

Region 5 Regional Contingency Plan / Inland Zone Area Contingency Plan

To report spills, call the National Response Center
United States Coast Guard Headquarters, Washington, D.C.
24 Hour Phone Number: (800) 424-8802

Regional Response Centers:

**US Environmental Protection Agency,
Region 5, Chicago, IL:**
(312) 353-2318

US Coast Guard, District 9, Cleveland, OH
(216) 902-6117 or (800) 321-4400

**US Coast Guard, District 8,
New Orleans, LA**
(504) 589-6225

State Emergency Contact Information:

Illinois Emergency Management Agency
(800) 782-7860 or (247) 782-7860

**Indiana Department of Environmental
Management**
(888) 233-7745

**Michigan Department of Environment
Great Lakes & Energy**
(800) 292-4706 or (517) 373-7660

Minnesota Pollution Control Agency
(800) 422-0798 or (651) 296-6300

Ohio Environmental Protection Agency
(800) 282-9378

**Wisconsin Department of Natural
Resources**
(800) 943-0003

Table of Contents

Letter of Promulgation	v
Table of Changes	vi
SECTION 1. INTRODUCTION	1
1.1 Purposes and Objectives	1
1.2 Authority	2
1.3 Scope and Provisions	3
1.4 Response Jurisdictions	4
Overview	4
EPA OSCs	5
9 th District	6
8th District	14
1.5 Updating	14
1.6 Crosswalk with NCP	14
SECTION 2. COMMAND	18
2.1 Response Organization	18
2.1.1 Response to Public Safety and Property Caused by Spills	18
2.1.2 Response to Environmental and Health Threats Caused by Spills	18
2.2. Federal Response	19
2.2.1 Federal OSC Responsibilities	19
2.2.2 Regional Response Team	21
2.2.3 Federal Agency Responsibilities	23
2.2.4 Subarea Contingency Plans	32
2.3 State Response	33
2.3.1 Illinois	34
2.3.2 Indiana	35
2.3.3 Michigan	37
2.3.4 Minnesota	38
2.3.5 Ohio	39
2.3.6 Wisconsin	40
2.4 Tribal Response	41
2.4.1 Overview	41
2.4.2 Tribes/Consortia in Michigan	42
2.4.3 Tribes/Consortia in Wisconsin	44
2.4.4 Tribes/Consortia in Minnesota	45
2.5 Multi-Regional Responsibilities	47
2.5.1 Great Lakes Commission	47

2.5.2 Ohio River Valley Water Sanitation Commission 47

2.5.3 Upper Mississippi River Basin Association 48

2.6. International Response 48

 2.6.1 International Joint Commission 48

 2.6.2 Joint Contingency Plans..... 48

2.7 Notifications and Public Affairs..... 49

 2.7.1 Discovery 49

 2.7.2 Public Information..... 49

2.8 Safety 50

 2.8.1 Worker Health and Safety 50

 2.8.2 Volunteer Worker Health and Safety 50

 2.8.3 Safety / Environmental Health Officers 51

 2.8.4 Emotional Health Services..... 51

SECTION 3: OPERATIONS 52

3.1 Assessment and Classification 52

 3.1.1 Spill of National Significance 52

 3.1.2 Worst Case Discharge..... 52

 3.1.3 Removing a WCD..... 53

3.2 Discharge or Release Control..... 56

 3.2.1 General Guidelines for Oil Spills..... 56

 3.2.2 Actions to Lessen Impact 57

 3.2.3. Use of Chemical Agents..... 57

3.3 Containment and Collection 59

 3.3.1 Tactics Manual 59

3.4 Sample Collection 60

 3.4.1 Sample Collection Procedures 60

 3.4.2 Chain-of-Custody Record 60

 3.4.3 Photographic Records 60

3.5 Wildlife Training Materials..... 60

3.6 Transportation & Disposal 61

 3.6.1 Federal Disposal-Hazardous Materials..... 61

 3.6.2 Federal Management—Oil..... 61

SECTION 4. PLANNING 62

4.1 Resource Protection..... 62

 4.1.1 Environmentally and Economically Sensitive Areas..... 62

 4.1.2 Trustees for Natural Resources..... 65

4.2 Technical Support Services..... 68

4.2.1 Field Services Section	68
4.2.2 Underwater Response.....	68
4.2.3 Remote Sensing.....	69
4.2.4 Models.....	69
4.3 Tools.....	70
4.3.1 Air Monitoring Evaluation Flowchart	70
4.3.2 Inland Response Tactics Manual	70
4.3.3 Habitat Factsheets.....	70
4.3.4 Incident Command System Forms	71
SECTION 5: LOGISTICS	72
5.1 Support	72
5.1.1 Ground Support.....	72
5.1.2 Supply	73
5.1.3 Facilities.....	73
5.2 Services	73
5.2.1 Food.....	73
5.2.2 Medical.....	74
5.2.3 Communications	74
SECTION 6: FINANCE.....	76
6.1 CERCLA-Funded Response	76
Local CERCLA Access	76
6.2 Oil Pollution Act	77
Local OPA Access.....	77
6.3 FEMA Disasters, Stafford Act	77
6.4 Forms	78
Appendix I: RRT Roster	79
Appendix II: Worst Case Discharges in Region 5	80
Appendix III: Shoreline Cleanup Guideline Matrices	81
Appendix IV: Disinfection Procedures for Invasive Species in Vessels and Water Wetted Equipment.....	82
Appendix V: Chemical Use Guidelines	83
Appendix VI: In Situ Burning of Oil.....	84
Appendix VII: Fish and Wildlife Annex.....	85
Appendix VIII: Region 5 RRT Oil Spill Solidifier Preapproval Documentation	86
Appendix IX: Acronyms and Definitions	87
Appendix X. Memorandum of Agreement for Emergency Responses to Oil and Hazardous Substances Release between The Wisconsin Department of Military Affairs, Division of Emergency Management, The State of Wisconsin Department of Natural Resources and The US Environmental Protection Agency, Region V, The United States Coast Guard, Ninth District.....	X-1

Appendix XI. Memorandum of Agreement between United States Environmental Protection Agency Region 5 and United States Coast Guard Regarding Response Boundaries for Oil and Hazardous Substances Pollution Incidents and Federal On-Scene Coordinator Responsibilities.....XI-1

Appendix XII. Memorandum of Understanding Between United States Coast Guard Ninth District and United States Environmental Protection Agency, Region 5 Regarding Agency Participation on Area Committees to Execute the National Contingency PlanXII-1

**Region 5 Regional Contingency Plan/Area Contingency Plan (RCP/ACP)
Letter of Promulgation**

In accordance with the provisions of the Federal Water Pollution Control Act of 1972 as amended by the Clean Water Act of 1977, and Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, the National Oil and Hazardous Substances Contingency Plan (NCP) was developed by the United States Environmental Protection Agency (U.S. EPA). Section 300.210 of the NCP states that a Regional Contingency Plan shall be prepared for each standard Federal region. The Region 5 Oil and Hazardous Materials Contingency Plan has been developed with cooperation of all designated Federal Agencies and State governments. This plan provides a mechanism for coordinating responses to releases of oil or hazardous substances within the States of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin and with the Tribal lands of the federally recognized Native American Tribes in Region 5.

This plan is effective on the date of the last signatory and supersedes the previous plan. This revised RCP/ACP has been published electronically and is available for viewing or download from the Region 5 Regional Response Team (RRT5) website: <http://rrt5.org/RCPACPMain.aspx>

Comments and recommendations regarding this plan should be addressed to Barbi Lee, U.S. EPA RRT5 Coordinator (lee.barbi@epa.gov) or Scott Binko, USCG RRT5 Coordinator (Scott.A.Binko1@uscg.mil). Requests for amendments and changes will be addressed during regularly scheduled RRT Meetings.



Digitally signed by
DOUGLAS BALLOTTI
Date: 2021.05.06
13:34:15 -05'00'

Douglas Ballotti, Director
Superfund & Emergency Management Division
U.S. Environmental Protection Agency
Region 5

May 6, 2021

Date

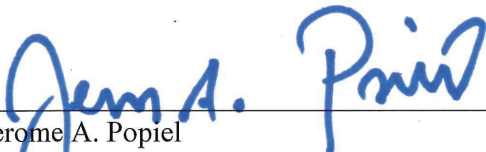
JASON EL-ZEIN

Digitally signed by JASON EL-
ZEIN
Date: 2021.05.06 10:47:11
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Jason El-Zein, Chief
Emergency Response Branch #1
U.S. Environmental Protection Agency
Region 5
Co-Chair, Region 5 Regional Response Team

May 6, 2021

Date



Jerome A. Popiel
Incident Management & Preparedness Advisor
U.S. Coast Guard
Ninth Coast Guard District
Co-Chair, Region 5 Regional Response Team

MAY - 6 2021

Date

SECTION 1. INTRODUCTION

1.1 Purposes and Objectives

Discharges of oil and releases of hazardous substances are regulated separately under the Oil Pollution Act of 1990 (OPA) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). EPA's regulations promulgated under each statute provide for the development of contingency plans, and there is significant overlap in the type and scope of information required to do so. In order to minimize confusion and maximize resources, the Regional Contingency Plan (RCP) and the Inland Area Contingency Plan (ACP) are combined in this document as a joint contingency plan (RCP/ACP). For purposes of this RCP/ACP, the term "discharge" is specific to oil planning and responses and the term "release" applies to hazardous substances.

This RCP/ACP fulfills the requirements of [Sections 300.210\(b\) and \(c\)](#) of the [National Oil and Hazardous Substances Pollution Contingency Plan \(NCP\)](#) and [Section 311\(j\)\(4\)](#) of the [Clean Water Act \(CWA\)](#), as well as relevant portions of the [National Response Framework](#), particularly [Emergency Support Function #10—Hazardous Materials \(ESF #10\)](#). The RCP/ACP is designed to coordinate Timely and effective response among

- local, Tribal, and State officials;
- private industry;
- On-Scene Coordinators (OSCs);
- Remedial Project Managers (RPMs);
- various Federal Agencies; and
- other organizations

to minimize damage resulting from releases of oil or hazardous substances, pollutants or contaminants.

The plan describes response protocols and assists in providing a coordinated response capability in the event of a release or spill that poses a threat to the environment or to human health and welfare.

The initial actions taken by the OSC and/or other appropriate personnel should be to determine whether proper response actions have already been initiated. In general, if the party or parties responsible for the release or spill do not take appropriate actions, or if the party or parties responsible for the release or spill are unknown, the local response community or State agencies will become involved. If Federal assistance is requested or required, the OSC shall respond, implement provisions of the [NCP](#) and applicable agency guidance, and coordinate activities as outlined in this RCP/ACP.

1.2 Authority

The RCP is developed pursuant to [Sections 300.210](#) of the [NCP](#). The [NCP](#) is required by [Section 105](#) of [CERCLA](#), as amended by the [Superfund Amendments and Reauthorization Act of 1986](#) (SARA), by [Section 311\(d\)](#) of [CWA](#), as amended by [OPA](#). The [ESF 10](#) components of this plan are required by the [Robert T. Stafford Disaster Relief and Emergency Act \(Public Law 93-288\)](#), as amended. The RCP is applicable to response actions taken pursuant to the authorities under [CERCLA](#), [Section 311](#) of [CWA](#), and [OPA](#). The [NCP](#) requires establishment of RRTs, which are responsible for Regional planning and preparedness activities before response actions, and for providing advice and support to the RRT when activated during a response.

To accomplish the coordinated planning structure envisioned under OPA, the CWA requires the President to designate specific Areas for which Area Committees (ACs) are established. Each AC, under the direction of an OSC, must prepare and submit to the President for approval an ACP that, in conjunction with the NCP, is adequate to remove a worst case discharge (WCD) from a vessel or facility operating in or near that Area. This RCP/ACP and its associated subarea contingency plans (SACPs) identify the various response strategies that have proven to be effective in controlling and mitigating the impact of a discharge or release and evaluates WCDs. The SACPs, which are incorporated into this RCP/ACP by reference, also include likely discharge scenarios from vessels, onshore facilities, and offshore facilities operating in or near the Region 5 Area.

To meet the requirements of the CWA and EPA's regulations at 40 C.F.R. § 300.210, this RCP/ACP includes the following:

- (i) 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;
- (ii) A description in detail of the responsibilities of an owner or operator and of federal, state, and local agencies in removing a discharge, and in mitigating or preventing a substantial threat of a discharge;
- (iii) A list of equipment (including firefighting equipment), dispersants, or other mitigating substances and devices, and personnel available to an owner or operator and federal, state, and local agencies, to ensure an effective and immediate removal of a discharge, and to ensure mitigation or prevention of a substantial threat of a discharge (this may be provided in an appendix or by reference to other relevant emergency plans (e.g. state or LEPC plans), which may include such equipment lists);
- (iv) A description of procedures to be followed for obtaining an expedited decision regarding the use of dispersants; and
- (v) A detailed description of how the plan is integrated into other ACPs and tank vessel, offshore facility, and onshore facility response plans approved by the President, and into operating procedures of the NSFCC.

