional information on funding available to support the use of NCP special teams.

3. In accordance with 40 Code of Federal Regulations (C.F.R.) § 300.145, the following special teams support the designated FOSC:

   a. National Strike Force Coordination Center (NSFCC).

      (1) Overview.

         (a) Congress mandated the creation of the National Strike Force (NSF) in the Federal Water Pollution Control Act (FWPCA) of 1972 and further defined its mission and responsibilities in OPA 90. The NSF is comprised of the NSFCC and three Strike Teams, which are a highly trained cadre of professionals who maintain specialized

response equipment. The Strike Teams rapidly deploy to support FOSCs and Incident Commanders in preparedness and response activities, including oil discharges, hazardous substance releases, WMD/CBRN incidents, natural disasters, and other events for which NSF expertise may be necessary.

(b) The NSFCC provides operational control, oversight, and standardization for the three Strike Teams. Each of the 42-person Strike Teams stands ready to deploy personnel and equipment to support the FOSC and/or Incident Commander. Depending on the magnitude of the incident, this may be as small as one responder or as large as the entire team.

(c) The NSFCC performs critical preparedness functions to support the MER program. These include maintaining the Response Resource Inventory (RRI), managing the Oil Spill Removal Organization (OSRO) classification program, conducting Preparedness Assessment Visits (PAVs), and conducting technical reviews of ACPs.

(2) Responsibility.

(a) The NSFCC provides oversight and strategic direction to the three Strike Teams, ensuring enhanced interoperability through a program of standardized operating procedures for response, equipment, training, and qualifications.

(b) Strike Teams *shall* maintain the minimum response readiness standards as outlined in Table 11-1.

Duty Status	Personnel Deployed/ Members in Duty Status	Deployment Timeline	Cumulative Personnel Deployed
B-2	4	Deploy within 2 hours of notification by fastest means possible	4
B-6	8 and equipment	Deploy within 6 hours of notification by fastest means possible	12
B-24	Remaining team	Deploy within 24 hours of notification by fastest means possible	Entire Team

Table 11-1: National Strike Force (NSF) Deployable Personnel Standards

(3) Request Procedures.
FOSCs may contact the NSFCC directly for support at the 24-hour Command Duty Officer number.

Office: 252-331-6000
CDO: 252-267-3458

b. NSF Strike Teams.

(1) Overview.
The primary duty of the three Strike Teams (see Table 11-1) is to assist FOSCs during all phases of a response to an oil spill, a hazardous substance release, a WMD/CBRN event, or natural disaster. Furthermore, the teams provide preparedness assistance to FOSCs through the OSRO classification and PAV programs, review of ACPs, training/exercise participation, and technical assistance pertaining to response equipment.

(2) Responsibility.

(a) The three Strike Teams are strategically located in the continental U. S. Table 11-2 identifies each Strike Team, their location, and Areas of Responsibility (AORs).

Strike Team	Location	CG District	EPA/FEMA Region
Atlantic Strike Team (AST)	Fort Dix, NJ	1, 5, 8, and 9	1, 2, 3, 5, and 7
Gulf Strike Team (GST)	Mobile, AL	5, 7, and 8	4 and 6
Pacific Strike Team (PST)	Novato, CA	8, 11, 13, 14, and 17	8, 9, and 10

Table 11-2: National Strike Force (NSF) Strike Team Locations and Areas of Responsibility (AORs)

(b) The primary duty of the Strike Teams is to support the FOSC or Incident Commander during a response. In carrying out this duty, Strike Teams can provide:

[1] On-scene or remote assistance for oil and hazardous substance incidents;

[2] Pre-deployed oil, hazardous material, CBRN, and WMD response and incident management teams for natural disasters, NSSEs, and Maritime Security (MARSEC) Level 2 and 3 operations in economic and military strategic seaports;

[3] Incident management, oil, chemical, CBRN, and WMD response training for Coast Guard units;

[4] Oil containment and removal expertise;

[5] Special Monitoring of Applied Response Technologies (SMART) monitoring for dispersant and in-situ burn operations;

[6] Ship damage control and salvage operations oversight;

[7] Support for the National Preparedness for Response Exercise Program and support requests for ICS assistance to members of the Coast Guard and federal response community;

[8] Small boat operations for assessment, monitoring, containment, and flood response; and

[9] Communications support and mobile command posts.

(3) Request Procedures.
FOSCs may request Strike Team assistance for an actual or substantial threat of a discharge or release by directly contacting their servicing Strike Team. FOSCs are strongly encouraged to request Strike Team support early in an incident. Table 11-3 provides contact information to request Strike Team assistance.

Strike Team	Office	Command Duty Officer (CDO)
AST	609-724-0008	609-556-9376
GST	251-441-6601	251-441-6601
PST	415-883-3311	415-559-9908

Table 11-3: National Strike Force (NSF) Strike Team Contact Information

c. Public Information Assist Team (PIAT).

(1) Overview.
Established in 1978, PIAT's crisis communications professionals provide FOSCs with public affairs support during an actual or potential oil discharge and/or hazardous substance release. Originally part of the NSFCC, PIAT moved under the Coast Guard Incident Management Assistance Team (CG-IMAT) as part of the NSF Stem-to-Stern modernization.

(2) Responsibility.
PIAT assists FOSCs in meeting the demand for public information during a response or exercise. The PIAT myriad functions include:

(a) Serving as the incident Public Information Officer (PIO) or incident spokesperson;

(b) Establishing and/or managing a NIMS Joint Information Center (JIC);

(c) Producing and disseminating public information products (e.g., news releases, fact sheets, and media advisories);

(d) Coordinating all media relations activities at a response; and

(e) Providing media training to prepare response personnel for media interviews/media briefings.

(3) Request Procedures.
FOSCs request PIAT assistance for an actual or substantial threat of a discharge or release by contacting the CG-IMAT Command Duty Officer at 757-448-5572.

d. National Pollution Funds Center (NPFC).

(1) Overview.
OPA 90 created the NPFC to administer the Oil Spill Liability Trust Fund (OSLTF), to ensure funding for federal responses, and to recover costs from responsible parties. The NPFC administers emergency response monies allocated to the Coast Guard from the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) fund (commonly referred to as the Superfund), and oil and/or hazardous substance related reimbursable disaster funds under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act).

(2) Responsibility.
The NPFC has five primary responsibilities:

(a) Support to FOSC by managing funding requests related to a substantial threat or actual discharge of oil or a release of a hazardous substance;

(b) Provide compensation to claimants who sustain costs and damages from oil discharges when the Responsible Party fails to do so;

(c) Pursue reimbursement from the Responsible Party for costs and damages resulting from oil discharges;

(d) Provide funds to initiate Natural Resource Damage Assessments (NRDA); and

(e) Issue Certificates of Financial Responsibility (COFR) to ensure that owners and operators of vessels bear cleanup costs resulting from oil discharges.

(3) Request Procedures.
FOSCs may access the emergency fund of the OSLTF and CERCLA 24 hours a day through the following numbers:

CANAPS; 24-hour emergency access to funds via NPFC CDO at 202-494-9118
Main Number: 202-795-6000
COFR Desk: 202-795-6130

e. District Response Advisory Team (DRAT).

(1) Overview.
The DRAT assists FOSCs in preparation for and response to actual or potential oil discharges or hazardous substance releases that exceed local capabilities. Additionally, DRATs provide preparedness support, oversight of oil spill response equipment, and

planning for all district resources and personnel in support of MER operations. The DRAT and the NSFCC closely coordinate on all District MER activities.

(2) Responsibility.

(a) DRATs serve several MER functions, such as preparedness and response policy guidance, for the District and its respective COTP zones. Furthermore, DRATs provide technical and logistical support for the FOSCs within their respective District. In the event a discharge or release exceeds local response capabilities, units should contact the DRAT.

(b) As a functional NCP special team, the DRAT also serves as the coordinator for the DRG, an operational concept under the NCP that specifies that all District resources are available to support FOSCs. Specifically, the DRAT through the DRG concept, is responsible for the following actions:

[1] Provide technical assistance, equipment, and other resources, as available, when requested by an On-Scene Coordinator (OSC) through the Coast Guard representative to the RRT;

[2] As applicable, ensure maintenance of all Coast Guard response equipment within its district; and

[3] Provide technical assistance in the preparation of ACPs.

(c) Through close coordination with the NSFCC, DRATs assist with coordinating the use of private and public resources in support of the FOSC during a response. Furthermore, DRATs augment the NSFCC during PAVs to evaluate the equipment readiness and coordination among responsible public agencies and private organizations within their respective District.

(3) Request Procedures.
The FOSC requests DRAT assistance by contacting their servicing District Command Center or contacting the servicing DRAT duty phone, as applicable. *District Response Groups/District Response Advisory Teams, COMDINT 164565.41 (series)* provides additional details on DRAT capabilities and services.

f. U.S. Environmental Protection Agency (EPA) Environmental Response Team (ERT).

(1) Overview.
The EPA ERT specializes in environmental emergency response and Superfund site remediation for oil and traditional chemicals. Established in 1978, the EPA ERT includes experienced responders and trained contractors providing 24-hour assistance at the scene of hazardous substance releases. ERT offers expertise in such areas as treatment, biology, chemistry, hydrology, geology, and engineering.

(2) Responsibility.
The EPA ERT specializes in site characterization, sampling and monitoring, hazard evaluation, risk and safety assessment, and decontamination and disposal. ERT supports the full range of emergency response actions, including unusual or complex emergency incidents. In such cases, ERT brings in special equipment and experienced responders, and provides the FOSC or lead responder with experience and advice.

(3) Request Procedures.
FOSCs should contact their appropriate EPA OSC to request assistance from an ERT. EPA's regional map provides additional information on available resources based on the EPA region.

g. U.S. Environmental Protection Agency's Consequence Management Advisory Division (CMAD).

(1) Overview.
EPA's Chemical, Biological, Radiological, and Nuclear Consequence Management Advisory Division (CMAD) provides 24/7 scientific and technical expertise for all phases of consequence management, including sampling, decontamination, and clearance.

(2) Responsibility.

(a) CMAD provides tactical options for screening, sampling, monitoring, decontamination, clearance, and waste management. In addition, CMAD provides toxicological/exposure assessment during the decontamination of buildings during an incident involving releases of radiological, biological, or chemical contaminants. CMAD maintains critical partnerships with EPA's National Homeland Security Research Center and EPA's special teams, as well as other federal and international partners.

(b) The CMAD also facilitate the process for an FOSC to use EPA's Portable High-throughput Integrated Laboratory Identification System (PHILIS) and Airborne Spectral Photometric Environmental Collection Technology (ASPECT). PHILIS is a mobile laboratory for the on-site analysis of environmental samples contaminated with chemical warfare agents and toxic industrial compounds.

(c) Based near Dallas, Texas, and able to deploy within one hour, ASPECT is the only airborne real-time chemical and radiological detection, infrared and photographic imagery platform in the U.S. ASPECT is available to assist local, national, and international agencies supporting hazardous substance response and radiological incidents.

(3) Request Procedures.
For requesting CMAD assistance or the PHILIS or ASPECT resources, FOSCs should contact EPA's Emergency Operations Center at 202-564-3850.

h. U.S. Environmental Protection Agency (EPA) Radiological Emergency Response Team (RERT).

(1) Overview.
Based in the Office of Radiation and Indoor Air (ORIA) and at EPA regional offices, the RERT responds to emergencies involving releases of radioactive materials. The RERT consists of Forward Team members and Support Team members and primarily focuses on radiation monitoring and evaluation, sampling and monitoring, lab analysis and hazard evaluation, site characterization and risk assessment. The RERT works closely with EPA's Superfund Program as well as other federal, state, and local agencies, and responds to emergencies that can include incidents at nuclear power plants, transportation accidents involving shipments of radioactive materials, and deliberate acts of nuclear terrorism.

(2) Responsibility.
The RERT coordinates or assists federal, state, tribal, and local response efforts before, during, and following a radiological incident by providing support in various forms. The RERT provides technical advice and assistance to prevent or minimize threats to public health. It also provides environmental advice on protective measures to ensure public health, conducts safety assessments of any release, and conducts environment monitoring, sampling, laboratory analyses, and data assessments to assess and characterize environmental impacts. EPA's National Analytical Radiation Environmental Laboratory and its National Center for Radiation Field Operations provides monitoring and assessment services both at the laboratory and at the response site, if needed.

(3) Request Procedures.
FOSCs should contact their appropriate EPA OSC to request assistance from the RERT. EPA's regional map provides additional information on available resources based on the EPA region.

i. Scientific Support Coordinators (SSCs).

(1) Overview.
The NCP established SSCs to be the principal advisors to an FOSC for scientific issues, communication with the scientific community, and coordination of requests for assistance from state and federal agencies regarding scientific studies. The National Oceanic and Atmospheric Administration (NOAA) provides SSCs in the Coastal Zone; the EPA provides SSCs in the Inland Zone. NOAA SSCs are assigned to Coast Guard Districts and are supported by a scientific support team with expertise in environmental chemistry, oil tracking, pollutant transport modeling, natural resources at risk, environmental tradeoffs of countermeasures and cleanup, and information management.

(2) Responsibility.

(a) During a response, the SSC typically serves on the FOSC's staff. At the request of the FOSC, the SSC may lead the scientific team and be responsible for providing

scientific support for operational decisions and for coordinating on-scene scientific activity. Depending on the nature and location of the incident, the SSC integrates expertise from governmental agencies, universities, community representatives, and industry to assist the FOSC, or EPA Remedial Project Manager (RPM) in the case of hazardous waste remediation, in evaluating the hazards and potential effects of releases and in developing response strategies.

(b) SSCs are the FOSC's point of access to the entire NOAA or EPA Scientific Support Teams (SST). Typical SSC response functions include communication with the scientific community and Natural Resource Trustee agencies, coordination of requests for assistance from federal, state, and local agencies regarding scientific matters, scientific support for operational decisions, hazard evaluation and potential effects of release, and coordinating required emergency consultations for protected resources (e.g., threatened and endangered species, cultural resources, sensitive habitats).

(c) SSCs support the Regional Response Teams (RRTs) and the Area Committees in preparing Regional Contingency Plans (RCPs) and ACPs and by participating in spill training and exercises. SSCs provide leadership for the synthesis and integration of environmental information in ACPs required for spill response decisions in support of the FOSC.

(3) Request Procedures.
FOSCs may request SSC support directly to the SSC assigned to a District or to the NOAA or EPA representative of the RRT, as appropriate. NOAA SSCs can also be requested through NOAA's SSC program office in Seattle, WA by calling 206-426-4911. The SSCs and SSTs are available to the FOSC 24 hours a day.

j. U.S. Naval Sea Systems Command (NAVSEA), Directorate of Ocean Engineering, Supervisor of Salvage and Diving (SUPSALV).

(1) Overview.

(a) SUPSALV is an agency of the U.S. Navy and is highly proficient in ship salvage and salvage-related operations. It maintains an extensive array of specialized equipment and personnel available for use in salvage, as well as specialized equipment for containment, collection, and removal of oil spills, specifically designed for salvage-related and open sea pollution incidents.

(b) SUPSALV can deploy personnel and equipment to support FOSCs and Incident Commanders for both NCP and Stafford Act responses under existing Memoranda of Agreement (MOAs) with the U.S. Army Corps of Engineers (USACE) and the Coast Guard. The Coast Guard and Navy SUPSALV MOA is listed in Enclosure (2) to this Manual and is located on the Commandant (CG-MER)'s Portal.

(c) SUPSALV's Pollution Response Program participation includes subject matter experts in the areas of oil spill response and maintains the capability to respond to

pollution incidents anywhere in the world. SUPSALV is the Department of Defense (DOD) representative on the National Response Team (NRT) and works with other federal agencies to develop plans, research the latest spill response technologies, conduct training exercises, and respond to national emergencies. SUPSALV also provides assistance for commercial oil or hazardous substance spills, as requested by the FOSC.

(2) Responsibility.
SUPSALV maintains the Emergency Ship Salvage Material System (ESSM). ESSM is a contractor-managed network of emergency response equipment stockpiles that are pre-positioned, both within and outside the continental United States, to support and augment USN fleet capability in salvage, diving, pollution response, and underwater ship husbandry. SUPSALV will furnish the following to the Coast Guard when requested, consistent with availability and operational commitment:

(a) Salvage equipment and specialized oil spill control and response equipment;

(b) Salvage, diving, and oil spill response subject matter expertise;

(c) Evaluation planning and operational services to include unexploded ordnance evaluation and clearance in conjunction with oil and hazardous substances operations; and

(d) Navy craft, vessels, and aircraft.

(3) Request Procedures.

(a) FOSCs are strongly encouraged to review the MOA between the U.S. Navy and the Coast Guard regarding inter-service cooperation on oil spill response and salvage operations.

(b) All requests for salvage assistance in Coast Guard operations *shall* be made in accordance with the procedures outlined in the MOA.

C. Coast Guard Support Resources.
Coast Guard specific support resources can provide specialized capabilities, in addition to those provided by NCP special teams. Access to Coast Guard support resources can vary depending on the situation. Therefore, units and FOSCs should famialize themselves with the various request procedures to expedite assistance during an emergecy response. FOSCs are encouraged to develop an outreach program to ensure that consistant and deliberate communications with all listed Coast Guard support resources are conducted and documented within each unit's response procedures and ACP. FOSCs *shall* follow the policy found in Chapter 13 of this Manual to ensure all funding requirements are met for the use of Coast Guard support resources.

1. Coast Guard Incident Management Assistance Team (CG-IMAT).

   a. Overview.
   The CG-IMAT supports the Operational Commander in complex incident or crisis management situations for all-hazard, all threat incidents, and events. The CG-IMAT is a rapidly deployable, scalable resource that addresses capability gaps within an incident management organization wherever required. The CG-IMAT includes four departments (Command, Operations, Planning, and Logistics) that can provide multiple individuals or Away Teams to support Operational Commanders, or up to two Deployable Elements capable of responding to two simultaneous Type-1/Type-2 incidents or events.

   b. Responsibility.
   The primary mission focus of the CG-IMAT is to provide incident support to Coast Guard Incident Commanders. CG-IMAT members are capable of serving assigned roles within the NIMS ICS structure as Deputies or Assistants, as reliefs during 24-hour operations, or as coaches to assigned personnel.

   c. Request Procedures.
   CG-IMAT assistance typically requires an RFF. The CG-IMAT maintains a 24-hour on-call Command Duty Officer who is always available to field inquiries from a unit. The CG-IMAT Command Duty Officer at 757-448-5572 assists with questions regarding CG-IMAT capabilities or the RFF process.

2. Coast Guard Area Incident Management Assistance Teams (LANT-IMAT/PAC-IMAT).

   a. Overview.
   Presidential Policy Directive 8 (PPD-8) mandated that all agencies and components, including the Coast Guard, maintain an effective preparedness program to prevent, protect against, mitigate the effects of, respond to, and recover from all threats and all hazards. The Coast Guard identified the need to surge specially trained personnel, drawn from throughout the service, to support incident management. Thus, the PACAREA IMAT (PAC-IMAT) and LANTAREA IMAT (LANT-IMAT) serve as emergency management teams that support Coast Guard Operational Commanders and Incident Commanders during incidents, contingencies, planned events, and exercises.

   b. Responsibility.
   Each Area maintains two teams that are ready to deploy within 72 hours of activation. They have the capability to deploy up to three personnel for each ICS position on each team to ensure sufficient depth for absences, operational commitments, and transfers. These positions are a collateral duty for volunteer personnel. LANTAREA also maintains an alternate/backup list for training deputies, assistants, and/or allowing members increased visibility of IMAT-related opportunities.

   c. Request Procedures.
   Requests for Area IMAT activation *shall* follow standard RFF processes. Specifically, operational commanders/Incident Commanders should make verbal notification and *shall*

issue RFFs via message traffic to each Area via their District. The Area IMAT Coordinator can provide an IMAT-specific RFF template.

3. District Incident Management and Preparedness Advisors (IMPA).

   a. Overview.
   Following the 2010 *Deepwater Horizon* Spill of National Significance (SONS), the Coast Guard established IMPAs to provide long-term expertise associated with the NCP and the National Response Framework (NRF).

   b. Responsibility.

      (1) The IMPA position has two principle responsibilities focused in marine environmental response and all hazard preparedness. They serve as the Coast Guard's RRT Co-Chairs and as the District's representative to the Federal Emergency Management Agency's (FEMA) Regional Interagency Steering Committees (RISC). In these roles, the IMPA is the District's lead expert on Coast Guard operations and connectivity under the NCP and NRF.

      (2) IMPAs provide a link between the District and the regional intergovernmental response community as deployable response resource coordinators and as technical advisors to the District Commanders. When not responding to an incident, the advisors oversee the integration of Coast Guard plans into and with regional intergovernmental operating plans in accordance with associated guidance.

   c. Request Procedures.
   The servicing District Command Center provides IMPA assistance.

4. Marine Safety Center Salvage Engineering Response Team (SERT).

   a. Overview.
   The SERT is comprised of staff engineers who are on call 24/7 to provide immediate salvage engineering support to the Coast Guard Captains of the Port (COTPs) and FOSCs in response to a variety of vessel casualties. Specifically, SERT can assist the COTP and FOSC to manage and minimize the risk to people, the environment, and property when responding to vessels that have experienced a grounding, allision, collision, capsizing, or structural damage. SERT provides this assistance by performing numerous technical evaluations including: assessment and analysis of intact and damaged stability, hull stress and strength, grounding and freeing forces, prediction of oil/hazardous substance outflow, and expertise on passenger vessel construction, fire protection, and safety.

   b. Responsibility.
   SERT has mobile computing capability for on-scene deployment. The Marine Safety Center maintains a database containing more than 5,000 hull files that can be used to generate computer models of vessels used in salvage engineering. Relationships with organizations like the SUPSALV, Coast Guard Intelligence Coordination Center, the Office of Naval

Intelligence, and all major classification societies enable the salvage team to quickly locate and transfer information about a damaged vessel that would otherwise be difficult to access. SERT also assists in the development and execution of exercises involving vessel casualties under the National Preparedness for Response Exercise Program (PREP).

c. Request Procedures.
FOSCs contact the SERT via the following:
24/7 Duty Officer Contact Number: 202-327-3985
Duty e-mail: SERT.Duty@uscg.mil

5. National Response Center (NRC).

a. Overview.
The NRC is the government's national communication center for reporting oil discharges and hazardous substance releases. Located at Coast Guard Headquarters in Washington, DC, the Coast Guard provides personnel to staff the NRC 24 hours a day. The NRC receives all reports of discharges and releases that trigger federal notification requirements.

b. Responsibility.
Reports to the NRC activate the NCP and the Federal Government's response capabilities. It is the NRC's responsibility to notify the predesignated FOSC assigned to the area of the incident and to collect available information on the size and nature of the release and the parties responsible for the release. The NRC maintains reports for all releases and spills in a national database and maintains a live link with the Marine Information for Safety and Law Enforcement (MISLE) database. Each report received by the NRC that contains a Coast Guard notification is sent to MISLE via a one-way data link.

c. Request Procedures.
The NRC can be contacted 24 hours a day at 800-424-8802.

6. Shore Infrastructure Logistics Center (SILC).

a. Overview.

(1) SILC supports Coast Guard operations through lifecycle management and stewardship of shore infrastructure. The SILC product lines provide total logistics and engineering support for the shore facility assets that fall within the product line. The Product Line Manager (PLM) is the primary point of contact for the operational unit, and the single point of accountability for any asset-related issue, system, or equipment. SILC's Shared Service Divisions include:

(a) Business Operations Division (BOD);

(b) Construction Contracting Division (COCO-CN);

(c) Base Services Contracting Division (COCO-BSS);

(d) Engineering Services Division (ESD);

(e) Environmental Management Division (EMD); and

(f) Facilities Design and Construction Center (FDCC).

(2) Of particular interest to the FOSC is the COCO-BSS Emergency Services Contract Operations Branch (COB-1). This branch is responsible for Emergency Response Contracting.

(3) Waterways Operations Product Line (WOPL).

(a) The WOPL administers the National Maintenance Contract for all prepositioned MER equipment. It develops preventive maintenance plan and monitors contractor's performance of scheduled maintenance, casualty repairs, MEPALTs, and coordinates post-deployment inspection and repair as necessary. The WOPL manages equipment tracking systems, maintains inventory of equipment by type and system, and tracks spare part requirements, costs, MEPALTS, and equipment readiness. Additionally, it manages national integrated logistics system with a three-tier spare parts system:

[1] Level 1 Parts.
Contained in equipment response containers and available for immediate use (e.g., belts, filters, hoses).

[2] Level 2 Parts.
Maintained at NSF Strike Teams and supports extended use (e.g., injectors, spare skimmer outriggers, boom, pumps).

[3] Level 3 Parts.
Maintained at the NMC warehouse facility and used in overhauls or as replacements.

(b) Prepositioned MER equipment includes Coast Guard owned and operated Spilled Oil Recovery Systems (SORS), Vessel of Opportunity Skimming Systems (VOSS), Viscous Oil Pumping Systems (VOPS) and Strike Team specific equipment to maintain legally mandated oil spill response, containment, skimming, temporary storage, and pumping capabilities.

b. Responsibility.
Emergency services provided by the SILC Contracting Officers and Specialists are instrumental to the FOSC during a marine environmental response. To expedite the processing of contracts for containment and cleanup of oil and hazardous substance spills, SILC places orders against Basic Ordering Agreements (BOAs) as defined in Federal Acquisition Regulation (FAR) 16.703, using a time and materials pricing arrangement. Use other methods of contracting when appropriate.

c. Request Procedures.

(1) Units should contact their applicable team leader with BOA or emergency response questions.

(2) Branch Chief, Emergency Response Contracts: 757-628-4114
Team Leader District 8 & District 9: 757-628-4108
Team Leader District 1, 5 & 7: 757-628-4110
PACAREA Team Leader: 510-437-5942 / 510-437-3235

(3) Mailing Address:
Commanding Officer
Shore Infrastructure Logistics Center
300 East Main St, Suite 965
Norfolk, VA 23510-9112

7. U.S. Coast Guard Marine Safety Lab (MSL).

a. Overview.
The MSL is located in New London, CT and is a Coast Guard Headquarters unit under the direction of the Office of Investigations and Casualty Analysis, Commandant (CG-INV).

b. Responsibility.
The MSL provides forensic oil analysis to support oil pollution enforcement activities. The MSL is the Coast Guard's sole resource for performing forensic oil analysis.

c. Request Procedures.
FOSCs may contact the MSL via the following:
Main Number: 860-271-2704
E-mail: msl@uscg.mil

8. Coast Guard Deputy Commandant for Mission Support (DCMS) Director of Operational Logistics /Office of Contingency and Deployable Logistics (DOL-4).

a. Overview.
DOL-4 executes the 24-hour DCMS Watch within the LANTAREA command center located in Portsmouth, VA.

b. Responsibility.
DOL-4 primary responsibilities include coordinating logistical support for deployed Coast Guard units and for Coast Guard units engaged in contingency response operations. DOL-4 personnel also serve as the DCMS on-site representatives for PACAREA and LANTAREA to:

(1) Interpret logistic issues;

(2) Oversee the DCMS watch in the LANTAREA Command Center;

(3) Maintain liaison with DCMS logistics and service center product lines;

(4) Identify and develop logistics operations plans for Coast Guard and joint operations conducted outside Coast Guard District boundaries;

(5) Maintain the Coast Guard's stock of CBRN equipment; and

(6) Assist all deployed Coast Guard units in coordination of diplomatic and country clearances as well as port calls.

c. Request Procedures.
FOSCs may contact the DCMS DOL-4 via the following:
24/7 Duty Officer Contact Number: 757-398-6765
Duty E-mail: D05-SMD-DCMS-WATCH@uscg.mil

9. Coast Guard Aviation Resources.

a. Overview.
There are more than 200 aircraft in the Coast Guard's inventory. Their major missions include search and rescue, law enforcement, environmental response, ice operations, and air interdiction.

b. Responsibility.

(1) Aviation resources provide capable platforms for pollution overflights, deployment of Coast Guard Self-Locating Datum Marker Buoys (SLDMBs), transport of personnel and equipment, and communications. Coast Guard aircraft can quickly verify the validity of oil spill reports and, based on their response posture, are typically more expedient than using commercially available aircraft.

(2) When circumstances permit, units *shall* ensure qualified observation personnel are onboard Coast Guard aircraft prior to pollution overflights. Observation personnel should be trained in the protocols of oil spill reporting and assessment, including estimation of slick size, thickness, and volume. Observation personnel should be familiar with the use of assessment techniques in American Society for Testing and Materials (ASTM) Standard F1779 and be familiar with the use of other guides, such as NOAA's *Open Water Oil Identification Job Aid for Aerial Observation* and *Characteristic Coastal Habitats* guides. NOAA provides an online course for aerial observation. Chapter 8 provides additional details on these courses.

c. Request Procedures.
Coast Guard FOSCs are strongly encouraged to use Coast Guard aircraft to conduct initial assessments to determine the scope and magnitude of emergent pollution incidents. Units should arrange for aviation support through their Sector Command Center.

10. Coast Guard Cutter Resources.

a. Overview.
The Coast Guard operates more than 20 classes of cutters. Cutters are 65 feet in length or longer and have permanently assigned crews. Capabilities of cutter classes vary widely. Most cutters have organic boat capabilities and larger cutters can embark aircraft. Factors to consider when requesting cutter support include endurance, sea-keeping ability, towing capacity, weight handling equipment, quantity and type of boats and aircraft, ice strengthening, communications systems, and oil skimming capabilities. Operational control of cutters can reside at the Sector, District or Area level depending on the cutter class and location.

b. Responsibility.
Coast Guard cutters possess many capabilities for MER operations. The Coast Guard uses cutters to establish and enforce safety and security zones, collect samples (if properly trained), and transport observation and response personnel and equipment. In accordance with OPA 90, the Coast Guard configures the *Juniper* class buoy tenders (WLB) with the Spilled Oil Recovery System (SORS). Consider using these cutters to complement private sector oil spill response and recovery assets, or when the private sector lacks sufficient response capability.

c. Request Procedures.
Units should arrange for Coast Guard cutter support through their Sector or District Command Center.

11. Coast Guard Boat Force Resources.

a. Overview.
The Coast Guard classifies all vessels less than 65 feet in length as boats. These boats operate near shore and on inland waterways. Craft include motor lifeboats, special purpose craft, aids to navigation boats, response boats, and a variety of smaller, nonstandard boats. Sizes range from 10 to 64 feet.

b. Responsibility.
The Coast Guard uses boats to establish and enforce safety and security zones, collect samples (if properly trained) and transport response personnel and equipment.

c. Request Procedures.
Units should arrange for Coast Guard boat forces support through their Sector Command Center.

12. Self-Locating Datum Marker Buoys (SLDMBs) Resources.

    a. Overview.
    There are more than 400 SLDMBs in the Coast Guard's inventory. The SLDMBs are primarily stored at Coast Guard Air Stations and onboard Coast Guard fixed wing aircraft. SLDMBs are air and ship deployable standard oceanographic surface drifters. SLDMBs accurately track the upper one-meter surface currents of the ocean and Great Lakes and report their GPS positions at 30-minute intervals via the Iridium satellite system with less than one-minute data latency to the Coast Guard's Search and Rescue Optimal Planning System (SAROPS) and NOAA's National Data Buoy Center. NOAAs Scientific Support Coordinator program office in Seattle, WA accesses the data from the National Data Buoy Centers Website.

    b. Responsibility.
    The Coast Guard routinely uses SLDMBs in support of its SAR mission to provide accurate on-scene measurements of the surface currents, and to check the accuracy of the surface current fields from the numerical oceanographic models that are available to SAROPS. This information will be critical to the Scientific Support Coordinators for their efforts to model the predicted drift of oil spills.

    c. Request Procedures.
    FOSCs are encouraged to use Coast Guard aircraft to deploy SLDMBs for on-scene measurements of the surface currents to assist the Scientific Support Coordinators in their efforts to model the transport of pollutants. Sectors should arrange for SLDMB deployment support through their District and Sector Command Centers.

13. Coast Guard Communications Support.

    a. Overview.
    Coast Guard communications support includes command, control, and communications equipment assets that cover the high frequency (HF), very high frequency (VHF), and ultra-high frequency (UHF) spectrum and satellite communications (SATCOM) in both secure and non-secure modes. All equipment is transportable and includes handheld radios, base stations, cryptographic accessories, and all supporting peripherals. Units requesting cryptographic accessories *must* provide the address and Electronic Key Management System (EKMS) account number of the receiving command/unit.

    b. Responsibility.
    The primary purpose of the deployable contingency communications equipment inventory is to support real world contingency operations, emergencies, natural disasters, training exercises, and other events such as military out-loads, oil spills, long term search and rescue operations, law enforcement, terrorist incidents, and temporary replacements for communications facilities that are disabled during natural disasters, renovations, or other surge/pulse operations.

c. Request Procedures.
Communications Command (COMMCOM) maintains a database of all contingency communications equipment located within each Area. If a need for contingency communications arises, PACAREA and/or LANTAREA should be notified via phone, email, or message. They will validate the need, determine what equipment is required, and direct COMMCOM via message to execute delivery of equipment.

14. Office of Safety and Environmental Health (CG-113).

a. Overview.
The Office of Safety and Environmental Health (CG-113) ensures that Coast Guard's people, systems, infrastructure, and processes are safely integrated to maximize mission effectiveness, mitigate workplace hazards, and sustain healthy operations. While Commandant (CG-113) establishes the overall policy, the Health, Safety, and Work-Life Service Centers (HSWL SC) are the implementation arm for all HSWL field services. Services include technical advice following hazard or mishap notifications, and support time-critical mishap analysis and reporting activities. The HSWL SC directly manages and oversees each District's Safety and Environmental Health Officers (SEHOs). A SEHO's primary duty is to support and ensure compliance with safety and occupational health programs at field commands within Coast Guard AOR.

b. Responsibility.
During a pollution incident, the cognizant District SEHO is a critical component for the FOSC and command staff to consider. They provide safety oversight and advocacy for shore-based personnel and infrastructure. The Shore Safety program is comprised of numerous supporting programs such as confined space entry, shore fire protection, and electrical safety. They also provide safety oversight and advocacy for deployable units, systems, and missions, and have access to Industrial Hygienists.

c. Request Procedures.
Units should contact their District SEHO directly to request support and have specific information on what type of assistance is required. The SEHO Field Operations Branch Website provides contact information for the District SEHOs.

15. Office of Research, Development, Test and Evaluation (CG-926).

a. Overview.
Commandant (CG-926) is responsible for the Coast Guard's Research, Development, Test and Evaluation (RDT&E) Program. The Coast Guard Research and Development Center (RDC) is a direct reporting unit located in New London, CT and collocated with the MSL. The RDC is the Coast Guard's sole facility performing applied RDT&E experimentation and demonstrations. At any given time, the Coast Guard's RDT&E program is working on more than 80 projects that support Coast Guard requirements across all mission areas, including marine environmental response and preparedness.

b. Responsibility.
The RDT&E Program leverages its resident Spill Response Subject Matter Expertise to varying degrees from simple consultations to executing a program to ensure a fair, systematic, and transparent government-managed process. In addition, this expertise solicits, screens, and evaluates public, other government agency, and academia-suggested technologies during responses to national emergencies. Successful implementation occurred during the *Deepwater Horizon* incident where the formation of the Interagency Alternative Technology Assessment Program (IATAP) was necessary to augment the overwhelmed Unified Area Command's Alternative Response Technology (ART) Program response to public, industry, and university idea submissions. The process created in IATAP also addressed the need for a timely feedback mechanism to innovators from a perceived non-biased entity; and improved public affairs communications regarding the technology submittals. This capability is scalable to support the FOSC's need and the magnitude of the idea submissions.

c. Request Procedures.
Procedures for requesting RDT&E subject matter expertise assistance depend on the size and complexity of the incident response. Requests first come to the Office of Research, Development, Test and Evaluation (CG-926). Commandant (CG-926) vets and forwards the request to the Commanding Officer at the Coast Guard RDC for action.