Through [Executive Order 12777](#), the President delegated to the Administrator of the [United States Environmental Protection Agency](#) (US EPA) responsibility for designating the Areas and appointing the committees for the inland zone as designated in the [NCP](#). The Administrator further delegated this authority to the [US EPA](#) Regional Administrators, and designated the 10 pre-existing RRT areas as the Areas for [OPA](#) planning purposes. [US EPA Region 5](#), which consists of Illinois, Indiana, Minnesota, Michigan, Ohio, and Wisconsin, is one Area. Establishment of the Area Committee is required by [Section 311\(j\)\(4\)](#) of [CWA](#). As set forth in the NCP at § 300.115, the RRT is responsible for revising the RCP as needed and for recommending changes to the ACP.

1.3 Scope and Provisions

For purposes of removal and response actions, EPA is designated the lead for the inland zone, with certain exceptions for areas managed by the DoD. EPA also has a role in coastal zone planning, specifically regarding oil spill countermeasure concurrence and authorization.

It is the policy of the RRT that response actions on non-Federal lands should be monitored or implemented by the most immediate level of government with authority and capability to conduct such activities. The first level of response will generally be the responsible party (RP), followed by local government agencies, followed by State agencies when local capabilities are exceeded. When incident response is beyond the capability of the State response, EPA or USCG is authorized to take response measures deemed necessary to protect the public health or welfare or the environment from discharges of oil or releases of hazardous substances, pollutants, or contaminants. The need for Federal response is based on evaluation by the Federal OSC.

The US EPA Region 5 RCP/ACP has been developed in accordance with the [NCP](#) and takes into consideration relevant USCG area contingency plans. The Ninth Coast Guard District is covered by five area contingency plans, which cover portions of Region 5. Each plan covers the coastal zone of the corresponding sector or Marine Safety Unit. Each USCG area contingency plan is developed by an area committee chaired by the respective Coast Guard Captain-of-the-Port.

While EPA has chosen to combine its ACP for Region 5 into the existing RCP to produce this joint document, the USCG's coastal zone ACPs are separate documents, which are compatible with and may be used in conjunction with this RCP/ACP and incorporated SACPs for spills that impact both the inland and coastal zones. This RCP/ACP applies to the RRT5 member agencies (see Appendix I).

Within the EPA Region 5 Area, there are 26 subareas. The SACPs for those subareas are incorporated by reference and appended to this RCP/ACP. For the most part, the subareas are defined based on specific criteria for threat:

- proximity to large bodies of water
- number of facilities
- need for greater jurisdictional coordination

They may also contain portions of other adjacent areas to provide for a coordinated plan for spills affecting certain boundary locations.

For a list of the subareas, see section 2.2.4 below.

The primary purpose of this RCP/ACP is to serve as a response tool. As such, each SACP is separately appended to this RCP/ACP so that it may be easily used in conjunction with the RCP/ACP for each specific subarea.

1.4 Response Jurisdictions

Overview

Region 5 has been divided into two operational areas, inland and coastal, which correspond to the areas in which EPA and USCG are responsible for providing OSCs. The coastal operational area consists of the open waters of the Great Lakes, including Lake St. Clair, the interconnecting rivers, major bays, ports and harbors of the Region 5 States, and the land surface, land substrata, ground water and ambient air proximal to those waters. The inland operational area includes all other land territory of the six States of Region 5, including each State's inland lakes and rivers. Numerous Native American community reservations and treaty rights areas are also delineated within Region 5.

Two Coast Guard Districts share Federal Region 5. The Ninth Coast Guard District, headquartered in Cleveland, serves the Great Lakes drainage basin. The Eighth Coast Guard District, headquartered in New Orleans, serves the drainage basins of the upper Mississippi and the Ohio Rivers. The boundary between USCG District 8 and USCG District 9 is at River Mile 187.3 on the Illinois River.

Within the Great Lakes coastal zone, the appropriate Captain of the Port (COTP) functions as the predesignated OSC for all oil and hazardous substance releases, subject to a DOT/EPA redelegation of certain [CERCLA](#) response authorities. EPA performs the following two categories of response actions within the coastal zone: 1) remedial actions for releases originating from facilities, and 2) all response actions for releases originating from hazardous waste management facilities.

The scope of the Eighth Coast Guard District response role is defined by a revised Memorandum of Agreement (MOA) between the District and EPA Region 5, signed by the Rear Admiral and Regional Administrator on March 15, 2017. The revised MOU assigns EPA as the predesignated OSC for the entire inland zone, including the inland river system within the Eighth Coast Guard District, for responding to all discharges of oil and hazardous substances. The USCG responds to spills from commercial vessels only.

DOD or DOE provides OSCs for all response actions for releases of hazardous substances, pollutants or contaminants which originate on any facility or vessel under the jurisdiction, custody or control of DOD or DOE. In the case of a Federal agency other than US EPA, USCG, DOD or DOE, such agency shall provide OSCs for removal actions necessitated by releases originating on any facility or vessel under its jurisdiction that are not emergencies.

EPA or USCG OSCs may be requested to provide technical assistance to the lead agency OSC who is responding to the release or threatened release. In the event of an emergency on Federal agency property other than DOD or DOE, EPA or USCG retains response authority and EPA OSCs may respond and later initiate cost recovery actions against the potential responsible party.

Definitions of the boundaries of OSC jurisdictions for Region 5 are provided in the following subsections. Where highways are used to delineate the boundary, the roadbed right-of-ways of the highway are included in the inland (US EPA) zone.

EPA OSCs

EPA Region 3 OSC Boundaries

EPA Region 3 will provide OSCs for investigating and responding to releases to the main stem of the Ohio River from the Ohio-Pennsylvania boundary, mile 40.1, to the Kentucky-West Virginia boundary, mile 317.2. All releases in the above-named stretch of the Ohio River emanating from sources in West Virginia will be handled by EPA Region 3 personnel; those from sources in Region 5 will be handled by Region 5 personnel. If either RRT is activated, the Eighth USCG District would be involved along the entire stretch of the Ohio River.

EPA Region 4 OSC Boundaries

EPA Region 4 will provide OSCs for investigating and responding to releases of oil or hazardous materials to the main stem of the Ohio River from the Kentucky-West Virginia boundary, mile 317.2, to its junction with the Mississippi River, mile 981.2. Releases in the above-named stretch of the Ohio River emanating from shoreline sources in EPA Region 4 will be handled by personnel of Region 4; spills from shoreline sources in Ohio, Indiana, and Illinois will be handled by personnel from Region 5.

Region 4 will have the responsibility for ensuring notification of water users downstream of the location of the release, including coordination with [The Ohio River Valley Water Sanitation Commission \(ORSANCO\)](#), the USCG Eighth District and USACE, when a release occurs on the south shoreline or in the main stream of the Ohio River. Region 5 has a like responsibility, including coordination with [ORSANCO](#), the USCG Eighth District, and USACE when a release occurs on the north shoreline of the river. Either Region, when requested by the other, may assume the functional OSC role for a particular incident. The decision to accept this responsibility will rest with the Region being requested on an incident-specific basis. Boundary lines do not preclude mutual assistance between the two agencies.

EPA Region 7 OSC Boundaries

EPA Region 7 will provide OSCs for investigating and responding to releases to the main stem of the Upper Mississippi River (UMR) when either Iowa or Missouri is the principal first responding State. EPA Region 5 will have jurisdiction for such releases within the State of Minnesota and where Minnesota, Wisconsin, or Illinois is the first principal responding State. When releases to the UMR main stem will result in significant response by more than one State, or when there is

uncertainty as to the responding States, Region 7 will provide OSCs for such releases occurring between Cairo, Illinois, and Keokuk, Iowa (miles 0.0 to 354.5). Region 5 will provide OSCs for such releases above that point.

For spills from shore facilities and non-waterborne sources, OSCs will be provided by the Region in which the source is located.

EPA Region 8 OSC Boundaries

EPA Region 5 will provide OSCs for investigating and responding to releases to the main stem of the Red River of the North from its origin in Lake Traverse near Browns Valley, Minnesota, to the Canadian border. All spills to the above-named stretch of the Red River emanating from sources in North Dakota and South Dakota will be handled by Region 8 personnel.

South of the Browns Valley area, the boundary between South Dakota and Minnesota involves the headwaters of the Minnesota River flowing southward. Region 5 Spill Response personnel will respond to releases to the main stem of the Little Minnesota River and Big Stone Lake southward to Ortonville, Minnesota.

All releases to the above-named headwaters of the Minnesota River emanating from sources in South Dakota will be handled by Region 8 personnel; releases from sources in Minnesota will be handled by Region 5 personnel.

EPA Region 8 will provide communications as necessary with the Canadian Province of Manitoba concerning all releases occurring in waters flowing into Canada, including those emanating from Region 5.

9th District

Four USCG Sectors and one Marine Safety Unit (MSU) provide FOSCs for releases occurring within the coastal zone of Federal Region 5, each serving a specific geographic area. These geographic areas are defined as the international boundary with Canada, the boundaries between the units (described at [33 CFR 3.45](#)), and the boundary between the inland zone and the coastal zone. In most locations, the boundary between inland and coastal zones follows the near shore areas adjoining the Great Lakes and the interconnecting rivers.

The following subsections detail, for each of the five units, which tributaries fall within the coastal zone and where a geographic feature, such as a highway, serves as the boundary.

Sector Buffalo, NY

1. Conneaut River (Conneaut, Ohio)
All waters of the Conneaut River to include all adjoining wetlands, shoreline, inlets, and channels upstream to Rt. 2.
2. Ashtabula River (Ashtabula, Ohio)
All waters of the Ashtabula River to include all adjoining wetlands, shoreline, inlets and channels upstream to East 5th Street.
3. Grand River (Fairport Harbor, Ohio)
All waters of the Grand River to include all adjoining wetlands, shoreline, inlets and channels upstream to the State Route 535, Richmond St Bridge.
4. Chagrin River (Eastlake, Ohio)
All waters of the Chagrin River to include all adjoining wetlands, shoreline, inlets and channels upstream to the Lake Shore Blvd Bridge.
5. Cuyahoga River (Cleveland, Ohio)
All waters of the Cuyahoga River to include all adjoining wetlands, shoreline, inlets and channels upstream to the Denison Ave Bridge.
6. Rocky River (Rocky River, Ohio)
All waters of the Rocky River to include all adjoining wetlands, shoreline, inlets, and channels upstream to the Detroit Rd Bridge.
7. Black River (Lorain, Ohio):
All waters of the Black River to include all adjoining wetlands, shoreline, inlets and channels upstream to the turning basin at 41°27.3'N, 082°8.8'W.
8. Vermilion River (Vermilion, Ohio)
All waters of the Vermilion River to include all adjoining wetlands, shoreline, inlets and channels upstream to the Rt. 2 Bridge.
9. Lake Erie:
With the exception for the geographic boundaries identified for the aforementioned rivers, the waters and adjoining shorelines of Lake Erie within U.S. territory from the Pennsylvania/ Ohio State Line to Barnes Rd at longitude line 82°25'00" W to include all bays, tributaries and adjoining shorelines.

Sector Detroit, MI

Lake Huron North of Saginaw Bay

1. All U.S. waters south of latitude line 44°43'00" N following the shoreline down to the Au Sable River.
2. All waters of the Au Sable River to include all adjoining wetlands, shoreline, inlets, and channels upstream to the Route 23 Bridge.
3. Continuing south, following the shoreline, down to the Au Gres River.

4. All waters of the Au Gres River to include all adjoining wetlands, shoreline, inlets, and channels upstream to the East Huron Rd/Route 23 Bridge.

Saginaw Bay

5. Continuing south, following the shoreline, down to the Saginaw River.
6. All waters of the Saginaw River to include all adjoining wetlands, inlets, and channels upstream to the I-675 Bridge.
7. Continuing east, following the shoreline, to the Sebewaing River.
8. All waters of the Sebewaing River to include all adjoining wetlands, shorelines, inlets, and channels upstream to the Route 25 Bridge.
9. Continuing east, following the shoreline, to the Pigeon River.
10. All waters of the Pigeon River to include all adjoining wetlands, shorelines, inlets, and channels upstream to the Route 25 Bridge.

Lake Huron East and South of Saginaw Bay

11. Continuing east, following the shoreline, to Bird Creek.
12. All waters of Bird Creek to include all adjoining wetlands, shorelines, inlets, and channels upstream to the Spring Street Bridge.
13. Continuing southeast, following the shoreline, down to the St. Clair River.

St. Clair River

14. Continuing south, following the shoreline, down to the Black River.
15. All waters of the Black River to include all adjoining wetlands, shorelines, inlets, and channels upstream to and including the Black River Canal.
16. Continuing south, following the shoreline, down to the Pine River.
17. All waters of the Pine River to include all adjoining wetlands, shorelines, inlets, and channels upstream to the CSX Railroad Bridge.
18. Continuing south, following the shoreline, down to the Belle River.
19. All waters of the Belle River to include all adjoining wetlands, shorelines, inlets, and channels upstream to the Route 29 Bridge.
20. Continuing south, following the shoreline, down to Anchor Bay.

Lake St. Clair

21. Continuing west, following the shoreline, down to the Salt River.
22. All waters of the Salt River to include all adjoining wetlands, shorelines, inlets, and channels upstream to the Callens Road Bridge.
23. Continuing south, following the shoreline, down to the Clinton River.
24. All waters of the Clinton River up to and including the Clinton Spillway and all adjoining wetlands, shorelines, inlets, and channels.
25. Continuing south, following the shoreline, down to the Milk River.

26. All waters of the Milk River to include all adjoining wetlands, shoreline, inlets, and channels upstream to the Jefferson Avenue Bridge.
27. Continuing south, following the shoreline, down to the Detroit River.

Detroit River

28. Continuing south, following the shoreline, down to the Rouge River.
29. All waters of the Rouge River to include all adjoining wetlands, inlets, channels, and shorelines upstream to S. Schaefer Highway.
30. Continuing south, following the shoreline, down to the Ecorse River.
31. All waters of the Ecorse River to include all adjoining wetlands, shorelines, inlets, and channels upstream to the Jefferson Avenue Bridge.

Lake Erie

32. Continuing south, following the shoreline, down to the Huron River.
33. All waters of the Huron River to include all adjoining wetlands, shorelines, inlets, and channels upstream to the Jefferson Avenue Bridge.
34. Continuing south, following the shoreline, down to Mouille Creek.
35. All waters of Mouille Creek, to include all adjoining wetlands, inlets, channels and shorelines upstream to U.S. Turnpike Road.
36. Continuing south, following the shoreline, to Swan Creek.
37. All waters of Swan Creek (in Michigan) to include all adjoining wetlands, shoreline, inlets, and channels upstream to I-75.
38. Continuing south, following the shoreline, to the Raisin River.

River Raisin

39. All waters of the River Raisin to include all adjoining wetlands, shoreline, inlets, and channels upstream to I-75.
40. Continuing south, following the shoreline, to the Ottawa River.

Ottawa River

41. All waters of the Ottawa River to include all adjoining wetlands, shoreline, inlets and channels upstream to I-75.
42. Continuing south, following the shoreline, to the Maumee River.

Maumee River

43. All waters of the Maumee River to include all adjoining wetlands, inlets, channels, and shorelines upstream to I-75.
44. Continuing east, following the shoreline, to Otter Creek.

Otter Creek

- 45. All waters of Otter Creek to include all adjoining wetlands, inlets, channels, and shorelines upstream to Rt. 2.
- 46. Continuing east, following the shoreline, to Driftmeyer Ditch.

Driftmeyer Ditch

- 47. All waters of Driftmeyer Ditch to include all adjoining wetlands, inlets, channels, and shorelines upstream to Rt. 2.
- 48. Continuing east, following the shoreline, to the Toussaint River.

Toussaint River

- 49. All waters of the Toussaint River to include all adjoining wetlands, shoreline, inlets, and channels upstream to Rt. 2.
- 50. Continuing east, following the shoreline, to the Portage River.

Portage River

- 51. All waters of the Portage River to include all adjoining wetlands, shoreline, inlets, and channels upstream to Rt. 2.
- 52. Continuing east, following the shoreline, to Sandusky Bay.

Sandusky Bay

- 53. All waters of Sandusky Bay to include all adjoining wetlands, shorelines, inlets, and channels upstream to Rt. 2.
- 54. Continuing east, following the shoreline, to the Huron River.

Huron River

- 55. All waters of the Huron River to include all adjoining wetlands, shoreline, inlets, and channels upstream to Rt. 2.
- 56. Continuing east, following the shoreline, to longitude line 82°25'00" W.

Sector Lake Michigan

- 1. All waters of Lake Michigan within Sector Lake Michigan's COTP zone.
- 2. Pike Creek (Kenosha): To the Sixth Avenue Bridge.
- 3. Root River (Racine): To the Main Street Bridge.
- 4. Oak Creek (Milwaukee): To its mouth.
- 5. Kinnickinnic River (Milwaukee): To the South Kinnickinnic Avenue Bridge.
- 6. Menominee River (Milwaukee): To mile 2 (25th Street Bridge)
- 7. Milwaukee River (Milwaukee): To the North Humboldt Avenue Bridge.
- 8. Sauk Creek (Port Washington): To the Wisconsin Street Bridge.

9. Sheboygan River (Sheboygan): To the Pennsylvania Avenue Bridge.
10. Manitowac River (Manitowac): To the C&NW Railroad Bridge.
11. West Twin River (Two Rivers): To the 16th and Madison Streets Bridge.
12. East Twin River (Two Rivers): To the 22nd Street Bridge.
13. Kewaunee River (Kewaunee): To the Park Street Bridge.
14. Ahnapee River (Algoma): To the 2nd Street Bridge.
15. Fox River (Green Bay): To the State Route 172 Bridge.
16. East River (Green Bay): To the Monroe Avenue Bridge.
17. Oconto River (Oconto): To the turning basin.
18. Menominee River (Marinette, Wisconsin to Menominee, Michigan): To the Dunlap Avenue (Highway 41) Bridge.
19. North Point Marina (Winthrop Harbor, Illinois): Entire marina.
20. Waukegan Harbor: Entire harbor.
21. Wilmette Harbor: From the entrance to the sluice gate.
22. Montrose Harbor (Chicago, Illinois): Entire harbor.
23. Belmont Harbor (Chicago, Illinois): Entire harbor
24. Diversey Harbor (Chicago, Illinois): Entire harbor.
25. Chicago River: The outer harbor, limited to the waters outside the Chicago Lock and retaining walls, including the waters inside the lock gates.
26. Burnham Park Harbor (Chicago, Illinois): Entire harbor.
27. 59th Street Harbor (Chicago, Illinois): Entire harbor.
28. Jackson Park Harbor (Chicago, Illinois): Entire harbor.
29. Calumet Harbor and River (Chicago, Illinois): From the mouth of the Calumet River south to the north side of O'Brien Lock and Dam, including the waters inside the lock gates. From "The Forks" west to the temporary dike at the south boundary of Lake Calumet.
30. Hammond Marina: Entire marina.
31. Indiana Harbor (East Chicago, Indiana): Upstream to Conrail Railroad Bridge.
32. Pastrick Marina (East Chicago, Indiana): Entire marina.
33. Buffington Harbor (Gary, Indiana): Entire harbor.
34. Gary Harbor (Gary, Indiana): Entire harbor.
35. Burns Harbor (Burns Harbor, Indiana): From the entrance to the south end of deep draft slip.
36. Michigan City Harbor: Entrance to Bascule Bridge.
37. Betsie Lake (Frankfort): Entire lake throughout up to and including the mouth of the Betsie River to Highway M-22 bridge.
38. Arcadia Lake: Entire lake.
39. Portage Lake: Entire lake.
40. Manistee Lake (Manistee): Entire lake throughout up to and including the mouth of the Manistee River to Highway M-55 bridge.
41. Pere Marquette Lake (Ludington): Entire lake throughout up to and including the mouth of the Pere Marquette River to Old U.S. 31 bridge.
42. Pentwater Lake: Entire lake.

43. White Lake: Entire lake.
44. Muskegon/Bear Lake (Muskegon, Michigan): Entire lake throughout, up to and including the Muskegon River to the U.S. 31 bridges.
45. Mona Lake: Entire lake.
46. Spring Lake: Entire lake.
47. Grand River: From the mouth to the end of the dredged channel at Buoy #78 (in Ottawa County approximately 17 miles upstream).
48. Pigeon Lake: Entire lake up to the fixed bridge in the intake channel of the J.H. Campbell power plant and on the eastern end up to the fixed bridge of Lakeshore Avenue.
49. Lake Macatawa: Entire lake to the end of the dredged channel marked by buoys #25 and #26 (eastern end of the lake in Holland).
50. Kalamazoo Lake (Douglas/Saugatuck): Entire lake up to and including the Kalamazoo River to the CSX Railroad bridge, approximately 11 miles upstream.
51. Black River (South Haven): From the mouth to the U.S. 31 bridge, approximately 2.6 miles upstream.
52. St. Joseph River (St. Joseph): From the mouth to the Somerleyton bridge, approximately 6.6 miles upstream.
53. Paw River (Benton Harbor): From the mouth to the CSX Railroad bridge, approximately 3.2 miles upstream.
54. Galien River: from the mouth to the Highway 12 bridge, approximately 2 miles upstream.

Sector Sault Ste. Marie, MI

- **Eastern Lake Superior**

1. Dead River (Marquette): At its mouth.
2. Chocolay River (Marquette): At its mouth.
3. Au Train River (Au Train): Upstream to the M28 Bridge.
4. Tahquamenon River (Paradise): Upstream to the M123 Bridge.
5. Waiska River (Brimley): Upstream to the Iroquois Rd/W 6 Mile Rd Bridge

- **St. Mary's River**

6. All U.S. waters of the St. Mary's River.
7. Charlotte River (Bruce Township): Upstream to the S Scenic Dr Bridge.
8. Munuscong River (Pickford Township): At its mouth.
9. Gogomain River (Raber Township): At its mouth.

- **Lake Michigan eastward from the westernmost AOR boundary to the Straits of Mackinac**

10. Pine River (St. Ignace Township): Upstream to the M134 Bridge.
11. Lower Millecoquins River (Naubinway): Upstream to the US HWY 2 Bridge.
12. Manistique River (Manistique): Upstream to the Deer St Bridge (aka The Siphon Bridge).
13. Boardman River (Traverse City): Upstream to the US31 Bridge.
14. Elk River (Elk Rapids): Upstream to the US31 Bridge.
15. Lake Charlevoix, South Arm (East Jordan): Upstream to the Mill St Bridge.
16. Lake Charlevoix (Boyne City): Upstream to the North Lake St Bridge.
17. Bear River (Petoskey): Upstream to the Little Traverse Wheelway dam.

- **Lake Huron northward from the southernmost AOR boundary west to the Straits of Mackinac**

18. Cheboygan River (Cheboygan): Upstream to the US23 Bridge.
19. Ocqueoc River (Millersburg): At its mouth.
20. Thunder Bay River (Alpena): Upstream to the 9th Street Dam.
21. Bare Point and Harbor (Alpena Township): Entire harbor.
22. Partridge Point and Marina (Alpena Township): Entire marina.

Marine Safety Unit Duluth, MN

Within Duluth/Superior Harbor, COTP Duluth will assume the responsibility for providing FOSCs in Duluth/Superior Harbor to the mouths of all small tributary rivers and creeks entering into the harbor, plus the St. Louis River serviced by existing patrols and aids to navigation up to the Highway Bridge on Route 23 at Fond du Lac, Minnesota, and the waters of Lake Superior within COTP Duluth.

Ninth Coast Guard District Responses in the Inland Zone

Ordinarily, the Ninth Coast Guard District will not provide the OSC for a release occurring in the inland zone. However, where a Marine Safety Officer responds in the inland zone to a marine casualty or other incident pursuant to USCG port safety and commercial vessel safety responsibilities, that officer will serve as the First Federal Official On Scene, pending arrival of the predesignated EPA OSC. In this capacity, that officer will manage any cleanup actions performed by the responsible party and, if necessary, will initiate a Federal removal.

The EPA Region 5 office may request that the Ninth Coast Guard District provide the OSC for a release in the inland zone, regardless of source, because of the particular circumstances of the incident.

8th District

If the incident involves a commercial vessel, a transfer operation, or a marine transportation related facility, the USCG will provide the OSC. The Eighth District will assist the predesignated EPA OSC where there is a discharge or release of oil or hazardous substances, or a threat of such a discharge or release, into or on navigable waters. Upon request by the EPA OSC, the USCG may act on behalf of US EPA, assuming the functional role and responsibilities of the OSC. If the USCG is the first Federal official on-scene, the USCG will notify the EPA OSC and act as the OSC until such time as the EPA OSC arrives.

1.5 Updating

[Section 311\(j\)\(4\)\(C\)\(viii\)](#) of [CWA](#) requires that ACPs be updated periodically by the AC. For national consistency, it was determined that ACPs would be updated annually for 5 years, starting January 1, 1995, and once every 5 years thereafter. This RCP/ACP may be updated more frequently.

1.6 Crosswalk with NCP

NCP sections that refer to the remedial program and National policy statements are not included in the crosswalk.