16. Coast Guard Auxiliary (CGAUX).

a. Overview.
The CGAUX was established by Congress in 1939 under 14 United States Code (U.S.C.) § 23. CGAUX is a force multiplier for active duty marine and environmental responders, and provides another source for initial assessment and support during response operations. CGAUX have capable boats, radio communications, aircraft, and qualified Pollution Responders. CGAUX members are often skilled and trained in ICS and Hazardous Waste Operations and Emergency Response (HAZWOPER) and can be qualified Assistant Pollution Responders (AUX-ED).

b. Responsibility.
CGAUX can provide trained crews and facilities to augment the Coast Guard, enhance safety and security of our ports, waterways, and coastal regions, and support Coast Guard operational, administrative, and logistical requirements.

c. Request Procedures.
CGAUX forces differ in each Sector AOR. FOSCs are encouraged to maintain a contact list for local CGAUX flotillas and build relationships to improve future responses.

D. Interagency Support Resources.
Support resources from other government, state, and local agencies, and the private sector possess geographic or incident-specific capabilties to support the FOSC during preparedness and response operations in the Coastal Zone and for incidents involving commerical vessels or Coast Guard regulated facilities in the Inland Zone. Access to these support resources should be requested through

the FOSC's chain of command, agency representatives at the FOSC's respective Area Committee, the RRT, or the request procedures outlined in this section.

1. Animal and Plant Health Inspection Service (APHIS)-Wildlife Services (WS).

   a. Overview.
   The mission of the U.S. Department of Agriculture (USDA) APHIS-WS is to provide federal leadership and expertise to resolve wildlife conflicts to allow people and wildlife to coexist. APHIS-WS conducts program delivery, research, and other activities through its regional and state offices, the National Wildlife Research Center (NWRC) and its field stations, and its national programs. In 2014, the Coast Guard and EPA entered into a Memorandum of Understanding (MOU) with APHIS-WS regarding response actions during pollution incidents. This MOU is referenced in Enclosure (2) and can be found on the Commandant (CG-MER)'s Portal.

   b. Responsibility.
   APHIS-WS has statutory authority to cooperate with states, local jurisdictions, individuals, and public and private agencies, organizations, and institutions while conducting wildlife damage management. This program addresses mammal and bird species that are reservoirs for zoonotic diseases or animal species that are injurious and/or a nuisance to agriculture, horticulture, forestry, animal husbandry, wildlife, and human health and safety, among others. Additionally, APHIS can respond in emergencies to regulate movement of diseased or infected organisms. APHIS-WS has statutory authority to assist the FOSC during response in supporting government oversight and management of wildlife response strategies. This statutory authority exists to address wildlife issues that threaten the nation's agricultural and natural resources, human health and safety, and/or property. APHIS-WS also has expertise with the humane capture, handling, hazing, and transport of wildlife impacted by an oil or hazardous substance pollution incident, and may be called upon to augment private sector resources engaged in those activities.

   c. Request Procedures.
   Units contact their DRAT Supervisor for assistance with requesting services from APHIS-WS. APHIS-WS lists emergency response contacts on the APHIS-WS Website in the Emergency Response section under the "Contact Us" link. Contact team members 24 hours a day, 7 days a week; they mobilize within hours for deployment.

2. U.S. Army Corps of Engineers (USACE) Rapid Response Hazardous, Toxic, and Radioactive Waste (HTRW) Center.

   a. Overview.
   The USACE Rapid Response HTRW is a Center of Expertise for time-sensitive environmental actions that involve the remediation of more than 450 biological and/or radioactive contaminated sites throughout the United States including national crisis and emergency events. HTRW personnel deployed to an incident follow up on the work performed by first responders including fire fighters, hazardous materials (HAZMAT) response teams, and civil support teams.

b. Responsibility.
The HTRW has developed experienced “field-tested” personnel within a proven response culture and response structure. The HTRW also has the administrative capacity to undertake cost-reimbursable contracting. The HTRW integrates technical, contractual, construction, and stakeholder needs into the contractor to execute the project in a timely, compliant, and cost-effective manner.

c. Request Procedures.
Units should contact their DRAT Supervisor for assistance with requesting services from USACE HTRW. Contact team members 24 hours a day, 7 days a week.

3. Federal Bureau of Investigation (FBI) Hazardous Evidence Response Team Unit (HERTU).

a. Overview.

(1) The HERTU, formerly called the Hazardous Material Response Unit, provides support to the Federal Government’s response to WMD incidents and threats. Created in 1996, HERTU is comprised of supervisory special agents and management and program analysts. Trained and certified in HAZMAT operations and WMD crime scene response, HERTU special agents meet National Fire Protection Association (NFPA)-472 standards and ICS training requirements. There are 27 HERTUs throughout the United States.

(2) Specially trained, HERTUs possess unique skills and equipment necessary to investigate areas where biological, chemical, or nuclear materials may be present. These units include FBI agents, scientists, logistical specialists, and personnel highly trained in HAZMAT jobs.

b. Responsibility.
HERTU supports the investigation of terrorist or criminal use of CBRN materials. The unit trains, equips, and manages the field HERT program. HERTU provides:

(1) WMD threat credibility evaluations;

(2) Hazardous evidence crime scene management;

(3) Domestic and international missions;

(4) Liaison for state, local, national, and international law enforcement;

(5) WMD crime scene management for render safe procedures, national technical nuclear forensics, and related national-level missions; and

(6) Advanced CBRN field forensics.

c. Request Procedures.
HERTU assistance can be requested 24 hours a day through the Strategic Information Operations Center at 202-323-3300.

4. National Guard Bureau (NGB) Civil Support Team (CST).

a. Overview.

(1) Congress authorizes CSTs to support civil authorities at the direction of a state governor in emergency preparedness programs or to respond to any emergency involving the use of a WMD or a terrorist attack or threatened terrorist attack in the United States that results, or could result, in catastrophic loss of life or property.

(2) There are 57 full-time teams: one in every U.S. state, Washington, DC, Puerto Rico, Guam and the U.S. Virgin Islands, and an additional team each in California, Florida, and New York. The NGB funds CSTs; however when CSTs are not in federal service they become state special teams. State governors use CSTs to assist local and state entities in the identification and management of potentially catastrophic effects of terrorism within state jurisdiction.

b. Responsibility.

(1) The mission of the CST is to provide consequence management support of an incident or attack involving WMD. CSTs provide specialized equipment, personnel, and resources for HAZMAT responses. Always on standby, the CST advance team deploys within 90 minutes and the main team deploys within three hours.

(2) The CST is responsible for and operates a unique equipment set, including specialized and secure communications vehicle (Unified Command Suite) and a mobile analytical laboratory system with a full suite of chemical, biological, and radiological analysis equipment.

(3) CSTs can be valuable assets in CBRN events and offer a variety of assessment and identification capabilities. However, CSTs actions are limited to a state's jurisdiction, which may not extend to the geographic scope of federal maritime jurisdiction. CSTs do not participate in NCP mitigation activities in support of FOSCs.

(4) The NSF maintains a close working relationship with the CSTs as part of the effort to strengthen the National Response System. Together, these teams can provide a robust capability to support the FOSC in response to a CBRN/WMD event.

c. Request Procedures.

(1) The NSF is the FOSC's primary special team and support resource for HAZMAT and WMD incidents. However, certain situations may require CST support to augment to NSF resources.

(2) Prior to requesting CST support, FOSCs *shall* request NSF assistance. CSTs may be used while NSF resources are en route, as well as to augment and complement NSF capabilities. FOSCs are highly encouraged to contact their servicing NSF Strike Team if they anticipate using the services of CSTs in exercises or for actual incident support. The NSF can liaise with CSTs to ensure the FOSC needs are being met.

(3) Direct requests for CST support to the impacted state's NGB-Joint Operation Center (JOC). The NGB-JOC records all necessary information and coordinates with the CST. These operational requests may be for response, stand-by, or assist missions.

(4) FOSCs can also request CST support through the state governor's office, state emergency management office, or from the state National Guard HQ.

5. Agency for Toxic Substances and Disease Registry (ATSDR).

a. Overview.
ATSDR Emergency Response Teams comprised of toxicologists, physicians, and other scientists, are available to assist during an emergency involving hazardous substances in the environment and are available 24 hours a day. The ATSDR was established under EPA's CERCLA authority.

b. Responsibility.
ATSDR's work falls into four functional areas:

(1) Protecting the public from hazardous exposures;

(2) Building the science base on toxic substances;

(3) Educating healthcare providers and the public about toxic chemicals; and

(4) Maintaining health registries.

c. Request Procedures.
ATSDR Response Team assistance can requested at 770-488-7100, 24-hours a day.

6. National Marine Fisheries Service (NMFS).

a. Overview.
NMFS is an office of NOAA within the Department of Commerce (DOC). NMFS has five regional offices, six science centers, and more than 20 laboratories around the United States and its territories.

b. Responsibility.
NMFS is responsible for the stewardship of the nation's ocean resources and their habitat. They provide for productive and sustainable fisheries, safe sources of seafood, the recovery and conservation of protected resources, and healthy ecosystems. Under the Marine Mammal

Protection Act (MMPA) and the Endangered Species Act (ESA), NMFS works to recover protected marine species while allowing economic and recreational opportunities.

c. Request Procedures.
NMFS assistance can be requested through the local NOAA SSC.

7. NOAA National Environmental Satellite, Data, and Information Service (NESDIS).

a. Overview.
NESDIS, informally known as the NOAA Satellite and Information Service, is dedicated to providing timely access to global environmental data from satellites and other sources to promote, protect, and enhance the nation's economy, security, environment, and quality of life.

b. Responsibility.
NESDIS acquires and manages the nation’s operational environmental satellites, operates the NOAA National Data Centers, provides data and information services including Earth system monitoring, performs official assessments of the environment, and conducts related research. NESDIS environmental satellite observations provide important contributions to U.S. national security by providing military users with real-time and near-real-time observations for their aircraft, ships, ground forces, and facilities worldwide.

c. Request Procedures.
Request NMFS assistance through the local NOAA SSC.

8. Bureau of Safety and Environmental Enforcement (BSEE) Source Control Support Coordinators (SCSCs).

a. Overview.
The SCSC is a technical specialist and the principal advisor to the FOSC for offshore or Outer Continental Shelf (OCS) source control issues. The SCSC serves on the FOSC’s staff during an incident and is responsible for providing source control support for operational decisions and for coordinating on-scene source control activity.

b. Responsibility.
During a source control issue involving a loss of well control or pipeline incident on the OCS, BSEE provides the SCSC and other source control technical specialists. In addition to the SCSC, insert source control technical specialists throughout the response organization, as needed, to ensure support and integration of those operators into the overall response. During a source control issue involving a loss of well control or pipeline incident, the BSEE regional office provides SCSCs and other source control technical specialists.

c. Request Procedures.
Units contact their DRAT Supervisor for support to request a SCSC from BSEE.

9. Department of Energy (DOE) Radiological Assistance Program (RAP).

   a. Overview.
   DOE's RAP is a support resource that can assess emergency situations and advise the FOSC on steps to assess, respond to, and mitigate the hazards of a radiological incident. The RAP is implemented on a regional basis, with coordination between the emergency response elements of state, local, and federal agencies.

   b. Responsibility.
   RAP teams are comprised of National Nuclear Security Administration (NNSA) federal and contractor personnel specifically trained to perform nuclear and radiological response activities. RAP teams consist of volunteer members who perform radiological support activities as part of their formal employment within the NNSA's and the Department of Energy's national laboratories. They provide initial assistance in the mitigation of immediate radiation hazards. RAP team capabilities and resources include portable field radiation monitoring instrumentation for alpha, beta, gamma, and neutron detection, in addition to generators, mobile laboratories, air samplers, decontamination equipment, communications, and personal protective equipment (PPE) to support the response.

   c. Request Procedures.
   Units *shall* follow the request procedures outlined in the *Maritime Radiation Detection Program, COMDTINST 16600.2 (series) (FOUO)* when requesting DOE RAP support to adjudicate or resolve a Level I/II radiation detection alarm. All other requests should be directed to the Regional RAP office.

10. U.S. Food and Drug Administration (FDA) – Seafood Safety.

   a. Overview.
   The FDA operates a mandatory safety program for all fish and fishery products under the provisions of the Federal Food, Drug and Cosmetic Act, the Public Health Service Act, and related regulations.

   b. Responsibility.
   The FDA program includes research, inspection, compliance, enforcement, outreach, and the development of regulations and industry guidance. FDA works closely with NOAA and the states during the closing of commercial fishing waters for public health reasons, and reopening of the waters to harvest. The FDA publishes the *Fish and Fishery Products Hazards and Controls Guidance*, which is an extensive compilation of the most up-to-date science and policy on the hazards that affect fish and fishery products, and effective controls to prevent their occurrence.

   c. Request Procedures.
   The FOSC requests FDA assistance through the local FDA official. Refer to the Directory of State and Local Officials for contact information on officials involved with food and animal health.

11. Civil Air Patrol (CAP).

    a. Overview.
    Congress passed Public Law 557 permanently establishing the CAP as the auxiliary of the new U. S. Air Force. CAP has three primary mission areas: aerospace education, cadet programs, and emergency services.

    b. Responsibility.
    CAP can assist the FOSC with aviation support, if needed. Funding *must* be available prior to CAP deployment.

    c. Request Procedures.
    FOSCs requesting CAP assistance should contact a local CAP unit first. Sector Command Centers can typically assist in requests for CAP resources. If unsuccessful, FOSCs should contact the CAP National HQ in Maxwell, AL at 877-227-9142, extension 300. This number is not manned 24-hours a day.

12. State and Local Support Resources.

    a. Overview.
    Although State Emergency Management (SEM) systems and their environmental counterparts vary in name and structure, their function to the FOSC is to coordinate responses within or between state, county, and city governments, community businesses, and private organizations. SEM agencies coordinate with FEMA when state assets are insufficient to meet the requirements for incident mitigation. SEM agencies and FEMA execute these coordination functions using a state emergency response plan. Examples of related state and local agencies typically associated with marine environmental responses include Department of Fish and Wildlife, State Environmental Protection Agency, Tribal Governments, Emergency Management Divisions, Department of Natural Resources, Department of Health, and Department of Preservation (State Historic Preservation Office (SHPO)).

    b. Responsibility.
    State and local agencies possess knowledge of geographic-specific and season-specific conditions, ocean currents, and marine life in areas potentially affected by oil spills and HAZMAT releases, and are typically integrated into the Unified Command through the State On-Scene Coordinator (SOSC) and local officials. Every state and local agency oversees different functions and contains different types of resources. Units *shall* ensure that they identify the appropriate state and local agencies for marine environmental responses, organize full participation in Area Committee meetings and other coordination events, and include all pollution response resources within their ACPs.

    c. Request Procedures.
    Units can contact their respective state and local agencies directly, but are also strongly encouraged to work through the Command Center until an Incident/Unified Command is established.

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CHAPTER 12. DOCUMENTATION OF RESPONSE OPERATIONS

A. Introduction.
This Chapter provides policy and guidance regarding Marine Environmental Response (MER) program documentation. Commandant (CG-MER) has established the requirements and guidelines set forth in this Chapter to standardize documentation for situational awareness of ongoing response operations, resource management, legal mandates, and sharing of best practices and lessons learned during significant environmental incidents.

B. Marine Information for Safety and Law Enforcement (MISLE).

1. Overview.
MISLE is the Coast Guard's case management system and is a critical tool that field units use to communicate status updates, response actions, and decisions made during pollution incidents. Districts, Areas, and Headquarters program offices view information entered into MISLE to monitor and review operational activities during an incident. Additionally, Coast Guard program managers and reviewers use Coast Guard Business Intelligence (CGBI) to assemble data from MISLE to analyze performance metrics at regular intervals throughout the year. Therefore, data from MISLE validates budget and resource needs for MER and other operational programs and missions. If field units do not capture and accurately document personnel hours and time dedicated to MER in MISLE, MER program needs will not be apparent. As a result, field units could lose funding and billets tied to execution of MER responsibilities. To ensure that data used for this critical budget and staffing analysis accurately reflect mission and field requirements, units *shall* enter data into MISLE in accordance with requirements in this section.

2. Program Responsibilities.

a. Office of Investigation and Casualty Analysis, Commandant (CG-INV).
Commandant (CG-INV) maintains ownership of investigation policy for conducting and documenting investigations. Part B, Chapter 8 of Reference (c) provides basic guidance on conducting pollution incident investigations. This instruction states, "all reported pollution incidents within the Coast Guard jurisdiction, regardless of size, should be investigated" and "every incident reported and subsequent investigation *shall* be properly entered in MISLE." Commandant (CG-MER) provides additional policy and guidance for pollution specific investigations to ensure correct documentation of the investigation and actions.

b. Office of Marine Environmental Response Policy, Commandant (CG-MER).
Commandant (CG-MER) is responsible for setting overall marine environmental response and preparedness policy. This includes establishing MISLE documentation and review requirements for pollution incidents.

3. MISLE Policy.

a. MISLE Entries.
A MISLE Case, Incident Management Activity (IMA), Preliminary Instigation, and Resource Sortie *shall* be opened for each pollution notification to document the unit's response actions.

IMAs document decisions made and actions taken for each incident. Resource Sorties capture resources and time spent carrying out response activities. A job aid for completing MISLE Cases, IMAs, and Resource Sorties is available on the MISLEnet Website under the User Guides & Policy tab.

b. Case Review.

(1) The Federal On-Scene Coordinator (FOSC), or designated representative, *shall* review every case for accuracy prior to changing its status to "closed." When a MISLE Case's status is "closed" it is considered reviewed and certified by the FOSC or designated representative.

(2) The FOSC or designated representative *shall* review and forward cases that require an Incident Instigation Activity (IIA) to Headquarters for closing. FOSCs *shall* forward all IIAs to Commandant (CG-MER) unless the case investigation involves a licensed mariner; in this circumstance, the case *shall* be forward to Commandant (CG-INV).

(3) A designated representative can be the Response Department Head, Incident Management Division Chief, or a qualified Federal On-Scene Coordinator's Representative (FOSCR). The FOSC *shall* designate the representative in writing.

C. Pollution Incident Messages.

1. Situation Reports – Pollution (SITREP-POL).

a. Overview.
A SITREP-POL is an official report of actions taken subsequent to an oil or hazardous substance incident and is a critical communication tool used for disseminating information internally to Coast Guard commands and program offices. The SITREP-POL documents FOSC decisions and actions throughout the incident and federal expenditures for recovering costs from potential responsible parties. Appendix L of this Manual provides a SITREP-POL formatted template.

b. Policy.

(1) Sectors and Marine Safety Units (MSUs) *shall* submit a SITREP-POL for any of the following circumstances:

(a) Use of Oil Spill Liability Trust Fund (OSLTF), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) fund (Superfund), or Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) funding for oil or hazardous substance incidents;

(b) Actual or potential medium and major oil spills;

(c) Spills that garner significant media, public, or political interest; or

(d) Any time the FOSC deems necessary.

(2) Area and District offices may establish more stringent SITREP-POL requirements.

(3) Sectors and MSUs *shall* submit SITREP-POLs via the Coast Guard Command and Control Official Information Exchange (C2OIX) System. Sectors and MSUs *shall* copy Commandant as an information addressee as soon as reasonably practicable, but no later than 24 hours after the incident occurs or one of the aforementioned funds is used. It is recommended that all FOSCRs and Command Center Command Duty Officers maintain releasing privileges in C2OIX to ensure availability of adequate staff to draft and release MER-related messages.

(4) Units *shall* follow the format provided in Appendix L of this Manual for SITREP-POLs.

2. Use of Funds Messages.

a. Overview.
The Ceiling and Number Assignment Processing System (CANAPS), issues federal and CERCLA project numbers and authorized ceiling limits for funding removal actions associated with oil and hazardous substance incidents. CANAPS does not auto generate messages in C2OIX, as it had previously with CGMS.

b. Policy.
Units *shall not* release any CANAPS messages in C2OIX. The National Pollution Funds Center (NPFC) will forward the CANAPS ceiling information to C2OIX for release. If units encounter issues with CANAPS, contact the NPFC Command Duty Officer at: (202) 494-9118.

3. Authorization to Proceed (ATP) Messages.

a. Overview.
ATP messages document the hiring of contractors to respond to an oil spill and any increase of the authorized contractor ceiling level for a given response.

b. Policy.
Units *shall* release ATP and ATP increase messages in accordance with the format found in Appendix L of this Manual.

D. Incident Command System (ICS) Documents and Reports.

1. Overview.

a. The Incident Command System is a fundamental element of incident management. ICS provides standardization through the following 14 management characteristics, each of which contributes to the strength and efficiency of the overall system:

(1) Common terminology;

(2) Modular organization;

(3) Management by objectives;

(4) Incident action planning;

(5) Manageable span of control;

(6) Incident facilities and locations;

(7) Resource management;

(8) Integrated communications;

(9) Establishment and transfer of command;

(10) Chain of command and unity of command;

(11) Unified Command;

(12) Accountability;

(13) Dispatch/deployment; and

(14) Information and intelligence.

b. ICS is a flexible, scalable, and adaptable management approach to meet the needs of any incident. It provides a core mechanism for coordinated and collaborative incident management and addresses a broad spectrum of incidents from small to complex, planned and un-planned, and both natural and human-caused.

2. Policy.
FOSCs should use ICS organizations and principles for oil discharges and hazardous substance releases. ICS policy documents, forms, job aids, qualification guides, and other supporting information are available on Homeport (go to library, then Incident Command System).

E. Federal On-Scene Coordinator's (FOSC) Report.

1. Overview.
FOSC reports provide a mechanism to communicate incident specifics, best practices, challenges, lessons learned, and recommendations from major oil and hazardous substance incidents and incidents with significant political interest, public interest, and environmental or economic impact. Written from the FOSC's perspective, an FOSC report provides an opportunity to conduct an internal Coast Guard review of actions taken in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) to mitigate a discharge or release with the intent to improve marine environmental response preparedness. This report is different from an Incident Specific Preparedness Review (ISPR). Independent review teams conduct ISPRs to provide an objective assessment of the Coast Guard's response to a specific incident.

2. Policy.
FOSCs *shall* submit reports when requested by the National Response Team (NRT) or respective Regional Response Team (RRT), in accordance with 40 Code of Federal Regulations (C.F.R.) § 300.165, or when requested by Commandant (CG-MER). Examples of previous FOSC reports are available on the Commandant (CG-MER)'s Portal. Commandant (CG-MER) establishes specific timelines and requirements in consultation with the Area, District, and FOSC. As required by Reference (d), after action reports (AARs) generally capture recommendations and lessons learned for incidents of Type 1 or 2, or when prescribed by the chain of command. If an FOSC report also includes this material, Commandant (CG-MER) *shall*, in cooperation with the submitting unit, review the lessons for applicability and ensure their entry into the Coast Guard's Contingency Preparedness System (CPS), in accordance with Reference (d).

F. Incident Specific Preparedness Review (ISPR).

1. Overview.

a. The purpose of an ISPR is to conduct and document a thorough assessment and critical evaluation of the Coast Guard's preparedness process in conjunction with the implementation, integration, and effectiveness of national, regional, and local oil spill response plans. Unlike the FOSC report, independent evaluation teams develop ISPRs to provide an objective review of and comparison between response actions undertaken and the planning assumptions in effect during the time of the incident.

b. An ISPR Team serves as a fact-finding body to review response and recovery operations thoroughly, evaluate planning assumptions, and identify strengths and weaknesses of the overall preparedness system in effect at the time of the incident. The ISPR Team documents their findings—including appropriate observations, lessons learned, and recommendations—in a final report to the Commandant of the Coast Guard. It is important to note that ISPR reports do not necessarily reflect the views of the Coast Guard and their recommendations are non-binding. Rather, ISPR reports provide data for Coast Guard program management offices to review and consider for improving marine environmental response and preparedness.

2. Policy.

   a. ISPRs *shall* be developed and ISPR Teams established at the direction of the Deputy Commandant for Operations (CG-DCO).

   b. The ISPR does not and *shall not* be relied upon to create any rights, privileges, duties, or benefits, either substantive or procedural enforceable by law by any person or entity in any administrative, civil, criminal, or other matter.

   c. Although not considered an administrative investigation, the ISPR process may use the *Administrative Investigations Manual, COMDTINST M5830.1 (series)* as a general reference.

   d. Except as determined by the ISPR Team Chair, with the advice of the Vice-Chair, ISPR deliberations *shall not* be conducted in public. ISPR Team members may use all information available consistent with existing authority and policy, whether publicly available or not, but do not have subpoena authority. The ISPR Team should proactively gather information related to the oil spill response efforts and contingency planning implementation consistent with existing authority.

   e. The activities of the ISPR Team, as well as information obtained during the review, are part of the U.S. Government's deliberative process and *shall not* be disclosed outside the team, except as necessary to carry out official duties of the members imposed by their parent organizations. Non-government team members will be required to agree to this term of confidentiality as a condition of their participation. After appropriate review, the Coast Guard publicly releases the ISPR report consistent with all applicable laws and regulations.

3. Incident Specific Preparedness Review (ISPR) Teams.

   a. Purpose.
   The primary mission of the ISPR Team is not to grade or critically evaluate the actual response efforts undertaken, but rather to study the implementation and effectiveness of Area Contingency Plans (ACPs) and other policies, and their integration with facility/vessel response plans (FRPs/VRPs) and other plans at the federal, state, and local levels.

   b. Formation.
   Upon direction from the Commandant (CG-DCO), an ISPR Team is established. An ISPR Team normally consists of a Chair, Vice-Chair, and up to 12 or more additional team members and advisors. Actual team composition will depend on the circumstances surrounding the specific incident under review. Given the type of experience required by an ISPR Team will vary from incident to incident, individual team members will participate in the ISPR process based on their knowledge and experience. ISPR Teams *shall* include a combination of representatives from appropriate federal and state agencies and the private sector. These members will fully participate in the ISPR process, including the development and approval of the final ISPR report. In order to comply with Federal Advisory Committee Act's requirements, industry and non-governmental organization (NGO) representatives may serve as advisors to the ISPR Team. These advisors will participate fully in the ISPR process and are valuable contributors to the preparation of the final ISPR report; however, they will

not be a part of the final report approval process. Generally, Commandant (CG-MER) will nominate ISPR Team members and advisors. Individuals invited and selected for the ISPR Team *shall not* be directly involved with the incident response.

c. Charter.
Once an ISPR Team assembles and all members and advisors have confirmed their desire to participate, the Commandant (CG-00) will designate the ISPR Team members and advisors in writing. Commandant (CG-MER), in consultation with Commandant (CG-DCO) and Commandant (CG-5R), *shall* draft an ISPR Charter for Commandant (CG-00) signature. The Charter will include, at a minimum, the following:

(1) Purpose of the review;

(2) Names and agencies/organizations of the ISPR Chair, Vice-Chair, members, and advisors;

(3) Roles and responsibilities of all ISPR Team members;

(4) Details on funding for ISPR Team member travel;

(5) Legal, public affairs, and administrative considerations; and

(6) Timelines and guidelines for completion.

d. Responsibilities.

(1) The ISPR Team *shall* examine the implementation and effectiveness of the Coast Guard's preparedness processes. Therefore, information gathering efforts such as interviews of personnel involved in the response, examination of existing regulations, policies, records, message traffic, and contingency plans will be necessary. ISPR Team members do not have federal subpoena authority, so voluntary cooperation of federal, state, and local agency employees and the public *must* be sought. Coast Guard personnel *shall* fully cooperate with an ISPR Team and respond to requests for information or interviews

(2) The ISPR Team *shall not* interfere with any Coast Guard casualty investigation, National Transportation Safety Board (NTSB) investigation, or local board of inquiry conducted under a separate review. Additionally, an ISPR Team *shall not* identify fault, blame, or violation of federal or state laws or regulations, or identify the cause of a casualty. If the ISPR Team acquires information or evidence of such violations they should be provide the information to the proper investigative body.

e. Travel.
All travel associated with an ISPR *must* be authorized by the ISPR Chair and/or Vice-Chair. The Coast Guard will provide Travel Order Numbers (TONOs) to Coast Guard members, who *must* submit properly documented travel claims through their local chain of command, and then submit copies of the processed travel voucher summaries to Commandant

(CG-MER). Federal and state agency ISPR Team members may receive travel funds through interagency transfers to their respective agencies. ISPR Team members from the private sector and NGOs receive invitational orders.

f. Incident Specific Preparedness Review (ISPR) Support Staff.
Commandant (CG-MER) is responsible for providing one or more ISPR project officers to support the ISPR Team's efforts. The ISPR Support Staff may also include contract personnel to provide services such as subject matter expertise, technical writing, meeting facilitation, and other administrative tasks. The ISPR Support Staff are responsible for:

(1) Administrative and logistical support to the ISPR Team during the performance of their duties as described in the ISPR Charter;

(2) Assembling and providing documentary information required by the ISPR Team;

(3) Contacting potential interviewees and scheduling interviews with the ISPR Team;

(4) Coordinating travel and meeting spaces;

(5) Coordinating and managing the report writing process with ISPR Team members; and

(6) Assimilating the team's work into a final document for ISPR Team's signature.

4. Incident Specific Preparedness Review (ISPR) Final Report.

a. When the ISPR Team has completed its review of the incident, the Chair *shall* submit a final report to Commandant (CG-00), with copies to the Commandant (CG-DCO), Commandant (CG-5R), the respective Area and District Commanders, and the appropriate Coast Guard FOSC by the deadline specified in the ISPR Charter. This report *shall* contain:

(1) An executive summary;

(2) A narrative description of the ISPR Team's independent and objective review process;

(3) Identification of focus areas; and

(4) A list of observations, lessons learned, and recommendations for each focus area resulting from the ISPR Team's deliberative process.

b. An ISPR Team may find it beneficial to review previous ISPRs for process, form, and content. Examples of previous ISPRs are available on the Commandant (CG-MER)'s Portal.

c. The ISPR Team should develop clear and succinct reports so readers may quickly ascertain the areas of focus relative to the incident. In addition, the reports should include lessons learned to improve future preparedness.

d. ISPR Teams may find it useful to generate the following types of products during the review process and for potential inclusion in the final report:

(1) Event chronology;

(2) Interview list;

(3) Summary of ISPR Team's deliberative process;

(4) List of focus areas;

(5) Interview process; and

(6) Reference document bibliography.

e. If the ISPR Team cannot meet the report deadline established in the ISPR Charter, the ISPR Chair *shall* submit a letter to Commandant (CG-00) explaining the reasons for the delay and the anticipated completion date.

5. Coast Guard Processing of Incident Specific Preparedness Review (ISPR) Lessons Learned. While ISPR reports do not necessarily reflect the views of the Coast Guard and their recommendations are non-binding, it is Coast Guard policy for the appropriate program office to review the recommendations. Commandant (CG-MER) is the appropriate program office for most matters related to a spill response. Commandant (CG-MER) will determine the applicability of each recommendation and how/whether to enter each recommendation into CPS for lessons learned tracking per Reference (d). If multiple reports address the similar recommendations from the same incident, they may be bundled for action. In accordance with Reference (d), Commandant (CG-CPE) assists Commandant (CG-MER) and other program offices in managing this process.

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CHAPTER 13. MARINE ENVIRONMENTAL RESPONSE (MER) FUNDING

A. Introduction.
This Chapter provides policy and guidance for use of the Oil Spill Liability Trust Fund (OSLTF), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) fund (referred to as the Superfund), and the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) fund for oil and hazardous substance response operations. Commandant (CG-MER) and the National Pollution Funds Center (NPFC) establishes the requirements in this Chapter to ensure Federal On-Scene Coordinators (FOSCs) and designated personnel maintain detailed records of all resources and costs incurred in responding to pollution incidents. Failure to submit timely, accurate, and complete cost documentation can result in delays in reimbursement for removal costs and contractor payments and affect the government's ability to recover costs from the Responsible Party.

B. National Pollution Funds Center (NPFC).

1. Background.
The Oil Pollution Act of 1990 (OPA 90) created the OSLTF to provide funding for responses to the discharge or substantial threat of discharge of oil into the navigable waters, adjoining shorelines, and exclusive economic zone of the United States. OPA 90 delegated administration and management responsibilities for the OSLTF to the Coast Guard. In response to this fiduciary responsibility, the Coast Guard established the NPFC on February 20, 1991. The NPFC, an independent Coast Guard Headquarters Unit, reports directly to the Chief Financial Officer (CG-8) of the Coast Guard. The NPFC Website contains additional background information. The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) lists the NPFC as a Special Team. Additional information on NCP Special Teams can be found in Chapter 11 of this Manual.

2. Roles and Responsibilities.
The NPFC has fiduciary responsibility to administer the OSLTF, manage the portion of the Superfund that the Coast Guard uses, and oversee the vessel financial responsibility provisions (i.e., Certificate of Financial Responsibility or COFR) of OPA 90. The Coast Guard uses the NPFC for responses to oil discharges and hazardous substance releases in the Coastal Zone, as defined by agreement with the U.S. Environmental Protection Agency (EPA). In accordance with OPA 90 and other pertinent laws and regulations, the NPFC executes programs to accomplish the following seven principal objectives:

a. Administer certain uses of the OSLTF in respect to federal oil removal costs and compensation;

b. Provide funding for federal removal actions in response to a discharge or a substantial threat of discharge of oil in navigable waters of the United States;

c. Compensate claimants for OPA 90 removal costs or damages, including claims from Natural Resource Trustees for natural resource damages (NRD);

d. Provide funding to Natural Resource Trustees to initiate Natural Resource Damage Assessments (NRDA);

e. Recover OPA 90 removal cost and damages from Responsible Parties;

f. Issue COFRs for vessels; and

g. Administer Superfund amounts provided by EPA for Coast Guard responses to releases or the substantial threats of releases of hazardous substances in the Coastal Zone. EPA responds to hazardous substance releases in the Inland Zone.

3. National Pollution Funds Center (NPFC) Case Teams.

a. The NPFC regional case teams support FOSCs. There are four case teams assigned to regions of the United States, specifically: the Southeast, the Gulf Coast, the West Coast, and the Northeast and Great Lakes. The case team includes a Case Officer, Attorney, NRD Specialist, Claims Specialists, Finance Specialist, and a COFR Specialist. In an incident, the case team is responsible for carrying out NPFC missions, which include fund management, cost recovery, and OPA 90 claims adjudication.

b. An NPFC Regional Manager and case team is available to assist the FOSC on any pollution or disaster incident 24 hours a day. This availability includes sending a Case Officer to the scene of an incident to address any funding related issues for the response. Table 13-1 presents Regional Manager contact information for assistance and information relating to specific cases.

Region	Contact Information
Team 1: Gulf Coast and Midwest Team	202-795-6067
Team 2: Southeast	202-795-6069
Team 3: West Coast, Alaska, and Hawaii	202-795-6073
Team 4: Northeast and Great Lakes	202-795-6088
Command Duty Officer (24/7)	202-494-9118

Table 13-1: National Pollution Funds Center (NPFC) Regional Manager Contact Information

C. Pollution Funds.

FOSCs use the OSLTF and Superfund at no cost to the unit or the Coast Guard. These funds allow the FOSC to contract resources, fund personnel travel, pay for NCP special teams such as the National Strike Force or Scientific Support Coordinator, and other activities necessary to ensure a safe and efficient response operation, regardless of the Responsible Party's actions. The Coast Guard encourages FOSCs to open the appropriate fund early in a pollution incident, especially when there is a "substantial threat" of a discharge or release as determined by the FOSC. The unit will never be penalized or incur costs for acting early and opening the fund for actual or substantial threats of

discharge or release. Four principal types of response funding and appropriate uses for each type include the following:

1. Responsible Party.

   a. Use the Responsible Party as the first source of funding on any response, but only up to their required limit of liability under OPA or CERCLA. If the Responsible Party claims they have no insurance, no COFR (if applicable), or no financial means to respond, the FOSC should use the OSLTF/CERLCA, as needed. The FOSC should additionally use all enforcement tools available to ensure compliance by the Responsible Party, such as Administrative Orders, Captain of the Port Orders, Notice of Federal Interest, and Notice of Federal Assumption. Chapter 9 of this Manual provides additional information on FOSC enforcement options.

   b. Even though the Responsible Party is funding and conducting a satisfactory response, the FOSC should consider opening the appropriate fund to ensure the availability of adequate funds for the response. The use of funds will be subject to the provisions of Cost Documentation and Financial Management listed below.

2. Oil Spill Liability Trust Fund (OSLTF).
   The OSLTF should be used for incidents that involve an oil as defined in the *Coast Guard List of Petroleum and Non-petroleum Oils*, available on the Commandant (CG-MER)'s Portal. When FOSCs respond to an oil discharge, they act under the authority granted in FWPCA. This list is the most currency guidance on what products the Coast Guard classifies as an "oil" for the purposes of the FWPCA. The OSLTF consists of two funding elements:

   a. Emergency Fund.
      The NPFC opens the Emergency Fund in order for FOSCs to respond to discharges or substantial threats of discharges, for Federal Natural Resource Trustees to initiate NRDA, and for immediate removal actions by states. The Emergency Fund is a recurring $50 million fund available to the President annually and remains available until expended.

   b. Principal Fund.
      The Principal Fund, the remainder of the OSLTF, is available to pay claims and for Congressional appropriations to carry out other OPA 90 and FWPCA Section 311 requirements.

3. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)/ Superfund.

   a. National Pollution Funds Center (NPFC) Responsibilities.
      The NPFC serves as the Coast Guard's CERCLA Superfund manager for funds provided by EPA for Coast Guard responses to hazardous substance releases. The NPFC CERCLA Removal Cost Technical Operation Procedures (TOPs) can assist FOSCs and their staff in becoming familiar with CERCLA policies and documentation. The TOP can be located at the NPFC Website. *CERCLA Response Authority and Associated Coast Guard Policies,*

COMDTINST M16465.29 (series), provides additional policy and guidance on Superfund use. The NPFC Case Officer is also available to assist FOSCs with CERCLA funding questions.

b. Superfund Use.
The Superfund should be used for incidents that involve a hazardous substance, pollutant or contaminant as defined by 40 Code of Federal Regulations (C.F.R.) §§ 110-117 (i.e., meeting reportable quantity requirements), a mixed product incident (e.g., oil discharge and hazardous substance release), and an incident with an unknown product.

c. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Action Memorandum.

(1) Overview.
FOSCs need to be aware of the following general financial issues involving any major CERCLA removal action:

(a) If the CG FOSC expects the total CERCLA emergency removal costs to be $250,000 or more, the FOSC *must* prepare a CERCLA Action Memorandum prior to exceeding that financial limit and receive approval from the EPA NRT Chair. The CANAPS system will not issue a CERCLA ceiling of $250K or more without an approved CERLCA Action Memorandum.

(b) CERCLA limits emergency removal actions to 1 year and $2 million in total costs, unless otherwise approved by the EPA Administrator.

(2) Action Memorandum Guidance.

(a) Exceeding either of these limitations requires coordination with the EPA representatives to the National Response Team. *CERCLA Response Authority and Associated Coast Guard Policies, COMDTINST M16465.29 (series)*, provides an FOSC with detailed guidance for Coast Guard CERCLA response actions requiring a CERCLA Action Memorandum. A CERCLA Action Memorandum template can be found on the Commandant (CG-MER)'s Portal. In general, an FOSC drafts the CERCLA Action Memorandum and routes as follows for approval:

[1] District RRT Co-Chair;

[2] District Chief of Response (drm);

[3] Area (LANT-35IM/PAC-35IM); and

[4] Commandant (CG-MER).

(b) Commandant (CG-MER) endorses the CERCLA Action Memorandum and sends to the Chair, National Response Team (EPA) for review and approval.

(c) Upon approval, EPA sends the CERLCA Action Memorandum to the NPFC.

4. Stafford Act.
The Robert T. Stafford Disaster Relief and Emergency Assistance Act provides support for incidents during which the President declares a disaster or emergency, usually at the request of a state governor. Once the President makes the declaration under the Stafford Act, FOSCs may use special response provisions, including the Stafford Act Disaster Relief Fund, to respond to the disaster. The National Response Framework (NRF) outlines these mechanisms. The NRF describes the following response and funding provisions:

a. Emergency Support Function (ESF) #10.
Most pollution incidents, especially responses to Stafford Act disasters and emergencies, fall under the NRF's ESF #10, Oil and Hazardous Materials Response. ESF #10 applies to both oil and hazmat response and incorporates the provisions of the NCP. The NRF identifies the Coast Guard as the primary agency for ESF #10 actions when the incident affects the Coastal Zone. For incidents that affect the Inland Zone or both zones, the EPA is the primary agency and Coast Guard is the deputy.

b. Other Emergency Support Functions (ESFs).
Some pollution incidents may also fall under other ESFs, particularly when responding to contaminated debris (ESF #3) or animal carcasses. In those cases, FEMA will issue guidance at the regional or Joint Field Office level.

c. NPFC Role.
The NPFC Finance Division plays an integral role in the funding process between FEMA, the Coast Guard District, and the Sector involved in Stafford Act responses. Additional information on the NRF, ESF #10, and the Stafford Act can be found in Chapter 3 of this Manual.

D. Federal On-Scene Coordinator (FOSC) Responsibilities.

1. Overview.
The FOSC is primarily responsible for all aspects of financial management of federal funds during oil and hazardous substance incidents in the Coastal Zone. Every direction the FOSC issues and every resource the FOSC calls upon, is captured as direct or indirect costs against the OSLTF Federal Project Number (FPN), CERCLA Project Number (CPN), and Stafford Act Disaster Project Number (DPN) assigned to the incident. FOSCs *shall* ensure the accurate tracking of costs and proper documentation of key resource decisions for ceiling management, cost recovery, legal proceedings, and to ensure an efficient response. The NPFC Case Officer assists the FOSC in performing their cost documentation responsibilities under the NCP. Anytime a financial issue materializes, the FOSC should ensure the NPFC Case Officer is involved to help bring resolution to the issue**.** FOSCs should follow the procedures outlined in

Section B of this Chapter to request NPFC assistance during an oil discharge or hazardous substance release.

2. Cost Documentation.
FOSCs *shall* use the electronic 5136 Workbook, available at the NPFC Website, to track all costs against the appropriate pollution fund. There are two types of costs that *must* be tracked:

   a. Direct Costs.
   Direct costs affect the project ceiling for the incident. FOSCs *shall* track direct costs closely to ensure an adequate ceiling remains on the project. The FOSC requests a ceiling increase if they anticipate meeting or exceeding the currently established ceiling. Examples of direct costs include, but are not limited to:

      (1) Coast Guard personnel travel expenses (e.g., lodging, per diem, rental car);

      (2) Contractor costs; and

      (3) Pollution Removal Funding Authorizations.

   b. Indirect Costs.
   Indirect costs *do not* affect the project ceiling for the incident. Examples include, but are not limited to:

      (1) Coast Guard personnel costs (non-travel related); and

      (2) Coast Guard aircraft, cutter, boat, and equipment costs.

3. Resource Management.

   a. While it is not necessary for the FOSC to determine the adequacy of a Responsible Party's response before expending of federal funds, the FOSC *must* ensure resources are coordinated at the Incident Command/Unified Command level, to prevent duplication of efforts between Responsible Party and government resources.

   b. In managing a federally-funded response to an oil discharge or hazardous substance release, the FOSC should make every effort to:

      (1) Minimize elapsed time from notification to equipment deployment;

      (2) Match equipment and personnel to spill characteristics;

      (3) Minimize the cost of labor, equipment, and materials;

      (4) Verify equipment on scene with contractor dailies; and

      (5) Rapidly secure those resources no longer needed.

4. Government vs. Private Sector Resources.

   a. FOSCs are responsible for using the most expedient and appropriate resources available to perform their roles and responsibilities under the NCP. This may include the use of Coast Guard assets, such as helicopters, small boats, and skimming systems, particularly in the early stages of a response. However, the Coast Guard does not attempt to compete with private sector resources. Coast Guard owned equipment and assets should only be used when it:

      (1) Can be accessed faster than commercially available equipment;

      (2) Includes a necessary capability not immediately available commercially; or

      (3) Significantly enhances removal activities.

   b. When appropriate commercial equipment becomes available, the FOSC should remove Coast Guard owned equipment, provided there is an assurance of a smooth transition.

E. Documentation and Financial Management Policy and Guidance.

1. OSLTF/CERCLA Access.

   a. The Ceiling and Number Assignment Processing System (CANAPS) application issues OSLTF and CERCLA project numbers and authorized ceiling limits for funding certain removal actions associated with oil and hazardous substance incidents. FOSCs can use CANAPS to request an FPN and/or CPN, along with necessary ceiling amounts. Coast Guard FOSCs are initially limited to $500,000 for FPNs and $25,000 for CPNs; EPA On-Scene Coordinators are limited to $50,000 for FPNs. If additional funds are needed immediately, contact the Regional Manager or assigned Case Officer. If an FOSC cannot access CANAPS, they should contact the NPFC CDO at (202) 494-9118 for immediate assistance.

   b. Further guidance on CANAPS can be found at the NPFC Website.

2. Pollution Removal Funding Authorizations (PRFAs).
   FOSCs use PRFAs to pay for services of other government agencies (i.e., federal, state, local, or tribal) that provide assistance requested and directed by the FOSC during a response. FOSCs use PRFAs to fund services from NOAA Scientific Support Coordinators, wildlife rehabilitation teams, and state pollution response resources, amongst many other possible uses. The FOSC *must* ensure the agency has a clearly defined scope of work consistent with the NCP and an authorized funding amount. There are two types of PRFAs: 1) Federal PRFA; and 2) Non-Federal PRFA. The Federal PRFA, Non-Federal PRFA, and Statement of Work Checklist are available at the NPFC Website.

3. Military Interdepartmental Purchase Request (MIPR)/Interagency Agreement (IAA).
   FOSCs use MIPRs to reimburse the Department of Defense (DOD) and other governmental agencies for costs of services provided during a response. The FOSC should engage the NPFC

Case Manager and the Shore Infrastructure Logistics Center (SILC)-COCO-BSS-COB1 for specific direction regarding issuances of MIPRs or IAAs.

4. NPFC Technical Operating Procedures (TOPs) for Incident and Cost Documentation for Federal Project Number (FPN), CERLCA Project Number (CPN), and Disaster Project Number (DPN) Cases.

   a. Developed to provide guidance to users operating as, or in support of, the FOSC, while using funds from the OSLTF, Superfund, of Stafford Act. This TOP for incident and cost documentation includes the following:

      (1) Cost/Incident;

      (2) Documentation Checklist;

      (3) Coast Guard Standard Rates (*Reimbursable Standard Rates, COMDTINST 7310.1 (series)*);

      (4) Electronic 5136 Workbook Job Aid;

      (5) Incident Report and Transmittal (IRAT) Guidance;

      (6) PRFA Guidance;

      (7) Contractor Documentation Guidance (NPFC and SILC);

      (8) FOSC Financial Management Checklist (described below); and

      (9) Property Management Guidance.

   b. The TOP is available at the NPFC website.

5. FOSC Financial Management Checklist.

   a. The NPFC TOP contains the FOSC Financial Management Checklist as a separate downloadable document. The checklist addresses all incident documentation and cost documentation issues from “cradle to grave,” regardless of the case type (i.e., FPN, CPN, or DPN). The NPFC Case Officer provides special guidance on unique circumstances, if encountered. Although the checklist does not address DPN responses, an FOSC can collect baseline information until provided with subsequent guidance.

   b. The FOSC Financial Management Checklist is available at the NPFC Website.

6. NPFC Electronic User Reference Guide (eURG).
   FOSCs are highly encouraged to use the NPFC eURG as a reference tool during an oil discharge or hazardous substance release. The eURG includes most NPFC publications pertaining to the

financial management aspects of oil spill response. The NPFC eURG is available at the NPFC Website.

7. Basic Ordering Agreement (BOA) Contractors.
The Shore Infrastructure Logistics Center (SILC) Base Services and Support Division, Emergency Services Contract Operations Branch (COB1) issues and administers BOAs to contractors that respond to oil discharges and hazardous substance releases. The BOA In Effect List provides a list of BOA contractors, contact information, services provided, and Districts serviced. FOSCs are strongly encouraged to review the list to maintain awareness of available BOA contractors for emergency pollution incidents. The FOSC is limited to issuing an Authorization to Proceed (ATP) for a BOA contractor to $50,000 and *shall* contact SILC within 24 hours of issuing the ATP. Access the BOA In Effect List and Emergency Services Contract Operations Branch POCs at the SILC ERB Website.

F. Other Response Funding Issues.
The FOSC should be aware of other activities involving OSLTF funding that may be occurring as the FOSC is overseeing or conducting removal operations. While it is important to monitor these activities to ensure a coordinated response and efficient use of resources, the FOSC is *not* responsible for managing or tracking OSLTF funds associated with these activities.

1. Claims.
If the Responsible party is not adequately addressing claims from injured parties, the NPFC may assume responsibility to adjudicate claims from injured parties affected by the spill. These claims may range from economic damages to loss of subsistence use. The FOSC *shall* direct all claims issues to the NPFC. If doubt exists, contact the NPFC Claims Division, using the assigned NPFC Case Officer or Regional Manager.

2. NRDA Activities.
The OSLT Emergency Fund permits access to federal, state, and tribal trustees to conduct "Initiation of Natural Resource Damage Assessments." These activities may take place concurrently with and alongside FOSC directed response actions, but should not interfere with response actions. An *Inter-Agency Agreement (IAG) between the Federal Lead Administrative Trustee (FLAT) and the NPFC* provides funding for NRDA activities, commonly referred to as "initiate activities." If questions arise regarding "Initiate" activities, FOSCs *shall* contact the NPFC Natural Resource Damages Division, using the assigned NPFC Case Officer or Regional Manager.

3. Consultation Activities.
Certain types of assessments and consultations may be eligible for funding by the OSLTF Emergency Fund during a response. The FOSC *shall* contact the NPFC Regional or Case Manager for additional guidance on the use of the OSLTF during all consultations. Additional policy and guidance on consultations can be found in Chapter 4 of this Manual. Two common types of consultations funded using the OSLTF include:

a. Endangered Species Act (ESA).
FOSCs can request funding for an emergency consultation on Section 7 of the Endangered Species Act (ESA) during a response; the OSLTF Emergency Fund provides the resources as a removal cost. 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* provides details on the consultation process for Section 7 of the ESA and includes a sample PRFA and Statement of Work. The Agreement can be found on the Commandant (CG-MER)'s Portal.

b. National Historical Preservation Act (NHPA).
FOSCs can request funding for an emergency consultation to comply with Section 106 of the NHPA during a response; the OSLTF Emergency Fund provides the resources as a removal cost. The *Programmatic Agreement on Protection of Historic Properties During Emergency Response Under the National Oil and Hazardous Substances Pollution Contingency Plan* provides additional guidance on consultation and procedures for historical properties during emergency response to a spill or release. The Agreement can be found on the Commandant (CG-MER)'s Portal.

CHAPTER 14. RESPONSE SUPPORT SYSTEMS

A. Introduction.
This Chapter provides a brief overview of various systems and databases available to assist in preparing for and responding to pollution incidents. The ability to provide organized, comprehensive data systems to support the Coast Guard Marine Environmental Response (MER) program provides an important element of successful response and enforcement actions. Maintenance of situational awareness at all levels of the Coast Guard enhances strategic and tactical decision-making. It also provides the means for information exchange and public affairs. Moreover, Coast Guard data systems provide leadership with the data and tools to effectively evaluate performance and improve program management.

B. Coast Guard Business Intelligence (CGBI).
CGBI provides users with a Web-based toolset containing standardized Coast Guard enterprise data. Typically, Coast Guard Headquarters, Area, and District program managers access CGBI to gather information generated by the Marine Information for Safety and Law Enforcement (MISLE) database. CGBI transforms this data into information for use in decision-making, including unit staffing and resource allocation. Coast Guard leadership uses this information to maintain awareness of the field level activity, upon which these decisions are based.

C. Vessel Response Plan (VRP) Express.
VRP Express, a Web-based application, allows the user to search and download relevant portions of VRPs. This information assists in response to pollution incidents and vessel casualties, as well as supports planning for Government Initiated Unannounced Exercises (GIUEs) and other Coast Guard and industry exercises. The application is available via Coast Guard Homeport on the VRP Status Board.

D. National Response Resource Inventory (RRI).
The National Strike Force Coordination Center (NSFCC) maintains the RRI, a national database of response resources mandated by the Oil Pollution Act of 1990 (OPA 90). The RRI provides Federal On-Scene Coordinators (FOSCs) with the ability to query Oil Spill Removal Organization (OSRO) owned or contracted response equipment inventories and to analyze response capabilities throughout the United States. Additionally, the RRI provides OSROs with tiered classifications based on their response resource inventory, geographic location, and their ability to mobilize resources to the Captain of the Port (COTP) city or Alternate Classification City. Information on the classification of OSROs is available at the NSFCC OSRO Classification Website. Coast Guard personnel can view the RRI via MISLE (from the MISLE home page, click on Standard Reports, then RRI). Regional Response Team and Area Committee members access the RRI through the NSFCC OSRO Classification Website. More advanced functionality, such as conducting queries and generating reports, requires an administrator account. Stakeholders can request administrator accounts by contacting the NSFCC.

E. Contingency Preparedness System (CPS).
Reference (d) establishes the requirement to use the Contingency Preparedness System (CPS) as the system of record for the Coast Guard. CPS is a web-based application that links contingency plan management, exercise management, after action reporting, and corrective action management. After

action reporting is conducted in the Coast Guard Standard After Action Information and Lessons Learned System (CGSAILS) module of CPS. Perform corrective and improvement action management using the Remedial Action Management Program (RAMP) module of CPS. A User Guide, available within the CPS Help function, provides a tutorial for using the CPS modules. Coast Guard personnel can access the user guide and supporting information via the Contingency Preparedness System (CPS) Website.

F. Incident Management Software Systems (IMSS).
The Incident Management Software System (IMSS) is a platform for desktop and mobile use to implement the Incident Command System. IMSS assists responders by allowing the addition of pre-planned actions or list of resources (i.e., GRPs) into the system before an event for faster development of an Incident Action Plan. Contact Commandant (CG-CPE) to request access or training.

G. National Oceanic and Atmospheric Administration (NOAA) Response Support Systems.

1. Computer-Aided Management of Emergency Operations (CAMEO).
CAMEO software products can be valuable hazardous materials response and planning tools. The CAMEO software suite consists of four core programs. Units are highly encouraged to become familiar with the suite of programs that are available for use. NOAA Scientific Support Coordinators (SSCs) may be available to provide in-house training. Further information can be found on NOAA's Office of Response and Restoration CAMEO Website.

2. Areal Locations of Hazardous Atmospheres (ALOHA).
ALOHA, one of the four core programs in the CAMEO software suite, models chemical releases for emergency responders and planners. It can estimate how a toxic cloud might disperse after a chemical release or how quickly chemicals are escaping from tanks, puddles, or pipelines. The program can also generate a number of scenario-specific outputs, including threat zone plots. ALOHA is available on NOAA's ALOHA Website.

3. General NOAA Operational Modeling Environment (GNOME).
GNOME is the modeling tool that NOAA OR&R's Emergency Response Division (ERD) uses to predict the possible trajectory a pollutant might follow in or on a body of water, such as in an oil spill. More information is available on NOAA's GNOME Website.

4. GNOME Online Oceanographic Data Server (GOODS).
The GOODS online tool helps GNOME users access base maps and ocean currents and winds from various models and data sources. Users received data in a GNOME-compatible format. More information is available on NOAA's GOODS site.

5. Environmental Response Management Application® (ERMA).
ERMA, a web-based geographic information system (GIS) tool, assists both emergency responders and environmental resource managers in addressing incidents that may adversely affect the environment. ERMA integrates and synthesizes various real-time and static datasets into a single interactive map. It provides visualization of the situation and can improve

communication and coordination among responders and environmental stakeholders. More information about ERMA is available on the NOAA's ERMA Website.

6. Remediation of Underwater Legacy Environmental Threats (RULET).
   RULET is a database of legacy shipwrecks that pose potential threats of oil pollution and that may be the sources of some "mystery spills." Additional information, policy, and guidance on the use of RULET can be found in Chapter 10 of this Manual.

H. Incident Reporting Information System (IRIS).
IRIS is the primary tool used by the National Response Center (NRC) to record incidents reported to the NRC. The system collects and reports information when hazards such as oil, chemical, radiological, and biological discharges. IRIS also collects information relating to suspicious activity, security breaches, and railroad incidents. Capabilities include email and fax reports, transmission of real-time data, management reporting mechanisms, and notifications on any data field collected via the notification matrix. Units may request historical data on pollution reports from the NRC, provided they cannot obtain the information through MISLE or CGBI.

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CHAPTER 15. INTERNATIONAL COORDINATION

A. Introduction.

1. This Chapter provides an overview of the Coast Guard's role in the international environmental protection community. Additionally, this Chapter summarizes pertinent international organizations and initiatives as well as international pollution preparedness and response cooperation and coordination efforts.

2. United States leadership in international cooperation for marine environmental response spans 65 years. The threat of marine pollution to public health, costs associated with cleanup activities, the impact on tourism, and loss of resources enhance international concerns. The United States aims to work with international organizations (public and private), to improve environmental protection while providing for environmentally sustainable development.

3. The Coast Guard ensures international preparedness for oil discharges and hazardous substance releases in U.S. and neighboring waters through:

   a. International Maritime Organization (IMO);

   b. United Nations Environment Programme (UNEP); and

   c. Other bilateral and multilateral cooperative arrangements.

4. The Coast Guard maintains a dynamic and expansive role in addressing international marine environmental issues. The Coast Guard ensures world leadership in the environmental protection, preparedness, and response community through active engagement in international organizations and partner initiatives.

B. Coast Guard's Role in International Marine Environmental Protection (MEP).

1. The Coast Guard accepts responsibility as the nation's primary maritime response agency and a federal steward of the marine environment. The Coast Guard endeavors to share its capabilities and experience to further global marine environmental protection through the following efforts:

   a. Active participation in forums at the international and regional levels;

   b. Global engagement through the IMO and on a bilateral or multilateral basis with neighboring countries and regions including Canada, Mexico, Russia, the Arctic, and the Caribbean;

   c. Support of certain strategic relationships important to maritime commerce, such as the agreement between the Panama Canal Authority (Autoridad del Canal de Panamá) and National Response Team (NRT).

2. In support of numerous international activities, the Coast Guard works through the U. S. Department of State and in partnership with other federal agencies. The U.S. Department of State ensures advancement of U.S. interests internationally.

3. The Office of International Affairs and Foreign Policy (CG-DCO-I) coordinates international environmental activities throughout Coast Guard Headquarters. Commandant (CG-MER) delegates certain activities related to bilateral and multilateral agreements to certain Districts if directly impacted by the geographic scope of an agreement.

C. International Maritime Organization (IMO).

1. Established by the United Nations in 1948, the IMO primarily addresses marine environmental protection and safety issues for vessels. IMO consists of an Assembly, a Council, and five main committees:

   a. Maritime Safety Committee;

   b. Marine Environment Protection Committee;

   c. Legal Committee;

   d. Technical Cooperation Committee; and

   e. Facilitation Committee.

2. The IMO has specific subcommittees, which fall under these committees.

   a. Participation in IMO.

      (1) The United States works primarily through the IMO to establish environmental and safety standards for the international maritime community. These standards often come in the form of international conventions, agreements, and technical guidance. The Coast Guard represents the United States as the lead federal agency at the IMO. The Director of Commercial Regulations and Standards, Commandant (CG-5PS) serves as the principal Coast Guard coordinator of IMO activities.

      (2) The IMO Secretariat, member states, intergovernmental organizations (IGOs), and non-governmental organizations (NGOs) carry out the work of the IMO. The Secretariat manages the day-to-day operation of the IMO. The various IMO bodies include the Assembly, Council, five committees, and seven subcommittees. These IMO bodies represent the member states, IGOs, and NGOs by a delegation of designated members led by the Head of Delegation. Committee and subcommittee meetings occur annually at the IMO Headquarters in London, England.

b. U.S. Delegation.
Expertise in specific session topics leads the criteria for selecting delegation members representing the United States. Representatives typically need a technical working knowledge in several subjects covered during the session. The agenda for each session circulates approximately six months in advance of a meeting. The U.S. delegation consists of representatives from the Federal Government, NGOs, and industry.

c. Public Notification and Participation.
The IMO notifies the public of its activities through the media and IMO mailings. Announcements of U.S. delegation meetings occur prior to and after each IMO committee session and through the *Federal Register*. The meetings inform the public of IMO activities and facilitate public participation. Correspondence groups address IMO issues through the generation of U.S. position papers. The public contributes to the establishment of the U.S. position on a subject by contacting the U.S. coordinator for that issue. Additionally, the public provides input through the NGOs in consultative status with IMO. Some of the NGOs represent industry while others focus on environmental concerns.

d. Commandant (CG-MER) Involvement.

(1) Commandant (CG-MER) represents the Coast Guard for Oil Pollution Preparedness, Response and Co-operation (OPRC) and Hazardous and Noxious Substances (HNS) matters. The Commandant (CG-MER) representative provides expertise for issues that arise within the IMO Subcommittee on Pollution Prevention and Response (PPR) meetings.

(2) The PPR Subcommittee addresses matters relating to OPRC and HNS that arise from international conventions and protocols on these topics. The United States participates in the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC 1990). The United States contributes to guidance developed at IMO relating to the HNS Convention (not yet in force). Compatibility arrangements of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) prevent the United States from participating in the HNS Convention or the related OPRC-HNS Protocol.

(3) The United States typically contributes to international guidance to promote good global practice. Additionally, United States participation ensures the guidance complements current domestic practices. Examples of global guidance developed through PPR and predecessor groups under IMO include:

(a) OPRC and HNS Conventions;

(b) Contingency planning for dispersants, in-situ burning, and salvage;

(c) International Offers of Assistance (IOA);

(d) Spill response in ice and snow conditions; and

(e) Places of refuge.

D. United Nations Environment Programme (UNEP) Regional Seas Programme.
Established in 1974 as an outgrowth of the UNEP, the UNEP Regional Seas Programme addresses degradation of the world's oceans and coastal areas. The program promotes sustainable management and use of the marine and coastal environment. Additionally, the program engages neighboring countries in comprehensive and specific actions to protect their shared marine environment. UNEP established 13 Regional Seas Programmes to include 18 world regions and more than 143 countries. The United States actively engages in oil and hazardous substances preparedness and response matters in the Wider Caribbean, Pacific, and Arctic regions.

1. Regional Marine Pollution Emergency, Information and Training Centre for the Wider Caribbean (RAC/REMPEITC-Caribe).

a. In June 1994, the Caribbean Environment Programme (UNEP-CAR/RCU) established RAC/REMPEITC-Caribe, one of four Regional Activity Centres (RACs). The Government of Curacao hosts the RAC/REMPEITC-Caribe. Voluntarily seconded by states signatory to the Cartagena Convention of 1983, subject matter experts staff RAC/REMPEITC-Caribe. In 1995, the Coast Guard began detailing a senior officer to the IMO. The Coast Guard officer serves as the Senior IMO consultant at the Centre. The IMO, UNEP, and the United Nations Development Programme (UNDP) largely fund the Centre's activities.

b. RAC/REMPEITC-Caribe assists countries in the Wider Caribbean Region to prevent and respond to pollution incidents in the marine environment. Activities include:

(1) Promoting and facilitating international cooperation; and

(2) Strengthening national and regional preparedness and response capacity for marine pollution incidents, as well as other environmental threats from ships.

c. RAC/REMPEITC-Caribe offers training and technical expertise throughout the Wider Caribbean Region. Participating countries include the following: Antigua and Barbuda, Bahamas, Barbados, Belize, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, El Salvador, France, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Kingdom of the Netherlands, Nicaragua, Panama, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago, United Kingdom, United States of America, and Venezuela.

2. Legal Framework.

a. Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention).
The Cartagena Convention is the only legally binding environmental treaty for the Wider Caribbean Region and is the basis for the creation of the Caribbean Environment Programme

(CEP). The convention and its three protocols constitute a legal commitment by the participating governments to promote regional cooperation in the protection and development of the marine environment. Sources of pollution that require regional and national actions for their control per the convention include the following: pollution from ships, dumping, land-based sources, seabed activities, and airborne pollution. The convention also identifies the following environmental management issues as requiring cooperative efforts: specially protected areas and wildlife, cooperation in emergencies, environmental impact assessment, and scientific and technical cooperation.

b. Protocol Concerning Co-operation in Combating Oil Spills in the Wider Caribbean Region.

(1) This protocol of the Cartagena Convention establishes a mechanism to respond to discharges, or threats of discharges, that could endanger the marine environment and coastal interests of the Caribbean countries. An annex subsequently extended the protocol to include hazardous or toxic substances.

(2) In addition to training, exercises, and technical support, maintenance of the Caribbean Island OPRC Plan is a major mission of RAC/REMPEITC. See RAC/REMPEITC for the plan and additional information.

3. U.S. Coast Guard Involvement.

a. In 1983, the Coast Guard began demonstrating its commitment to the Cartagena Convention Protocol Concerning Cooperation in Combating Oil Spills in the Wider Caribbean Region. The Coast Guard assigned a senior officer with marine environmental response expertise to the IMO to serve as a Pollution Consultant in the Caribbean. In addition, the senior officer provides broader service to other IMO marine environmental protection related conventions. Originally assigned in Puerto Rico, in 1995 the billet moved to Curaçao where the officer serves as the senior IMO consultant to RAC/REMPEITC-Caribe. Commandant (CG-MER) oversees this billet and provides guidance and support to the officer assigned to RAC/REMPEITC-Caribe. Additional coordination comes from the Seventh Coast Guard District on regional matters and from other HQ Offices for engagements beyond the topics of spill preparedness and response.

b. In a 1996 Memorandum of Understanding (MOU) between the Coast Guard, the Netherlands, and the Netherlands Antilles, the Coast Guard affirmed its commitment to reassign its officer serving as the Caribbean Pollution Consultant to the newly established RAC/REMPEITC in Curaçao. In 2010, Curaçao became a constituent country within the Kingdom of the Netherlands, thus rendering the MOU moot. The Centre and its staff continue to operate under the auspices of a series of letters of intent during the finalization of new documents.

E. South Pacific Regional Environmental Program (SPREP).

1. The U.S. Government is a member of SPREP. Independent members (i.e., non-self-governing territorial possessions) include the U.S. Pacific Islands territories of American Samoa and Guam and the Commonwealth of the Northern Mariana Islands.

2. Commander, Fourteenth Coast Guard District represents the Coast Guard to SPREP. The Coast Guard engages with the SPREP Maritime Environmental and Response Program, and particularly with the Pacific Islands Regional Maritime Contingency Plan (PACPLAN).

F. The Arctic Council.
The United States became an Arctic nation with important interests in the region after purchasing Alaska. National security, economic development, and scientific research remain cornerstones of these Arctic interests. At the same time, the pace of change in the region continues to accelerate, creating added interdependence and new challenges for policy makers in Arctic nations. The U.S. Arctic policy reflects these elements of continuity and change. It emphasizes environmental protection, environmentally sustainable development, and the role of indigenous people. Simultaneously, it recognizes U.S. national security requirements, the need for scientific research, and the importance of international cooperation for achieving Arctic objectives.

1. The Arctic Council Formation and Objectives.

a. In 1989, the eight Arctic nations—the United States, Canada, Denmark, Finland, Iceland, Norway, the Russian Federation, and Sweden—began discussions on improving Arctic cooperation. In 1991, they reached agreement on the Arctic Environmental Protection Strategy (AEPS). In 1996, the Arctic nation formally established the Arctic Council. Figure 15-1 provides an overview of the Arctic Council and its organization. The Arctic Council promotes cooperation, coordination, and interaction of the eight Arctic nations, with the involvement of indigenous communities and Arctic inhabitants, to meet the following primary objectives:

(1) To promote environmental protection and address environmental issues affecting the entire region; and

(2) To ensure sustainable development as it relates to the economic circumstances of the indigenous people and residents of the Arctic through preservation of the environment.

b. The Arctic Council pursues these objectives through various workgroups (Figure 15-1). The Coast Guard, State of Alaska, indigenous people of Alaska, and other U.S. Government agencies serve as U.S. delegates to the Council and are members of many of its workgroups.

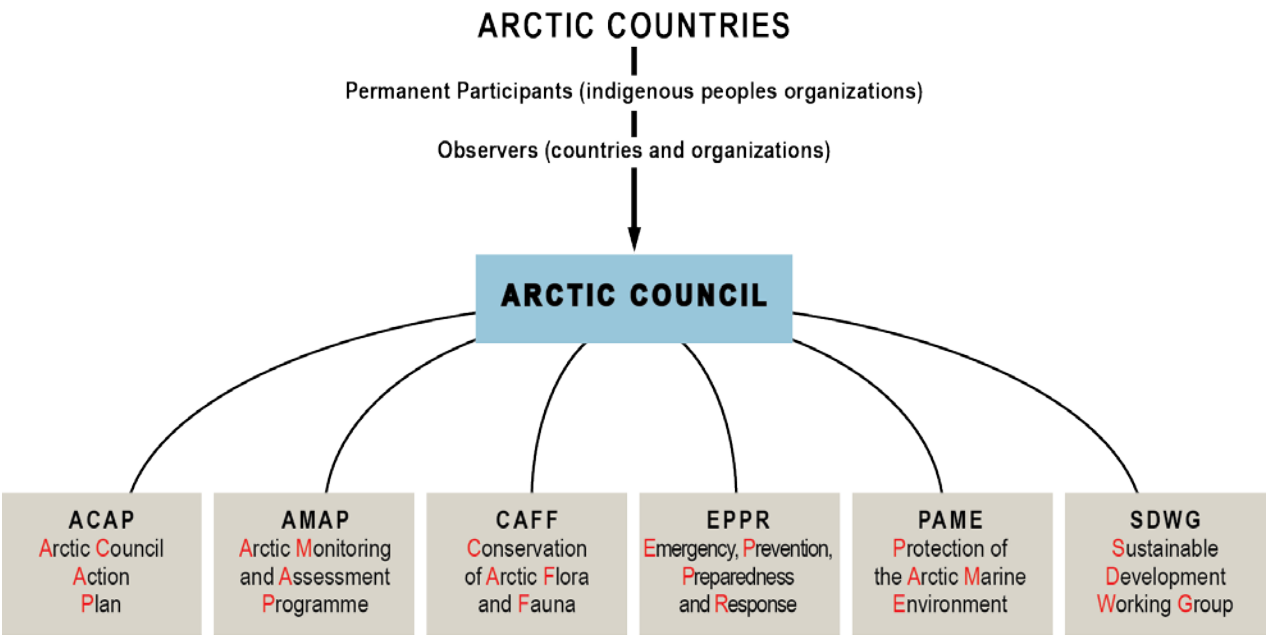

Figure 15-1: Arctic Council Workgroups

2. Emergency Prevention, Preparedness and Response (EPPR) Working Group.
One of six Arctic Council Working Groups, the Emergency Prevention, Preparedness and Response Working Group (EPPR) contributes to the protection of the Arctic environment from the threat or impact that may result from oil discharges or hazardous material releases. The members of the Working Group, represented by the eight Arctic nations, exchange information on best practices and conduct projects to include development of guidance and risk assessment methodologies, response exercises, and training. Commandant (CG-MER) serves as the leadership role for the Coast Guard including coordinating the review of agendas, work products, and other EPPR matters to ensure alignment with strategic programmatic objectives. District 17 provides subject matter expertise to Commandant (CG-MER) and the EPPR working group due to their regional knowledge and experience.