NCP Citation	Location in RCP/ACP
Subpart A-Introduction	
§300.1 Purpose and objectives	Section 1.1
§300.2 Authority and applicability	Section 1.2
§300.3 Scope	Section 1.3
§300.4 Abbreviations	Appendix VII
§300.5 Definitions	Appendix VII
Subpart B—Responsibility and Organization for Response	
§300.100 Duties of President delegated to federal agencies	Section 1.2
§300.105 General organization concepts	Section 2.1
§300.110 National Response Team	Section 2.2; Section 2.2.1, Section 2.2.3
§300.115 Regional Response Teams	Section 2.2.2
§300.120 On-scene coordinators: general responsibilities	Section 2.2.1
§300.125 Notification and communications	Section 2.7.1
§300.130 Determinations to initiate response and special conditions	Section 1.1
§300.135 Response operations	Section 2
§300.140 Multi-regional responses	Section 2.5
§300.145 Special teams and other assistance available to OSCs/RPMs	Section 5.1.1
§300.150 Worker health and safety	Section 2.8
§300.155 Public information and community relations	Section 2.7.2
§300.160 Documentation and cost recovery	Section 6
§300.165 OSC reports	Section 2.2.1
§300.170 Federal agency participation	Section 2.2.3
§300.175 Federal agencies: additional responsibilities and assistance	Section 2.2.3
§300.180 State and local participation in response	Section 2.3; Section 2.4
§300.185 Nongovernmental participation	Section 2.8.2
Subpart C-Planning and Preparedness	
§300.200 General	Section 1

§300.205 Planning and coordination structure	Section 1.3
§300.210 Federal contingency plans	Section 1.2
§300.211 OPA facility and vessel response plans	Section 1.1
§300.212 Area response drills	Section 3.1.3
§300.215 Title III local emergency response plans	Section 2.2.3.5, Section 2.3, Section 2.3.2.1, Section 2.4
§300.220 Related Title III issues	Section 2.2.3.5, Section 2.3, Section 2.3.2.1, Section 2.4
Subpart D-Operation Response Phases for Oil Removal	
§300.300 Phase I—Discovery or notification	Section 2.1
§300.305 Phase II—Preliminary assessment and initiation of action	Section 2.1
§300.310 Phase III—Containment, countermeasures, cleanup, and disposal	Section 3.2, Section 3.3, Section 3.4, Section 3.6
§300.315 Phase IV—Documentation and cost recovery	Section 6
§300.317 National response priorities	Pending
§300.320 General pattern of response	Section 2.1
§300.322 Response to substantial threats to public health or welfare of the United States	Section 2.1
§300.323 Spills of national significance	Section 3.1.1
§300.324 Response to worst case discharges	Section 3.1.2, Appendix III
§300.335 Funding	Section 6
Subpart E-Hazardous Substance Response	
§300.400 General	Section 1.1, Section 2.1
§300.405 Discovery or notification	Section 2.1
§300.410 Removal site evaluation	Section 2.2.1
§300.415 Removal action	Section 3.2, Section 3.3, Section 3.4, Section 3.6
Subpart F-State Involvement in Hazardous Substance Response	
§300.525 State involvement in removal actions	Section 2.3
Subpart G-Trustees for Natural Resources	
§300.600 Designation of federal trustees	Section 4.1
§300.605 State trustees	Section 4.1.2

§300.610 Indian tribes	Section 4.1.2
§300.612 Foreign trustees	Section 2.6
§300.612 Participation of trustees	Section 4.1.2
Subpart H-Participation by Other Persons	
§300.700 Activities by other persons	Section 6
Subpart J-Use of Dispersants and Other Chemicals	
§300.900 General	Section 3.2.3
§300.905 NCP Product Schedule	Section 3.2.3
§300.910 Authorization of use	Section 3.2.3.1, Section 3.2.3.2
§300.915 Data requirements	Appendix VI

SECTION 2. COMMAND

2.1 Response Organization

2.1.1 Response to Public Safety and Property Caused by Spills

When a spill poses public safety and property threats via potential fires, explosions, toxic clouds, or other means, local officials are usually in command of the incident. The party responsible for the incident is required to cooperate with and aid the local police and fire agencies. At some facilities, the responsible party conducts the response; at other facilities and in transportation incidents where the responsible party may not have the specialized capability to address an incident, public agencies direct the response. If highly specialized activities such as off-loading tank cars or repackaging hazardous chemicals are required, the responsible party may implement the actions under the general direction of the local public safety commander.

In most States, the role of State agencies in public safety response during the early stages of an incident is to provide technical advice to local commanders as soon as possible. For spills occurring within an Indian reservation, the Tribe may be the primary responder for incidents at which an RP fails to act, or the Tribe may rely on local or State responders by prior agreement. During major incidents, State and Federal authorities may be able to provide additional assistance to the local commander at the spill scene by

- conducting sampling and analysis of chemicals,
- providing specialized contractors or equipment, or
- providing detailed advice or other supporting functions.

Seldom will State or Federal authorities assume command from a local fire or police commander for short-term, on-site, public-safety-related issues.

2.1.2 Response to Environmental and Health Threats Caused by Spills

A number of State and Federal programs require parties who are responsible for a spill to investigate and remedy all related environmental and health threats. Often these actions include activities on properties owned by third parties or public agencies. The actions usually begin somewhat later than the public safety protection response but can continue for a much longer period. The actions may include, but are not limited to the following:

- placing containment and recovery booms and pads,
- sampling runoff and rivers,
- excavating soil,
- sampling smoke,
- performing hydrogeological investigations,
- wildlife rescue and rehabilitation,
- closing drinking water intakes, and
- providing an alternate water supply.

Sometimes an RP is unable or unwilling to adequately or quickly undertake the environmental and health protection actions required by State or Federal authorities. In those cases, State or Federal authorities can assume a more direct role. Usually this is done through investigation or cleanup contractors using governmental funds, such as State or Federal Superfunds or the [Oil Spill Liability Trust Fund](#) (OSLTF). The costs of these direct government actions will usually be recovered later from the responsible party. The decision to assume governmental control of environmental and health follow-up of an incident is dependent on

- the ability and willingness of the responsible party to respond effectively,
- the severity of the incident,
- the cost and duration of required actions, and
- the resources available to the various levels of government.

2.2. Federal Response

2.2.1 Federal OSC Responsibilities

The Federal OSC directs Federal response efforts and coordinates all other Federal efforts at the scene of a discharge or release. The OSC may monitor local, Tribal, State, or private actions to remove a discharge, and may provide technical assistance to local, Tribal, State, or RP response personnel.

If a response action is being conducted through local, Tribal, State, or responsible party efforts, the OSC will ensure adequate oversight. If local, Tribal, or State agencies or the responsible party cannot or will not initiate action to eliminate the threat, or if the removal is not being conducted properly, the OSC should advise the government agency or responsible party and take appropriate actions to mitigate or remove the threat or discharge.

When the OSC has determined that a discharge poses or may present a substantial threat to public health or welfare, he/she is authorized by the NCP to direct all private, State, or Federal actions to remove the discharge or to mitigate or prevent the threat of such a discharge. In addition, the OSC may remove or arrange for the removal of the discharge to mitigate or prevent the substantial threat of the discharge; the OSC may remove and, if necessary, destroy a vessel that is discharging or threatening to discharge, without regard for any other provision of law governing contracting procedures or employment of personnel by the Federal Government (40 CFR 300.322).

Under Subpart C of the NCP, an OSC is responsible for directing the AC to develop an ACP that provides for a well-coordinated response that is integrated and compatible, to the greatest extent possible, with all appropriate response plans of state, local, and non-federal entities, and especially with Title III local emergency response plans. In addition to the sections of this RCP/ACP that discuss integration of plans, each subarea contingency plan describes in detail the responsibilities of RPs and of Federal, State, and local agencies in removing a discharge, and in mitigating or preventing a substantial threat of a discharge.

Subpart D of the NCP sets forth the operational response phases for oil removal, which include:

Phase I -- Discovery or notification.

Phase II -- Preliminary assessment and initiation of action.

Phase III -- Containment, countermeasures, cleanup, and disposal.

Phase IV -- Documentation and cost recovery.

Subpart D of the NCP also provides the general pattern of response, as well as wildlife conservation and funding provisions for an OSC to follow.

Consistent with the NCP and this ACP, upon receipt of notification of a discharge or release, the OSC is responsible for conducting a preliminary assessment to determine the following:

- threat to human health and the environment;
- whether the discharge is a WCD;
- whether due to its severity, size, location, actual or potential impact on the public health and welfare or the environment, or the necessary response efforts are so complex that it requires extraordinary coordination to contain or clean up the discharge (i.e., whether it's a spill of national significance (SON));
- the party responsible for the spill and its capability to a conduct removal that is consistent with the NCP and this ACP; and
- feasibility of removal or the mitigation of impact.

After the preliminary assessment the OSC will:

- Notify and coordinate with the appropriate State and Federal Agencies. OSC notification responsibilities are discussed in further detail in subsection 2.10 of this plan.
- Determine whether proper response actions have been initiated. If the RP for the release or discharge does not act promptly in accordance with the directions of the OSC or does not take actions consistent with the NCP or ACP or if the party is unknown, the OSC shall respond in accordance with provisions of the NCP and agency guidance, and coordinate activities as outlined in this RCP/ACP.
- Collect information concerning the discharge or release:
 - o its source and cause;
 - o potentially responsible parties;
 - o the nature, amount, location, direction, and time of discharge;
 - o pathways to human and environmental exposure;
 - o potential impact on human health, welfare, and safety, and the environment;
 - o possible impact on natural resources and property;
 - o priorities for protecting human health and welfare and the environment; and

- o estimated cost for the response.
- Certify the financial responsibility of vessel owners and operators.
- Consult with and inform the RRT5 members of reported discharges and releases through Pollution Reports in Message Format (POLREPs).
- Consult with the appropriate Regional or District office regarding situations potentially requiring temporary or permanent relocation.
- In the event of a declared Federal disaster, coordinate with the [Federal Emergency Management Agency](#) (FEMA) Federal Coordinating Officer (FCO) as appropriate.
- Implement appropriate community relations activities.
- Address worker health and safety issues prior to and during a response operation, and comply with all worker health and safety regulations.
- Coordinate with the [Agency for Toxic Substances and Disease Registry](#) (ATSDR), as deemed necessary, regarding possible public health threats.
- Coordinate with the [US EPA Office of Radiation and Indoor Air](#) (ORIA) and the Department of Energy (DOE) in emergencies involving radiological hazards.

The NCP also mandates that the OSC be responsible for ensuring that oil and contaminated materials recovered in cleanup operations are disposed of in accordance with the RCP/ACP, and any applicable laws, regulations, or requirements.

As requested by the NRT or RRT5, the OSC shall submit to the RRT5 a complete report on the removal operation and the actions taken.

The report shall record:

- the situation as it develops,
- the actions taken,
- the resources committed, and
- the problems encountered.

2.2.2 Regional Response Team

Regional Response Teams are responsible for regional planning and preparedness activities, as well as for coordination of assistance and advice to the OSC during site-specific incidents. The Co-Chairs of RRT5 are the Chief of the Emergency Response Branch, EPA Region 5 and the Incident Management and Preparedness Advisor (IMPA), Ninth Coast Guard District. The RRT5 membership includes representatives from each State appointed by the Governor, and the designated regional representatives of the following Federal Agencies:

- [Department of Agriculture](#) (USDA)
- [Department of Commerce](#) (DOC)
- [Department of Defense](#) (DOD)
- [Department of Energy](#) (DOE)
- [Federal Emergency Management Agency](#) (FEMA)
- [General Services Administration](#) (GSA)
- [Department of Health and Human Services](#) (HHS)
- [Department of Homeland Security](#) (DHS)
- [Department of the Interior](#) (DOI)
- [Department of Justice](#) (DOJ)
- [Department of Labor](#) (DOL)
- [Nuclear Regulatory Commission](#)
- [Department of State](#) (DOS)
- [Department of Transportation](#) (DOT)
- [Coast Guard](#) (USCG)
- [Environmental Protection Agency](#) (EPA)

Federal RRT5 member agencies have duties established by Statute or Executive Order that may apply to Federal response actions following or in prevention of a discharge of oil or a release or threat of release of a hazardous substance, pollutant, or contaminant.

The principal components of the RRT5 are a standing RRT and incident specific RRTs. The standing RRT consists of designated representatives from each participating Federal Agency listed above and each State. Each incident specific RRT is formed from the standing team when the RRT is activated for a response, and consists of representatives of appropriate local governments, State agencies, and Federal Agencies.