3. Arctic Policy Group (APG) and Task Force on Arctic Policy.
Led by the U.S. Department of State (DOS), the APG coordinates the United States' participation in the Arctic Council. The Director of Marine Transportation Systems, Commandant (CG-5PW) serves as the lead for the Coast Guard. Commandant (CG-MER) participates as necessary to represent issues relevant to pollution response. In 2011, in response to a proposal from Commandant (CG-MER) made via the APG, the Arctic Council established a task force to develop an international instrument on Arctic marine oil pollution preparedness and response.

G. Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic (MOSPA).
In May 2013, the Arctic Council member nations signed a binding agreement regarding Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic (commonly referred to as MOSPA). The Agreement focuses on a strategic level commitment to Arctic-wide cooperation, and builds upon existing bilateral and multilateral agreements in place throughout the Arctic region, such

as the United States Joint Contingency Plans (JCPs) with Canada and Russia. Specifically, the objective of the Agreement is "to strengthen cooperation, coordination, and mutual assistance among the Parties on oil pollution preparedness and response in the Arctic in order to protect the marine environment from pollution by oil." The Agreement promotes cooperation and sharing of best practices on research and development as well as identification of and engagement in joint exercises that demonstrate Arctic response strategy efficacies. In addition to the 23 binding articles of the Agreement, non-binding operational guidelines assist in its implementation. The Arctic Council's EPPR Working Group carries out these guidelines as well as an exercise program.

H. International Oil Pollution Compensation Funds (IOPC Funds).
The IOPC Funds provide compensation for oil pollution damages caused by persistent oils spilled from a tanker in a Member State. The IOPC Funds include the 1992 Fund and the Supplementary Fund. The HNS Convention (Hazardous and Noxious Substances by Sea Convention) attempted to create a compensation regime for damages caused by spillage of hazardous and noxious substances during maritime transportation. However, the HNS Convention has not yet entered into force because not enough countries have ratified it. The United States has not ratified the IOPC Fund conventions or the HNS Convention. Instead, the United States relies on the compensation regimes provided by the Oil Pollution Act of 1990 (OPA 90) and the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). Even though IOPC Funds will not provide compensation for domestic incidents, a Federal On-Scene Coordinator (FOSC) should understand how IOPC Funds operate during a transboundary response. In order to facilitate mutual understanding of the different compensation regimes, the United States maintains an observer status at IOPC Funds meetings. Further information is available on the IOPC Funds Website.

I. International Tanker Owners Pollution Federation Limited (ITOPF).

1. In 1967, the *M/V Torrey Canyon*, one of the world's first supertankers, grounded off the coast of the United Kingdom. The subsequent catastrophic oil spill was one of the largest spills in history and resulted in the establishment of ITOPF in 1968. ITOPF's original function was to administer an oil spill compensation scheme, international compensation and liability conventions have since assumed this role. As a result, ITOPF's purpose has shifted to the provision of technical expertise in oil pollution response for governments and clients. The Federation has had observer status at IMO since 1980.

2. ITOPF offers five key services: spill response, claims analysis and damage assessment, contingency planning, training, and information. ITOPF provides services to Members (tanker owners) or Associates (other ship owners) and their oil pollution insurers (normally Protection and Indemnity (P&I) Clubs). ITOPF also offers similar services at the request of governments and intergovernmental organizations such as the IOPC Funds.

3. Because of the wide experience of its staff, which includes marine biologists and chemists, ITOPF is able to provide practical advice and assistance on the most appropriate and cost-effective response to oil spills, with the primary aim of mitigating any damage. The staff is also able to investigate any adverse effects and damage caused to coastal resources such as fisheries, mariculture, industry, and recreational areas.

4. If requested by the discharger's insurer, ITOPF provides technical advice to the Responsible Party and assists with pollution claims and Natural Resource Damage Assessments (NRDA) for oil spills in the United States.

J. Regional Plans and Agreements.

1. International outreach and coordination is a critical component of marine environmental preparedness and response. A spill originating in another nation's territorial seas or Exclusive Economic Zone (EEZ) could impact U.S. waters, and conversely, a spill in U.S. waters could affect a foreign nation's natural resources. A network of cooperation toward the common goal of preparing for and responding to environmental disasters may be established and maintained through formal and informal engagements. Formal cooperation exists through bilateral or multilateral agreements and international conventions. Informal engagement may take place through operating procedures and information sharing. Collaboration and information sharing with our international partners promotes readiness to respond to large environmental incidents and creates open lines of communication that aid in global enhancement of pollution response.

2. Commandant (CG-MER) maintains all bilateral and multilateral pollution arrangements, and support strategic-level dialogue where called for in the bilateral or multilateral arrangements. The operational commander, principally coordinated at the District level and supported by Sector(s), *shall* participate in preparedness activities as anticipated in the below-described arrangements, and in the case of a transboundary incident, shall coordinate as described in the appropriate joint contingency plan and its annex(es) to promote an effective and efficient response.

   a. Canada-United States Joint Marine Pollution Contingency Plan (CANUS JCP).

      (1) The U.S. Coast Guard and the Canadian Coast Guard (CCG) have a long history of cooperation in executing our responsibilities to prepare for and respond to oil and hazardous substance events under the auspices of the CANUS JCP. The JCP provides the mechanism for coordinating the independent responses of each nation to maximize response resources and minimize the damage to the environment and the likelihood of transboundary contamination. The JCP is comprised of a base national CANUS Plan and five Regional Annexes that provide execution of an efficient and effective response in adjacent waters:

         (a) Atlantic Geographic Annex (CANUSLANT) – Bay of Fundy and the Gulf of Maine (First Coast Guard District);

         (b) Great Lakes Geographic Annex (CANUSLAK) – Great Lakes as defined in the Great Lakes Water Quality Agreement (Ninth Coast Guard District);

         (c) Pacific Geographic Annex (CANUSPAC) – Strait of Juan de Fuca, including Boundary Pass, Haro, and Georgia Straits (Thirteenth Coast Guard District);

(d) Northern Geographic Annex (CANUSNORTH) – Arctic waters off the coast of Canada and United States in the Beaufort Sea (Seventeenth Coast Guard District); and

(e) Dixon Entrance Geographic Annex (CANUSDIX) – Waters of the Dixon Entrance off the Pacific Coast of Canada and the United States (Seventeenth Coast Guard District).

(2) The cognizant U.S. Coast Guard District Commanders (listed in parenthesis above) and CCG Regions manage, exercise, and implement their respective annexes. CANUS jointly plans of exercises based on current risk analysis and resource availability. One national level exercise is required every five years.

b. Joint Contingency Plan Between Mexico and the United States Regarding Pollution of the Marine Environment by Discharges of Hydrocarbons and Other Hazardous Substances (MEXUS Plan).

(1) The MEXUS Plan implements the *Agreement of Cooperation Between the United States of America and the United Mexican States Regarding Pollution of the Marine Environment by Discharges of Hydrocarbons and Other Hazardous Substances*, which was signed in Mexico City in 1980. The MEXUS Plan is the mechanism that establishes standard operating procedures to coordinate bilateral responses to pollution incidents that occur in, or threaten, coastal waters or areas of the border zones between Mexico and the United States that could affect or threaten the marine environment of both parties. The MEXUS Plan outlines the joint response system and identifies agencies from both Mexico and the United States that will provide varying levels of support in carrying out the objective and purpose of the Plan.

(2) Two geographic-specific annexes support the MEXUS Plan – Gulf Geographic (MEXUSGULF) Annex and Pacific Geographic (MEXUSPAC) Annex. These two annexes allow for the respective U.S. Coast Guard Districts and Mexican Secretary of the Navy (SEMAR) Region/Zone to establish standard operating procedures that specifically focus on their Areas of Responsibility (AORs) as outlined in the MEXUS Plan. The Commander, Eighth Coast Guard District and the Commander, SEMAR First Naval Zone jointly administers the MEXUSGULF Annex. The Commander, Eleventh Coast Guard District and the Commander, SEMAR Second Naval Region jointly administers the MEXUSPAC Annex.

c. Joint Contingency Plan of the United States of America and the Russian Federation on Combating Pollution in the Bering and Chukchi Sea in Emergency (Russia JCP).
Signed in 2011, the Russia JCP provides for planning and preparedness through meetings and exercises, the coordination of joint pollution responses, and operational communications. Additionally, a *Memorandum of Understanding and Cooperation Between The State Marine Pollution Control, Salvage, and Rescue Administration of the Russian Federation and the United States Coast Guard* was developed to expand cooperation with SMPCSRA as Russia's pollution response entity.

d. Agreement Between the United States Department of State, the United States Environmental Protection Agency, the United States Coast Guard, and the Autoridad del Canal de Panamá (Panama Canal Authority) Regarding Assistance with Respect to Certain Environmental Pollution Incidents in the Panama Canal Area (NRT-ACP MOA).

(1) On 31 December 1999, the United States turned over full operation of the Panama Canal to the Government of Panama. Concurrent with the turnover was the expiration of the MOA between the NRT and the Autoridad del Canal de Panamá. Parties signed a new memorandum, the NRT-ACP MOA, in April of 2002. Similar to the previous MOA, the 2002 MOA provides procedures and practices to facilitate NRT member agencies' assistance to the Panama Canal Authority (Autoridad del Canal de Panamá) for incidents involving oil, hazardous substances, or radiological material in the Panama Canal operating area. The Panama Canal Authority may request technical assistance from the NRT on an incident-specific basis to supplement their incident response operations; however, there is no requirement for the NRT to provide the requested assistance. If the NRT agrees to provide the requested assistance, they draft an Incident-Specific Agreement and the Panama Canal Authority advances funds to the NRT member agency providing the assistance.

(2) The MOA calls for an annual exercise to ensure continuity of communications, planning, and operations. However, response to an actual incident that activates the Agreement meets the annual exercise requirement. Under this MOA, the United States also advises the Panama Canal Authority of training opportunities for planning and response to oil spills, hazardous substance releases, and/or radiological material incidents.

e. Wider Caribbean Region Multilateral Technical Operating Procedures for Offshore Oil Pollution Response (MTOP).
Cuba's offshore drilling in 2011 and 2012 prompted strong multilateral engagement among Caribbean nations, including Cuba, to address oil spill risks to the Bahamas, Cuba, Jamaica, Mexico, and the United States. This effort produced the MTOP. The intent of MTOP is to build a responder-to-responder network that can work effectively in the event of a large spill that threatens more than one of the participating countries. These non-binding procedures complement other regional plans and amplify information sharing regarding offshore prevention, well control, and response issues as well as detailed operational aspects for joint responses where an oil spill could affect participating countries' interests. Emergency contact information for notification and coordination complement other functional procedures in the document, which include the following: spill monitoring and trajectory; strategic

communications; subsea operations; air and vessel coordination operations; chemical dispersant coordination; mechanical recovery; *in situ* burning; and response logistics. The participating countries finalized the first version of the MTOP in March of 2014.

K. Assistance Requests from Foreign Governments Not Subject to Regional Agreements.
Occasionally, the United States receives requests from foreign governments for assistance during significant pollution incidents or other environmental emergencies and for training. U.S. agencies working in foreign countries, such as the Department of Defense, the State Department, or U.S. Agency for International Development (USAID), may also make such requests. While these may be for substantial incidents following the IMO International Offers of Assistance framework, they are often from nations with little capacity or capability for spill response. Coast Guard guidance prevails for assistance provided by the Coast Guard as an individual agency. The NRT's specific guidance prevails for multiagency assistance. Applicable agreements prevail if the requesting agency is party to an existing bilateral or multilateral agreement. This section focuses on requests from nations with whom the U.S. Coast Guard does not have bilateral, multilateral, or operational agreements or procedures.

1. General Policy.
The Coast Guard provides assistance to foreign governments for pollution response and training under 14 United States Code (U.S.C.) § 141(a) if DOS determines the assistance supports national interest and availability of resources. Coast Guard policy allows assistance to foreign governments on an as-available, cost-reimbursable basis, providing the requested service does not interfere with response readiness within the United States. The Coast Guard could also provide assistance as a training opportunity to maintain or enhance experience levels and responsiveness at the global level for major pollution incidents.

2. Resources the Coast Guard Could Provide.
Coast Guard advisors evaluate the actual needs of the requesting country and the effectiveness of providing Coast Guard resources. The Coast Guard could provide resources in the form of personnel, equipment, and/or technical advice.

a. Personnel.

(1) Typically, the personnel best suited to support assistance requests possess oil spill mitigation and pollution incident countermeasures expertise. The National Strike Force (NSF) provides direct assistance for requests from foreign governments. Authorizations assign only the minimum number of personnel needed to carry out the mission.

(2) Personnel assigned to provide pollution response training will normally be selected to meet the training needs that have been identified by the requesting government. Modification to these training needs may only be made after consultation with Commandant (CG-MER). Assigned personnel should evaluate the current training capabilities of the requesting government, and make recommendations for future needs, and identify the best way to meet those needs. This evaluation *shall* be shared with Commandant (CG-DCO-I) to coordinate appropriate training.

b. Equipment.
When requests for assistance requires the use of NSF equipment, Commandant (CG-MER) will ensure that providing the equipment will not conflict with private enterprise and the requesting government knows that NSF equipment is available only until the commercial sector is able to provide adequate resources.

c. Technical Advice.

(1) Provide requested technical advice remotely or in country, depending on the nature of the request as well as funding and personnel availability.

(2) Where appropriate, Coast Guard personnel assigned to international pollution response will assist foreign governments by: evaluating existing contingency plans; developing incident-specific plans if current plans are inadequate or nonexistent; and advising the foreign government on appropriate mitigation measures and efficiency of efforts already undertaken, including the need for and evaluation of equipment. Coast Guard personnel could recommend planning and training efforts for the government to improve response to future incidents. An evaluation of the capabilities of the foreign nation *shall* be shared with Commandant (CG-DCO-I) to coordinate the programming of appropriate training.

3. Processing Requests for Assistance.
Requests for assistance *must* be made on a government-to-government basis through the appropriate U.S. Embassy or Consulate. The requesting government *must* make the request in writing. Units who receive informal requests *must* promptly pass this information to Commandant (CG-MER) for coordination with the DOS to ensure that the formal request, once received, is rapidly processed.

4. Decision to Support.
It may be in the interest of the United States to respond to requests for assistance when agencies have the appropriate authority and resources to do so. It is the responsibility of the DOS to make this determination in consultation with applicable NRT agencies. Commandant (CG-MER) or Commandant (CG-DCO-I) contacts the appropriate personnel at DOS and advises on whether or not the Coast Guard has the available resources and is willing to provide assistance. Commandant (CG-MER) or Commandant (CG-DCO-I) then requests DOS provide a recommendation on assistance. This recommendation facilitates the reimbursement of costs from the requesting country to DOS and from DOS to the Coast Guard.

5. Designation of Lead Agency.
Designation of the lead agency normally follows the National Response System (NRS) as outlined in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 Code of Federal Regulations (C.F.R.) § 300). Under the NRS, the U.S. Environmental Protection Agency (EPA) participates as the lead agency for incidents in the inland zone, and the Coast Guard participates as the lead agency for coastal and marine incidents. However, if the foreign assistance involves special concerns, another agency should be designated as the lead. For example, if the incident primarily involves a threat of biological harm or special health concerns, the National Oceanic and Atmospheric Administration (NOAA) or the Department of Health and

Human Services (HHS) should be designated as the lead agency if appropriate. Only a consensus decision among applicable NRT agencies designates a lead other than the EPA or Coast Guard.

6. Operational Control.
For pollution response, the Operational Commander of the senior responder normally assumes operational command of the response contingent. The method of funding determines administrative control on a case-by-case basis.

   a. Headquarters Liaison Officer.
   Commandant (CG-MER) *shall* designate a Coast Guard Headquarters liaison officer for each deployment of response personnel. Commandant (CG-MER) coordinates various aspects of an international response due to the necessary interactions among the DOS, foreign governments, and various Coast Guard offices and units involved.

   b. Unit Liaison Officer.
   If necessary, each unit with designated response personnel *shall* appoint a liaison officer early in the response. The Commandant (CG-MER) liaison officer coordinates operational, logistical, and administrative activities with the unit liaison officer.

7. Fiscal Procedures and Considerations.
Coast Guard policy requires that, except in extraordinary cases, the Coast Guard *must* be reimbursed for assistance. Reimbursement limitations (i.e., direct, out-of-pocket costs) include, but are not limited to: transportation costs, per diem, and equipment expenses. Reimbursement requirements are determined in consultation with DOS through the Office of Foreign Disaster Assistance of the Agency for International Development (OFDA), or indirectly from the foreign government pursuant to a “607” determination. Procedures for assistance reimbursement vary from agency to agency. A funding mechanism *must* be established prior to providing assistance.

   a. Indirect Reimbursement.
   The foreign government indirectly reimburses the Coast Guard through DOS, pursuant to section 607 of the Foreign Assistance Act, 22 U.S.C. § 2357. Reimbursement occurs if DOS determines that the provision of the assistance on an “advance of funds” or “reimbursement” basis complies with the proposed request for assistance and within the limitations of Part I of the Foreign Assistance Act (a “607” determination). Determination normally takes a week or more to obtain.

   b. Direct Reimbursement.

      (1) The Coast Guard does not have the legal authority to accept reimbursement directly from the foreign governments to which they provide assistance unless determined by an existing agreement. DOS directly reimburses the Coast Guard under 31 U.S.C. § 1535 by “placing an order” with the Coast Guard for its services. DOS “places the order” for the required assistance either on a case-by-case basis or in accordance with a Participating Agency Service Agreement (PASA).

(2) Commandant (CG-MER), in consultation with Commandant (CG-DCO-I), *shall* take the necessary steps to:

(a) Ensure that the proper authority in DOS requests the required assistance;

(b) Verify that DOS provides a recommendation on assistance, which allows the Coast Guard to bill DOS for its costs after the requesting country reimburses DOS;

(c) In appropriate cases, recommend the Coast Guard not seek reimbursement for assistance;

(d) Assure establishment of appropriate financing arrangements and procedures, including those with the local embassy or consulate; and

(e) Authorize assistance requests and maintain a ledger of costs incurred in providing the assistance.

(3) In the event that a country cannot pay for the requested assistance, Commandant (CG-MER) contacts USAID to determine the Agency's willingness to fund the assistance through the existing USAID/USCG MOU Reimbursable Agreement.

c. Use of Unit Funds.
Units *shall not* use unit funds for foreign assistance, normally funds cannot be returned to the unit or program. Units providing response assistance use reimbursable accounting data coordinated through Commandant (CG-MER).

d. Release of Travel Order Numbers (TONO).
Upon authorization of reimbursement, Commandant (CG-MER) releases TONOs to the Coast Guard component providing the assistance, or as otherwise agreed upon based on the funding component.

e. Country Clearances.
Generally, the U.S. Embassy must provide a country clearance in the country requesting assistance before the response team leaves the United States. The lead agency should request a clearance for the entire team rather than each agency requesting its own. The lead agency should work directly with the DOS, which will in turn coordinate with the U.S. Embassy.

f. Briefings and Reports.
Whenever possible, brief personnel providing assistance prior to departure from the United States and debriefed upon return. Commandant (CG-MER) *shall* coordinate the briefing with Commandant (CG-DCO-I) and the appropriate Desk Officer at the DOS and USAID Mission or U.S. Embassy staff of the requesting country.

(a) Training.
Schedule sufficient time for briefings, logistics, and other coordination activities. Personnel conducting training missions provide periodic written reports. Problems of

any kind *must* be reported immediately to the Operational Commander who in turn advises Commandant (CG-MER).

(b) Response Status Updates.

[1] Operational Commanders *shall* advise Commandant (CG-MER) of all response status updates upon receipt. Operational Commanders submit to Commandant (CG-MER):

[a] Regular written situation reports (SITREPs) containing the activities and effectiveness of the response team; and

[b] Description of problems encountered relating to the commercial sector, the host government, and/or other organizations.

[2] SITREPs *shall* contain information and follow the format and routing used for POLREPs. See Chapter 12 of this Manual for policy and guidance on POLREPs.

(c) After the Response.
The senior responder *shall* submit a summary written report through the chain of command to Commandant (CG-MER). The report becomes important if the foreign government decides to request additional assistance. All personnel *shall* submit travel claims in accordance with Coast Guard policy.

CHAPTER 16. OIL POLLUTION RESEARCH AND DEVELOPMENT

A. Introduction.

1. This Chapter provides an overview on the Coast Guard's oil pollution research and development (R&D) program to support Marine Environmental Response (MER) personnel.

2. The Coast Guard began actively pursuing oil pollution research, development, test, and evaluation (RDT&E) in the 1960s. The early and mid-1970's initiated an era of significant advancement of oil spill response capabilities. Marked by development of oil spill response innovations, RDT&E efforts supported Coast Guard actions for preparedness in the offshore environment. At the time, these innovations represented a quantum leap in providing a national capability to respond to oil spills. These innovations included:

   a. Airborne Oil Spill Surveillance System (AOSS);

   b. Air-Deliverable Anti-Pollution Transfer System (ADAPTS) for removing oil from damaged tankers;

   c. Fast-Delivery Sled System (FDSS) for rapidly transporting equipment to the spill; and

   d. Open Water Oil Containment and Recovery System (OWOCRS) for removing oil from the water in offshore environments.

3. Every major oil spill incident to date resulted in increased recognition of the need for RDT&E. Following the *Exxon Valdez* oil spill, Congress sought to encourage coordination among various agencies conducting and funding oil spill RDT&E. The resulting action established the Interagency Coordinating Committee on Oil Pollution Research (ICCOPR). During the *Deepwater Horizon* well blowout, the Coast Guard's Research and Development Center (RDC) established the Interagency Alternative Technology Assessment Program (IATAP). IATAP provided a defensible, government-led process to provide guidance on usage and effectiveness of current oil spill response technologies as well as accept, screen, and evaluate potential response solutions. In accordance with Reference (a), after a SONS declaration, the FOSC, supported by the NIC, coordinates with the RRT and NRT to determine the need to establish an IATAP. Commandant (CG-5R) coordinates with Commandant (CG-926) and the Coast Guard RDC to activate an IATAP protocol.

B. Interagency Coordinating Committee on Oil Pollution Research (ICCOPR).

1. Congress established ICCOPR per the Oil Pollution Act of 1990 (OPA 90), § 7001, 104 Stat. 484, 559-564 (1990) (33 U.S.C. § 2761), (OPA 90)). The act specified ICCOPR's mission to:

   a. Prepare a comprehensive, coordinated federal oil pollution research and development plan; and

b. Promote cooperation with industry, universities, research institutions, state governments, and other nations through information sharing, coordinated planning, and joint funding of projects.

2. ICCOPR fulfilled its mission to prepare a comprehensive, coordinated federal oil pollution research and development plan. ICCOPR developed Oil Pollution Research and Technology Plans (R&T Plans) in 1992 and 1997. In 2009, ICCOPR recognized the need to update the 1997 R&T Plan. Proposed updates accounted for changing priorities and new industry risks. ICCOPR issued the revised R&T Plan in 2015. New releases of updated R&T Plans occur every six years. The plan provides the Federal Government, industry, and academia with recommended strategic oil spill research and development priorities.

3. ICCOPR fulfills its mission to promote cooperation and information sharing through a variety of methods. The committee conducts quarterly meetings to manage committee business, share information, and hear speakers invited from academia, industry, and non-governmental organizations (NGOs). ICCOPR members interact in different venues throughout the year, including relevant conferences, workshops, and meetings of different federal committees. Lastly, ICCOPR promotes sharing of oil spill research resources through the ICCOPR Website.

4. OPA 90 specified the ICCOPR membership and stated that a representative of the Coast Guard *shall* chair ICCOPR. Commandant (CG-MER) serves as the Chair of ICCOPR. The Interagency Coordination Division (CG-MER-3) provides day-to-day support to ICCOPR by providing both the ICCOPR Executive Director and the Assistant to the Chair.

5. ICCOPR includes 15 members representing federal independent agencies, departments, and department components. As delegated by the President, Coast Guard adds members to ICCOPR. Rotation of the Vice-Chair position occurs on a biennial basis among three members. Current ICCOPR members include:

   a. U.S. Coast Guard (Chair);

   b. U.S. Department of Commerce's National Oceanic and Atmospheric Administration (Vice-Chair);

   c. U.S. Department of the Interior's Bureau of Safety and Environmental Enforcement (Vice-Chair);

   d. U.S. Environmental Protection Agency (Vice-Chair);

   e. U.S. Arctic Research Commission;

   f. U.S. Army Corps of Engineers;

   g. U.S. Department of the Interior's Bureau of Ocean Energy Management;

   h. U.S. Department of Energy;

i. U.S. Fire Administration;

j. U.S. Fish and Wildlife Service;

k. U.S. Maritime Administration;

l. National Aeronautical and Space Administration;

m. U.S. Department of Commerce's National Institute of Standards and Technology;

n. U.S. Navy; and

o. U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA).

C. Coast Guard Research, Development, Test and Evaluation (RDT&E) Program – Oil Pollution Research.

1. Over the last 50 years, the Coast Guard successfully addressed oil spill response capability needs and furthered the development of new oil spill response techniques and equipment. In 1993, the RDT&E program began deriving part of its appropriation from the Oil Spill Liability Trust Fund (OSLTF).

2. Coast Guard implements oil pollution research through a coordinated annual process across offices and programs within the Assistant Commandant for Response Policy (CG-5R) and Acquisition Directorate (CG-9). Key players in this process include:

   a. Interagency Coordination Division of the Office of Marine Environmental Response Policy (CG-MER-3);

   b. RDT&E program, which is comprised of the Office of Research, Development, Test & Evaluation (CG-926); and

   c. The Coast Guard RDC.

3. Commandant (CG-MER) responsibilities include:

   a. Identifying research needs and priorities;

   b. Developing research project ideas;

   c. Tracking project status;

   d. Approving completed research project deliverables; and

   e. Implementing results from research projects.

4. Commandant (CG-926) reviews input from Commandant (CG-MER) to develop the Coast Guard's research portfolio for the upcoming fiscal year. The RDC conducts the approved oil pollution research projects.

5. The Coast Guard uses a recurring research planning process. The major steps include:

   a. Identification of Research Needs and Development of Research Project Ideas (Winter). Ideas for new research projects can be submitted year round directly to the RDC via CG Portal in the Acquisition Directorates RDT&E Website. Additionally, the RDT&E program releases an annual administrative message in the October/November timeframe to articulate instructions for submitting Coast Guard research project ideas. The RDT&E program welcomes submissions from all elements within the Coast Guard.

   b. Evaluation and Ranking of Research Projects by Program Managers (Winter). Program Managers participate in a forum referred to as the Idea Submission Review to vote on and rank research project ideas according to the following criteria:

      (1) Coast Guard impact;

      (2) Transition likelihood;

      (3) Sponsor buy-in; and

      (4) Coast Guard strategic alignment.

   c. Approval of the Research Project Portfolio (Summer). Commandant (CG-926) and RDC use the data from the Idea Submission Review to develop the Coast Guard's research portfolio for the upcoming fiscal year.

   d. Initiation of the Approved Research Projects (Fall). The RDC conducts approved oil pollution research projects based on guidance from Commandant (CG-MER) and Commandant (CG-926). Commandant (CG-MER) serves as the Program Sponsor for Coast Guard oil pollution research projects. Commandant (CG-MER) participates by tracking project progress, approving completed project deliverables, and taking appropriate action on the results.

6. Coast Guard oil pollution R&D project deliverables support and enhance the MER program. Coast Guard units encountering capability gaps should consider submitting project ideas in the annual Idea Submission Review. Open submission of research project ideas to the RDC through the Acquisition Directorate RDT&E Website occurs at any time of the year.

7. Refer to the Commandant (CG-MER)'s Portal and the Defense Technical Information Center Website for completed Coast Guard research project reports.

8. The Joint Maritime Test Facility (JMTF), as an organizational element of the Coast Guard Research and Development Center (RDC) and the U.S. Navy's Naval Research Laboratories

(NRL), maintains a permanent liaison between RDC and NRL in support of the RDC-NRL joint research agreement. The JMTF is strategically located in Mobile, Alabama. The facility provides an instrumented, real-world maritime test environment for the evaluation and demonstration of shipboard fire protection and other RDC/NRL mission support equipment. The JMTF provides relevant maritime test environments that meet (or have appropriate waivers for) all federal, state and local environmental standards. The JMTF is the only facility in the world with a maritime vessel, the ex-USS Shadwell, for conducting shipboard security and safety testing that holds an environmental permit for conducting full-scale fire tests. The JMTF also has a large, outdoor test tank approved for tests involving large-scale oil fire scenarios.

D. National Oil Spill Response Research & Renewable Energy Test Facility (Ohmsett).

1. Ohmsett provides independent and objective performance testing of full-scale oil spill response equipment and marine renewable energy systems. Additionally, Ohmsett helps improve technologies through research and development.

2. Ohmsett houses the largest outdoor saltwater simulated environmental test tank facility in North America. The facility handles full-scale oil spill response equipment testing, research, and training in a marine environment under controlled environmental conditions. With the recent emphasis on developing renewable energy, Ohmsett expanded its mission to offer a testing venue for wave energy conversion devices.

3. Department of the Interior's (DOI) Bureau of Safety and Environmental Enforcement (BSEE) maintains and operates the facility. Visitors enter the Ohmsett facility through the Naval Weapons Station Earle Waterfront in Leonardo, NJ. Government agencies, academia, and public and private companies use Ohmsett as a research center. Uses range from testing oil spill containment, cleanup equipment, and techniques to conducting training with actual oil spill response technologies.

E. National Response Team (NRT) Science and Technology (S&T) Committee.
Under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), the NRT delegates research and development activities to the S&T Committee. Chapter 3 of this Manual contains a detailed explanation of S&T Committee activities.

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APPENDIX A. AREA COMMITTEE AGENCIES

Area Committees include representatives from the listed agencies and organizations. Appointed members must come from federal, state, local, or tribal governments. Private sector and NGO representatives cannot be appointed members to the committee, but rather serve as members at large.

A. Federal Agencies (as suggested in Executive Order 12777).
   1. Department of Homeland Security (DHS)
      a. U.S. Coast Guard (USCG)
   2. Department of State (DOS)
   3. Department of Defense (DOD)
      a. U.S. Army Corps of Engineers (USACE)
   4. Department of Justice (DOJ)
   5. Department of the Interior (DOI)
      a. Bureau of Indian Affairs (BIA)
      b. Bureau of Safety and Environmental Enforcement (BSEE)
      c. National Parks Service (NPS)
      d. U.S. Fish and Wildlife Service (USFWS)
   6. Department of Agriculture (USDA)
   7. Department of Commerce (DOC)
      a. National Oceanic and Atmospheric Administration (NOAA)
         (1) National Marine Fisheries Service (NMFS)
   8. Department of Labor (DOL)
   9. Department of Health and Human Services (HHS)
   10. Department of Transportation (DOT)
      a. Federal Railroad Administration (FRA)
      b. Pipeline and Hazardous Materials Safety Administration (PHMSA)
   11. Department of Energy (DOE)
   12. U.S. Environmental Protection Agency (EPA)
   13. Federal Emergency Management Agency (FEMA)
   14. Occupational Safety and Health Administration (OSHA)
   15. Nuclear Regulatory Commission (NRC)

B. State and Local Agencies.
   1. Elected officials
   2. State and local government representatives
   3. State and local environmental agencies
   4. Emergency Management Agencies
   5. State and local police
   6. State and local fire departments and associated marine units
   7. State Historical Preservation Office (SHPO)
   8. Fish and wildlife marine representatives
   9. Health agencies
   10. Local Emergency Planning Committees
   11. Port Authorities
   12. River Commissions

C. Tribal Governments.

D. Territorial Governments.

E. Private Sector Components.
1. Oil Spill Removal Organizations (OSROs)
2. Vessel Agents
3. Marine Pilot Associations
4. Cargo Owners
5. Facility owners/operators
6. Railroad companies
7. Shipyards
8. Barge Fleeting Associations
9. Vessel operators
10. Marine exchanges
11. Industry organizations
12. Commercial fishing industry
13. Waterborne vendors & service providers (harbor tugs, launch services, linehandlers, small ferry operators, water taxis)
14. Media
15. Academia

F. Non-governmental Organizations (NGOs) and Other Stakeholders.
1. Special Interest Groups/Other NGOs
2. Volunteer organizations
3. Wildlife care organizations
4. River quality organizations

APPENDIX B. AREA CONTINGENCY PLAN (ACP) SAMPLE FORMAT

Approval Letter

Letter of Transmittal

Record of Changes

Table of Contents

1000 – Introduction
1100 – Introduction/Authority
1200 – Geographic Boundaries
(Note: This section should also describe jurisdiction and list adjacent Areas, national borders, and points-of-contact (POCs) for any transboundary issues)
1300 – Area Committee
13XX – Purpose
13XX – Organization
13XX – Charter Members
1400 – National Response System (NRS)
14XX – National Response Structure
14XX.X – Spill of National Significance (SONS)
14XX – Regional Response Team (RRT) Structure
14XX – Area Response Structure
14XX.X – Federal/State Role in Incident Response
14XX – Incident Command System (ICS)
14XX – Area Exercise Mechanism
14XX – Federal Response Framework
14XX – Federal Radiological Response Plan
1500 – State/Local Response System
1600 – National Policy and Doctrine
16XX – Public vs. Private Resource Utilization
16XX – Best Response Concept
16XX – Cleanup Assessment Protocol (How Clean is Clean)
16XX – Dispersant Pre-Approval/Monitoring/Decision Protocol
16XX – In Situ Burn (ISB) Approval/Monitoring/Decision Protocol
16XX – Bioremediation Approval/Monitoring/Decision Protocol
16XX – Fish and Wildlife Acts Compliance (Migratory Bird Treaty Act (MBTA), Marine Mammal Protection Act (MMPA), Endangered Species Act (ESA), etc.)
16XX – Protection of Historic Properties (National Historic Preservation Act (NHPA))
16XX – Alternative Response Technology Evaluation System (ARTES)
16XX – Special Monitoring of Applied Response Technology (SMART)
1700 – Reserved
1800 – Reserved
1900 – Reserved for Area/District

2000 – Command
2100 – Unified Command (UC)
    21XX – Command Representatives
        22XX.X – Federal Representative
        22XX.X – State Representative
        22XX.X – Responsible Party Representative
    21XX – Guidance for setting response objectives
    21XX – General response priorities
2200 – Safety
    22XX – Site characterization
    22XX – Site Safety Plan Development
2300 – Information
    23XX – Protocol for Access/Timing of Media Briefings
    23XX – Joint Information Center (JIC)
    23XX – Media Contacts
2400 – Liaison
    24XX – Investigators
    24XX – Federal/State/Local Trustees
    24XX – Agency Reps
    24XX – Stakeholders
        24XX.X – Environmental (Sierra Club, Save the Bay, etc.)
        24XX.X – Economic (Port operators, tourist hotels, etc.)
        24XX.X – Political (local, state, etc.)
2500 – Reserved
2600 – Reserved
2700 – Reserved
2800 – Reserved
2900 – Reserved for Area/District

3000 – Operations
3100 – Operations Section Organization
    31XX – Organization Options
3200 – Recovery and Protection (Hyperlink or reference to other sections or documents where appropriate)
    32XX – Protection
        32XX.X – Containment and Protection Options
    32XX – On-Water Recovery
        32XX.X – Recovery Options
        32XX.X – Storage (e.g., on board, x-fer to storage tanks, etc.)
    32XX – Shoreside Recovery
        32XX.X – Shoreline Cleanup Options
        32XX.X – Pre-Beach Cleanup
        32XX.X – Storage
    32XX – Disposal
        32XX.X – Waste Management and Temporary Storage Options
        32XX.X – Decanting Policy

32XX.X – Sample Waste Management Plan (reference Permits in Planning)
32XX – Decontamination
32XX.X – Sample Decontamination Plan
32XX – Dispersants
32XX.X – Dispersant Options
32XX.X – Dispersant Checklists
32XX.X – Preauthorized Zones
32XX.X – Dispersant Response Plan Worksheet (Spreadsheet provided by Headquarters (HQ)
32XX.X – SMART Protocol (incorporate by reference)
32XX.X – Types of Equipment Required (reference Logistics Support 5300 for equipment sources)
32XX – ISB
32XX.X – ISB Options
32XX.X – ISB Checklists
32XX.X – Preauthorized Zones
32XX.X – Types of Equipment Required
32XX – Bioremediation
3300 – Emergency Response
33XX – Search and Rescue (SAR)
33XX.X – SAR Area Resources (reference as necessary)
33XX – Salvage/Source Control
33XX.X – Assessment & Survey
33XX.X – Stabilization
33XX.X – Specialized Salvage Operations
33XX.X – Types of Equipment required (reference Logistics as necessary)
33XX.X – Salvage Guidelines
33XX – Marine Fire Fighting (reference section 8000 or standalone plan as appropriate)
33XX – Hazmat (reference to separate section or stand-alone plan as necessary)
33XX.X – Initial Emergency Response Procedures
33XX.X – Evacuation Procedures
33XX.X – Hazmat POCs
33XX.X – Types of Equipment required (reference Logistics for hazmat services)
33XX – Emergency Medical Services (EMS)
33XX.X – EMS (reference Logistics as needed)
33XX – Law Enforcement
33XX.X – Perimeter/Crowd/Traffic/Beach Control
33XX.X – Safety/Security Zones
3400 – Air Ops
34XX – Air Tactical
34XX.X – Aerial Surveillance
34XX.X – Aerial Dispersant Application
34XX.X – Procedures for Temporary Flight Restrictions
34XX.X – Permanent Area Restrictions

34XX – Air Support
34XX.X – Airports/Helibases
34XX.X – Helospots
34XX.X – List of Certified Helos/Aircraft Providers
34XX.X – Fuel/Maintenance Sources
34XX.X – Air Traffic Control Procedures
3500 – Staging Areas
35XX – Pre-Identified Staging Areas
35XX – Security
3600 – Wildlife (reference 3200 or Geographic Response Plans (GRPs) as necessary)
36XX – Fish and Wildlife Protection Options
36XX – Recovery
36XX.X – Wildlife Recovery Operations/Procedures
36XX.X – Recovery Processing
36XX.X – Carcass Retrieval and Processing
36XX – Wildlife Rehab
36XX.X – Wildlife Rehab Operations
36XX.X – Rehab Facilities
36XX.X – Rehab Procedures
3700 – Reserved
3800 – Reserved
3900 – Reserved for Area/District

4000 – Planning
4100 – Planning Section Organization
41XX – Planning Section Planning Cycle Guide
4200 – Situation
42XX – Chart/Map of Area
42XX – Weather/Tides/Currents (Major seasonal patterns and sources for up to date information)
42XX – Situation Unit Displays (reference or hyperlink to the FOG as appropriate)
42XX – On-Scene Command and Control (OSC2)
42XX – Required Operational Reports (e.g. Form 209, Pollution Reports (POLREPs), Situation Reports (SITREPS))
4300 – Resources
43XX – Resource Management Procedures
43XX.X – Check-in Procedures
43XX – Volunteers
43XX.X – Assistance Options
43XX.X – Assignment
43XX.X – Coordination
43XX.X – Training
4400 – Documentation
44XX – Services Provided (e.g., Reproduction, Freedom of Information Act (FOIA))
44XX – Administrative File Organization

4500 – Demobilization
- 45XX – Sample Demob Plan (Reference or hyperlink as appropriate. Sample provided by HQ)

4600 – Environmental (reference and hyperlink to appropriate GRPs, Fish & Wildlife Protection Strategies or other appropriate information)

4700 – Technical Support
- 47XX – Hazardous Materials
  - 47XX.X – Toxicologist
  - 47XX.X – Product Specialist
  - 47XX.X – Certified Marine Chemist
  - 47XX.X – Certified Industrial Hygienist
  - 47XX.X – Chemist or Chemical Engineer
  - 47XX.X – Sampling
- 47XX – Oil
  - 47XX.X – Scientific Support Coordinator
  - 47XX.X – Lightering
  - 47XX.X – Salvage
  - 47XX.X – Shoreline Cleanup Assessment
  - 47XX.X – Natural Resource Damage Assessment
  - 47XX.X – Special Monitoring of Applied Response Technologies (SMART)
  - 47XX.X – Response Technologies (Dispersant, ISB, Bioremediation, Mechanical)
  - 47XX.X – Decontamination
  - 47XX.X – Disposal
  - 47XX.X – Dredging
  - 47XX.X – Deepwater Removal
  - 47XX.X – Heavy Lift
- 47XX – General
  - 47XX.X – Cultural & Historic Properties
  - 47XX.X – Legal
  - 47XX.X – Chaplain
  - 47XX.X – Public Health
  - 47XX.X – Human Resources
  - 47XX.X – Critical Incident Stress Management
- 47XX – Law Enforcement
- 47XX – SAR
- 47XX – Marine Fire

4800 – Required Correspondence, Permits & Consultation
- 48XX – Administrative Orders
- 48XX – Notice of Federal Interest
- 48XX – Notice of Federal Assumption
- 48XX – Letter of Designation
- 48XX – Fish and Wildlife Permits
- 48XX – ESA Consultations
- 48XX – Disposal
- 48XX – Dredging

48XX – Decanting
4900 – Reserved for Area/District

5000 – Logistics
5100 – Logistics Section Organization
5200 – Support (This section should be user-friendly like a telephone directory, where information about sources of support during a response can be found quickly. Include: What the object/service is, POC, phone number, and what they can offer. Hyperlink to more information such as websites, etc. in electronic version as appropriate)
52XX – Supply (summarize in/out of area in each)
52XX.X – Oil Response Equipment
52XX.X – Hazardous Substance Response Equipment
52XX – Facilities
52XX.X – Incident Command Post (ICP) Options
52XX.X – ICP Needs (rooms, phones, fax, copiers, tables/chairs, security, radios, etc.)
52XX.X – Berthing
52XX.X – Port/Dock Facilities/Capacities
52XX.X – Staging Areas
52XX.X – Security Providers
52XX.X – Airports/Heliports
52XX.X – Temporary Storage and Disposal Facilities (TSDs)
52XX.X – Maintenance and Fueling Facilities (land/water)
52XX.X – Fish and Wildlife Response Facilities and Resources
52XX – Vessel Support
52XX.X – Boat Ramps/Launching Areas
52XX.X – Vessel/Boat Sources
52XX.X – Maintenance
52XX – Ground Support
52XX.X – Vehicle Sources
52XX.X – Maintenance
5300 – Services
53XX – Food
53XX.X – Catering/Messing Options
53XX – Medical
53XX.X – Medical Facilities
53XX.X – Ambulance/EMS Services
5400 – Communications
54XX – Communications Plan
54XX.X – Incident Communications
54XX.X – Communications Support
54XX.X – Communication Facilities
(Note: Other Personnel and Services not listed here should be included as an appendix “pull out” or hyperlink)
5500 – Reserved
5600 – Reserved

5700 – Reserved
5800 – Reserved
5900 – Reserved for Area/District

6000 – Finance/Administration (reference the new Finance and Resource Management Field Guide)
6100 – Finance/Administrative Section Organization
6200 – Fund Access
62XX – Federal On-Scene Coordinator (FOSC) Access
62XX – State Access
62XX – Trustee Access
6300 – Cost
63XX – Cost Documentation Procedures, Forms & Completion Report (reference National Pollution Fund Center Technical Operating Procedures; Finance and Resource Management Field Guide)
6400 – Time
6500 – Compensation/Claims
6600 – Procurement
66XX – Contracting Officer Authority
6700 – Reserved
6800 – Reserved
6900 – Reserved for Area/District

7000 – Hazardous Substances

8000 – Salvage & Marine Fire Fighting
(Note: This section can include the Marine Fire Fighting Plan (MFFP). As an alternative, the MFFP could be referenced as a standalone plan or included in section 3300.)

9000 – Appendices (Information in this section may be referenced to or hyperlinked to a separate document as appropriate)
9100 – Emergency Notification (May be a one-sheet list that can be copied, and easily updated)
91XX – Initial Awareness, Assessment & Notification Sequence
91XX.X – Initial Assessment Check-off List
91XX.X – Initial Action Check-off List
91XX.X – Notification Check-off List
9200 – Personnel and Services Directory (Include if needed with hyperlinks as appropriate. This should be a user-friendly “telephone directory” and can be easily updated)
92XX – Federal Resources/Agencies
92XX.X – Trustees for Natural Resources
92XX.X – USCG
92XX.XX – USCG National Strike Force (NSF)
92XX.XX – USCG District Response Assist Team (DRAT)
92XX.XX – Public Information Assist Team (PIAT)
92XX.XX – USCG Reserve

92XX.XX – USCG Auxiliary
92XX.X – National Oceanic and Atmospheric Administration (NOAA)
92XX.XX – Scientific Support Coordinator (SSC)
92XX.XX – Discharge & Release Trajectory Modeling
92XX.XX – Oceanic & Atmospheric Modeling
92XX.X – U.S. Navy Supervisor of Diving and Salvage (SUPSALV)
92XX.X – Environmental Protection Agency (EPA) Emergency Response Teams
92XX.X – Agency for Toxic Substance and Diseases (ATSDR)
92XX – State Resources/Agencies
92XX.X – Government Official Liaisons (Governor's Aide, County Executive)
92XX.X – Trustees for Natural Resources
92XX.X – State Emergency Response Committees (SERC)
92XX.X – State Environmental Agencies
92XX.X – State Historic Preservation Office (SHPO)
92XX.X – Law Enforcement Agencies
92XX.X – Hazardous Substances Response Teams
92XX – Local Resources/Agencies
92XX.X – Trustees for Natural Resources
92XX.X – Local Emergency Planning Committees (LEPC)
92XX.X – Local Environmental Agencies
92XX.X – Law Enforcement Agencies
92XX.X – Port Authority/Harbormaster
92XX.X – Fire Departments
92XX.X – Hazardous Substances Response Teams
92XX.X – Explosive Ordinance Detachments (EOD)
92XX.X – Site Safety Personnel/Health Departments
92XX – Private Resources
92XX.X – Clean-up Companies (Basic Ordering Agreement (BOA) and Non-BOA)
92XX.X – Media (Television, Radio, Newspaper)
92XX.X – Fire Fighting/Salvage Companies/Divers
92XX.X – Fishing Cooperatives and Fleets
92XX.X – Wildlife Rescue Organizations
92XX.X – Volunteer Organizations
92XX.X – Maritime Associations/Organizations/Cooperatives
92XX.X – Academic Institutions
92XX.X – Laboratories
92XX.X – Emergency Medical Services
92XX – Stakeholders (Political/Elected, Environmental, Economic, Scientific, Cultural and Historic Interest Groups/Organizations/Individuals having potential to be a stakeholder during a response. May be set up in Matrix or Tabular Format, indicating charter/interest, expertise & way to contact)
9300 – Draft Incident Action Plan (IAP) (i.e., for worst-case discharge (WCD) scenario. Site Safety Plan included in IAP. Should not be attached to plan, may be referenced or hyperlinked)
9400 – Area Planning Documentation (Does not have to be attached to plan; may be cross-

referenced with site where mentioned)
94XX – Discharge and Release History
94XX – Risk Assessment
94XX – Planning Assumptions - Background Information
94XX – Planning Scenarios

9500 – List of Agreements (e.g., existing Memorandums of Understanding (MOUs)/Memorandums of Agreement (MOAs)/Programmatic and Mutual Aid Agreements related to response; should not be attached to plan, may be referenced or hyperlinked)

9600 – Conversions

9700 – List of Response References (Should not be attached to plan; may be referenced or hyperlinked)
97XX – Relevant Statute/Regulations/Authorities List
97XX – Relevant Instructions/Guidelines/Standard Procedures and Practices List
97XX – Geographic Response Plans
97XX – Technical References List
95XX.X – NCP Product Schedule
95XX.X – Catalog of Crude Oil and Oil Product Properties
95XX.X – Chemical Hazards Response Information System (CHRIS) Manual

9800 – Reserved

9900 – Reserved for Area/District

Glossary

Index

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APPENDIX C. SAMPLE PLACE OF REFUGE CHECKLIST

<table>
<tr><th colspan="8">Vessel Information</th></tr>
<tr><td colspan="4">Name</td><td>Flag</td><td colspan="3">Official Number</td></tr>
<tr><td colspan="4">Number of Persons on Board</td><td colspan="4">Location</td></tr>
<tr><td colspan="2">Crew</td><td colspan="2">Passengers</td><td colspan="2">Longitude</td><td colspan="2">Latitude</td></tr>
<tr><td colspan="4" rowspan="2">Number Of Crew/Passengers Already Evacuated:</td><td colspan="4">Description: (e.g., 20 miles west of Cape Disappointment)</td></tr>
<tr><td colspan="4"></td></tr>
<tr><td>Gross Tons</td><td colspan="2">Length</td><td>Draft</td><td colspan="4">Type/Service: (e.g., container ship, product tanker, etc.)</td></tr>
<tr><td colspan="4">Current O/S WX & Sea State</td><td colspan="4">Projected O/S WX</td></tr>
<tr><td colspan="2">Owner/Operator/RP[1]</td><td colspan="2">P&I Club</td><td colspan="2">Class Society</td><td colspan="2">Agent</td></tr>
<tr><td colspan="2">POC</td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr>
<tr><td colspan="2">Phone</td><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr>
<tr><td colspan="8">Notified by vessel master?</td></tr>
<tr><td colspan="2">___Yes ___No</td><td colspan="2">___Yes ___No</td><td colspan="2">___Yes ___No</td><td colspan="2">___Yes ___No</td></tr>
</table>

[1] Determine which party will be acting as the Responsible Party and has authority to do so. Under OPA 90, the Responsible Party is any person owning, operating, or demise chartering the vessel.

Vessel Information (continued)			
1. Complete Port State Control Safety and International Ship and Port Facility Security (ISPS)/Maritime Transportation Security Act (MTSA) targeting matrix 2. Complete High Interest Vessel (HIV) targeting matrix. (*Classified whan data has been entered* 3. Ensure vessel has a valid Certificate of Financial Responsibility (COFR)[2]			
Cargo		Bunkers	
Type	Amount	Type	Amount
Other HAZMAT: e.g., ship's stores, etc. (Attach vessel's dangerous cargo manifest if available)			
General description of ship's condition, including any structural damage:			

[2] If vessel does not hold a COFR, coordinate with NPFC and servicing legal office to arrange COFR or other coverage to the extent deemed necessary for entry.

Vessel Information (continued)	
Are there any deaths, injuries, or persons in need of medical assistance?	
What is the nature of the problem leading to a need for a place of refuge?	
What is the vessel master/rep specifically requesting?	
When did the problems begin?	How long has the crew been awake? (fatigue concerns)
Status of the Following Systems:	
Lifesaving (lifeboats, rafts, EPIRB, etc.)	
Firefighting for Cargo and Accommodation/Machinery Spaces	
Bilge Pumps	
Propulsion	
Steering	
Ship's Service Generator	
Emergency Generator	
Measures Already Taken by the Crew (The attached "Rapid Salvage Survey" may assist in collecting information.)	
Repairs	
Ballasting	
Cargo Shifts	

Vessel Actions Required by the COTP/FOSC

Require the vessel to take the following actions, as appropriate. Use an Administrative Order for vessels outside of the territorial seas and a Captain of the Port (COTP) Order for vessels inside the territorial seas. The Oil Spill Liability Trust Fund (OSLTF) is available to remove an actual discharge of oil or to prevent or mitigate a substantial threat of an oil discharge.

Action	Notes
Arrange for tugs of sufficient horsepower to render necessary assistance.	
Submit a salvage plan to the Captain of the Port (COTP).	
Hire/activate an appropriate Oil Spill Removal Organization (OSRO).	The Responsible Party must notify the Qualified Individual (QI) per the Vessel Response Plan (VRP).
Hire a salvage company capable of addressing the situation.	See the International Salvage Union or the American Salvage Association for information about professional salvage standards, including compensation issues.
Hire a marine firefighting company capable of addressing the situation.	See the National Fire Protection Association (NFPA) for information on professional standards for marine firefighting.
Other	
The vessel's representative/Responsible Party must describe exactly what it is requesting with respect to a place of refuge, and what it intends to do there (e.g., repairs). This will require, at a minimum, a salvage plan and a transit plan, both of which will require COTP approval.	

Notifications by the COTP/FOSC

In addition to notifications required by local policy, the COTP/FOSC *shall* make the following notifications:

Notification	Number	Notes/Completed
District Command Center		Notify District Command Center, ensure District prevention, response, and legal offices are notified.
Area Command Center		Will normally be notified by the District Command Center.
Marine Safety Center (Salvage Engineering Response Team)	202-327-3985 or sert.duty@uscg.mil	
National Pollution Funds Center	202-494-9118	
Appropriate Strike Team	AST: 609-724 0008 PST: 415-883-3311 GST: 251-441-6601	
Area Committee Members		
Natural Resource Trustees		
Other		

Actions by the COTP/FOSC and Unified Command

(Items most relevant to making a decision regarding a place of refuge request)

Action	Notes/Completed
Facilitate the placement of an inspection team on the vessel if safe to do so.	Entry should be made only in accordance with a site safety plan.
Plot the trajectory of the vessel if it is drifting or at risk of losing power or steerage.	
Plot the trajectory of the expected spill from the current location.	
Plot the trajectory of the expected spill from each place of refuge under consideration.	
Identify and evaluate resources at risk for each place of refuge under consideration.	
Review and approve a salvage plan.	
Review and approve a transit plan.	

APPENDIX D. PLACE OF REFUGE RISK ASSESSMENT JOB AID

A. Overview.

1. Operational Commanders should use this evaluation as part of the normal planning process through tabletop exercises and other scenario-based planning activities. While Area Committees should take the lead in this planning, any actual event may cross Area Committee boundaries. Therefore, Regional Response Teams (RRTs) should review these evaluations to ensure consistent risk evaluation.

2. In the event of an actual place of refuge (POR) request, the Operational Commander should review and verify the previous work or modify it to suit the particular situation. The risk evaluation may be done by a future plans unit within the Planning Section made of subject matter experts from the Operations and Planning Sections, the Command Staff, and appropriate stakeholders. Before beginning the evaluation, use the checklist (Appendix C of this Manual) to gather all relevant information.

3. The *Risk Evaluation Job Aid* is designed to independently evaluate the probability and consequences associated with each POR option under consideration. The scores for each option are then combined to produce overall risk scores.

4. Because different subject matter experts (SMEs) may be involved in the different portions of the POR evaluation, sections of the job aid may be completed in parallel, rather than in sequence.

5. The ***probability*** portion of the evaluation is primarily concerned with how towing, sea conditions, currents, wind, holding ground, the relative ease of conducting salvage and response operations, and other physical factors associated with a given POR may affect the vessel. Accordingly, salvors, professional mariners, and persons with expertise in engineering, ship structure, and similar fields should make this portion of the evaluation. This is in no way intended to limit the participation of others.

6. The ***consequence*** portion of the evaluation is primarily concerned with the expected harm to public health and safety, natural resources, and economic activity, should an incident actually occur. Accordingly, public safety officials, natural resource trustees, and economic stakeholders should be included in the human health and safety, natural resource, and economic consequences portions respectively. This is in no way intended to limit the participation of others.

7. Briefly, the sequence of events is as follows:

   a. The Operational Commander *shall* define the worst-case scenario assumption, identify any overriding national security or national defense considerations, and list the specific POR options (locations) that the future plans unit will evaluate.

   b. The future plans unit will then evaluate the risk associated with each option identified by the Operational Commander.

c. Finally, the Operational Commander will verify the work of the future plans unit, and set conditions and requirements on how and when the stricken vessel will enter the designated POR.

Note on weighting factors: The weighting factors for the consequences tables have been calculated using a hierarchy that favors human health and safety over natural resources, and natural resources over economic losses. This hierarchy will not pre-determine the final decision, however, because scores for all categories will be calculated and considered during the process.

B. Process.

1. Step 1: Define the Scope and Scale of the Evaluation.
The process begins when the Operational Commander determines the " worst-case scenario" the group will use as a planning assumption, and lists the potential POR locations that the group will evaluate. Taken together, these two decisions define the scope and scale of the evaluation. The Incident Commander *shall* make these determinations based on available information and the input of professional mariners, pilots, and salvage and response experts.

a. Step 1.1.
Identify the " worst-case scenario" that one may reasonably expect. This might otherwise be defined as a significant worsening of the vessel's condition and the associated results. Make conservative but realistic assumptions about the vessel's current status, how the situation may worsen, and the likely results. For example, determine if the loss of the entire vessel is possible, how much cargo/hazmat is onboard, and if fire or explosion is possible. Use these assumptions to define the " worst-case scenario" for the incident. Evaluators should apply this definition consistently throughout the risk evaluation process. Define the scenario below:

b. Step 1.2.
The Incident Commander *shall* designate a limited number of potential PORs that the group will evaluate. Prior POR and other planning activities, taken in combination with the current situation and the vessel's location, should provide an adequate number of options. Unless clearly ruled out by the circumstances, "continue voyage" and "repair in place" should be included so that the risks with these options can be evaluated. "Grounding" and "scuttle" need only be considered if those options, however undesirable, may be preferable to taking no action. If needed, either of these options may be lined out on the tables and replaced with an additional POR to evaluate.

c. Step 1.3.
Use Table D-1 of this Appendix to indicate which POR options will be evaluated.

Evaluated?	Place of Refuge Option
	Vessel Continues its voyage (deny entry)[1]
	Vessel Remains in its current location (repairs made in place)
	Vessel is taken out to sea and scuttled at a given location
	Vessel is intentionally grounded at a given location
	Vessel is taken to a place of refuge at:
	Vessel is taken to a place of refuge at:
	Vessel is taken to a place of refuge at:

Table D-1: Place of Refuge Options

[1] Note: A continue voyage/deny entry decision should be accompanied with a plan to render assistance and impose restrictions until the situation is ultimately resolved.

2. Step 2: Probability.
For the probability component of risk, consider the likelihood (probability) that the scenario defined in step 1.1 above may occur for each POR option under consideration. The probability of such an incident may be different for different POR options due to environmental factors, such as wind and sea conditions both at the POR and during any transit, and by the degree of difficulty and complexity in conducting repair or salvage operations at a given POR.

   a. Step 2.1.
   Consider how each of the following suitability factors in Table D-2 may affect the probability of the proposed scenario occurring, and record the score in Table D-3. Total the scores for each POR option under consideration. Lower scores indicate options less likely to result in a significant worsening of the vessel's condition. Evaluators should assign a higher score only where the factor would actually increase the likelihood of an incident, independent of cost or convenience.

Score	Suitability Description
1	Ideally suited to addressing situation, equipment readily staged and deployed
2	Acceptable under prevailing and expected conditions
3	Poorly suited, additional measures or procedures will be needed
4	Poorly suited to addressing situation even w/additional measures; equipment staged/deployed only with great difficulty
5	Completely unsuitable or unavailable to address situation

Table D-2: Suitability Scores for Place of Refuge Options

Physical Attributes and Port Services	POR A	POR B	Continue Voyage	Repair in Place	Scuttle[1]	Ground
Transit Difficulty						
Holding Ground						
Expected Winds						
Expected Sea State						
Tides and Currents						
Cargo Offload						
Cargo Storage						
Docking Facilities						
Salvage Equipment						
Spill Equipment						
Security Concerns						
[Other] [2]						
Total						

Table D-3: Assignment of Suitability Scores Place of Refuge Options

[1] Per step 1.2, "scuttle" and "ground" may be lined out on this and all subsequent tables if they are not viable options and space is needed to evaluate other specific POR options.

[2] Add any additional factors relevant to the current situation at the bottom of the table.

b. Step 2.2.
The numbers recorded in table D-3 above do not translate directly into a probability score; they are intended only to help the stakeholders consider the various factors that may influence the probability that the ship's condition will significantly worsen for each of the Courses of Action (COAs) under consideration.

c. Step 2.3.
After considering the various factors that may affect the likelihood of a further worsening of the vessel's situation, assign a probability score for each COA in Table D-5 using the criteria in table D-4.

Likelihood of an Incident Occurring	Description/Definition	Probability Score
Highly Probable	Almost certain an incident will occur	0.9
Probable	More than 50% likelihood that an incident will occur	0.75
Equal probability	Approximately 50% likely that an incident will occur	0.5
Unlikely	Less than 50% likelihood than an incident will occur	0.25
Improbable	Incident not expected to occur under prevailing and expected conditions	0.05

Table D-4: Probability Scores for Likelihood of Incident Occurrence

Course of Action	Probability Score
Vessel is taken to place of refuge A	
Vessel is taken to place of refuge B	
Vessel continues its voyage	
Repairs made in current location	
Vessel is scuttled at a given location[1]	
Vessel is grounded at a given location	

Table D-5: Assignment of Probability Scores for Courses of Action

[1] For this COA, the probability will be 100% unless the situation is such that scuttling might result in a more controlled release of pollutants than would be the case if no action were taken.

3. Step 3: Consequences.
For the consequence component of risk, appropriate stakeholders will determine the level (scale) of consequences that can reasonably be expected if an "incident"—defined as a significant worsening of the vessel's condition—occurs. Stakeholders will assess the scale of expected consequences for the following three categories:
   - Human Health and Safety, including the safety of the crew, professional responders, and the public at large;
   - Natural Resources, including threatened and endangered species, subsistence species, commercial species, habitat, and cultural resources; and
   - Economic Impacts, including commercial shipping and fishing, marine tourism and recreational fishing, and non-marine related economic activities.

a. Step 3.1.
Begin by evaluating the potential consequences to human health and safety. While few credible POR scenarios will include significant health and safety consequences to the general public, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 C.F.R. § 300.317) properly lists the safety of human life as the top priority during every response action. Using the scores in Table D-6, assign a score to each POR option in Table D-7. Calculate the weighted score of each POR option in Table D-8.

Score	Description of Consequences to Human Health and Safety
2	No credible threat to human health and safety
4	Minor injuries to a few individuals, exposure to hazmat below PEL/STEL
8	Serious but non-life threatening injuries, hazmat exposure beyond PEL/STEL
16	Some deaths and/or significant injuries/ hazmat exposure beyond IDLH to small groups or lesser exposure to large groups
32	Many deaths, serious injuries, or life threatening health concerns

Table D-6: Scores for Consequences to Human Health and Safety

Affected Population	POR A	POR B	Continue Voyage	Repair in Place	Scuttle	Ground	Weight
General population							10
Response personnel							9
Vessel crew							9

Table D-7: Assignment of Raw Scores for Consequences to Human Health and Safety

Affected Population	POR A	POR B	Continue Voyage	Repair in Place	Scuttle	Ground
General Population						
Response Personnel						
Vessel Crew						
Total						

Table D-8: Calculation of Weighted Scores for Consequences to Human Health and Safety

b. Step 3.2.
Evaluate the likely consequences to each category of natural resources for each COA under consideration. Using the scores in Table D-9, assign a score to each POR option in Table D-10. Calculate the weighted score of each POR option in Table D-11.

Score	Description
2	No expected exposure of the natural resource in question
4	Minimal exposure, impact expected to be local and short-term
8	Moderate exposure, measurable impact over a larger area or longer time
16	Significant exposure, regional impact and/or multi-year recovery period
32	High exposure, impact could cause the long term collapse over a large area

Table D-9: Scores for Consequences to Natural Resources

Affected Resource	POR A	POR B	Continue Voyage	Repair in Place	Scuttle	Ground	Weight
Threatened and endangered species							8
Critical habitat for threatened and endangered species							10
Sensitive (non-protected) species							6
Critical habitat for sensitive, (non-protected) species							5
Historic or cultural resources							10
Subsistence use species							8
Subsistence use critical habitat							10
Commercial species							6
Essential fish habitat							3
Recreational use/activities							3
Other natural resources							3

Table D-10: Assignment of Raw Scores for Consequences to Natural Resources

Affected Resource	POR A	POR B	Continue Voyage	Repair in Place	Scuttle	Ground
Threatened and endangered species						
Critical habitat for threatened and endangered species						
Sensitive (non-protected) species						
Critical habitat for sensitive, (non-protected) species						
Historic or cultural resources						
Subsistence use species						
Subsistence use critical habitat						
Commercial species						
Essential fish habitat						
Recreational use/activities						
Other natural resources						
Total						

Table D-11: Calculation of Weighted Scores for Consequences to Natural Resources

c. Step 3.3.
Evaluate the likely consequences to each category of economic activities for each COA under consideration. Using the scores in Table D-12, assign a score to each POR option in Table D-13. Calculate the weighted score of each POR option in Table D-14.

Score	Description
2	No expected impact on the economic activity in question
4	Minor – local area, few businesses, and/or short-term
8	Moderate – regional area, many business, and/or longer term
16	Major – significant impacts on region/economic sector for several weeks
32	Severe – will affect regional activity for several months or longer

Table D-12: Scores for Consequences to Economic Activities

Affected Activity	POR A	POR B	Continue Voyage	Repair in Place	Scuttle	Ground	Weight
Maritime commerce and shipping							4
Commercial fishing and aquaculture							4
Recreational fishing, marine tourism							4
Non-maritime activities and commerce							4
Other							1

Table D-13: Assignment of Raw Scores for Consequences to Economic Activities

Affected Activity	POR A	POR B	Continue Voyage	Repair in Place	Scuttle	Ground
Maritime commerce and shipping						
Commercial fishing and aquaculture						
Recreational fishing, marine tourism						
Non-maritime activities and commerce						
Other						
Total						

Table D-14: Calculation of Weighted Scores for Consequences to Economic Activities

4. STEP 4: Combined Risk Score.

   a. Step 4.1.
   For each POR option, record the probability score and the consequence score for each type of consequence from previous tables.

Place of Refuge Option	Probability Score (Table D-5)	Health and Safety (Table D-8)	Natural Resources (Table D-11)	Economic Activity (Table D-14)
Place of Refuge A				
Place of Refuge B				
Continue Voyage				
Repair in Place				
Scuttle				
Ground				

Table D-15: Probability and Consequence Scores for Each Place of Refuge Option

   b. Step 4.2.
   Calculate the risk of each POR option for each type of consequence using the following formula:

$$\text{Probability} \times \text{Consequence} = \text{Risk}.$$

   Record the calculations in Table D-16. Add the risk calculations of all three consequences for each POR option to obtain the total risk for each option.

Place of Refuge Option	Probability Score	Human Health and Safety Risk	Natural Resources Risk	Economic Activity Risk	Total Risk
Place of Refuge A					
Place of Refuge B					
Continue Voyage					
Repair in Place					
Scuttle					
Ground					

Table D-16: Risk for Each Place of Refuge Option by Consequence Type

c. Step 4.3.
Evaluate each risk calculation in Table D-16 to determine the lowest risk POR option. Decision-makers are advised to consider each consequence category individually, and not just the lowest total risk score. For example, a POR option with the lowest total risk might still have an unacceptably high Human Health and Safety risk relative to other options. Also, as previously discussed in this instruction, the Operational Commander *shall* consider security and national defense risks in making a final decision.

d. Step 4.4.
Attach this form to the signed incident action plan to document approval of the final decision.

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APPENDIX E. AUTHORITIES, RESPONSIBILITIES, AND ROLES DURING A PLACE OF REFUGE INCIDENT

A. Shaded areas indicate "lead" at the given stage of the operation.

	Authority			
Stage	**SMC/SAR**	**COTP/*Force Majeure***	**FOSC/Places of Refuge**	**FMSC/Security Concerns**
Stage 1: SAR	Identify SAR risk, Conduct SAR ops IAW SAR Manual	Monitor and assist	Monitor and assist. Notify trustees, stakeholders, and RRT of potential for POR concern	Monitor and assist. Identify any security issues
Stage 2: *Force Majeure*	Monitor and assist		Monitor and assist. Notify trustees, stakeholders, and RRT of potential for POR concern	Monitor and assist. Impose any necessary security restrictions
Stage 3: Place of Refuge Request Assessment	Monitor and assist			Monitor and assist. Impose any security restrictions required to allow transit to proceed as planned
Stage 4: Vessel Transit	Monitor and assist			Monitor and assist. Conduct positive control boarding or other ops necessary for secure transit
Stage 5: Response	Monitor and assist			Monitor and assist
Stage 6: Follow-Up	Monitor and assist		Focus on Natural Resource Damage Assessment (NRDA), claims, restoration, and other long term concerns	Monitor and assist
State 7: Conclusion	Monitor and assist			Monitor and assist
Stage 8: Lessons Learned				

Table E-1: Authorities, Responsibilities, and Roles during a Place of Refuge Incident

B. All agencies, Commands, authorities, and personnel are expected to act with a *Unity of Effort* to resolve the situation with due regard to safety, security, and stewardship.

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APPENDIX F: GOVERNMENT INITIATED UNANNOUNCED EXERCISE (GIUE) IMPLEMENTATION WORKBOOK

GOVERNMENT INITIATED UNANNOUNCED EXERCISE (GIUE)

Implementation Workbook

Office of Marine Environmental Response Policy (CG-MER)
Office of Contingency Preparedness and Exercise Policy (CG-CPE)
Office of Commercial Vessel Compliance (CG-CVC)
Office of Port and Facility Activities (CG-FAC)

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A. PURPOSE

This workbook is designed to assist Sector Commanders and Marine Safety Unit (MSU) Commanding Officers with Captain of the Port (COTP) authority (henceforth referred to as COTPs) in designing, executing, and documenting Government Initiated Unannounced Exercises (GIUEs).

B. BACKGROUND

The GIUE program is designed to evaluate a plan holder's emergency response procedures in response to a simulated average most probable discharge (AMPD). As defined in 33 C.F.R. § 154/ § 155, AMPD means a discharge of the lesser of 50 barrels or 1 percent of the volume of the worst case discharge (WCD) during cargo transfer operations from a Marine Transportation Related (MTR) facility or tank vessel. More specifically, GIUEs are intended to test facility response plan (FRP) and vessel response plan (VRP) procedures for notifications, response time, and deployment of MTR facility-owned or oil spill removal organization (OSRO) equipment. Furthermore, a GIUE also serves as an opportunity for the Coast Guard to ensure industry compliance with the required response plans and to evaluate the readiness of OSROs to deploy in fulfillment of contractual obligations.

Over the past decade, the Coast Guard has seen a significant decrease in the overall number of GIUEs conducted by Sectors and MSUs nationwide. Many units do not conduct GIUEs at all, whereas some units strive every year to conduct the maximum number of GIUEs permitted under regulations. The National Preparedness for Response Exercise Program (PREP) Guidelines state that a COTP is limited to four exercises per area, per year. Compared to the planning and execution of a full-scale PREP area exercise, GIUEs require minimal investment of Coast Guard time and resources, but provide tremendous benefits for preparedness and strengthening local relationships.