Each member agency should designate one member and at least one alternate member to the standing RRT. Agencies whose regional subdivisions do not correspond to the standard Federal Regions may designate additional representatives to the standing RRT to ensure appropriate coverage of the standard Federal Region. Federally recognized Native American Tribal governments may arrange for representation on the RRT. Other interested parties may attend and observe RRT meetings. The usual process by which the RRT reaches its decisions is by consensus. However, in instances where a decision is reached by means of a vote, the voting capacity of each Federal member agency and other RRT member organizations is limited to one vote per member agency or organization.

The first Federal official affiliated with an RRT agency to arrive at the scene of a discharge or release, provided they have the proper training, should coordinate activities under the NCP, this RCP/ACP, and agency guidance until the predesignated OSC is available. That Federal official should consult directly with the predesignated OSC regarding any necessary initial actions. Fund-financed operations must be authorized by the OSC prior to implementation.

2.2.3 Federal Agency Responsibilities

The Federal Agencies listed in this section have duties established by statute, executive order, or Presidential directive which may apply to Federal response actions following, or in prevention of, the discharge of oil or release of a hazardous substance, pollutant, or contaminant. Some of these agencies also have duties relating to the rehabilitation, restoration, or replacement of natural resources injured or lost as a result of such discharge or release. It is recognized that Native American authorities, responders, and communities are entitled to the same cooperation and protection arrangements as the States.

2.2.3.1 [Department of Agriculture](#)

The [U.S. Forest Service](#) is the designated USDA representative to RRT. USDA maintains a Regional Emergency Team in each of the 10 Standard Federal Regions to provide liaison and coordination with Federal Agencies operating on a Regional basis. Regional Emergency Teams are composed of representatives of USDA agencies having essential emergency functions at the Regional level.

These are:

- [Forest Service](#) (FS): Responsible for prevention and control of fires in rural areas, in cooperation with State Foresters and appropriate Federal Agencies; emergency production, availability, and utilization of timber and timber products in cooperation with the Department of Commerce. The agency has capabilities to provide emergency communications systems, specialized aircraft, and human support facilities for large groups of people, and has specially trained incident management teams.
- [Food and Nutrition Service](#) (FNS): Through the Food Distribution Program, provides food as emergency assistance to disaster victims. In appropriate emergency situations, FNS will authorize State agencies to issue food stamps based on emergency procedure.
- [Food Safety and Inspection Service](#) (FSIS): Tests meat and poultry products for the presence of volatile drugs, chemical residues and other adulterants.
- [Animal and Plant Health Inspection Service](#) (APHIS): Provides expertise on plant and animal diseases and health.
- [National Agricultural Statistics Service](#): Serves as a source of data on crops, livestock, poultry, dairy products and labor. State Statistical Offices collect and publish local information on these topics.

2.2.3.2 [Department of Commerce](#)

DOC, through the [National Oceanic and Atmospheric Administration](#) (NOAA), has three roles within Region 5:

1. **Scientific Support Coordinator (SSC):** In accordance with the NCP, the SSC provides scientific advice to support the Federal OSC in operational decisions that will protect the environment effectively, mitigate collateral harm, and facilitate environmental recovery. The SSC advises on other technical issues (as requested by the OSC) after consulting with the appropriate NOAA Emergency Response Division (ERD) resources or other Federal,

State, or academic networks. This includes considering advice from the trustee agencies (including the NOAA ERD RRT member), and any divergent opinions.

2. **National Resource Trustee:** The Secretary of Commerce acts as trustee for natural resources managed or controlled by DOC, including their supporting ecosystems. 40 CFR 300.600(b), (b)(1). Pursuant to the [Great Lakes Critical Programs Act of 1990](#), 33 USC 1268 (Great Lakes Act), and the [Great Lakes Water Quality Agreement of 1978](#), as amended by the Water Quality Agreement of 1987 (Great Lakes Water Quality Agreement), the United States, in part through DOC, manages and/or controls the water and sediments of the Great Lakes System.

The Secretary of Commerce also acts as trustee for natural resources managed or controlled by other federal agencies that are found in, under, or using waters navigable by deep draft vessels, tidally influenced waters, or waters of the contiguous zone, the exclusive economic zone, and the outer continental shelf. All federally managed or controlled resources that are found in these waters, such as water and sediments that form navigation channels and that are managed, controlled, and maintained by the Army Corps of Engineers, and the fisheries that are controlled by the [Food and Drug Administration](#) through derivation of action levels, fall within DOC trusteeship. Similarly, the water and sediment of the Great Lakes System are within the administrative jurisdiction of the United States, and are federally managed or controlled pursuant to the [Great Lakes Act](#) and the [Great Lakes Water Quality Agreement](#).

The Secretary has delegated his authority to act as trustee to the Administrator of NOAA. Pursuant to these delegations, NOAA has trusteeship for the water, sediment, and biological resources of the Great Lakes and their supporting ecosystems. The NCP also cites as examples of DOC trusteeship the following natural resources and their supporting ecosystems: migratory birds, anadromous fish, and endangered species and marine mammals. 40 CFR 300.600(b)(1), (b)(2).

Under OPA and the NCP, NOAA has specific responsibilities as a natural resource trustee that include

- a. Receiving notification of potential or actual spills threatening NOAA resources
- b. Being consulted on the preparation of the fish and wildlife and sensitive environments annex (this includes concurring on specific countermeasures or removal actions during the contingency planning phase)
- c. Being consulted on removal actions during an incident
- d. Implementing damage assessment activities

All of these activities are intended to minimize impacts and to restore the environment.

RRT Member: Has the primary goal to support the appropriate RRT Co-Chair who supports the Federal OSC by providing advice and resources that will protect the environment effectively, mitigate collateral harm, and facilitate environmental recovery.

Carries out this goal by:

- a. serving as an access point to other DOC resources and expertise, usually outside NOAA HAZMAT, that have primary roles in carrying out NOAA's trusteeship role during spills;
- b. representing DOC in carrying out its policy responsibilities (such as trusteeship);
- c. helping the NOAA SSC provide technical assistance, if needed; and
- d. representing NOAA HAZMAT at meetings where the SSC cannot be present.

This member can provide:

- o scientific expertise on living aquatic resources for which DOC is responsible
- o current and predicted meteorological, hydrologic, ice, and limnologic conditions
- o charts and maps
- o communication services to the general public, various levels of government, and the media via its NOAA weather wire and NOAA weather radio systems

These roles are the responsibility of all DOC representatives, whether from NOAA HAZMAT, NOAA National Marine Fisheries Service (NMFS), or NOAA National Weather Service (NWS).

2.2.3.3 Department of Defense

DOD, consistent with its operational requirements, may provide assistance in critical oil and hazardous materials incidents, the maintenance of navigation channels, and removal and salvage of navigation obstructions. DOD will provide the OSC and RRT5 Chair for releases occurring on DOD property or facilities and for all incidents involving DOD hazardous substances.

[U.S. Army Corps of Engineers](#) (USACE): Has specialized equipment and personnel for maintaining navigation channels, for removing navigational obstructions, for accomplishing structural repairs, and for performing maintenance to hydropower electric generating equipment. USACE can also provide design services, perform construction, and provide contract writing and contract administration services for other Federal Agencies.

[U. S. Navy](#)—Navy Region Midwest: The Commander, Navy Region Midwest is designated as the OSC for planning, preparedness and response to Navy oil and hazardous substance incidents occurring in Region 5. Navy Region Midwest has near-shore response vessels and equipment to support Navy incidents and for designated Civilian Support roles. Support to non-Navy spills requires Presidential tasking, Regional Response Team/National Response Team tasking, or request for support through Memorandum of Agreement with the USCG. The Navy maintains on-water response assets (utility and boom handling boats, rapid response skimmer, and containment boom) and trained Oil Spill Operations Teams at Naval Station Great Lakes, Illinois that can be deployed throughout Region 5. The Navy also has onshore response equipment and trained staffs at Naval Support Activity Crane, Indiana and Naval Support Activity Mid-South, Tennessee. The Navy also has response capability for unexploded ordnance/ munitions response below the waterline at NSA Crane, Indiana.

[U.S. Navy Supervisor of Salvage \(SUPSALV\)](#): Is knowledgeable and experienced in ship salvage, shipboard damage control, diving, and has equipment for salvage-related and open-sea pollution incidents.

2.2.3.4 [Department of Energy](#)

DOE provides the designated OSC/RPM for responses to releases on or from any facility or vessel under its jurisdiction. DOE administers, implements, and coordinates the Federal Radiological Monitoring and Assessment Center (FRMAC). Under the Federal Radiological Emergency Response Plan (FRERP), DOE provides advice and assistance to the RRT regarding the identification of the source and extent of radioactive contamination, and removal and disposal of radioactive releases.

2.2.3.5 [Federal Emergency Management Agency](#)

FEMA requires the development, evaluation, and exercise of all-hazard contingency plans for all FEMA-funded jurisdictions at the State and local levels. [SARA Title III](#) plans are often annexes of the all-hazard plan. FEMA monitors and provides technical assistance regarding public sector emergency response training and planning for incidents involving hazardous materials. In a response, FEMA provides advice and assistance to the lead agency on coordinating relocation assistance and mitigation efforts with other Federal Agencies, State and local governments, and the private sector.

If the President declares a disaster or emergency, FEMA coordinates all Federal assistance, including temporary housing. The OSC coordinates with the Federal Coordinating Officer in situations where both authorities are active.

FEMA's National Emergency Support Team and Regional Emergency Response Teams provide coordination of Federal response in situations of unique national significance, such as commercial nuclear power plant or nuclear weapons accidents and catastrophic natural disasters.

2.2.3.6 [General Services Administration](#)

The U.S. General Services Administration (GSA) leverages the buying power of the federal government to acquire best value for taxpayers and its federal customers. GSA exercises responsible asset management. GSA delivers superior workplaces, quality acquisition services, and expert business solutions. GSA develops innovative and effective management policies.

In emergencies—as in everyday operations—GSA provides other federal agencies with what they need to do their jobs. GSA can go to the site of an incident and find suitable space for the response team to set up operations, furnish and equip the space, and set up telecommunications.

GSA is capable of providing:

- Emergency relief supplies;

- Facility space: GSA will ensure that a suitable operating facility, using pre-identified locations where applicable, is acquired and ready to occupy within 72 hours of receiving RRT5 requirements and/or RRT5 acceptance of the space.;
- Office equipment: All required office furniture and equipment is provided from Federal inventories or commercial sources;
- Office supplies: Office supplies and other expendables are provided from inventory or other government and commercial sources. Small businesses and vendors in the affected area are used whenever possible;

Telecommunications (in accordance with the [Office of Science and Technology Policy](#) (OSTP) National Plan for Telecommunications Support in Non-Wartime Emergencies);

- Contracting services: Support is provided as required to augment RRT5 and other agency procurement functions on a case-by-case basis, using GSA contracting resources;
- Transportation services including short term leasing arrangements and;
- Personnel required to support immediate response activities: GSA makes available technical advisors (e.g., procurement, storage, transportation, and engineering advisory services specialists) in connection with damage surveys, appraisals, and building demolitions or repairs;
- Support for requirements not specifically identified by other supporting agencies including excess and surplus property.

The GSA [Regional Emergency Coordinator](#) (REC) provides a team that may consist of one or more of the following: a REC and/or team leader, contracting officer, telecommunications specialist, and real estate/leasing specialist, if needed, to coordinate the provision of support at the incident site or operating location. Support may be furnished through GSA employees and contractor personnel who are located at the scene of the oil or hazardous material release, or at their regular duty stations, depending on the specific requirements of the emergency situation.

All acquisition and procurement activities by GSA are supported by written justification in accordance with current Federal laws and regulations (e.g., Federal Acquisition Regulations), which, when necessary, authorize other than "full and open competition." All procurement actions, including those for multimodal transportation services, are made in accordance with GSA's statutory and administrative requirements, and use the appropriate fund citation/reimbursement procedures. Expenses incurred by GSA in providing requested assistance to other agencies must be reimbursed.

2.2.3.7 [Department of Health and Human Services](#)

HHS assists with the assessment, preservation, and protection of human health and helps ensure the availability of essential human services. HHS provides technical and nontechnical assistance in the form of advice, guidance, and resources to other Federal Agencies, as well as to State and local governments.

The principal HHS response comes from the U.S. Public Health Service (PHS). Within PHS, the primary response to hazardous materials emergencies comes from ATSDR and the Centers for Disease Control (CDC). Both ATSDR and CDC have 24-hour emergency response capability whereby scientific and technical personnel are available to provide technical assistance to the lead Federal Agency and State and local response agencies on human health threat assessment and analysis, and exposure prevention and mitigation. Such assistance is used in situations requiring evacuation of affected areas, dealing with human exposure to hazardous materials, or advice on mitigation and prevention.