GIUEs are not being conducted and documented consistently across the Coast Guard. It is important to note that GIUEs are not Coast Guard owned equipment deployment exercises or tabletop exercises. They require specific actions by response plan holders, including the actual deployment of containment and recovery equipment, to receive credit. Additionally, it is imperative that units document GIUEs properly in MISLE as detailed below and ensure correct spelling of "GIUE" to facilitate review of the program.

Finally, the Coast Guard should strive for consistent, standardized criteria in the design and evaluation of the exercises. Standardization and consistency minimizes unnecessary costs to industry, reduces the opportunity for inaccurate data, and promotes preparedness goals through transparency and positive regulatory interactions. As such, it is vitally important that Sectors and MSUs correctly and consistently conduct GIUEs within their respective COTP Zones.

C. EXERCISE DESIGN

GIUEs provide a credible real world test of industry preparedness. Detailed planning and exercise design considerations are essential to the development of a comprehensive and safe GIUE that achieves the Coast Guard's marine environmental response preparedness goals and makes best use of limited government and industry resources. The Coast Guard GIUE implementation process can be viewed as repeatable process from one GIUE to another (Annex A).

1. Roles and Responsibilities
It is the responsibility of COTPs to ensure the minimum required GIUEs are conducted per year. A team approach, including unity of effort, diverse skill sets, and coordination between multiple Sector and/or MSU divisions are necessary to maximize safety and reduce the resource burden on a single office. To this end, the GIUE Team shall include at least three Coast Guard members, representing the following functional responsibilities:

(a) Incident Management Division (IMD)
Serves as the GIUE Team Leader and is responsible for all phases of the GIUE, including design, execution, and documentation. The member must be a qualified Federal On-Scene Coordinator's Representative (FOSCR) and should coordinate with other Sector/MSU divisions to carry out the exercise.

(b) Contingency Planning and Force Readiness (CPFR)
Serves as a GIUE Team Member and ensures continuity of the GIUE program with the Area Contingency Plan (ACP) and PREP area exercises.

(c) Facilities Inspections Branch or Inspections Division, as applicable
Serves as a GIUE Team Member and provides specific technical knowledge and expertise on FRPs and VRPs. Prevention personnel shall have the Facility Inspector qualification for facility GIUEs and either the Port State Control Examiner or Hull Inspector qualification for vessel GIUEs.

Personnel assigned to MSUs (without COTP authority), Marine Safety Detachments (MSDs), or other subordinate units may serve on the GIUE Team, provided they have the appropriate qualification, for GIUEs that occur within their unit's Area of Responsibility.

2. Outreach
The COTP shall communicate this updated GIUE policy to industry, shipping agents, OSROs, and interagency representatives to help clarify Coast Guard GIUE requirements and expectations. Notification of stakeholders and industry representatives may be achieved through a variety of means, including outreach letters, Marine Safety Information Bulletins, Homeport notifications, and presentations at Area Committees, Area Maritime Security Committees, and Harbor Safety Committees. Annex B provides a template outreach letter that can be used by COTPs. COTPs are encouraged to conduct outreach on a continual basis to share lessons learned and to ensure the GIUE program is transparent to all members of the port community.

3. Candidate Selection
The COTP should use a risk-based process to select candidates for GIUEs. GIUEs should generally target MTR and tank VRP plan holders over non-tank vessel plan holders (as defined by 33 C.F.R. 155 Subpart J) due to the higher risk that they pose. Factors to consider when selecting a candidate may include:
- Past performance in actual spills or exercises;
- Safety and environmental compliance history of the plan holder;
- Concerns about the ability of the plan holder's equipment or OSRO to meet the planning requirements;

- Proximity to environmentally sensitive areas as outlined in the respective ACP;
- Public safety, economic, or political concerns in the area where the vessel or facility operates; and
- Products carried or transferred.

GIUEs are not intended to be random exercises, but should be focused on improving port preparedness. COTPs should consider their own area-specific risk factors and implement the GIUE program to mitigate those risks to the extent practicable.

4. Response Plan Review
Once the COTP selects the candidate, the GIUE Team shall review the plan holder's FRP or VRP along with the appropriate sections of the ACP. The GIUE Team should complete this review before determining the scenario and conducting the exercise. The review should include, at a minimum[*]:
    - General information section;
    - Notification procedures;
    - Shipboard spill mitigation procedures;
    - Shore-based response activities;
    - List of contacts;
    - The geographic-specific appendix where the exercise is being held; and
    - A review of the facility or vessel planned exercise program, which includes the types of exercises, frequencies, scopes, objectives, and the scheme for exercising the entire plan every three years in accordance with 33 C.F.R. § 154.1055, 33 C.F.R. § 155.1060 and 33 C.F.R. § 155.5060.

5. Headquarters Support
The VRP Program at U.S. Coast Guard Headquarters, Commandant (CG-MER) can provide a report of all active VRPs with approved geographic specific appendices including; PREP enrollment status, ORSO coverage (classified and non-classified), and Salvage & Marine Firefighting resources. To obtain VRP information, please contact:

Vessel Response Plan Program
U.S. Coast Guard Headquarters, Commandant (CG-MER)
2703 Martin Luther King Jr. Ave, SW Stop 7516
Washington, D.C. 20593
Help Desk: (202) 372-1005
Fax: (202) 372-8376
Email: vrp@uscg.mil
To check VRP status: http://homeport.uscg.mil/vrpexpress
To access VRP guidance and information: http://homeport.uscg.mil/vrp

[*] According to the specific requirements for the type of vessel. See 33 C.F.R. § 155.1035 (primary); §155.1040 (unmanned barges); and §155.1045 (secondary).

6. Exercise Objectives and Scenario
The scope of a GIUE is limited by policy to an AMPD. For Coast Guard-regulated vessels, AMPD is a discharge of 50 barrels of oil from the vessel during cargo transfer operations (33 C.F.R. § 155.1020), such as lightering or bunkering where the delivering barge or vessel is the plan holder subject to the exercise. For Coast Guard-regulated facilities, AMPD is a discharge of the lesser of 50 barrels or 1 percent of the volume of the WCD (33 C.F.R. § 154.1020). The GIUE Team should consider the locations where AMPD incidents may occur while ensuring other spill factors are as realistic as possible.

FRP and VRP requirements further state that specific amounts of containment boom and recovery devices must be deployed at the spill site within one hour and two hours, respectively, of detection of a spill. The primary objective of all GIUEs, therefore, will be to demonstrate this capability. The specific AMPD equipment requirements for facilities and vessels are found in 33 C.F.R. § 154.1045 (c) and 33 C.F.R. § 155.1050 (d), respectively.

GIUE Teams should develop realistic scenarios to test plan holder's capabilities to respond to an AMPD. Scenarios should be tailored to an applicable plan holder's operations and should take into account real world environmental conditions that can affect oil spill movement. Units should consider the use of simulants whenever possible to improve the overall quality of the scenario. State representatives can provide valuable local port knowledge and guidance on the use of simulants to assist in developing realistic and detailed scenarios. Annex C, Scenario Development Worksheet, can assist GIUE Teams in documenting relevant information to develop an appropriate scenario for the plan holder.

a. PREP Objectives
The following PREP objectives (Section 3 of the PREP Guidelines) are standard in every GIUE. Therefore, this policy applies to all plan holders, regardless of participation in PREP.

(1) Notifications
Test the notification procedures as identified in the FRP or VRP.

(2) Response Capabilities
Demonstrate spill response actions can be done in a timely and proper manner with an adequate amount of equipment for the scenario.

(3) Safety
Ensure response actions comply with all company, Coast Guard and regulatory safety standards throughout the exercise.

b. GIUE Standards
The following standards apply to all GIUEs.

(1) Safety
Any member of the GIUE Team, plan holder representative, or OSRO personnel may temporarily stop the exercise if they identify an unsafe situation. The exercise should be terminated whenever personnel safety remains in question.

(2) Costs
The plan holder is responsible for the cost incurred with its response.

(3) Termination
The GIUE Team Leader may terminate the exercise at any point. This may occur if the objectives have been satisfactorily completed, if the plan holder cannot meet the objectives, or for safety concerns.

(4) Performance Expectations
AMPD planning requirements state that containment boom must be capable of deployment at the spill site within one hour of the detection of a spill and oil recovery devices deployed within 2 hours of detection. The regulations clearly state in 33 C.F.R. § 154 and § 155 that these are planning standards, not response standards and that these criteria may not exist during an actual oil spill incident. Other activities, such as notifications and the actions of the Spill Management Team will likely be objectives in any GIUE and should occur in a timely manner.

D. EXERCISE EXECUTION

1. Exercise Safety
Safety during an exercise or an actual response is everyone's responsibility. The plan holder and responders are primarily responsibility for employee safety. The response plan should comply with all regulatory requirements. Plan holders and responders are *always* expected to operate in a safe manner during an exercise or actual response. It is the plan holder's responsibility to confirm that the resources identified in the response plan can conduct an effective response while operating within all applicable laws and regulations. In short, there is no expectation or justification for placing people at risk during an exercise or response. *Verified safety violations should be considered a failure to follow response plans and will likely lead to a determination of an unsatisfactory exercise by the GIUE Team Leader.*

2. Exercise Conduct

(a) GIUE Team
The COTP shall establish a GIUE Team consisting of the following:
- GIUE Team Leader: FOSCR (IMD);
- GIUE Team Member: Preparedness Specialist (CPFR); and
- GIUE Team Member: One of the following qualifications, as appropriate:
    - Facility Inspector (Facilities Inspections Branch); or
    - Port State Control Examiner (Inspections Division); or
    - Hull Inspector (Inspections Division).

These minimum standards are necessary to ensure the GIUE Team is comprised of an adequate number of personnel with the appropriate skill sets to effectively evaluate the GIUE and ensure the safety of response operations. Additional Coast Guard personnel and members from other federal and state agencies may be included as part of the GIUE Team.

(b) Deliver Exercise Package

The GIUE Team shall prepare and deliver a package to the plan holder to initiate the exercise. The package shall include, at a minimum, the following (Annex D and E):

- GIUE Notification Letter (Annex D); and
- Incident Briefing (ICS Form 201) with a detailed scenario, picture of the spill location, and exercise objectives (Annex E).

Upon arrival, the GIUE Team should inquire as to whether the facility or vessel has any situation that would present a hazard to the team or the plan holder. The GIUE Team Leader should assess the risk and make an appropriate determination based on the potential hazards.

The GIUE Team Leader should take into account other non-typical operations that may be excessively burdened if the GIUE is performed. Examples of such events include another regulatory activity onsite with the facility or vessel's key personnel, significant amounts of personnel, or if a plan holder is performing major construction in in which the GIUE would halt the work. By following through with a GIUE in these situations concern by other agencies could be raised or it create unnecessary hardship on plan holders; therefore, cancelling the GIUE and rescheduling (unbeknownst to the plan holder) would be warranted. The GIUE Team Leader has the authority to determine if the GIUE should still be executed.

The GIUE Team Leader then delivers the exercise package to the plan holder, briefs them on the purpose of the exercise, and answers any initial questions about the scope and objectives of the exercise. Once the plan holder is fully briefed and understands the exercise, the GIUE Team Leader initiates the GIUE.

The GIUE Team shall use the exercise scenario, objectives, and chronology sections of this workbook to evaluate the exercise. These forms are minimum requirements for designing, executing, and documenting GIUEs. Units may modify these forms to include additional, port-specific information.

The primary purpose of a GIUE is to ensure the plan holder can implement their plan during a marine environmental response incident. Therefore, the GIUE Team should provide all the information the plan holder needs to understand the scenario and the artificialities of the exercise. The GIUE Team should not provide assistance or advice on how to achieve the objectives, use Coast Guard authorities to expedite resources, or take other action that would relieve the plan holder of their regulatory obligations.

3. Exercise Evaluation

During the exercise, the GIUE Team shall use Annex F, GIUE Exercise Evaluation Checklists and Chronological Log, to evaluate performance and document plan holder actions. It is imperative that all actions be documented, particularly if any deficiency or variation of the response plan is identified. Documentation should include a description of the situation, including pictures if necessary, along with the time of the incident.

It is important to keep in mind that response timeframes in the regulations are planning standards and not performance standards; and the GIUE program focuses on AMPD. A successful GIUE

cannot be determined by a stopwatch, but through the subjective evaluation of a variety of factors.

At the conclusion of the exercise, the GIUE Team should convene to discuss the exercise and the plan holder's performance and make a determination of satisfactory or unsatisfactory. It is important to compare the response actions with the regulations and response plan, taking into account the scenario that was presented. Any discrepancies that warrant the GIUE Team to make a determination of unsatisfactory performance should be detailed with the observation and the expectation. The GIUE may be deemed unsatisfactory for any one or more of the following:

- The plan holder could not properly implement its response plan;
- Response resources were not available or not in operating condition;
- Response personnel were not adequately trained in implementing the response plan; or
- Significant safety violations.

4. Exercise Credit

After the exercise and hot wash conclude, the GIUE Team should review the actions of the plan holder and determine if the results are consistent with the intent of the planning standards and would likely result in a safe, effective response in an actual situation. This evaluation should be done independently of the plan holder and OSRO; and after all members of the team have had the opportunity to discuss their observations.

A facility or vessel that is deemed by the COTP to have successfully completed a GIUE shall receive credit for the following exercises:

- Qualified Individual notification exercise;
- Equipment deployment exercise; and
- Unannounced exercise.

Any facility or vessel that satisfactorily completes a Coast Guard GIUE is not required to participate in another Coast Guard GIUE for at least 36 months from the date of the exercise. Often a plan covers multiple mobile MTR facilities or vessels. In these cases when a mobile MTR facility or vessel successfully completes a GIUE that individual truck or vessel receives credit for the 36 months in all COTP Zones. All other fleet trucks or vessels that are approved under the same plan will receive credit for the COTP Zone in which the GIUE was conducted, for 36 months; however, if these vessels transit to another COTP Zone, the vessel could also be subject to a GIUE. Table F-1 provides a summary of exercise credit.

Plan Type	Individual Plan Holder – All COTP Zones	Response Plan's Fleet – COTP Zone Where GIUE Was Performed	Response Plan's Fleet – All Other COTP Zones
MTR Facility	Credit	Not Applicable	Not Applicable
Mobile MTR Facility	Credit	Credit	No Credit
Vessel	Credit	Credit	No Credit

Table F-1: Summary of Government Initiated Unannounced Exercise (GIUE) Credit Issued Based on Plan Type

E. POST EXERCISE DOCUMENTATION

1. GIUE Results Letter
The COTP shall document the results of the GIUE on a GIUE Results Letter, Annex G. The letter should include any deficiencies noted, a reasonable timeline to correct the deficiencies, and is applicable, exercise credit earned as a result of the GIUE. Since the goal of the GIUE program is to improve port preparedness, the COTP may require the plan holder to correct minor deficiencies even if the GIUE Team determines the exercise was performed satisfactorily. Moreover, the COTP may also use the GIUE Results Letter as a mechanism to provide recommendations and best practices for improving plan holder and OSRO performance.

2. MISLE
As regulatory compliance activities, each GIUE shall be appropriately documented in MISLE. Proper documentation provides accurate data for policy decisions and resource allocation and ensures no segment of industry is improperly targeted for GIUEs in excess of the requirements. For GIUE documentation in MISLE, units shall use the following standard Case and Activity naming convention, including whether the facility/vessel satisfactorily or unsatisfactorily completed the GIUE:

GIUE; Name of Facility/Vessel; FRP/VRP; Satisfactory/Unsatisfactory

Pay particular attention to the spelling of the term "GIUE" in the MISLE name. A recent review of MISLE activities demonstrated that this term continues to be misspelled, causing difficulties in retrieving MISLE data.

The MISLE Case shall include an Incident Management Activity (IMA), Facility Inspection Activity (FRP Drill)/Vessel Inspection Activity (VRP Drill) (as appropriate) and a Resource Sortie Activity. Interagency and industry participants, including the plan holder(s) and OSROs, should be included as involved subjects. All GIUE Team Members must be included in Resource Sorties and in the Inspection Activity. Describe exercise objectives and evaluation of plan holder/OSRO performance in the IMA timeline. The MISLE IMA must also clearly state whether or not the plan holder satisfactorily met all exercise objectives and regulatory requirements as observed by the GIUE Team. The documents used during the exercise shall be included as attachments in the Facility/Vessel Inspection Activity. This includes, at a minimum, the following:

- GIUE Notification Letter;
- ICS 201 with spill scenario;
- GIUE Evaluation Checklist and Chronological Log;
- GIUE Results Letter; and
- Photos taken during the exercise.

In addition, after each mobile MTR facility GIUE, the vehicle identification number of the truck in which the GIUE was performed shall be documented in the inspection activity narrative.

3. Reporting Completed GIUEs

(a) The COTP shall document the activity in MISLE and forward the Inspection Activity to District (dr) within 10 business days of completing the GIUE. In the rare occurrence that MISLE documentation cannot be completed within the 10-business day requirement, the COTP shall request an extension from District (dr) not to exceed three additional days.

(b) District (drm) shall review each MISLE activity within 15 business days of GIUE completion and forward the case to Commandant (CG-MER) for closing no later than the 15th day. If any discrepancies are noted or changes are necessary, District (drm) should return the activity back to the COTP for correction. Activities returned to the COTP should be corrected and forwarded back to District (dr) within five days.

(c) After reviewing the MISLE activity, Districts (drm) shall input the GIUE data on the District GIUE Reporting Page located on the Commandant (CG-MER)'s Portal. The required information to be entered is listed below and an example entry is provided on the Commandant (CG-MER)'s Portal.
- District;
- COTP Zone;
- GIUE Conducted Date;
- GIUE Type;
- GIUE Sub-Type;
- GIUE Result;
- MISLE Inspection Activity Number; and
- Any additional comments concerning the GIUE that are not captured in MISLE.

F. ANNEXES

The annexes listed below appear on the following pages of this Appendix.

A. GIUE Implementation Process
B. GIUE Outreach Letter Template
C. Scenario Development Worksheet
D. GIUE Notification Letter Template
E. GIUE Incident Briefing and Objectives Template (ICS 201)

F. Exercise Evaluation Checklists and Chronological Log
G. GIUE Results Letter Template – Successful and Unsuccessful Completion

The templates, worksheets, and log are available as standalone documents on Commandant (CG-MER)'s Portal.

Annex A to Appendix F: GIUE Implementation Process

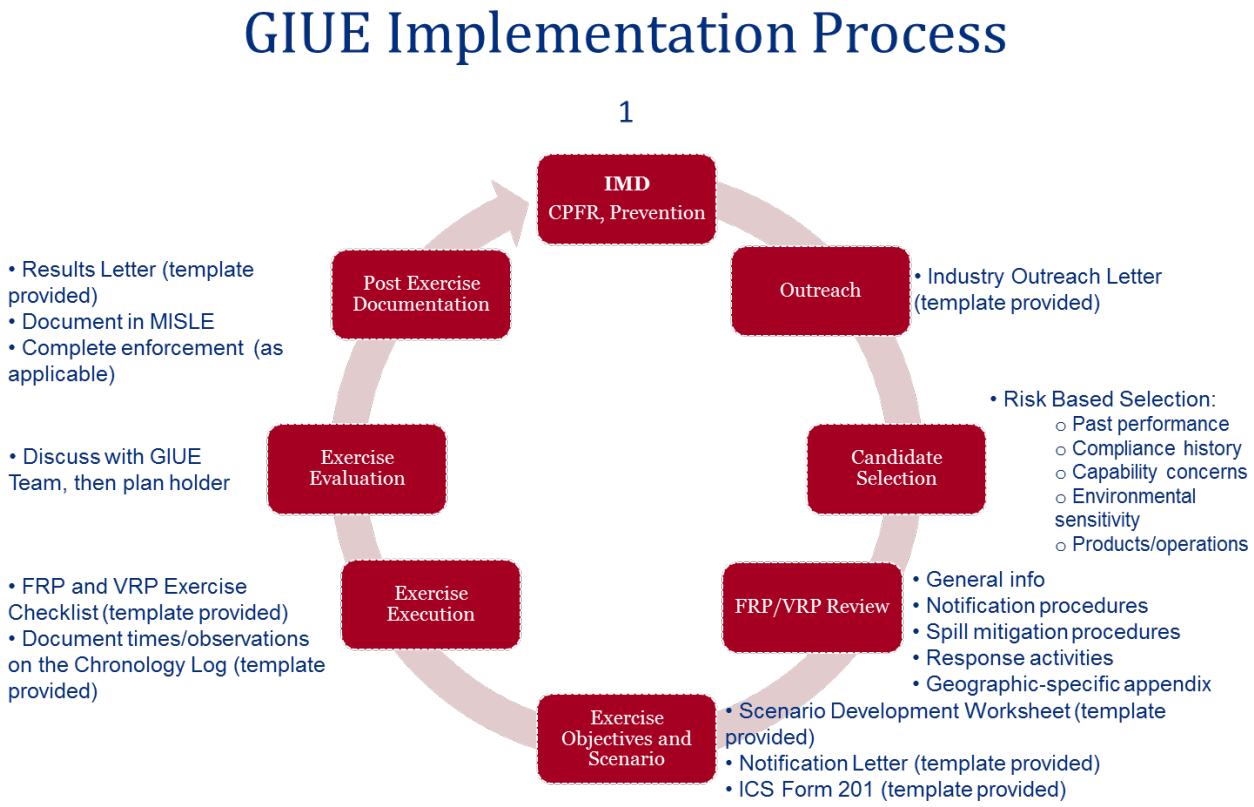

Figure F-1: Government Initiated Unannounced Exercise (GIUE) Implementation Process

Annex B to Appendix F: GIUE Outreach Letter Template

U.S. Department of Homeland Security
United States Coast Guard

Commander
United States Coast Guard
Sector/MSU

Address
Address
Address

16480
Date

Name
Role
Company
Address
City, State Zip

Dear [NAME],

The purpose of this letter is to remind facility and vessel response plan holders about the Government Initiated Unannounced Exercise (GIUE) program, to outline general information and expectations, and to provide a point of contact among my staff here at [SECTOR/MSU NAME] who can help answer any questions you may have about this federally mandated program.

GIUEs are response exercises conducted in accordance with 33 C.F.R. § 154.1055, 33 C.F.R. § 155.1060, and 33 C.F.R. § 155.5060, and are intended to demonstrate your ability to respond to an average most probable discharge (AMPD) as stated in your facility/vessel response plans (FRP/VRP). A GIUE is initiated without prior notice and begins when the Coast Guard GIUE Team arrives on scene and presents an initiation letter and scenario to the plan holder. Exercises typically last four hours, however, that time frame can be reduced once all objectives are completed. During a GIUE, the facility or vessel may continue to proceed with normal commercial operations as consistent with their plans and should follow all applicable regulatory requirements and company standards. The outcome of the exercise is either satisfactory or unsatisfactory and the GIUE Team will discuss any necessary follow-up actions with the plan holder.

Costs associated with the GIUE are the responsibility of the plan holder. Plan holders that successfully complete a GIUE will receive credit for a quarterly Qualified Individual notification exercise, equipment deployment exercise, and an unannounced exercise. Successful completion of a GIUE precludes the facility or vessel from having to participate in another Coast Guard GIUE for 36 months.

If you have any questions about the program, please contact [NAME] at [NUMBER]. Thank you for your efforts in increasing preparedness for oil spill response.

Sincerely,

[NAME]
Captain, U. S. Coast Guard
Captain of the Port

Annex C to Appendix F: Scenario Development Worksheet

Scenario Development Worksheet

Facility/Vessel Name (plan holder): _____

Phone: _____ POC: _____

Date of the last GIUE: _____

Operation at time of incident: _____

Product and volume spilled: _____

Location of incident: _____

Date and time: _____

On-scene weather (actual or scripted): _____

Sea state (actual or scripted): _____

Tides and currents or river stage and flow (actual or scripted):_____

Identify protective booming or other response strategies described in the ACP and FRP/VRP

List the OSROs identified in the response plan for the AMPD planning requirement and/or the equipment specifically listed in the plan if a certified OSRO is not included.

OSRO Name	Phone Number
Equipment Description	**Location**

Note: This document can be used by the GIUE Team to develop and pertinent information needed to provide the facility of vessel. The ICS 201 should be provided to the plan holder.

Annex D to Appendix F: GIUE Notification Letter Template

U.S. Department of Homeland Security
United States Coast Guard

Commander
United States Coast Guard
Sector/MSU

Address
Address
Address

16480
Date

Name
Role
Company
Address
City, State Zip

Dear [NAME],

This letter serves as an official notice to immediately conduct a Government Initiated Unannounced Exercise (GIUE) in accordance with 33 C.F.R. § 154.1055 (b) / 33 C.F.R. § 155.1060 (c) / 33 C.F.R. § 155.5060 for an average most probable discharge (AMPD) as identified in your facility response plan/vessel response plan (FRP/VRP). Enclosure (1) contains an ICS 201 with a spill scenario necessary to begin your response actions for this GIUE.

Your normal commercial operations may proceed, as consistent with your FRP/VRP. Follow all applicable regulatory requirements and company standards throughout this exercise. Any member of the GIUE Team or plan holder representative can temporarily suspend the exercise if real world unsafe conditions exist, with no adverse impact on exercise credit. Immediately notify the Coast Guard GIUE Team Leader if an unsafe condition exists.

The exercise will last approximately four hours, and may terminate earlier if you meet all of the exercise objectives. If you meet all of the exercise objectives, you will not have to participate in another Coast Guard GIUE for at least 36 months. GIUEs conducted by other regulatory agencies in which the Coast Guard do not participate should not count towards the plan holder's participation in a Coast Guard GIUE. All costs associated with the exercise are the responsibility of the plan holder.

Please proceed with the exercise as directed by the Coast Guard GIUE Team Leader. Thank you for your effort to increase preparedness for oil spill response.

Sincerely,

[NAME]
Captain, U. S. Coast Guard
Captain of the Port

Enclosure: Exercise Scenario and Objectives (ICS 201)

Annex E to Appendix F: GIUE Incident Briefing and Objectives Template (Incident Briefing, Form ICS 201)

1. Incident Name [FRP/VRP Plan Holder Name]	**2. Prepared by:** Date: [CG initiator to fill out] Time: [CG initiator to fill out]	INCIDENT BRIEFING ICS 201-CG
3. Map/Sketch (include sketch, showing the total area of operations, the incident site/area, over flight results, trajectories, impacted shorelines, or other graphics depicting situational and response status) **PROVIDE GIS PHOTO OF LOCATION OF INCIDENT**		
4. Current Situation:		
Description of scenario: Example: this morning, a facility employee noticed a heavy diesel smell. Upon further investigation, the employee		
discovered a large quantity of diesel in the vicinity of the facility. It was believed to have occurred as a result of a pipeline rupture or corrosion.		

1. Incident Name [FRP/VRP Plan Holder Name]	**2. Prepared by:** Date: [CG initiator to fill out] Time: [CG initiator to fill out]	INCIDENT BRIEFING ICS 201-CG
On-scene weather, sea state, and tides/currents: Use current conditions at the time of the exercise.		

5. Initial Response Objectives, Current Actions, Planned Actions	
	GIUE Objectives:
	1. Conduct proper notifications to respond to unannounced scenario of an average most probable discharge.
	2. Demonstrate spill response actions can be done in a timely and proper manner with an adequate amount of equipment for the scenario.
	3. Ensure the safety of response personnel.

1. Incident Name [FRP/VRP Plan Holder Name]	2. Prepared by: Date: [CG initiator to fill out] Time: [CG initiator to fill out]	INCIDENT BRIEFING ICS 201-CG

6. Current Organization (fill in additional appropriate organization)

Use all available resources within your FRP/VRP
to respond to an average most probable discharge (AMPD)

Unified Command _____
_____
_____

- Safety Officer _____
- Liaison Officer _____
- Public Information Officer _____

Operations Section	Planning Section	Logistics Section	Finance Section

1. Incident Name [FRP/VRP Plan Holder Name]	**2. Prepared by:** Date: [CG initiator to fill out] Time: [CG initiator to fill out]	INCIDENT BRIEFING ICS 201-CG

7. Resources Summary

Resource	Resource Identifier	Date Time Ordered	ETA	On-Scene (X)	NOTES: (Location/Assignment/Status)
As per FRP/VRP					

Annex F to Appendix F: Exercise Evaluation Checklists and Chronological Log.

Facility Response Plan (FRP) Exercise Evaluation Checklist

Objective 1: Conduct proper notifications in response to an average most probable discharge.

Cite	Requirement	Observation	Requirement Met?
33 C.F.R. § 154.1060 (h)	Was the FRP readily available?		**Y** **N**
33 C.F.R. § 154.1035 (b)(1)	Were notifications completed? • Facility response personnel, spill management team, oil spill removal organization • Federal, State or local agencies	Note contact and time:	**Y** **N**
33 C.F.R. § 154.1035 (b)(1)(ii)	Was notification to the NRC completed?		**Y** **N**

Additional Information:

Objective 1 (continued)

Cite	Requirement	Observation	Requirement Met?
33 C.F.R. § 154.1035 (b)(1)	Were notifications made using the FRP's notifications procedures?		**Y** **N**
33 C.F.R. § 154.1035 (b)(1)	Were the notifications procedures contact numbers up to date? Indicate changes as needed.		**Y** **N**
33 C.F.R. § 154.1035 (b)(1)(ii)	Was the notification form completed?		**Y** **N**
33 C.F.R. § 154.1035 (e)(4)	Was the communication plan enacted per the FRP?		**Y** **N**

Additional Information:

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Did the facility meet this objective? **Y** **N**

If no, how was the objective not met?

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Objective 2: Demonstrate spill response actions can be done in a timely and proper manner with an adequate amount of equipment for the scenario.

Cite	Requirement	Observation	Requirement Met?
33 C.F.R. § 154.1035 (b)(3)	Were response actions initiated and response resources supervised?		**Y** **N**
33 C.F.R. § 154.1035 (b)(3)	Was the spill management team assembled?		**Y** **N**
33 C.F.R. § 154.1035 (b)(2)(ii)	Was the source of the discharge secured?		**Y** **N**
33 C.F.R. § 154.1035 (b)(2)(ii)	Were FRP's prioritized procedures followed to mitigate the discharge		**Y** **N**
33 C.F.R. § 154.1045 (c)(1)	Was sufficient containment boom and means for deployment on-scene within 1 hour of detection of the spill? *Reminder: 1 hour is a planning standard and is not the only evaluation factor to meet this objective (See Section D.3 of this Appendix)*	Note deployment time:	**Y** **N**

Additional Information:

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Objective 2 (continued)

Cite	Requirement	Observation	Requirement Met?
33 C.F.R. § 154.1045 (c)(2)	Were oil recovery devices and recovered oil storage capacity on-scene within 2 hours of discharge? *Reminder: 2 hours is a planning standard and is not the only evaluation factor to meet this objective (see Section D.3 of this Appendix)*	Note on-scene time:	**Y** **N**
33 C.F.R. § 154.1057	Was the response equipment in good operating condition, capable of functioning in the applicable operating environment and appropriate for the product being carried?		**Y** **N**

Additional Information:

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Did the facility meet this objective? **Y** **N**

If no, how was the objective not met?

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Objective 3: Conduct an exercise in a safe manner.

Cite	Requirement	Observation	Termination?
PREP Guidelines	Did specific conditions exist that resulted in safety hazards, which lead to the termination of the exercise?		Exercise Terminated Due to Safety? **Y** **N**
N/A	If yes, were the conditions caused by the actions of the facility representatives or exercise evaluators?		Facility representatives/ exercise evaluators caused termination? **Y** **N**

If necessary, describe the conditions which caused the exercise to be terminated:

VRP Exercise Evaluation Checklist

Objective 1: Conduct proper notifications in response to an average most probable discharge.

Cite	Requirement	Observation	Requirement Met?
33 C.F.R. § 155.1030 (i) or 33 C.F.R. § 155.5030 (g)	Was the VRP readily available?		**Y** **N**
33 C.F.R. § 155.1035 (b) or 33 C.F.R. § 155.5035 (b)	Were notifications completed? • Vessel response personnel, spill Management team, Oil Spill removal organization • Federal, State or local agencies	Note contact and time:	**Y** **N**
33 C.F.R. § 155.1035 (b)(1)(i) or 33 C.F.R. § 155.5035 (b)(1)(i)	Was notification to the NRC completed?		**Y** **N**

Additional Information:

Objective 1 (continued)

Cite	Requirement	Observation	Requirement Met?
33 C.F.R. § 155.1035 (b) or 33 C.F.R. § 155.5035 (b)	Were notifications made using the VRP's notifications procedures?		**Y** **N**
33 C.F.R. § 155.1035 (b) or 33 C.F.R. § 155.5035 (b)	Were the notifications procedures contact numbers up to date? Indicate changes as needed.		**Y** **N**
33 C.F.R. § 155.1035 (b)(1) or 33 C.F.R. § 155.5035 (b)(1)	Was the notification checklist completed?		**Y** **N**

Additional Information:

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Did the vessel meet this objective? **Y** **N**

If no, how was the objective not met?

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Objective 2: Demonstrate spill response actions can be done in a timely and proper manner with an adequate amount of equipment for the scenario.

Cite	Requirement	Observation	Requirement Met?
33 C.F.R. § 155.1035 (c)(9) or 33 C.F.R. § 155.5035 (c)(9)	Were response actions initiated and response resources supervised?		**Y** **N**
33 C.F.R. § 155.1035 (c) or 33 C.F.R. § 155.5035	Was the source of the discharge secured?		**Y** **N**
33 C.F.R. § 155.1035 (c) or 33 C.F.R. § 155.5035	Were VRP's prioritized procedures followed to mitigate the discharge		**Y** **N**
33 C.F.R. § 155.1050 (d)(1)(i) or 33 C.F.R. § 155.5050 (d)	Was sufficient containment boom and means for deployment on-scene within 1 hour of detection of the spill? *Reminder: 1 hour is a planning standard and is not the only evaluation factor to meet this objective (See Section D.3 of this Appendix)*	Note deployment time:	**Y** **N**

Additional Information:

Objective 2 (continued)

Cite	Requirement	Observation	Requirement Met?
33 C.F.R. § 155.1050 (d)(1)(ii) or 33 C.F.R. § 155.5050 (d)	Were oil recovery devices and recovered oil storage capacity on-scene within 2 hours of discharge? *Reminder: 2 hours is a planning standard and is not the only evaluation factor to meet this objective (See Section D.3 of this Appendix)*	Note on-scene time:	**Y** **N**
33 C.F.R. § 155.1050 (c), 33 C.F.R. § 155.1062, 33 C.F.R. § 155.5050 (c), or 33 C.F.R. § 155.5062	Was the response equipment in good operating condition, capable of functioning in the applicable environment, and appropriate for the product being carried?		**Y** **N**

Additional Information:

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Did the vessel meet this objective? Y N

If no, how was the objective not met?

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Objective 3: Conduct an exercise in a safe manner.

Cite	Requirement	Observation	Termination?
PREP Guidelines	Did specific conditions exist that resulted in safety hazards, which lead to the termination of the exercise?		Exercise Terminated Due to Safety? **Y** **N**
No Cite	If yes, were the conditions caused by the actions of the vessel's representatives or exercise evaluators?		Vessel representatives/ exercise evaluators caused termination? **Y** **N**

If necessary, describe the conditions which caused the exercise to be terminated:

Exercise Chronology

Time	Observation/Event

Annex G to Appendix F: GIUE Results Letter Templates – Successful and Unsuccessful Completion

U.S. Department of Homeland Security
United States Coast Guard

Commander
United States Coast Guard
Sector/MSU

Address
Address
Phone:
Fax:

16480
Date

Name
Role
Company
Address
City, State Zip

Dear [NAME],

On [DATE], this office conducted a Government Initiated Unannounced Exercise (GIUE) on your [facility/vessel]. The purpose of this GIUE was to test the facility response plan/vessel response plan (FRP/VRP) notification and response capabilities for an average most probable discharge (AMPD) in accordance with 33 C.F.R. § 154.1055(b) / 33 C.F.R. § 155.1060(c) / 33 C.F.R. § 155.5060. The GIUE Team has determined that you satisfactorily completed the exercise in accordance with your FRP/VRP and all applicable guidelines and regulations.

Having successfully completed the GIUE, you may claim credit for the following exercises as required by 33 C.F.R. § 154.1055 / 33 C.F.R. § 155.1060 / 33 C.F.R. § 155.5060:

1. Qualified Individual notification exercise
2. Equipment deployment exercise
3. Unannounced exercise

Please keep a copy of this letter to document your completion of the GIUE and credit for the above exercises. You can expect that your facility/vessel will not be subject to another Coast Guard GIUE for at least 36 months from the date of the exercise. [All other fleet trucks or vessels covered by this FRP/VRP may be subject to a GIUE in other COTP Zones.] Please contact [NAME] at [NUMBER] should you have any questions. Congratulations on a successful exercise and thank you for your efforts to improve marine environmental response preparedness.

Sincerely,

[NAME]
Captain, U.S. Coast Guard
Captain of the Port

U.S. Department of Homeland Security
United States Coast Guard

Commander
United States Coast Guard
Sector/MSU

Address
Address
Phone:
Fax:

16480
Date

Name
Role
Company
Address
City, State Zip

Dear [NAME],

On [DATE], this office conducted a Government Initiated Unannounced Exercise (GIUE) on your [facility/vessel]. The purpose of this GIUE was to test the facility response plan/vessel response plan (FRP/VRP) notification and response capabilities for an average most probable discharge (AMPD) in accordance with 33 C.F.R. § 154.1055(b) / 33 C.F.R. § 155.1060(c) / 33 C.F.R. § 155.5060. The GIUE Team has determined that you unsatisfactorily completed the exercise in accordance with your FRP/VRP and all applicable guidelines and regulations.

[List deficiencies that resulted in facility/vessel unsatisfactorily completing the GIUE, corrective actions, and timelines for completion.]

You may be subject to another Coast Guard GIUE at any time, in accordance with 33 C.F.R. § 154.1055 / 33 C.F.R. § 155.1060 / 33 C.F.R. § 155.5060. Please contact [NAME] at [NUMBER] should you have any questions.

Sincerely,

[NAME]
Captain, U.S. Coast Guard
Captain of the Port

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APPENDIX G. POLLUTION RESPONDER EQUIPMENT REQUIREMENTS

A. Level D Personal Protective Equipment (PPE).

Item	Quantity
Coveralls	3
Hard hat	1
Safety glasses (clear)	1
Safety glasses (tinted)	1
Work gloves	1 pair
Hearing protection (soft earplugs and hard earmuffs)	1 each
Rubber boot covers (optional)	2 pair
Disposable coveralls (optional)	2 pair

Table G-1: Level D Personal Protective Equipment (PPE) Requirements

B. Other Required Personnel Equipment.

Item	Quantity
Air monitor (see Chapter 7.B.3 of this Manual)	1
Personal Radiation Detector	1
Flash light (intrinsically safe)	1
Multi-tool	1
High visibility safety vest	1
Rain gear	1
Clipboard	1
Sunscreen	1
Bug repellant	1
Bag/Backpack	1

Table G-2: Other Required Personnel Equipment

C. Cold Weather Equipment.
All equipment in Appendix G, Section C must comply with the requirements set forth in the *Rescue and Survival Systems Manual, COMDTINST M10470.10 (series).*

Item	**Quantity**
Skull cap	1
Balaclava	1
Inner/Outer gloves	1 each
Cold weather socks	1
Cold weather base layer (top and bottom)	1 each
Insulated coveralls	1
Float coat	1
Anti-exposure coveralls	1
Dry suit	1

Table G-3: Personnel Cold Weather Equipment Requirements

APPENDIX H. POLLUTION RESPONSE KITS

A. Response Kits.

Item	Quantity
Digital camera (waterproof preferred)	1
Handheld GPS	1
Binoculars	1
Notice of Federal Interest	10
Witness statements	10
Coast Guard Incident Management Handbook	1
ICS forms (various)	5 each
DOT Emergency Response Guidebook	1
NIOSH Pocket Guide	1
Sampling Kit (see Chapter 7.C.2 of this Manual)	1
Response bag/kit	1

Table H-1: Response Kit Supplies

B. Communications Equipment.

Item	Quantity
Cell phone	1
Laptop or tablet computer (with bag)	1
Portable printer	1
Aircard	1
Encrypted portable hard drive	1
Power inverter	1

Table H-2: Communications Equipment

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APPENDIX I. SHORELINE CLEANUP ASSESSMENT TECHNIQUE (SCAT) KITS

Item	Quantity
NOAA Shoreline Assessment Manual	1
NOAA Shoreline Assessment Job Aid	1
Shoreline Assessment Forms	1 per segment
Clipboard	1 per person
Field notebooks (waterproof)	1 per person
Field estimation charts	1
Segment maps	Varies
Pencils, erasers, waterproof markers	Varies
Base sketch maps	Varies
Shovel	1
Digital camera	1
Hand-held GPS	1
Rangefinder	1
Compass	1
First aid kit	1
Rubber boots (knee-high) or hip waders	1 per person
Sunscreen	1
Bug spray	1
Hand cleaner	1
Response bag/kit	1

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APPENDIX J. FEDERAL ON-SCENE COORDINATOR (FOSC) RESPONSIBILITIES

A. General Federal On-Scene Coordinator (FOSC) Responsibilities.

General FOSC Responsibilities			
Category	**Regulation/ Reference**	**FOSC Responsibility**	**Additional Clarification, Guidance, and Examples**
Health and Safety	40 C.F.R. § 300.135(l)	FOSC addresses worker health and safety concerns at a response scene.	FOSC *shall* develop and implement a Site Safety Plan, ICS Form 208, using Operational Risk Management (ORM) principles.
	40 C.F.R. § 300.135(h)	In those situations where a possible public health emergency exists, the FOSC notifies the Department of Health and Human Services (HHS) representative.	FOSC reference the Regional Contingency Plan (RCP)/Area Contingency Plan (ACP) for regional and/or local guidance on notifications.
	40 C.F.R. § 300.150(a)	FOSC response actions under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) *shall* comply with the provisions for response action worker safety and health in 29 C.F.R. § 1910.120.	FOSC ensures Coast Guard responders follow 29 C.F.R. § 1910.120 and Reference (e), and document safety procedures in accordance with 29 C.F.R. § 1910.120.
Response Management	40 C.F.R. § 300.135(a)	FOSC *shall* direct response efforts and coordinate all other efforts at the scene of a discharge or release.	FOSC *shall* use an Incident Action Plan (IAP) and/or compliance procedures in accordance with Chapter 9.H of this Manual.
	40 C.F.R. § 300.135(b)	Under the NCP, the first federal official affiliated with a National Response Team (NRT) member agency to arrive at the scene of a discharge or release coordinates activities and initiates actions in consultation with the FOSC until the arrival of the pre-designated FOSC.	This official could initiate the Oil Spill Liability Trust Fund (OSLTF) or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) funded actions only as authorized by the FOSC, or representative if the FOSC is unavailable (e.g., EPA OSC).

General FOSC Responsibilities			
Category	**Regulation/ Reference**	**FOSC Responsibility**	**Additional Clarification, Guidance, and Examples**
	40 C.F.R. § 300.135(c)	The FOSC *shall*, to the extent practicable, collect all pertinent facts about the discharge or release.	The FOSC *shall* respond to all reports of pollution IAW Chapter 9.E, take appropriate action in the Coastal Zone. FOSC notifies EPA if Inland Zone. FOSC collects information related to features articulated in accordance with Chapter 9.E of this Manual.
	40 C.F.R. § 300.135(d)	FOSC's efforts *shall* be coordinated with other appropriate federal, state, local, and private response agencies. The FOSC could designate capable persons from federal, state or local agencies to act as their on-scene representative.	FOSC references the RCP/ACP for regional and/or local guidance on coordination requirements.
Natural Resource Trustees	40 C.F.R. § 300.135(j)(1)	FOSC *shall* promptly notify trustees for natural resources of discharges or releases.	FOSC *shall* notify natural resource trustees listed within respective ACP and Subpart G of the NCP.
	40 C.F.R. § 300.135(j)(2)	FOSC *shall* coordinate all response activities with the affected natural resources trustees and, for discharges of oil. FOSC *shall* consult with the affected trustees on the appropriate removal action.	FOSC *shall* consult with affected trustees and conduct an emergency Endangered Species Act (ESA) section 7 consultation for oil spill response actions. FOSC *shall* consult with State Historical Preservation Office (SHPO) prior to conducting response actions in accordance with Chapter 4 of the Manual.

General FOSC Responsibilities			
Category	**Regulation/ Reference**	**FOSC Responsibility**	**Additional Clarification, Guidance, and Examples**
Minimize Economic Impacts	National Response Framework and Best Response Model, available on Commandant (CG-MER)'s Portal	FOSC *shall* be attentive to the economic impacts of the affected port and waterways during a response.	FOSC *shall* reference the ACP to determine areas of special economic importance, to include resources of the Exclusive Economic Zone (EEZ) that could be impacted by a discharge. The FOSC should engage port partners and local officials to identify impacts and constraints to port operations and recommend Marine Transportation System (MTS) stabilization and short-term recovery activities to minimize economic impacts.
Public Information and Community Relations	40 C.F.R. § 300.135(n) and 40 C.F.R. § 300.155(a)	FOSCs inform all appropriate public and private interests of concern considerations throughout a response, to the extent practicable.	FOSC references RCP/ACP and *U.S. Coast Guard Incident Management Handbook (IMH), COMDTPUB P3120.17 (series).*
	40 C.F.R. § 300.155(a)	FOSCs coordinate with available public affairs/community relations resources to implement prompt and accurate public information.	FOSC references RCP/ACP and *U.S. Coast Guard Incident Management Handbook (IMH), COMDTPUB P3120.17 (series).*
	40 C.F.R. § 300.155 (b)	The FOSC establishes a Joint Information Center (JIC), or other similar capability to coordinate media relations and to provide unified information on the incident. The FOSC *shall* determine the location of the JIC.	FOSC references RCP/ACP and Coast Guard Incident Management Handbook and *Coast Guard External Affairs Manual, COMDTINST M5700.13 (series).*
	40 C.F.R. § 300.155(c)	FOSCs ensure coordination with in place Community Relations Plans and determine if plans need to be developed.	FOSC references RCP/ACP and *U.S. Coast Guard Incident Management Handbook (IMH), COMDTPUB P3120.17 (series).*
Stakeholder Involvement	40 C.F.R. § 300.135(f)	FOSCs *shall* promptly advise supporting agencies of the incident.	FOSC *shall* notify stakeholders of reports of discharges/releases IAW RCP/ACP.
	40 C.F.R. § 300.135(g)	FOSCs advise Federal Emergency Management	FOSC coordinates with IMPA and engage FEMA representative to the

General FOSC Responsibilities			
Category	**Regulation/ Reference**	**FOSC Responsibility**	**Additional Clarification, Guidance, and Examples**
		Agency (FEMA) of potential major disaster situations.	RRT.
	40 C.F.R. § 300.130(h)	FOSCs coordinate with FEMA during major disaster or emergency declarations while implementing NCP activities.	FOSCs *shall* coordinate in accordance with the *USCG Emergency Preparedness Liaison Officer (EPLO) Program, COMDTINST 3025.1 (series).*
	40 C.F.R. § 300.130(i)	FOSCs coordinate response activities through the incident specific Emergency Support Function (ESF) #10 Chair to ensure consistency with federal disaster assistance activities.	Whereas the NCP defines an "ESF-10 Chair," the NRF defines "ESF Coordinator" as the entity with management oversight for an ESF. EPA is the ESF #10 Coordinator. FOSC coordinates with IMPA and implement *USCG Emergency Preparedness Liaison Officer (EPLO) Program, COMDTINST 3025.1 (series).*
	40 C.F.R. § 300.175(a)	FOSCs call upon other federal agencies to provide assistance in their respective areas of expertise and consistent with agency authorities and capabilities.	FOSC references RCP/ACP for further guidance on assistance from other federal agencies.
	40 C.F.R. § 300.185(a)	FOSC encourages industry groups, academic organizations, and others (e.g. non-governmental organizations (NGOs)) to commit resources for response operations.	FOSC lists specific commitments in the RCP/ACP.
Reports and Documentation	40 C.F.R. § 300.135(m)	FOSCs *shall* submit pollution reports to the Regional Response Team (RRT) and other appropriate agencies as significant developments occur during response actions.	FOSC provides through communications networks or procedures agreed to by the RRT and covered in the RCP/ACP. Additional reporting requirements can be found in Chapter 12 of this Manual.
	40 C.F.R. § 300.165(a) – (b)	As requested by the NRT or RRT, the FOSC *shall* submit a report on the removal operation and action taken.	Additional information can be found in Chapter 12.F of this Manual.

General FOSC Responsibilities			
Category	**Regulation/ Reference**	**FOSC Responsibility**	**Additional Clarification, Guidance, and Examples**
		The FOSC report *shall* record the situation as it developed, the action taken, the resources committed, and the problems encountered.	
	40 C.F.R. § 300.160(b)	Documentation provisions for oil discharges are described in 40 C.F.R. §300.315.	Additional information on documentation can be found in Table J-5 this Appendix.
	40 C.F.R. § 300.160(a)(1)	For releases of a hazardous substance, FOSC documentation *shall* be sufficient to provide the source and circumstances of the release, the identities of the RPs, the response action taken, accurate accounting of federal, state, or private party costs incurred, and impacts and potential impacts to the public health and welfare and the environment. FOSC documentation *shall* state when the NRC received notification of a release of a reportable quantity.	FOSCs *shall* prepare Action Memoranda in accordance with Superfund Removal Guidance for Preparing Action Memoranda found in Chapter 2 of the *National Pollution Funds Center (NPFC) User Guide*.
	40 C.F.R. § 300.160(a)(2)	FOSC *shall*, as appropriate, transmit the information and reports obtained by the lead agency for fund financed response to the RRT Chair.	FOSC submits to Coast Guard RRT Co-chair for routing.
	33 C.F.R. § 160(a)	FOSC *shall* maintain documentation to support all response actions under the NCP and to form the basis for cost recovery in accordance with 40 C.F.R. § 300.160	If the FOSC directs response actions, then document the substantial threat in accordance with Chapter 9.E.1.c of the Manual.
Volunteers Coordination	40 C.F.R. § 300.185(c)	FOSCs *shall* ensure that ACPs establish procedures to allow for the well-organized, worthwhile, and safe use of volunteers, including compliance with 40 C.F.R. §	Additional information and guidelines on the use of volunteers can be found in the NRT's *Use of Volunteers, Guidelines for Oil Spills* (September 27, 2012) and the *Memorandum of Understanding*

General FOSC Responsibilities			
Category	**Regulation/ Reference**	**FOSC Responsibility**	**Additional Clarification, Guidance, and Examples**
		300.150 regarding worker health and safety. ACPs should provide for the direction of volunteers by the FOSC or by other federal, state, or local officials knowledgeable in contingency operations and capable of providing leadership. Unless specifically requested by the FOSC, do not use volunteers for physical removal or remedial activities. If in the judgment of the FOSC, dangerous conditions exits, volunteers *shall* be restricted from on-scene operations.	*(MOU) between the U.S. Coast Guard, U.S. EPA, and the Corporation for National and Community Service* (Appendix F to the Use of Volunteers Guidelines).
	40 C.F.R. § 300.210(c)	FOSCs *shall* identify and secure the means for providing, if needed, the minimum required OSHA training for volunteers, including those who assist with injured wildlife.	FOSC references RCP/ACP for volunteer coordination and training requirements.

Table J-1: General Federal On-Scene Coordinator (FOSC) Responsibilities

B. Operational Response Phases for Oil Removal.

Phase I – Discovery or Notification		
Regulation	**FOSC Responsibility**	**Additional Clarification, Guidance, and Examples**
40 C.F.R. § 300.300(b)(4)	If direct reporting to the National Response Center (NRC) is not practicable, FOSC provides reports to the Coast Guard or EPA predesignated OSC for the geographic area where the discharge occurs.	FOSC *shall* promptly relay report to the NRC.
40 C.F.R. § 300.300(d)	Upon receipt of a notification of discharge, the NRC *shall* promptly notify the OSC.	FOSC receives, reviews, and determines response actions for every NRC report.

Phase I – Discovery or Notification		
Regulation	**FOSC Responsibility**	**Additional Clarification, Guidance, and Examples**
40 C.F.R. § 300.300(d)	FOSC *shall* ensure notification of the appropriate state agency of any state, which is, or may reasonably be expected to be affected by the discharge.	FOSC *shall* document as Marine Information for Safety and Law Enforcement (MISLE) notifications including time and point of contact (POC).
40 C.F.R. § 300.300(d)	FOSC *shall* then proceed with the following phases as outlined in the RCP or ACP.	The FOSC *shall* proceed to Phases II-IV.

Table J-2: Phase 1 – Discovery or Notification

Phase II – Preliminary Assessment and Initiation of Action		
Regulation	**FOSC Responsibility**	**Additional Clarification, Guidance and Examples**
40 C.F.R. § 300.305(b)	FOSC *shall* conduct the preliminary assessment using available information, supplemented where necessary and possible by an on-scene inspection.	FOSC *shall* respond to all reports of pollution in accordance with Chapter 9.E of this Manual. FOSC *shall* conduct a preliminary assessment, either on-scene and/or via phone in accordance with the policy outlined in Chapter 9.C.2 of this Manual.
40 C.F.R. § 300.305(b)(1) – (3)	FOSC *shall* undertake actions to: (1) Evaluate the magnitude and severity of the discharge or threat to public health or welfare of the United States or the environment; (2) Assess the feasibly of removal; and (3) To the extent practicable, identify potentially responsible parties.	Additional guidance can be found in Chapter 9.E and H of this Manual. Refer to Chapter 13 of this Manual for funding processes.
40 C.F.R. § 300.305(d)	FOSC allows the Responsible Party to voluntarily and promptly perform removal actions, provided the FOSC determines such actions will ensure an effective and immediate removal of the discharge or mitigation or prevention of a substantial threat of a discharge. FOSC *shall* ensure adequate surveillance over initiated actions.	FOSC *shall* monitor all response actions taken by the RP and should use the OSLTF to fund Coast Guard monitoring/oversight of RP removal actions.
40 C.F.R. § 300.305(d)	FOSC advises the RP if not taking effective actions to eliminate the threat. FOSC advises the RP if not conducting removal properly. If the RP does not respond properly, the FOSC *shall* take appropriate actions and notify the	Refer to Chapter 9.H.2 of this Manual for further guidance on compliance procedures.

Phase II – Preliminary Assessment and Initiation of Action		
Regulation	**FOSC Responsibility**	**Additional Clarification, Guidance and Examples**
	RP of potential liability for federal response costs. Where practicable, FOSC continues efforts to encourage response by RP.	
40 C.F.R. § 300.305(d)(1)	In carrying out a response under this section, the FOSC may: (i) Remove or arrange for the removal of a discharge, and mitigate or prevent a substantial threat of a discharge, at any time; (ii) Direct or monitor all federal, state, and private actions to remove a discharge; and (iii) Remove and, if necessary, destroy a vessel discharging, or threatening to discharge, by whatever means are available.	Refer to Chapter 13 for response funding and Chapter 10.D. of this Manual for vessel destruction policy.
40 C.F.R. § 300.305(e)	FOSC *shall* promptly notify natural resource trustees in the event of any discharge of oil in accordance with the ACP.	Refer to Table J-1, Natural Resource Trustees of this Appendix.
40 C.F.R. § 300.305(e)	FOSC *shall* coordinate assessments, evaluations, investigations, and planning with respect to appropriate removal actions with the trustees.	Refer to Table J-1, Natural Resource Trustees of this Appendix.
40 C.F.R. § 300.305(e)	FOSC *shall* consult with the affected trustees on the appropriate removal action.	Refer to Table J-1, Natural Resource Trustees of this Appendix.
40 C.F.R. § 300.305(e)	FOSC *shall* coordinate with federal, state, and local officials to ensure that all affected wildlife receives proper care and rehabilitation.	The FOSC *shall*, assess wildlife impacts, identify species threatened by a discharge, and prepare to recover and rehabilitate injured wildlife in accordance with the RCP/ACP.
40 C.F.R. § 300.305(e)	When circumstances permit, the FOSC *shall* share the use of non-monetary response resources (i.e., personnel and equipment) with the trustees, provided trustee activities do not interfere with response actions.	FOSC supports the Natural Resource Damage Assessment (NRDA) process in a not-to-interfere-with-response-activities basis.

Table J-3: Phase II – Preliminary Assessment and Initiation of Action

Phase III – Containment, Countermeasures, Cleanup, and Disposal		
Regulations	**FOSC Responsibility**	**Additional Clarification, Guidance, and Examples**
40 C.F.R. § 300.310(a)	Defensive actions *shall* begin as soon as possible to prevent, minimize, or mitigate threats to the public health or welfare of the United States or the environment.	FOSC conducts response actions in accordance with the RCP/ACP and consistent with the NCP.
40 C.F.R. § 300.310(b)	As appropriate, the FOSC *shall* take actions to recover oil or mitigate its effects. The chosen methods *shall* be the most consistent with protecting public health and welfare and the environment.	FOSC conducts response actions in accordance with the RCP/ACP and consistent with the NCP.
40 C.F.R. § 300.310(c)	FOSC *shall* dispose of oil and contaminated materials recovered in cleanup operations in accordance with the RCP, ACP, and any applicable laws, regulations, and requirements.	FOSC conducts response actions in accordance with the RCP/ACP and consistent with the NCP.

Table J-4: Phase III – Containment, Countermeasures, Cleanup, and Disposal

Phase IV– Documentation and Cost Recovery		
Regulations	**FOSC Responsibility**	**Additional Clarification, Guidance, and Examples**
40 C.F.R. § 300.315(a)	All OSLTF users (FOSC) need to collect and maintain documentation to support actions taken under the Federal Water Pollution Control Act (FWPCA). FOSC *shall* provide documentation sufficient to support full cost recovery for resources used and *shall* identify the source and circumstances of the incident, the Responsible Party or parties, and impacts and potential impacts to public health and welfare and the environment.	Refer to Chapter 13.E of this Manual for NPFC documentation policy and guidance.
40 C.F.R. § 300.315(c)	The FOSC *shall* submit reports to the NRT or RRT, only if requested, as provided by 40 C.F.R. § 300.165.	Refer to Chapter 12 of this Manual for documentation of response operations.
40 C.F.R. § 300.315(d)	The FOSC *shall* ensure the necessary collection and safeguarding of information, samples, and reports.	Refer to Chapter 12 of this Manual for documentation of response operations.
40 C.F.R. § 300.315(d)	The FOSC *shall* make available to the trustees of affected natural resources information and documentation in the FOSC's possession that can assist the trustees in the determination of actual or potential natural resource injuries.	Coordinate with National Oceanic and Atmospheric Administration (NOAA) Scientific Support Coordinator (SSC) for further guidance.

Phase IV– Documentation and Cost Recovery		
Regulations	**FOSC Responsibility**	**Additional Clarification, Guidance, and Examples**
40 C.F.R. § 300.315(e)	FOSC *shall* transmit information and reports to the appropriate offices responsible for follow-up actions.	Refer to Chapter 12 of this Manual for documentation of response operations.

Table J-5: Phase IV– Documentation and Cost Recovery

C. Operational Response Phases for Hazardous Substances.

Phase I – Discovery and Notification		
Regulation	**FOSC Responsibility**	**Additional Clarification, Guidance, and Examples**
40 C.F.R. § 300.405(e)	Upon receipt of a notification of a release, the NRC *shall* notify the FOSC.	Receive, review, and determine response actions for every NRC report.
40 C.F.R. § 300.405(e)	FOSC *shall* notify the governor, or designee, of the state affected by the release.	FOSC should implement local guidance for notifications (e.g., RCP/ACP/Quick Response Card (QRC)).
40 C.F.R. § 300.405(f)(1) – (2)	FOSC *shall* promptly conduct actions to complete the Removal Site Evaluation under 40 C.F.R. § 300.410.	FOSC *should* contact the servicing EPA OSC and Strike Team for assistance, if needed.

Table J-6: Phase I – Discovery and Notification

Phase II – Removal Site Evaluation		
NCP Citation	**FOSC Responsibility**	**Additional Clarification, Guidance, and Examples**
40 C.F.R. § 300.410(b)	FOSC *shall* promptly conduct a removal site evaluation of a release identified for possible CERCLA Response.	FOSC *shall* respond to all reports of pollution in accordance with Chapter 9.E of this Manual. Additional guidance can be found in Chapter 9.H of this Manual.
40 C.F.R. § 300.410(c)(1)	FOSC *shall* base the removal preliminary assessment on readily available information.	FOSC *shall* ensure a preliminary assessment is conducted, either on-scene and/or via phone.
40 C.F.R. § 300.410(e)(1)-(2)	FOSC *shall* determine whether the release is governed by FWPCA and is a substantial threat to public health or welfare of the United States	FOSC *shall* determine if the release is permitted through the National Pollution Discharge Elimination System or is below the reportable quantity.

Phase II – Removal Site Evaluation		
NCP Citation	**FOSC Responsibility**	**Additional Clarification, Guidance, and Examples**
		FOSC determines and documents the threat in accordance with Chapter 9.E.1.c (of this Manual).
40 C.F.R. § 300.410(g)	FOSC *shall* document the result of the removal site evaluation.	Refer to Chapter 12 of this Manual for documenting results of removal site evaluation.
40 C.F.R. § 300.410(h)	FOSC *shall* promptly notify the natural resource trustees and coordinate all response activities with affected trustees	Refer to Table J-1, Natural Resource Trustees of this Appendix.

Table J-7: Phase II – Removal Site Evaluation

Phase III – Removal Actions		
Regulations	**FOSC Responsibility**	**Additional Clarification, Guidance, and Examples**
40 C.F.R. § 300.415(a)(2)	FOSC *shall* determine if the RP can and will promptly and properly perform removal actions.	FOSC *shall* monitor all response actions taken by the RP and should use CERCLA funds to facilitate on-site Coast Guard monitoring/oversight of RP removal actions.
40 C.F.R. § 300.415(b)(3)	FOSC determines that a removal action is appropriate, actions *shall*, as appropriate, begin as soon as possible to abate, prevent, minimize, stabilize, mitigate, or eliminate the threat to public health or welfare of the United States or the environment.	FOSC *shall* ensure removal actions begin as soon as possible. For appropriate actions refer to 40 C.F.R. § 300.415(b)(2)(i-viii).
40 C.F.R. § 300.415(c)(2)	FOSC *shall* direct all federal, state, or private actions to remove, mitigate, or prevent the threat of release if deemed a substantial threat to public health or the welfare of the United States.	FOSC conducts response actions in accordance with the RCP/ACP and consistent with the NCP.
40 C.F.R. § 300.415(c)(3)(i)-(iii)	In the release of a CWA hazardous substance posing a substantial threat to public health or the welfare of the United States the FOSC *shall*: Assess the opportunities to use special teams, Request immediate activation of the RRT, and take whatever additional response actions are deemed appropriate.	If there is possibility of a substantial threat to the public health or welfare of the United States, the FOSC *shall* request RRT activation and use appropriate NCP Special Teams and other federal agencies. Refer to Chapter 11 for additional guidance regarding Special Teams and other federal agency assistance.

Phase III – Removal Actions		
Regulations	**FOSC Responsibility**	**Additional Clarification, Guidance, and Examples**
40 C.F.R. § 300.415(f)	FOSC *shall* request that FEMA conduct a temporary relocation or that state/local official conduct an evacuation, when it is necessary to protect public health and safety.	Coordinate with IMPA and engage FEMA representative to the RRT and conduct evacuation requests IAW RCP/ACP and in collaboration with Local Emergency Planning Committee (LEPC).
40 C.F.R. § 300.415(g)	If the FOSC determines that the removal action will not fully address the threat posed by the release and the release may require remedial action, the lead agency *shall* ensure an orderly transition from removal to remedial response activities.	The FOSC *shall* develop a transition plan to move from removal actions to the remedial phase. Coordination with EPA should occur as soon as possible to not delay the remedial activities.
40 C.F.R. § 300.415(m)	FOSC conducting removal actions *shall* submit OSC reports to the RRT when requested as required by 40 C.F.R. § 300.165.	Refer to Chapter 12 of this Manual for documentation of removal actions.
40 C.F.R. § 300.415(n)(1)	FOSC *shall* designate a spokesperson to inform the community of response actions, respond to injuries and provide information concerning the release.	FOSC *shall* provide a spokesperson as requested. Assistance from NCP Special Teams in Chapter 11 of this Manual may be considered. Reference RCP/ACP and *U.S. Coast Guard Incident Management Handbook, COMDTPUB P3120.17 (series).*

Table J-8: Phase III – Removal Actions

APPENDIX K. VESSEL DESTRUCTION PROCESS CHECKLIST

Note: For specific information on each of these items, refer to Chapter 10, Section D.3 of this Manual.

Completed	Task
	Identify vessel owner or establish abandonment
	Notify vessel owner of intent to destroy
	Identify vessel owner or establish abandonment
	Provide public notification if owner cannot be contacted/identified
	Obtain NPFC approval for use of the OSLTF
	Comply with *Programmatic Agreement on Protection of Historic Properties During Emergency Response Under the National Oil and Hazardous Substances Pollution Contingency Plan* (available on Commandant (CG-MER)'s Portal), if applicable
	Comply with Issuance of EPA permits (40 C.F.R. § 220), if applicable
	Consult legal counsel for guidance on environmental laws applicability
	Process/Request Statement of No Objection (SNO) from flag state, if foreign flagged
	Apply for an Ocean Dumping Permit, if applicable
	Complete a Vessel Destruction Request Memorandum package, including: ☐ Purpose for proposed action ☐ Vessel condition and background ☐ Vessel description ☐ Vessel condition ☐ Physical location ☐ Oil/Hazardous Substance pollution threat ☐ Cleanup actions ☐ Vessel history ☐ Photographs, charts, and graphics ☐ Threats to public health, welfare, and the environment ☐ Endangered statement ☐ Proposed and courses of action ☐ Proposed disposal strategies ☐ Signed agreement with disposal facility and/or required EPA Ocean Dumping Permit for disposal at sea ☐ Expected impact should action be delayed or denied ☐ Additional issues ☐ Enforcement actions
	Ensure MISLE documentation is complete
	Route request package
	Maintain file of all original documentation

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APPENDIX L. POLLUTION MESSAGES

A. Introduction.

Properly formatted Situation Reports – Pollution (SITREP-POL) and Authorization to Proceed (ATP) messages reduce the need for additional requests for information. The template provided below can be used as a standalone document to be completed in Microsoft Word and loaded into the Command and Control Official Information Exchange (C2OIX). Incidents where a SITREP-POL is required, it *shall* be released for each operational period and upon securing the Incident Command/Unified Command. Units *shall* include all information listed in the template below and annotate sections of the SITREP-POL with "Not Applicable" or "N/A" as appropriate. Upon the FOSC's approval, the SITREP-POL *shall* be forwarded via the C2OIX and a copy of the message *shall* be included in the MISLE activity. Distribution list includes:

1. National Command Center;

2. Commandant (CG-MER), and

3. Other appropriate Coast Guard units (i.e., National Pollution Funds Center (NPFC), District Command Center, National Strike Force (NSF)) as necessary.

B. SITREP - POL Template.

FM COMCOGARD UNIT XX
TO CCGDEIGHT NEW ORLEANS LA//DRM/DCC//
INFO COMDT COGARD WASHINGTON DC/CG-MER//
UNCLAS //N16465//
OPER/UNKNOWN VESSEL//
MSGID/SITREP/COMCOGARD YORKTOWN VA//SRM//
SUBJ/SITREP-POL ONE AND FINAL/MINOR SPILL/200 GALLONS UNKNOWN OIL FROM UNDETERMINED SOURCE/YORK RIVER MM 2.3-3.0, YORKTOWN, VA/FPN N07019/MISLE CASE # 336430
REF/A/NRC# 824765/JAN/07//
NARR/REF NRC REPORT 82765/JAN/07//
NARR/SITREP-POL ONE AND FINAL FOR MINOR DISCHARGE IN NORTH PINTO SLIP ALL CLEAN UP ACTIONS COMPLETED

1. SITUATION:

A. OVERVIEW: SECTOR YORKTOWN RESPONSE TEAM (R/T) ARRIVED AT THE SITE AND BEGAN MOVING THE 29 BARGES IN NORTH PINTO SLIP SURROUNDING THE OIL. THE R/T USED THE TUG, M/V L.M. BROOKS, TO MOVE THE BARGES WITHIN THE SLIP. ENVIRONMENTAL SERVICES RECONFIGURED THE BOOM TO CONTAIN THE MOVING OIL AND DEBRIS. DURING THE REARRANGEMENT OF BARGES, CONTRACTORS USED WASH PUMPS TO HELP MOVE THE OIL TO THE MAIN COLLECTION POINT. AFTER THIS TASK WAS COMPLETED, THE TUG WAS DISMISSED. AN EXCAVATOR PICKED UP ALL DEBRIS AND OIL PADS FROM THE MAIN COLLECTION POINT AND PUT IN A ROLL OFF BOX FOR TRANSPORT TO DISPOSAL SITE.

B. O/S WX: SUNNY, WINDS NW 03 KTS, TEMP 65.

C. VESSEL DATA: N/A.

D. OWNER/OPERATOR: N/A.

E. SAR STATUS: N/A.

F. CG RESOURCES SUMMARY: UNIT PERSONNEL CONDUCTING POLLUTION INVESTIGATION.

G. RESOURCES AT RISK: YORKTOWN RIVER.

H. ECONOMIC IMPACT: N/A.

I. KEY STAKEHOLDERS ISSUES: N/A.

J. HEALTH AND HUMAN SAFETY FACTORS: N/A.

K. MEDIA INTEREST: NONE.

L. CASUALTY INFORMATION: UNKNOWN.

M. INCIDENT/UNIFIED COMMAND STATUS: N/A.

2. ACTION TAKEN (ALL TIME LOCAL):

A. 070800 FEB 07: TUG MOVES TWO HOPPER BARGES TO RIVER FOR STAGING.

B. 0900: STARTED STAGING BARGES WITHIN THE SLIP AND USING WASH PUMPS TO HELP MOVE OIL AND DEBRIS.

C. 1030: A TOTAL OF FOUR BARGES MOVED AND DEBRIS AND OIL MOVING TO CONTAINMENT.

D. 1230: TOTAL OF SIX BARGES MOVED AND ALL BREAK FOR LUNCH.

E. 1330: RETURN FROM LUNCH AND MOVE FOUR MORE BARGES.

F. 1530: MOVE FINAL BARGE AND ALL OIL CONTAINED BETWEEN THREE BARGES AND THREE VESSELS.

G. 1630: TUG DEPARTS AND ENVIRONMENTAL SERVICES BEGINS USING WASH PUMPS TO MOVE REMAINING OIL TO CONTAINMENT.

H. 1700: ALL OIL AND DEBRIS IS IN CONTAINMENT BOOM.

I. 1800: ALL PARTIES DEPART.

J. 080830 FEB 07: EXCAVATOR STARTED REMOVING OILY DEBRIS FROM WATERWAY.

K. 1330: CLEAN UP COMPLETE.

3. ADDITIONAL INFO.

A. FPN/CPN INFORMATION: N07017.

B. CONTRACTORS: ENVIRONMENTAL SERVICES LLC.

C. CURRENT CG REMOVAL COST CEILING $30,500.00
NRDA CEILING – TRACKED BY FLAT $0.00.

CURRENT CG PERSONNEL COST TO DATE $2,946.62.
CURRENT CG EQUIPMENT COST TO DATE $86.66.
CURRENT CG TRAVEL COST ($0.00).
CURRENT CG CONTRACTOR COST ($27,500.00).
CURRENT CG PURCHASE COST ($0.00).
CURRENT OGA - PRFA COST ($0.00).
TOTAL CG DIRECT COSTS (ADD ITEMS IN PARENTHESIS) $27,500.00.