[Agency for Toxic Substances and Disease Registry](#): ATSDR is the lead Federal public health agency for hazardous material incidents under CERCLA. Two ATSDR representatives are assigned to each EPA Region to assist in US EPA/ATSDR communications. Regional representatives can also assist in emergency response events that involve RRT5 issues by coordinating with ATSDR headquarters Emergency Response and Consultation Branch and with the CDC RRT5 representative. Under CERCLA Section 104(i), ATSDR is required to

- establish appropriate disease/exposure registries
- provide medical care and testing of exposed individuals in public emergencies
- develop, maintain, and provide information on health effects of toxic substances
- conduct research to determine relationships between exposure to toxic substances and illness
- develop guidelines, with US EPA, for toxicological profiles for hazardous substances
- develop educational materials for health professionals related to health effects of toxic substances

Additionally, ATSDR operates a 24-hour phone line to address public health issues.

[Centers for Disease Control and Prevention](#): CDC takes the lead during oil releases regulated under CWA and OPA. PHS has designated the CDC representative to the RRT5. This person is responsible for coordinating all public health responses on the Federal level and for coordinating all responses with State and local health agencies.

Other PHS agencies involved in support during hazardous materials incidents, either directly or through ATSDR/CDC, include the [Food and Drug Administration](#) (FDA), the [Health Resources and Services Administration](#), the [Indian Health Service](#), and the [National Institutes of Health](#)

2.2.3.8 [Department of Homeland Security](#)

DHS, through USCG, provides the Co-Chair of RRT5 and predesignated OSCs for the Great Lakes Coastal Zone and specified ports and harbors in Region 5, based on an MOU signed in 1992. Through USCG, the DHS

1. supplies expertise in the domestic/international fields of
 - port safety and security

- marine law enforcement, navigation, and construction
 - manning, operation, and safety of vessels and marine facilities
2. maintains continuously manned facilities that are capable of command, control, and surveillance for oil or hazardous substances releases occurring on the waters of the United States, and may provide these services to the OSC

2.2.3.9 [Department of the Interior](#)

DOI can provide information concerning the lands and resources specifically under DOI jurisdiction, as well as offer technical expertise related to geology, hydrology, minerals, fish and wildlife, cultural resources, and recreation resources. Under [Executive Order 12580](#), DOI is designated by the NCP as a Federal Trustee for Natural Resources.

DOI has direct jurisdiction for protection of resources on its own lands, as well as trustee responsibilities for certain natural resources, regardless of location. The DOI natural resource trusteeship that extends beyond DOI site boundaries includes migratory birds, anadromous fish, and endangered/threatened species and their critical habitat.

Bureaus may provide assistance in investigations to evaluate the magnitude and severity of discharges on or affecting facilities or resources under their jurisdiction and may conduct activities as natural resource trustees as set forth in Subpart G of the NCP.

Bureaus may also provide:

- advice to the OSC/RPM when response operations are being performed that affect land, facilities, or natural resources under their management authority
- technical assistance in disposal activities; however, lands under the jurisdiction of DOI (including certain municipal landfills) may not be utilized as disposal sites
- air and ground transportation support, and maintenance of communications support

Within the Department, individual bureaus and offices have specific responsibilities and capabilities as follows:

[Office of Environmental Policy and Compliance \(OEPC\)](#): The Regional Environmental Officer (REO) represents DOI on the RRT5 and is responsible for coordinating RRT5/DOI activities. The Regional Environmental Assistant (REA) provides support to the REO in planning and emergency response and acts for the REO when unavailable. The Regional Coordinator (RC) provides planning and Natural Resource Damage Assessment (NRDA) coordination. OEPC provides a number of services, including

- presenting the DOI position on chemical countermeasure and in situ burn decisions
- facilitating technical assistance requests from the OSC
- supplying administrative details to secure response cost reimbursement approval from the OSC
- initiation of natural resource damage assessments (NRDAs)

- coordinating response between DOI Bureaus

[U.S. Fish and Wildlife Service](#) (USFWS): Can provide responders with information concerning migratory birds, Federally listed threatened and endangered species and their designated critical habitat, certain anadromous fish, and certain Federal lands (National Wildlife Refuges, Waterfowl Production Areas, and National Fish Hatcheries), as well as technical assistance concerning the effects of oil on these resources. In addition, it will help coordinate wildlife rescue and rehabilitation efforts in conjunction with State natural resource trustee(s). The Service is responsible for assessing damages to natural resources as a result of releases of oil or hazardous substances into the environment, and issues Federal Migratory Bird and Eagle Permits to qualified individuals and/or organizations conducting wildlife collection, rescue, and rehabilitation operations related to oil spill incidents.

[National Park Service](#) (NPS): Provides expertise on historic, cultural, archeological, architectural, and recreational resources and sites on the National Register of Historic Places. NPS can also provide information on National Parks, National Recreation Areas, National Historic Sites, National Trails, Lake Shores, National Monuments, and Wild and Scenic Rivers listed on the [Nationwide Rivers Inventory](#) (NRI).

[U.S. Geological Survey](#) (USGS): Provides advice and information concerning geohydrologic, geologic, and geochemical data; ground and surface water data; and maps. USGS maintains stream flow gauges in every State and can provide historical stream flow information, assist in predicting the time/travel/trajectory of spills, and can collect and analyze surface and groundwater samples.

The [Biological Resources Division](#) performs research in support of biological resource management; inventories, monitors, and reports on the status and trends in the nation's biologic resources; and transfers the information gained to resource managers and others concerned with the care, use, and conservation of the nation's natural resources.

[Bureau of Indian Affairs](#) (BIA): Responsible for protecting and improving the trust resources of Native American Tribes and facilitating an active role in planning and response for Tribal governments as requested. BIA coordinates activities affecting Native American Tribal lands and can provide assistance to the OSC in identifying Native American Tribal government officials. BIA can also assist in obtaining access to Tribal land areas as needed for response action and will coordinate with the incident Public Information Office Director to ensure pertinent information is made available to appropriate Tribal authorities on a timely basis.

[Bureau of Land Management](#) (BLM): Has expertise in minerals, soils, vegetation, archeology, and wildlife habitat, and may provide advice on response affecting lands or minerals administered by BLM. May also provide advice in the field of oil and gas drilling, production, handling, and transportation by pipeline.

All bureaus of the Department of the Interior may be contacted through the Regional Environmental Officer, the designated member of the RRT5.

2.2.3.10 [Department of Justice](#)

DOJ members of the RRT5 serve as representatives of the Department of Justice and not as legal counsel to the RRT5 or its member agencies. Although the DOJ representative to the RRT5 is not a substitute for member agencies' in-house counsel, the DOJ representative will be able to offer the advice, views, and expertise of the Department with respect to RRT5's long-term planning and incident-specific functions.

As a consequence of DOJ's primary role as litigation counsel for the Federal Government and as legal counsel on enforcement and interagency matters, its participation in RRT5 activities will ordinarily focus on litigation concerns regarding response activities and interagency coordination. The DOJ representative might provide

- general legal advice
- review and comment on regional planning and procedural documents
- incident-specific assistance, including assigning staff attorneys when an incident may result in litigation or raise difficult issues of interagency coordination

2.2.3.11 [Department of Labor](#)

DOL, through the [Occupational Safety and Health Administration](#) (OSHA)

- conducts safety and health inspections at hazardous waste sites and during emergencies to ensure that employees are being protected and to determine compliance with its regulations, and
- provides the OSC/RPM with advice, guidance, and assistance regarding hazards to persons involved in removal or control of oil or chemical spills, and the precautions necessary to protect such persons' health and safety.

2.2.3.12 [Nuclear Regulatory Commission](#)

The Nuclear Regulatory Commission (NRC) will

- respond, as appropriate, to releases of radioactive materials by its licensees, in accordance with the NRC Incident Response Plan to monitor the actions of those licensees and assure that the public health and environment are protected, and adequate recovery operations are instituted;
- keep EPA informed of any significant actual or potential releases in accordance with procedural agreements; and
- provide advice to the OSC/RPM when assistance is required in identifying the source or character of other hazardous substance releases where the NRC has licensing authority for activities utilizing radioactive materials.

2.2.3.13 [Department of State](#)

DOS will

- lead in developing joint international contingency plans
- provide assistance in coordination when a pollution release crosses international boundaries or involves foreign flag vessels
- coordinate requests for assistance from the Canadian and U.S. Governments on proposals for conducting research at incidents that occur in Canadian waters

2.2.3.14 Department of Transportation

DOT, through the [Pipeline and Hazardous Materials Safety Administration](#) (PHMSA), establishes oil discharge contingency planning requirements for pipelines, transport by rail and containers, or bulk transport of oil.

2.2.3.15 Environmental Protection Agency

EPA provides the Co-Chair of RRT5 and provides OSCs for the inland zone. EPA is responsible for providing expertise regarding environmental effects of pollution and environmental pollution control techniques.

EPA will also:

- assist USCG in incidents involving the release of hazardous substances;
- advise of the degree of hazard a particular release or discharge poses to public health and safety;
- coordinate scientific support, including environmental assessment, in the inland zone.

2.2.4 Subarea Contingency Plans

Subarea contingency plans, referred to as SACPs throughout this document, help coordinate timely and effective responses by private industry, local and state officials and various federal agencies to minimize damage resulting from discharges of oil or releases of hazardous substances in the subarea. Under the direction of EPA OSCs, sub-area committees comprised of RRT5 member agencies and local experts develop SACPs.

The SACPs for the subareas listed below provide general response strategies with special consideration given to potential worst-case discharges from a vessel, onshore facility, or offshore facility operating in or near the sub-area covered by the SACP. The SACPs also identify and provide effective methods of preventing/mitigating impact to sensitive areas, habitat and endangered species in that specific subarea.

They include:

- Red River
- Siouxland
- Western Lake Superior
- Minneapolis/St. Paul
- Upper Mississippi River
- North Michigan

- Green Bay /Horicon Marsh
- Milwaukee
- Greater Chicago
- Quad Cities
- Greater St. Louis
- Great Rivers
- Louisville / South Indiana
- Patoka
- White River
- Northwest Indiana
- South Lower West Michigan
- North Lower West Michigan
- Detroit/Southeast Michigan
- Western Lake Erie
- Ohio River Umbrella Plan
- Cincinnati
- SE Ohio/Huntington
- SE Ohio/Upper Ohio River
- Cleveland/East Lake Erie

2.3 State Response

The governor of each state in Region 5 is requested to designate a lead agency that will direct State-led response operations. This agency is responsible for leading State response actions and coordinating/communicating with any other State agencies as appropriate (NCP 300.180). Each governor will also designate a representative for the State on the RRT5. Each State representative may participate fully in all activities of the RRT5. The State RRT5 representatives are expected to coordinate with the State Emergency Response Commission (SERC) or State Emergency Response Board (SERB) in their states in order to communicate and coordinate preparedness and pre-response planning activities between the state and the RRT5. State and local government agencies are encouraged to coordinate with:

- State contingency planning efforts for response to oil and hazardous material events
- This plan
- Requirements of SARA Title III

[Section 311\(j\)\(4\)](#) of CWA calls for inclusion of local, Tribal, and State representatives on the Area Committee. In Region 5, this has been partially accomplished through the designation of the RRT5 as the Area Committee.

Each state in Region 5 has a state disaster plan and laws that specify that state's authority and organization for a technical response to environmental emergencies. All states can provide technical expertise to assess environmental and public health threats and damage, as well as to

advise local responders. In specific circumstances, states may provide additional response capabilities in the form of contractors and funding.

The following are summaries of emergency preparedness measures for lead agencies in each of the states in Region 5.

2.3.1 Illinois

The Illinois 24-hour spill notification number is to the [Illinois Emergency Management Agency \(IEMA\)](#), 217-782-7860 (800-782-7860 in Illinois). The phone number during office hours is 217-782-7860. After office hours, call IEMA to speak with the Duty Officer.

2.3.1.1 Illinois EPA Responsibilities

The [Illinois Environmental Protection Agency \(IEPA\)](#) provides the designated RRT5 member for Illinois. To prevent and abate environmental pollution, IEPA has various responsibilities for responding to environmental emergencies within the State or its adjoining waters. IEPA is the State's lead agency for developing plans and coordinating action before, during, and after certain emergency situations, including:

- emergencies involving waste management
- emergencies involving public water supplies
- spills of oil or hazardous materials upon waters or lands of the State
- releases of harmful quantities of toxic substances to the atmosphere

Within IEPA, the Emergency Response Unit (ERU) of the Office of Chemical Safety is responsible for coordinating the agency's response and ensuring appropriate cleanup of any subsequent environmental contamination. ERU collects information about environmental emergencies and responds directly and/or notifies other divisions within IEPA of needed action. Technical expertise is provided to first responders and public officials, addressing such issues as:

- physical, chemical, and toxicological characteristics of the materials involved
- effective response and treatment actions
- precautions to be taken to prevent further injury or damage to public health or the environment

2.3.1.2 Other Agencies—Illinois

[Illinois Emergency Management Agency \(IEMA\)](#): Serves as coordination and communications center for Illinois State agencies and is in overall command of emergency government efforts during major multijurisdictional disaster responses. IEMA is also the SERC, designated pursuant to SARA Title III.

[IEMA Division of Nuclear Safety](#): Responds to incidents involving radioactivity, whether in transport or at nuclear power plants or other facilities.

[IDNR Office of Mines and Minerals](#): Carries out initial investigation of incidents involving crude oil and natural gas production sites, unless waters of the state are being impacted (in which case the role is assumed by IEPA).

[Illinois State Fire Marshal](#): Responds to incidents involving underground storage tanks (USTs); this responsibility is shared with IEPA. Has the authority to require equipment inspection and testing.

[Illinois Commerce Commission](#): Investigates incidents involving railroad transport, has authority over the use, movement, and compliance of railroad equipment with U.S. Department of Transportation (DOT) regulations.

[Illinois State Police](#): Responds to transportation incidents involving DOT Hazardous Materials, responsible for enforcement of DOT shipping regulations, traffic control, and security.

[Illinois Department of Natural Resources](#): Responsible for assessment of natural resource damage in incidents involving serious environmental injury, such as fish kills and oiled waterfowl.

Other agencies serve a secondary role and provide technical support and resources as needed. However, they do not generally maintain an emergency response capability for on-scene response. These agencies include the Departments of Agriculture, Public Health, and Energy and Natural Resources; the Office of the Attorney General; and other human service agencies that might be involved with evacuees, should a prolonged incident occur requiring relocation of the general public.

2.3.2 Indiana

Spills can be reported to the [Indiana Department of Environmental Management \(IDEM\)](#) 24 hours a day at 888-233-7745.

2.3.2.1 Indiana DEM Responsibilities

[Indiana Department of Environmental Management \(IDEM\)](#) provides the designated member of the RRT5 for Indiana and is the lead agency for the State in addressing spills, providing a 24-hour response capability. IDEM must provide technical assistance to the responsible party and the responding personnel and ensure compliance with Indiana spill regulations and other pertinent State and Federal rules and regulations.

Technical assistance can take the following forms:

- chemical identification, handling, and hazard information
- evaluation of the threat to environmental and public safety
- personal protection recommendations
- containment and cleanup methods
- resource identification and location

For large spills, or where the spiller fails to respond adequately, IDEM staff responds onsite to assist in the response effort, assuming the role of State OSC if necessary.

During a response, staff of the Emergency Response Section (ERS) of IDEM assume the role of technical advisers and provide on-scene assistance to the responsible party, and to individuals or agencies involved in the response. On occasion, ERS staff have assumed a role that would appropriately be called OSC. However, if a structure (e.g., ICS) that exists within a local or County jurisdiction provides an OSC and that OSC is being utilized, ERS staff will provide assistance to that OSC.

Once the immediate threat to public health and the environment has been dealt with, the incident is further stabilized and cleaned up under ERS supervision. Rule 327 IAC 26.1, Spills: Reporting, Containment, and Response, requires that the spiller report to IDEM and perform a spill response. A spill response means that a spill is contained, and free material is removed or neutralized. Disposal of recovered material that is classified as waste is referred by ERS staff to appropriate personnel in the Office of Solid and Hazardous Waste Management. ERS staff may then conduct a follow-up investigation to ensure that material has been disposed of properly and the cleanup is acceptable.

2.3.2.2 Other Agencies—Indiana

The role of liaison between a spiller and the different program areas of IDEM is perhaps the greatest benefit that ERS can provide to those involved in a spill. This role can also extend to other State agencies and other response organizations. State agencies:

[Indiana Department of Homeland Security \(IDHS\)](#): IDHS is the lead planning agency for coordinating man-made and natural disasters. IDHS also provides an alternate member for the RRT5.

[Office of the State Fire Marshal \(OSFM\)](#): OSFM responds to fire and explosion hazards from hazardous materials incidents.

[Office of the Indiana State Chemist \(OISC\)](#): OISC provides technical guidance regarding agricultural chemical incidents including fertilizers and pesticides. It also conducts investigations of improper application of regulated agricultural chemicals.

[Indiana Department of Natural Resources \(DNR\)](#): DNR Conservation Officers conduct investigations to assess damages to natural resources, such as fish kills.

[DNR, Oil and Gas Division \(O & G\)](#): DNR O & G regulates oil production facilities, including operation, maintenance, construction and abandonment of oil wells and associated equipment.

[Indiana State Police \(ISP\)](#): ISP investigates transportation incidents involving DOT hazardous materials, enforces DOT shipping regulations, and provides traffic control and site security.

[Indiana State Department of Health \(ISDH\)](#): ISDH is the lead agency for releases of radiological and etiological materials. It also provides technical guidance to IDEM regarding health issues and advisories.

[Indiana Department of Transportation \(INDOT\)](#): INDOT usually provides traffic control for major transportation incidents involving releases of petroleum and hazardous materials. ERS also coordinates with other program areas within IDEM, as well as local response agencies such as fire departments, hazardous materials teams, sheriffs' departments, local emergency planning committees (LEPCs), emergency management agencies, county health departments, and county highway departments.

2.3.3 Michigan

Spill emergencies can be reported to the [Michigan Department of Environment, Great Lakes, and Energy Pollution Emergency Alerting System](#). 24-hour in-state number: 800-292-4706.

Alternate/out-of-state number: 517-373-7660

2.3.3.1 Michigan Department of Environment, Great Lakes, and Energy Responsibilities

Michigan's representation on RRT5 comes from the [Michigan Department of Environment, Great Lakes, and Energy \(EGLE\)](#). EGLE is the primary environmental emergency response agency in the State in all non-agricultural-related spills. Recent legislation has designated the Michigan Department of Agriculture (MDA) as the primary response organization, in close association with EGLE, in spills involving agricultural chemicals.

Staff of EGLE can be notified of oil and hazardous materials incidents via the Pollution Emergency Alert System (PEAS) at (800) 292-4706 (in-state) or (517) 373-7660.

EGLE has approximately 19 full-time equivalent field positions available to respond to complaints and environmental emergencies. Most of these positions are located in the nine Field Operations Districts operated by EGLE, which are situated throughout the State. The primary response role of EGLE is one of technical advisor. These personnel are responsible for complaint investigation and emergency spill response and generally oversee the environmental aspects of spill containment, control, and mitigation. Appropriately trained staff within EGLE can provide hands-on response with absorbents and skirt boom if the situation requires this type of response. It is anticipated, however, that all "first responder" response will be conducted by local units of government and the various Hazardous Material Response Teams located throughout the State, although predominantly in the lower third of the peninsula.

Environmental mitigation associated with material spills will generally be conducted by the RP. If the RP cannot be identified or is reluctant to adequately address mitigation needs, the State can hire contractors to perform the mitigation. A limited amount of money is available through funds administered by the EGLE Environmental Response Division. The State can also access the Federal fund administered under ERT in accordance with Federal guidelines and regulations.

Michigan has a responder immunity act.

EGLE, in conjunction with the Department of Attorney General, is the designated Natural Resources Trustee for the State.

2.3.3.2 Other Agencies—Michigan

[Michigan State Police \(MSP\)](#): The MSP Emergency Management Division (EMD) serves as the designated emergency/disaster response coordination agency for the State and as the primary State contact point in the event of a declared disaster resulting in the activation of the State Emergency Management Plan.

[Michigan Department of Agriculture \(MDA\)](#): MDA is the lead agency in spill responses involving agricultural chemicals and/or fertilizers.

[Michigan Emergency Response Commission \(MERC\)](#): MERC is the primary coordination agency and liaison with the local Emergency Planning Commissions throughout the state. MERC is co-chaired by MSP-EMD and EGLE.

[Michigan Department of Natural Resources \(MDNR\)](#): MDNR is the lead agency for the State in decisions involving fish and wildlife issues during a spill response working cooperatively with the EGLE State OSC.

2.3.4 Minnesota

Spills can be reported to the [Minnesota Pollution Control Agency \(MPCA\)](#) 24 hours a day at 800-422-0798. Alternate contact number during business hours: 651-296-6300. Spills can also be reported to the Minnesota Duty Officer at 651-649-5451.

2.3.4.1 Minnesota Pollution Control Agency Responsibilities

The [Minnesota Pollution Control Agency \(MPCA\)](#) provides the designated member of RRT5 for Minnesota. MPCA is the primary State responder to spills and other emergencies involving hazardous materials (with the exception of incidents involving pesticides and fertilizers, which are under the jurisdiction of the Minnesota Department of Agriculture). All of the following information describing State emergency response therefore assumes MPCA actions for general hazardous materials incidents but applies to the Department of Agriculture for all pesticide and fertilizer incidents. The State Department of Public Safety Division of Homeland Security and Emergency Management has 11 local hazardous materials teams under state contract to provide for chemical assessment and mitigation when requested by a local incident commander.

MPCA's Emergency Response Team (ERT) includes 12 full-time ERT members whose primary duty is to monitor the cleanup of spills and other emergency situations that pollute or threaten to pollute surface or ground water. By default, they also respond to reports of other environmental emergencies (e.g., air releases, illegal hazardous waste disposal, tire dump fires). In addition to receiving release reports, the ERT may perform field inspections at spill sites, provide technical

assistance to responsible parties, or carry out enforcement actions for violation of State laws and rules.

If necessary, ERT staff will proceed to the site to provide coordination and assistance in handling the emergency. This may include taking charge of the response if the responsible party is unknown or unavailable. In situations where public safety is the primary consideration, the ERT member does not take charge of the incident but assists the fire chief or other public safety officials at the scene. This assistance may include emergency waiver or suspension of State laws and rules (e.g., allowing emergency wastewater discharges or burning of a spilled product in order to minimize overall environmental damage). The assistance may also include activation of contractors using State funds.

Minnesota Statute Chapter 115E requires companies handling oil and hazardous substances to act to prevent releases and to be prepared for releases they may have. Chapter 115E requirements are similar to OPA but cover protection of the public's safety and the environment, and pollution of the land, air, and waters of the State. A facility operator is to notify the Department of Public Safety when their plan is completed and must supply a copy upon request. ERT staff actively inspect the prevention capabilities and preparedness of major facilities and will assist facility owners if requested. They conduct enforcement if the preparedness of a facility is found to be inadequate, especially if it contributed to a release or poor response.

Both Minnesota Statute Chapter 115E and State Superfund Chapter 115B contain language providing immunity to those responding to oil or hazardous substance discharges.

2.3.4.2 Other Agencies—Minnesota

[Minnesota Department of Public Safety](#): Operates the 24-hour-per-day Duty Officer System to take incident reports for all State agencies.

[Minnesota Homeland Security and Emergency Management \(HSEM\)](#): HSEM coordinates the actions of State agencies, including MPCA, Natural Resources, Transportation, Public Safety, and Health. HSEM conducts training for State and local responders, and reviews county emergency plans. HSEM conducts the Right-to-Know programs in the State.

2.3.5 Ohio

Spills in Ohio can be reported to the [Ohio Environmental Protection Agency](#) at 800-282-9378.

2.3.5.1 Ohio Environmental Protection Agency Responsibilities

The [Ohio Environmental Protection Agency \(OEPA\)](#) is the designated representative of RRT5 for Ohio. OEPA is also the State agency charged with investigating releases of oil and hazardous substances from both fixed and mobile facilities. Ohio's spill response program is housed in the Emergency Response Unit (ERU), which is a part of the Division of Emergency and Remedial Response. This unit, which is responsible for receiving reports of releases to all environmental media, uses 15 spill responders to aid in chemical identification, containment, cleanup, public

safety, and the identification of responsible parties. If a responsible party cannot be identified or is recalcitrant, the ERU can activate a level-of-effort contractor to initiate actions to contain or clean up the spill. Spills can be reported 24-hours-a-day at 800-282-9378. Ohio has enacted no laws specifically related to responder immunity in environmental emergencies, but it has enacted both a Good Samaritan Statute and a "General Duty Clause" that applies to State employees.

2.3.5.2 Other Agencies—Ohio

Several different State agencies have areas of expertise to contribute during a spill, and in the case of such an event, operate under a cooperative agreement that outlines the activities of the signatory agencies when a spill occurs. These agencies are:

- [Ohio Emergency Management Agency](#)
- [State Fire Marshal](#)
- Department of Highway Safety
- [Public Utilities Commission](#)
- [Department of Transportation](#)
- [Department of Health](#)
- [Department of Agriculture](#)
- [Department of Natural Resources](#)
- [Ohio Environmental Protection Agency](#)

2.3.6 Wisconsin

Spills can be reported to the [Wisconsin Emergency Management \(WEM\)](#) 24-hour emergency hotline at 1-800-943-0003.