D. OTHER AMPLIFYING INFORMATION: N/A.

4. FUTURE PLANS AND RECOMMENDATIONS:

A. NONE.

B. VIOLATION PENDS.

C. CO'S COMMENT/RECOMMENDATIONS: N/A.

D. CASE CLOSED//.

C. Authorization to Proceed (ATP) Template.
ATP and ATP increase message templates can be found on the Commandant (CG-MER)'s Portal.

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ACRONYMS

AAR	After Action Report
ACP	Area Contingency Plan
AEPS	Arctic Environmental Protection Strategy
ALOHA	Areal Locations of Hazardous Atmospheres
AMOP	Arctic and Marine Oilspill Program
AMPD	Average Most Probable Discharge
AOR	Area of Responsibility
APC	Alternate Planning Criteria
APG	Arctic Policy Group
APHIS	Animal and Plant Health Inspection Service
API	American Petroleum Institute
APICOM	Association of Petroleum Industry Cooperative Managers
ART	Alternative Response Technology
ARTES	Alternative Response Technology Evaluation System
ASA	American Salvage Association
ASPECT	Airborne Spectral Photometric Environmental Collection Technology
AST	Atlantic Strike Team
ASTM	American Society for Testing Materials
ATP	Authorization to Proceed
ATSDR	Agency for Toxic Substances and Disease Registry
BA	Biological Assessment
BIA	Bureau of Indian Affairs
BMP	Best Management Practice
BOA	Basic Ordering Agreement
BSEE	Bureau of Safety and Environmental Enforcement
C2OIX	Coast Guard Command and Control Official Information Exchange
CAA	Clean Air Act
CAMEO	Computer-Aided Management of Emergency Operations (NOAA)
CANAPS	Ceiling and Number Assignment Processing System
CANUS JCP	Canada-United States Joint Marine Pollution Contingency Plan
CAP	Civil Air Patrol
CAPS	On-water Oil Removal Capacity rule
CBP	U.S. Customs and Border Protection
CBRN	Chemical, Biological, Radiological, and Nuclear
CBRNCMAT	CBRN Consequence Management Advisory Team
CDO	Command Duty Officer
CERCLA	Comprehensive Environmental Response Compensation and Liability Act
C.F.R.	Code of Federal Regulations
CG-IMAT	Coast Guard Incident Management Assistance Team
CGBI	Coast Guard Business Intelligence
CGIS	Coast Guard Investigative Service
CG-SAILS	Standard After Action Information and Lessons Learned System

CHRIS	Chemical Hazards Response Information System
COAs	Courses of Action
COE	Center of Expertise
COFR	Certificate of Financial Responsibility
COP	Common Operating Picture
COTP	Captain of the Port
CPFR	Contingency Planning and Force Readiness
CPN	CERCLA Project Number
CPS	Contingency Preparedness System
CST	Civil Support Team
CWA	Clean Water Act
CZMA	Coastal Zone Management Act of 1972
CZMP	Coastal Zone Management Plan
DOC	U.S. Department of Commerce
DOD	U.S. Department of Defense
DOE	U.S. Department of Energy
DOI	U.S. Department of the Interior
DOJ	U.S. Department of Justice
DOL	U.S. Department of Labor
DOS	U.S. Department of State
DOT	U.S. Department of Transportation
DHS	U.S. Department of Homeland Security
DPN	Disaster Project Number
DRAT	District Response Advisory Team
DRG	District Response Group
DSF	Deployable Specialized Force
EEZ	Exclusive Economic Zone
EFH	Essential Fish Habitat
EKMS	Electronic Key Management System
EMS	Emergency Medical Services
EOC	Emergency Operations Center
EOD	Explosive Ordinance Detachments
EPA	U.S. Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-to-Know Act
EPLO	Emergency Preparedness Liaison Officer
EPPR	Emergency Prevention, Preparedness and Response
ERA	Ecological Risk Assessment
ERMA	Environmental Response Management Application®
ERT	Environmental Response Team (U.S. EPA)
ESA	Endangered Species Act
ESF	Emergency Support Function
ESFLG	Emergency Support Function Leadership Group
eURG	Electronic User Reference Guide
FAR	Federal Acquisition Regulation
FBI	Federal Bureau of Investigation

FDA	U.S. Food and Drug Administration
FE	Functional Exercise
FEMA	Federal Emergency Management Agency
FINCEN	Finance Center
FORCECOM	Force Readiness Command
FOSC	Federal On-Scene Coordinator
FOSCR	Federal On-Scene Coordinator's Representative
FPN	Federal Project Number
FRA	Federal Railroad Administration
FRA	First Responder Awareness
FRO	First Responder Operations
FRP	Facility Response Plan
FSE	Full Scale Exercise
FWPCA	Federal Water Pollution Control Act
FWS	U.S. Fish and Wildlife Service
GIS	Geographic Information System
GIUE	Government Initiated Unannounced Exercise
GNOME	General NOAA Operational Modeling Environment
GRP	Geographic Response Plan
GSA	General Services Administration
GST	Gulf Strike Team
HAZMAT	Hazardous Materials
HAZWOPER	Hazardous Waste Operations and Emergency Response
HERTU	Hazardous Evidence Response Team Unit (FBI)
HF	High Frequency
HHS	U.S. Department of Health and Human Services
HIV	High Interest Vessel
HMIR	Hazardous Material Incident Response
HSEEP	Homeland Security Exercise and Evaluation Program
HSPD	Homeland Security Presidential Directive
IAP	Incident Action Plan
IATAP	Interagency Alternative Technology Assessment Program
ICCOPR	Interagency Coordinating Committee on Oil Pollution Research
ICE	Immigration and Customs Enforcement
ICS	Incident Command System
IDLH	Immediately Dangerous to Life of Health
IHSA	Intervention on the High Seas Act of 1974
IMAT	Incident Management Assistance Team
IMD	Incident Management Division
IMDCC	Interagency Marine Debris Coordinating Committee
IMH	Incident Management Handbook
IMO	International Maritime Organization
IMPA	Incident Management and Preparedness Advisor
IMSS	Incident Management Software System
IMT	Incident Management Team

IO	Investigating Officer
IOA	International Offers of Assistance
IOSC	International Oil Spill Conference
IRAT	Incident Report and Transmittal
IRIS	Incident Reporting Information System
ISB	In-Situ Burn
ISPR	Incident Specific Preparedness Review
ISPS	International Ship and Port Facility Security
ITOPF	International Tanker Owners Pollution Federation Limited
JCP	Joint Contingency Plan
JIC	Joint Information Center
JMTF	Joint Maritime Test Facility
JOC	Joint Operations Center
JTTF	Joint Terrorism Task Force
LEL	Lower Explosive Limit
LEPC	Local Emergency Planning Committee
LOU	Letter of Undertaking
LOW	Letter of Warning
MA	Mission Assignment
MARPOL	International Convention for the Prevention of Pollution from Ships
MARSEC	Maritime Security
MBTA	Migratory Bird Treaty Act
MEP	Marine Environmental Protection
MEPIT	Marine Environmental Protection Industry Training
MER	Marine Environmental Response
MEXUS Plan	Joint Contingency Plan Between Mexico and the United States Regarding Pollution of the Marine Environment by Discharges of Hydrocarbons and Other Hazardous Substances
MFFCP	Marine Fire Fighting Contingency Plan
MIPR	Military Interdepartmental Purchase Request
MISLE	Marine Information for Safety and Law Enforcement
MMPA	Marine Mammal Protection Act
MMPD	Maximum Most Probable Discharge
MOA	Memorandum of Agreement
MODU	Mobile Offshore Drilling Unit
MOSPA	Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic
MOTR	Maritime Operational Threat Response
MOU	Memorandum of Understanding
MSD	Marine Safety Detachment
MSL	Coast Guard Marine Safety Lab
MSM	Marine Safety Manual
MSSR	Marine Safety Specialist Response
MST	Marine Science Technician
MSU	Marine Safety Unit

MTEP	Multi-Year Training and Exercise Plan
MTOP	Wider Caribbean Region Multilateral Technical Operating Procedures for Offshore Oil Pollution Response
MTR	Marine Transportation Related
MTS	Maritime Transportation System
MTSA	Maritime Transportation Security Act
NAAQS	National Ambient Air Quality Standards
NCERT	EPA National Criminal Enforcement Response Team
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NEPA	National Environmental Policy Act
NFPA	National Fire Protection Association
NGB	National Guard Bureau
NGO	Non-Governmental Organization
NHPA	National Historic Preservation Act
NIC	National Incident Commander
NIMS	National Incident Management System
NIOSH	National Institute for Occupational Safety and Health
NMFS	National Marine Fisheries Service
NOA	Notice of Arrival
NOAA	National Oceanic and Atmospheric Administration
NOFA	Notice of Federal Assumption
NOFI	Notice of Federal Interest
NOV	Notice of Violation
NPFC	National Pollution Funds Center
NPS	National Park Service
NRC	Nuclear Regulatory Commission
NRC	National Response Center
NRD	Natural Resource Damages
NRDA	Natural Resource Damage Assessments
NRF	National Response Framework
NRS	National Response System
NRT	National Response Team
NSSE	National Special Security Event
NSF	National Strike Force
NSFCC	National Strike Force Coordination Center
NSPD	National Security Presidential Directive
NTSB	National Transportation Safety Board
NTV	Nontank Vessel
NTVRP	Nontank Vessel Response Plan
OCS	Outer Continental Shelf
Ohmsett	National Oil Spill Response Research & Renewable Energy Test Facility
OMSEP	Occupational Medical Surveillance and Evaluation Program
OPA 90	Oil Pollution Act of 1990
OPRC	International Convention on Oil Pollution Preparedness, Response and

	Co-operation
OPSEC	Operational Security
OR&R	NOAA's Office of Response and Restoration
ORM	Operational Risk Management
OSC	U.S. EPA On-Scene Coordinator
OSHA	Occupational Safety and Health Administration
OSLTF	Oil Spill Liability Trust Fund
OSRO	Oil Spill Removal Organization
OSRP	Oil Spill Response Plan
OSRT	Oil Spill Response Technician
P&I	Protection and Indemnification
PAV	Preparedness Assessment Visit
PEL	Permissible Exposure Limit
PFD	Personal Flotation Device
PHMSA	Pipeline and Hazardous Materials Safety Administration
PIAT	Public Information Assist Team
PIO	Public Information Officer
PIR	Pollution Incident Response Course
POCs	Points-Of-Contact
POLREP	Pollution Report
POR	Place of Refuge
PPD	Presidential Policy Directive
PPE	Personal Protective Equipment
PR	Pollution Responder
PRD	Personal Radiation Detector
PREP	National Preparedness for Response Exercise Program
PREP4C	PREP Compliance, Coordination, and Consistency Committee
PRFA	Pollution Removal Funding Authorization
PST	Pacific Strike Team
QI	Qualified Individual
QRC	Quick Response Card
QRG	Quick Reference Guide
R&D	Research and Development
R&T Plan	Research and Technology Plan
RAC	Regional Activity Centre
RAC/REMPEITC-Caribe	Regional Marine Pollution Emergency, Information and Training Centre for the Wider Caribbean
RAMP	Remedial Action Management Program
RAP	Radiological Assistance Program (U.S. DOE)
RCC	Rescue Coordination Center
RCP	Regional Contingency Plan
RCRA	Resource Conservation and Recovery Act
RDC	Coast Guard Research and Development Center
RDT&E Program	Research, Development, Test and Evaluation Program
RERT	Radiological Emergency Response Team (U.S. EPA)

RFF	Request for Forces
RISC	Regional Interagency Steering Committee
RP	Responsible Party
RQ	Reportable Quantity
RPM	Remedial Project Manager
RRCC	Regional Response Coordination Center
RRI	Response Resource Inventory
RRT	Regional Response Team
RULET	Remediation of Underwater Legacy Environmental Threats
S&T	Science and Technology
SAR	Search and Rescue
SARA	Superfund Amendments and Reauthorization Act
SCAA	Spill Control Association of America
SCAT	Shoreline Cleanup Assessment Technique
SCSC	Source Control Support Coordinator
SEHO	Safety and Environmental Health Officer
SERC	State Emergency Response Commission
SERT	Salvage Engineering Response Team (Marine Safety Center)
SHPO	State Historic Preservation Office
SILC	Shore Infrastructure Logistics Center
SITREP	Situation Report
SITREP-POL	Situation Report – Pollution
SLDMB	Self-Locating Datum Marker Buoy
SMART	Special Monitoring of Applied Response Technology
SMC	Search and Rescue Mission Coordinator
SME	Subject Matter Expert
SMFF	Salvage and Marine Firefighting
SNO	Statement of No Objection
SOFR	Safety Officer
SONS	Spill of National Significance
SOPEP	Shipboard Oil Pollution Emergency Plan
SORS	Spilled Oil Recovery System
SOSC	State On-Scene Coordinator
SPREP	South Pacific Regional Environmental Program
SSC	Scientific Support Coordinator (NOAA)
SST	Scientific Support Team
STEL	Short-Term Exposure Limit
SUPSALV	Supervisor of Salvage and Diving (U.S. Navy)
TOP	Technical Operation Procedure
TQC	Training Quota Management Center
TRACEN	Training Center
TSD	Temporary Storage Device
TTP	Tactics, Techniques, and Procedures
TTX	Tabletop Exercise
UC	Unified Command

UHF	Ultra-High Frequency
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
USACE	U.S. Army Corps of Engineers
USAID	U.S. Agency for International Development
U.S.C.	United States Code
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
VHF	Very High Frequency
VOPS	Viscous Oil Pumping Systems
VOSS	Vessel of Opportunity Skimming System
VRP	Vessel Response Plan
WCD	Worst-Case Discharge
WLB	Coast Guard Buoy Tender
WMD	Weapons of Mass Destruction
WOPL	Waterways Operations Product Line
WQIA	Water Quality Improvement Act of 1970

MARINE ENVIRONMENTAL RESPONSE AND PREPAREDNESS INTERAGENCY AND INTERNATIONAL AGREEMENTS

Date	Agreement
1971	MOU between the Department of Interior (DOI) and Department of Transportation (DOT) Concerning Respective Responsibilities under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP)
1971	MOU between the Environmental Protection Agency (EPA) and Department of Transportation (DOT) Concerning the Transportation and Non-Transportation of Oil Under the FWPCA (Federal Water Pollution Control Act) and the Assignment of Jurisdiction and Responsibility for Department of Transportation (DOT) /U.S. Coast Guard (USCG) and EPA
1976	Interagency Agreement (IAA) between the U.S. Army Corps of Engineers (USACE) and U.S. Coast Guard (USCG) Concerning Federal Navigation Projects
1976	MOU between the Department of Transportation (DOT) and Department of Interior (DOI) Regarding Offshore Pipelines
1976	MOU between the Chief of Naval Operations and Commandant, U.S. Coast Guard
1979	MOU between the Environmental Protection Agency (EPA) and U.S. Coast Guard (USCG) on Assessment of Civil Penalties for Discharges of Oil and Designated Hazardous Substances
1979	IAA between the U.S. Fish and Wildlife Service (FWS) and U.S. Coast Guard (USCG) for Participation in Pollution Incidents
1979	MOU between the Environmental Protection Agency (EPA) and the U.S. Coast Guard (USCG) Concerning the Mitigating of Damage to the Public Health or Welfare Caused by a Discharge of a Hazardous Substance Under Section 311 of the Clean Water Act (33 U.S.C § 1321)
1980	MOU Among the National Institute for Occupational Safety and Health (NIOSH), Occupational Safety and Health Administration (OSHA), U.S. Coast Guard (USCG) and Environmental Protection Agency (EPA) Concerning Guidance for Worker Protection During Hazardous Waste Site Investigations and Clean-Up and Hazardous Substance Emergencies
1980	Agreement of Cooperation Between the United States of America and the United Mexican States Regarding Pollution of the Marine Environment By Discharges of Hydrocarbons and Other Hazardous Substances
1981	Instrument of Re-delegation between the U.S. Coast Guard (USCG) and the Environmental Protection Agency (EPA) Concerning certain pollution response functions under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
1982	MOU Between the Department of Transportation and the Department of the Army
1983	MOA between the Department of Transportation (DOT) and the Department of the Army (DOA) Concerning Section 404(g) of the Clean Water Act
1985	MOA between the Department of Army (DOA) and the U.S. Coast Guard (USCG): Responses to Marking and Removal of Sunken Vessels and Other Obstructions to Navigation
1989	Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Concerning Cooperation in Combatting Oil Pollution in the Bering and Chukchi Seas in Emergency Situations
1990	MOU between the Maritime Safety Agency of Japan and the U.S. Coast Guard (USCG) on Oil Pollution Preparedness and Response

Date	Agreement
1993	MOU among the Secretary of the Interior, Secretary of Transportation, and Administrator of the Environmental Protection Agency to establish jurisdictional responsibilities for offshore facilities, including pipelines.
1994	MOU between the U.S. Coast Guard (USCG) and National Cargo Bureau (NCB), Inc. regarding the safe carriage and stowage of hazardous materials.
1994	MOU among the Secretary of the Interior (DOI), Secretary of Transportation (DOT), and the Administrator of Environmental Protection Agency (EPA) concerning Offshore Facilities
1994	MOU among the U.S. Department of Transportation, the Secretaries of Communications and Transportation of the United Mexican States, and Transport Canada on the Exchange of Information related to Maritime Safety, Security, and Pollution Prevention
1994	Agreement between the Government of the U.S. & the Government of the Russian Federation (Russia) on Coop in the Field of Protection of the Environment and Natural resources
1994	MOU between U.S. Coast Guard (USCG) and Environmental Protection Agency (EPA) Procedures of USCG Access to Superfund, to support Coast Guard Implementation of CERCLA
1995	MOU between U.S. Coast Guard (USCG) and the Federal Border Service of the Russian Federation (Russia) regarding the sharing of information in: Maritime Border Security; exclusive economic zone protection; maritime law enforcement; prevention of terrorism and smuggling at sea; verification of adherence to maritime safety rules; and protection of the maritime environment
1996	MOU between the General Services Administration (GSA), Environmental Protection Agency (EPA), and U.S. Coast Guard (USCG) Concerning GSA Support to On-Scene Coordinators
1996	MOU between U.S. Coast Guard (USCG) and Government of Russia on Cooperation in Natural and man-made Technological Emergency Prevention and Response
1996	MOU between the U.S. Coast Guard and U.S. Air Force regarding aerial application of dispersants during oil spill clean-up and recovery operations
1997	MOU between the Director of Military Support (DOMS) and the U.S. Coast Guard (USCG) for Aerial Application of Dispersants during Oil Spill Cleanup and Recovery Operations
1997	MOU between U.S. Coast Guard (USCG) and the Department of the Environment of Canada Concerning Research & Development Cooperation in Spill Response Technology
1997	MOU between the 5th Coast Guard District, the Environmental Protection Agency, Department of Commerce-NOAA, Department of Interior, States of: Delaware, Maryland and Virginia regarding preauthorization for use of in-situ burning by the U.S. Coast Guard FOSC
1997	MOU between the 5th Coast Guard District, the Environmental Protection Agency, Department of Commerce-NOAA, Department of Interior, States of: Delaware, Maryland and Virginia regarding the use of dispersants in responding to oil discharges
1998	MOU among the Environmental Protection Agency, U.S. Coast Guard, Department of Commerce, Department of the Interior, Department of Agriculture, Department of Defense, Department of Energy, and Department of Justice concerning the exercise of authority under Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act.
1998	United States Coast Guard and Spill Control Association of America and Association of Petroleum Industry Cooperative Managers Outline of Quality Partnership for Marine Safety and Environmental Protection

Date	Agreement
1999	MOU on The Development of a Long-Term Oil Spill Risk Management Plan for the North Puget Sound Area
1999	MOU between U.S. Environmental Protection Agency – Region 4 and U.S. Coast Guard – Fifth, Seventh and Eighth Coast Guard Districts
2000	Declaration of intention between the U.S. Coast Guard (USCG) and Ministry of Transport of Japan
2000	Jurisdiction over Breakout Tanks/Bulk Oil Storage Tanks (Containers) at Transportation-Related and Non-Transportation-Related Facilities for the Office of Emergency and Remedial Response, Environmental Protection Agency (EPA) and the Office of Pipeline Safety, Department of Transportation (DOT)
2000	The Joint Contingency Plan Between the United Mexican States and the United States of America Regarding Pollution of the Marine Environment By Discharges of Hydrocarbons or Other Hazardous Substances (also known as the MEXUS Plan)
2001	MOU between the U.S. and Russia - Joint Marine Pollution Agreement and Contingency Plan
2001	MOA between U.S. Environmental Protection Agency (EPA) Office of R&D / National Risk Management Research Lab and National Exposure Research Lab / Environmental Technology Verification Program and the U.S. Coast Guard (USCG)
2001	MOA regarding oil spill planning and response activities under the Federal Water Pollution Control Act's (FWPCA) National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act (NISA)
2001	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
2001	Memorandum of Understanding to Coordinate Criminal Investigation, Enforcement, and Environmental Response
2001	MOU between the Federal Emergency Management Agency, the U.S. Coast Guard and the Environmental Protection Agency regarding guidance on ESF 10 mission assignment
2002	Agreement Between the United States Department of State, the United States Environmental Protection Agency, the United States Coast Guard, and the Autoridad del Canal de Panama (Panama Canal Authority) Regarding Assistance with Respect to Certain Environmental Pollution Incidents in the Panama Canal Area.
2003	Canada-United States Joint Marine Pollution Contingency Plan (JCP)
2003	MEXUSGULF Annex to MEXUS
2003	MEXUSPAC Annex to MEXUS
2004	MOU related to the licensing of deepwater ports among the U.S. Departments of the Army, Commerce, Defense, Energy, Homeland Security, Interior, State, Transportation, the Environmental Protection Agency, Federal Energy Regulatory Commission and Council on Environmental Quality
2004	MOU Between the Minerals Management Service – U.S. Department of the Interior and the U.S. Coast Guard – U.S. Department of Homeland Security
2004	Agreement Between the Government of the United States and the Government of the British Virgin Islands concerning assistance to be rendered during discharge of oil or other hazardous and noxious substances into the waters of the British Virgin Islands

Date	Agreement
2005	MOU Between the U.S. Coast Guard and the Federal Emergency Management Agency regard support of the operations outside the scope of the Stafford Act
2006	MOU Concerning the establishment of the Alaska Marine Ecosystem Forum
2007	Memorandum of Understanding Between United States Coast Guard and the American Salvage Association regarding a Marine Salvage and Firefighting Quality Partnership
2008	MOA Between the Department of Defense and Department of Homeland Security on the Use of U.S. Coast Guard Capabilities and Resources in Support of the National Military Strategy
2010	MOU Among Department of Homeland Security's Federal Emergency Management Agency, Environmental Protection Agency and U.S. Army Corps of Engineers for Contaminated Debris Removal
2011	MOU Between U.S. Coast Guard, U.S. Environmental Protection Agency, and Corporation for National and Community Service describing the major responsibilities of each Party in developing and supporting an unaffiliated volunteer management program to be implemented following an oil or hazardous substance incident, as requested by the USCG/EPA OSC
2011	Memorandum of Understanding and Cooperation Between the State Marine Pollution Control, Salvage, and Rescue Administration of the Russian Federation and the United States Coast Guard
2012	Memorandum of Understanding Between United States Coast Guard and the American Petroleum Institute Regarding a Marine Oil Spill and Hazardous Materials Response Quality Partnership
2012	Memoranda of Agreement Between the Bureau of Safety and Environmental Enforcement-U.S. Department of the Interior and the U.S. Coast Guard-U.S. Department of Homeland Security (BSEE/USCG MOA: OCS-03, Oil Discharge Planning, Preparedness, and Response)
2012	Memorandum of Understanding Between United States Coast Guard and the American Petroleum Institute Regarding a Marine Oil Spill and Hazardous Materials Response Quality Partnership
2013	Agreement on Cooperation on Marine Oil Pollution, Preparedness and Response in the Arctic among the Government of Canada, the Government of the Kingdom of Denmark, the Government of the Republic of Finland, the Government of Iceland, the Government of the Kingdom of Norway, the Government of the Russian Federation, the Government of the Kingdom of Sweden and the Government of the United States of America
2014	MOU Between the United States Coast Guard and the U.S. Fish and Wildlife Service Regarding Implementation of Executive Order 13186 "Responsibilities of Federal Agencies to Protect Migratory Birds"
2014	Memorandum of Understanding Between the Department of Homeland Security United States Coast Guard, the United States Environmental Protection Agency, and the United States Department of Agriculture Animal and Plant Health Inspection Service Wildlife Services Regarding Wildlife Response Activities During Oil or Hazardous Substance Pollution Incidents
2015	MOA Between the United States Navy and the U.S. Coast Guard regarding interservice cooperation in oil spill response and salvage operations.

Date	Agreement
2015	Letter of Intent on Cooperation on Oil and Hazardous Substance Spill Response and Preparedness Between the United States Coast Guard (USCG) and the Norwegian Coastal Administration (NCA)

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SIGNIFICANT MARINE ENVIRONMENTAL RESPONSE INCIDENTS

Date	Incident Summary
March 18, 1967	The *T/V Torrey Canyon* grounded off the Cornish coast of England resulting in the loss of the entire cargo of crude oil. The incident prompted the U.S. Government to establish a national plan for responding to oil spills, later called the National Contingency Plan.
January 28, 1969	First major test of the National Contingency Plan occurred in 1969. Over 3 million gallons of crude oil spilled from the Union Oil Platform "A" blowout in Santa Barbara Channel, CA. Incident a significant driver in the adoption of the Water Quality Improvement Act (WQIA). The Act required a National Contingency Plan, established a Pollution Fund, a National Response Center, and National Strike Force Strike Teams.
December 2, 1970	While not the result of a single incident but rather to address growing concern over industrialization, pesticide use, population growth and waste generation, the EPA was established to consolidate in one agency a variety of federal research, monitoring, standard-setting and enforcement activities.
January 31, 1975	The *T/V Corinthos*, struck by the Tanker *Edgar M. Queeny*, spilled 300,000 barrels of crude oil into the Delaware River, PA. The explosion and fire killed 25 crewmembers and dockworkers. The fire lasted for days. One of the firefighters, Curt Weldon, later became a U.S. Congressman. He was instrumental in ensuring that the Oil Pollution Act of 1990 (OPA 90) included the identification of firefighting equipment.
December 15, 1976	The *M/V Argo Merchant* grounded on Middle Rip Shoal, about 25 miles southeast of Nantucket Island. Over a period of four days, the *M/V Argo Merchant* broke in two, releasing its entire 7.7 million gallons of heating oil. Prevailing northwesterly winds kept the oil offshore where it eventually dispersed, evaporated, or sank. Subsequently, the National Oceanic and Atmospheric Administration (NOAA) established the Hazardous Material Response Division (HAZMAT team). Scientific Support Coordinators (SSCs) were strategically located around the country to coordinate scientific information in support of FOSCs. SSCs established standard methods for assessing oil spilled on the sea. SSCs created a series of trajectory and fate modeling programs to provide the Coast Guard with forward vision when responding to a spill.

Date	Incident Summary
June 3, 1979 to March 23, 1980	The *Ixtoc I* was an exploratory well in the Bay of Campeche in the Gulf of Mexico. The wellhead blowout and fire onboard the drilling unit, *Sedco 135-F*, spilled over 125 million gallons of oil. The Mexican Government used significant amounts of dispersants during the incident that drifted toward the Texas coast. However, a hurricane and favorable winds prevented most of the oil from reaching U.S. waters.
1980	The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) passed in 1980. The Act established a Trust Fund to be available for hazardous substance releases. CERCLA resulted from public concern over the effects of hazardous waste sites, including Love Canal, Times Beach, and Valley of the Drums. The EPA was established.
March 24, 1989	The *M/V Exxon Valdez* grounded in Prince William Sound, discharging approximately 11 million gallons of oil. The incident touched off national attention that gave rise to OPA 90.
June 23, 1989	The *T/V World Prodigy* ran aground on Breton Reef in Narragansett Bay, RI and spilled 290,000 gallons of light heating oil. This was the first large spill since the *Exxon Valdez*. Coast Guard assumed control of the spill very quickly due to the inability to obtain owner's authorization to conduct the cleanup.
June 23, 1989	Within 4 hours of the *T/V World Prodigy* grounding, the chemical tanker *Rachel B* collided with the tank barge *Coastal 2541* resulting in the discharge of 250,000 gallons of heavy slurry oil into the Houston Ship Channel. The owners of the *Rachel B* chose to allow the Coast Guard to assume the cost of the cleanup of the spill in order to restrict their expenditures to their limit of liability. This later became a factor in deliberations on the liability provisions of oil pollution legislation under consideration at the time (eventually OPA 90).
June 24, 1989	The *T/V Presidente Rivera* grounded in the Delaware River near Marcus Hook, PA spilling over 300,000 gallons of No. 6 fuel oil. The *World Prodigy, Rachel B,* and *Presidente Rivera* events intensified Congressional activity on new oil pollution legislation.
February 7, 1990	The *T/V American Trader* ran over its own anchor, opening the hull and spilling 400,000 gallons of oil off Huntington Beach, California.
June 8, 1990	During an offshore lightering operation with another ship off Galveston, Texas, the *M/V Mega Borg* suffered an explosion in the cargo pump room. The incident released approximately 4.7 million gallons of oil. The *M/V Mega Borg* incident and the *American Trader* incident provided the impetus for Congress to complete work on and enact OPA 90.
August 10, 1993	Three ships collided in Tampa Bay, which resulted in 330,000 gallons of spilled oil.

Date	Incident Summary
January 19, 1996	The *T/B North Cape* grounded on Moonstone Beach in South Kingston, RI after the tug *Scandia* caught fire. Over 800,000 gallons of heating oil discharged resulting in the closure of 250 square miles to commercial fishing. This incident was the first major spill following the enactment of OPA 90. It was the first spill to use the OPA 90 damage assessment process.
October 28, 1996	The *SS Cape Mohican*, a barge loading ship in the Military Sealift Command Ready Reserve Fleet, spilled approximately 40,000 gallons of intermediate fuel oil into San Francisco Bay. This incident resulted in the first recorded use of the Incident Specific Preparedness Review (ISPR). The Coast Guard assessed response activities to address areas for improvement and to record lessons learned for future responses.
February 4, 1999	The *M/V New Carissa* grounded on a beach outside of Coos Bay flooding the engine room. The ship broke apart spilling approximately 60,000 gallons of the 425,000 gallons of heavy fuel oil and diesel oil onboard. The FOSC determined that in-situ burning would be most effective for removing residual oil on board the stern section of the ship. NOAA deployed Special Monitoring for Applied Response Technologies (SMART) protocols to monitor air quality during burning operations. Refer to: *M/V New Carissa* FOSC Report Volume 1; *M/V New Carissa* FOSC Report Volume II on Commandant (CG-MER)'s Portal
December 12, 1999	The *M/V Erika* carrying a cargo of 31,000 tons (or 8,000,000 million gallons) of No. 6 fuel oil broke in two and sank off the coast of Brittany, France in heavy weather. The incident prompted discussions within the International Maritime Organization (IMO) of the need to address Places of Refuge for ships in distress.
November 19, 2002	The *M/V Prestige*, a single-hulled tank ship, sank off the coast of Spain, discharging about 76,000 tons (or 20 million gallons) of heavy fuel oil. This incident provided additional impetus for the passage of IMO resolutions on Places of Refuge.
April 27, 2003	The *B-120* barge grounded at the entrance to Buzzard Bay in southern Massachusetts, which was outside the shipping lanes. The barge had a capacity of 97,000 oil barrels (4,074,000 gallons) of No. 6 fuel oil, but discharged approximately 2,333 oil barrels (98,000 gallons). Overall, oil spill impacted more than 90 nautical miles of coastline (40 nautical miles of direct impacts and 50 nautical miles of tar balls), 415 birds killed and oiling of critical habitat for three endangered species (i.e., roseate tern, piping plover, and northeastern beach tiger beetle). Cleanup costs exceeded $23 million.

Date	Incident Summary
November 26, 2004	The single-hulled *T/V Athos I* struck a submerged object enroute to the CITGO refinery in Paulsboro, New Jersey and discharged approximately 265,000 gallons of crude oil into the Delaware River. Refer to: *T/V Athos I* Investigation Report; *T/V Athos I* NSFCC Evaluation Report on Commandant (CG-MER)'s Portal
December 8, 2004	The *M/V Selendang Ayu* lost power on December 7, 2004, and went adrift off Unalaska Island in the Aleutian Islands, Alaska. Efforts to tow the vessel failed and it grounded. The vessel broke apart between Skan Bay and Spray Cape the next day. The resulting spill released approximately 321,052 gallons of intermediate fuel oil and 14,680 gallons of marine diesel and miscellaneous oils. This incident showed the significance of large volumes of oil discharging from nontank vessels (NTV). Additionally, it provided an impetus for the NTV response plans requirement.
August 29, 2005 and September 22, 2005	Hurricanes Katrina and Rita in the Gulf of Mexico triggered numerous oil spills throughout the Gulf. An estimated 8 million gallons of oil spilled because of these storms. The hurricanes were the first major test of the National Response Plan (NRP) and issuance of Mission Assignments under ESF#10. The Lessons Learned from these responses led to the development of the National Response Framework (NRF), which replaced the NRP and better integrated the National Response System (NRS) and National Incident Management System (NIMS).
November 7, 2007	The container ship *M/V Cosco Busan* collided with the San Francisco-Oakland Bay Bridge, resulting in the discharge of over 53,000 gallons of heavy fuel oil. The Coast Guard convened an ISPR panel. The report contained over 190 findings and recommendations. Recommendations included the need for better communication with local government and participation by non-government organizations (NGOs) in planning and exercising. Refer to: *M/V Cosco Busan* ISPR Phase I; *M/V Cosco Busan* ISPR Phase II on Commandant (CG-MER)'s Portal
April 20, 2010	The Mobile Offshore Drilling Unit (MODU) *Deepwater Horizon* was drilling an exploratory well at the Macondo oil project. An explosion on board caused the drilling operation to fail and the well to discharge oil uncontrollably for 87 days, spilling over 200 million gallons of crude oil into the Gulf of Mexico. This massive oil spill affected coastal areas from Texas to Florida. The spill resulted in the first declaration of a Spill of National Significance (SONS). The NCP incorporated the term after the *Exxon Valdez* incident. Refer to: Deepwater ISPR; Deepwater FOSC Report on Commandant (CG-MER)'s Portal

Date	Incident Summary
October 29, 2012	Superstorm Sandy affected 24 states on the Atlantic Coast and resulted in numerous oil spills. The storm surge that hit the Port of New York and New Jersey resulted in three spills that dumped over 300,000 gallons into the water.
July 6, 2013	A 72-car train carrying Bakken formation crude oil from North Dakota derailed and exploded in Lac-Mégantic, Quebec, Canada. The derailment killed 47 persons and released over 1 million gallons of oil. The dramatic increase in crude oil rail shipments since 2008 resulted in an increase in oil spill incidents involving rail cars.
March 22, 2014	The bulk carrier *M/V Summer Wind* collided with the *T/B Kirby 27706* in the Houston Ship Channel. The collision resulted in the release of 168,000 gallons of bunker fuel oil from the barge.

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