2.3.6.1 Emergency Response to Oil Spills and Hazardous Materials Incidents

The primary agency representative to the RRT5 for Wisconsin is the [Wisconsin Department of Natural Resources \(WDNR\)](#) with alternate representation from [Wisconsin Emergency Management \(WEM\)](#). WDNR is responsible for developing and updating a State Contingency Plan addressing spill response. The agency is responsible for

- Receiving notifications of releases
- Identifying the responsible party
- Ensuring that appropriate measures are being taken by the responsible party to address public safety
- Containment, clean up, and remediation a release. When a responsible party is unknown, or unable or unwilling to take appropriate actions, a WDNR representative may activate a Zone Contractor to take necessary actions.

WEM administers the Emergency Planning and Community Right-To-Know Act (EPCRA) in the State, and also administers eight Level A Regional Hazardous Materials Response Teams. This agency also coordinates resources for overall emergency management and provides hazardous materials training classes for all levels of responders. WEM operates a 24-hour emergency hotline

that has a voice prompt directing spill calls to WDNR. WEM also serves as the lead State agency for consequence management of terrorism events.

2.3.6.2 Other Agencies – Wisconsin

[Department of Health and Family Services \(DHFS\)](#): DHFS is responsible for monitoring the effects of chemical spills on public health and for providing assistance to local public health authorities.

[Department of Agriculture, Trade, and Consumer Protection \(DATCP\)](#): DATCP responds to spills of agrichemicals and coordinates with WDNR on remediation issues.

[Wisconsin State Patrol \(WSP\)](#): WSP enforces State hazardous materials transportation regulations and can be involved in the initial response to transportation-related spills.

2.4 Tribal Response

The initial focus of tribal responders during an incident may be similar to that of local responders: directed toward abating immediate public safety threats. The degree of tribal response will depend upon the training and capabilities of tribal responders relative to the needs of the specific emergency. In some cases, this may be using hazard awareness training knowledge to identify the nature and scope of the hazard. This information is then passed on to other responders who are activated to address the situation with specific expertise and/or capabilities. Tribal agencies may take mitigating actions of a defensive nature to contain the incident and protect the public.

There are currently 35 federally recognized tribal governments in Region 5. As set forth in the 1984 EPA Indian Policy, "EPA recognizes tribal governments as sovereign entities with primary authority and responsibility for the reservation." The Indian Policy also states that EPA "will view tribal governments as the appropriate non-federal parties for making decisions and carrying out program responsibilities affecting Indian reservations, their environments, and the health and welfare of the reservation populace." EPA works with each tribe on a one-to-one or "government-to-government" basis. Visit EPA.gov to see a list of tribes and links to further information: www.epa.gov/tribal/region-5-tribal-program

2.4.1 Overview

A major role of tribal government agencies during emergency incidents on a reservation is providing security for on-scene forces and equipment. For large incidents, help may be requested through Federal or State emergency management agencies. This includes establishing local liaison with reservation hospital, emergency services, and police personnel, as well as restricting entrance to hazardous areas to only essential personnel.

Response capabilities of Tribes in Region 5 vary. Some tribes may be able to provide technical expertise to assess environmental and public health threats and damage, as well as to advise local responders. Summaries of emergency preparedness capabilities for individual Tribes in Region 5 are included in sections following as information becomes available. Omission of a tribe here

should not be taken as an indication of lack of response capability or readiness. Contact names for individual tribes are included in the appendices to this plan.

Tribes are natural resource trustees for resources on tribal reservations and resources protected by treaties (including ceded territories). Tribes designate contacts for notification purposes. Federal OSCs should note these may be different individuals than those shown as the contact for spill notification for other than natural resource impacts.

Tribal Historic Preservation Officers (THPOs) are available to advise responders when response actions may impact tribal historical or cultural resources. If impacts on such resources are identified, the response should be adjusted to protect those resources where feasible and if time is available.

Responses by Federal OSCs to environmental emergencies within a reservation are conducted in consultation with the Tribe. Notification of tribal natural resource trustees about a spill or notification of THPOs about a proposed response action does not meet obligations to consult with the Tribe. Consultation is defined by EPA or USCG policy, and responders and decision-makers from each agency will adhere to their agency's policy. The EPA Consultation Policy, the Guidance, related documents, and answers to frequently asked questions may be found at www.epa.gov/tribal.

The USCG Consultation Policy of Consultation and Coordination with Indian Tribal Governments under Executive Order 13175 can be found at the following link:

<https://www.federalregister.gov/articles/2001/07/11/01-17403/the-coast-guards-policy-of-consultation-and-coordination-with-indian-tribal-governments-under>

The Chair of each Tribe in Region 5 should designate a lead staff person to direct Tribal response operations. This tribal lead is responsible for coordinating and communicating with other Tribal agencies, as appropriate (NCP 300.180). Tribes may form a Tribal Emergency Response Commission (TERC) or the Tribal Chair may serve as a one-person TERC under SARA Title III. Individual Tribes also may choose to coordinate with a SERC (or SERB in Minnesota) and/or with LEPCs. Each Tribal Chair may also designate a representative for the Tribe on the RRT5. Each Tribal representative may participate fully in all activities of the RRT5.

2.4.2 Tribes/Consortia in Michigan

- [Bay Mills Indian Community](#)

Information about emergency responses for the Bay Mills Indian Community is available in the [Bay Mills Indian Community factsheet](#).

- [Chippewa-Ottawa Resource Authority](#)
- [Grand Traverse Band of Ottawa & Chippewa](#)

Information about emergency responses for the Grand Traverse Band of Ottawa and Chippewa Indians is available in the [Grand Traverse Band of Ottawa and Chippewa Indians factsheet](#).
- [Great Lakes Indian Fish & Wildlife Commission \(GLIFWC\)](#)
- [Hannahville Indian Community](#)

Information about emergency responses for the Hannahville Indian Community is available in the [Hannahville Indian Community factsheet](#).
- [Inter-Tribal Council of Michigan](#)

The Inter-Tribal Council of Michigan is a consortium of Michigan's Federally Recognized Tribes.
- [Keweenaw Bay Indian Community](#)

Information about emergency responses for the Keweenaw Bay Indian Community is available in the [Keweenaw Bay Indian Community factsheet](#).
- [Lac Vieux Desert Band of Chippewa](#)

Information about emergency responses for the Lac Vieux Desert Band of Lake Superior Indians is available in the [Lac Vieux Desert Band of Lake Superior Indians factsheet](#).
- [Little River Band of Ottawa](#)

Information about emergency responses for the Little River Band of Ottawa Indians is available in the following factsheets:

 - [Muskegon County, Michigan](#)
 - [Manistee and Mason Counties, Michigan](#)
- [Little Traverse Bay Bands of Odawa](#)

The Little Traverse Bay Band of Odawa Indians has a signed Memorandum of Understanding (MOU) with the Emmet County Emergency Management Agency, which also covers Cheboygan and Charlevoix Counties, and with Northwest Michigan Community Health Agency. The Tribe is a member of the County's Emergency Center. The Tribe has five first responders trained in the 40-hour HazMat training certification course. They are the only trained and certified HazMat responders in the three-county area.

Information about emergency responses for the Little Traverse Bay Bands of Odawa Indians is available in the [Little Traverse Bay Bands of Odawa Indians factsheet](#).

- [Match-E-Be-Nash-She-Wish \(Gun Lake\) Band of Pottawatomi](#)
Information about emergency responses for the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians is available in [Match-E-Be-Nash-She-Wish Band factsheet](#).
- [Nottawaseppi Huron Band of the Potawatomi](#)
Information about emergency responses for the Nottawaseppi Huron Band of Potawatomi is available in the [Nottawaseppi Huron Band of Potawatomi factsheet](#).
- [Pokagon Band of Potawatomi](#)
Information about emergency responses for the Pokagon Band of Potawatomi Indians is available in [Pokagon Band of Potawatomi Indians factsheet](#).
- [Saginaw Chippewa Indian Tribe](#)
Information about emergency responses for the Saginaw Chippewa Indian Tribe is available in [Saginaw Chippewa Indian Tribe factsheet](#).
- [Sault Ste. Marie Tribe of Chippewa](#)
Information about emergency responses for the Sault Ste. Marie Tribe of Chippewa Indians is available in the [Sault Ste. Marie Tribe factsheet](#).

2.4.3 Tribes/Consortia in Wisconsin

- [Bad River Band of Lake Superior Chippewa](#)
- [Forest County Potawatomi Community](#)
- [Great Lakes Indian Fish & Wildlife Commission \(GLIFWC\)](#)
- [Ho-Chunk Nation](#)
Information about emergency responses for the Ho-Chunk Nation of Wisconsin is available in the [Ho-Chunk Nation of Wisconsin factsheet](#).
- [Lac Courte Oreilles Band of Chippewa](#)
- [Lac du Flambeau Band of Chippewa](#)
- [Menominee Indian Tribe of Wisconsin](#)
- [Oneida Nation of Wisconsin](#)
- [Red Cliff Band of Lake Superior Chippewa](#)
Information about emergency responses for the Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin is available in the [Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin factsheet](#).

- [St. Croix Chippewa Tribe of Wisconsin](#)
- [Sokaogon Chippewa Community](#)
- [Stockbridge-Munsee Community](#)

Information about emergency responses for the Stockbridge-Munsee Community is available in the [Stockbridge-Munsee Community factsheet](#).

2.4.4 Tribes/Consortia in Minnesota

- [1854 Treaty Authority](#)
- [Bois Forte Band of Chippewa](#)
- [Fond du Lac Band of Chippewa](#)
- [Grand Portage Band of Chippewa](#)
- [Great Lakes Indian Fish & Wildlife Commission \(GLIFWC\)](#)
- [Leech Lake Tribe of Ojibwe](#)
- [Lower Sioux Community](#)
- [Mille Lacs Band of Ojibwe](#)

Responsible parties (RPs) for spills occurring within the reservation and on off-reservation Band properties shall report the incident to the Mille Lacs Band Department of Public Safety, Emergency Management Coordinator via cell phone 763-360-2729 (available 24/7) or pager 320-202-4123 (available 24/7).

Non-tribal RPs may also choose to report the spill by contacting the State of Minnesota Duty Officer at 651-649-5451 and 800-422-0798 (in-State long distance), who will notify the Mille Lacs Band Department of Public Safety Emergency Management Coordinator. This reporting option does not waive any jurisdictional claims that may be made by the 1855 Mille Lacs Reservation government.

The 1855 Mille Lacs Reservation tribal government has an established Tribal Emergency Response Committee (TERC). The Emergency Management Coordinator (EMC) under the Director of Public Safety is responsible for providing information to the TERC, which has overall direction and control of Reservation government resources involved in the response to an emergency within the reservation. The EMC also serves as primary liaison with the Mille Lacs County, Aitkin County and Pine County Emergency Management Directors. The 1855 Mille Lacs Reservation tribal government has regional Emergency Management mutual aid agreements in place with the above three counties as well as Tribal Police agreements with Mille Lacs and Pine Counties. During a major disaster, the Reservation's Emergency Operating Center (EOC) will be activated to direct and control the Reservation's response.

The 1855 Mille Lacs Reservation government has approximately 36 full-time staff available to respond to or monitor response to spills and environmental emergencies. These positions are in the Department of Public Safety and Department of Natural Resources and Environment.

The primary response role of the 1855 Mille Lacs Reservation government is intergovernmental coordination, oversight and advice. The above personnel are responsible for complaint investigation and emergency spill response and generally oversee the environmental aspects of spill containment, control, and mitigation, in conjunction with other nontribal responders. If necessary, ERT staff will proceed to the site to provide coordination and assistance in handling the emergency. Appropriately trained staff within the 1855 Mille Lacs Reservation government can provide hands-on response with air, water, soil collections and testing. It is anticipated, however, that all initial spill response will be conducted by emergency responders from local units of government and/or the RP. Environmental mitigation (after the initial response) associated with material spills will generally be conducted by the RP.

Under the authority granted by U.S. Presidential Executive Order 13084, signed in 2000, the 1855 Mille Lacs Reservation tribal government implemented an Emergency Operations Response Program to coordinate initial response efforts for releases. All response and cleanup conducted within the reservation and on off-reservation Band properties must be done in accordance with Mille Lacs Band statutes 11 MLBSA §§ 11 and 101-128.

The Commissioner of Natural Resources is the designated Natural Resources Trustee for the Tribe in accordance with Mille Lacs Band statute 11 MLBSA §2002 and the Chief Executive is the trustee for all Reservation Resources in accordance with Mille Lacs Band statute 4 MLBSA §6.

Overall direction from an oil or hazardous materials spill comes from the unified command system used by the TERC. The reservation has its own Tribal Police Department and fire response comes from off-reservation fire departments.

Since tribal ownership of land inside and outside the Reservation is very checker-boarded, the tribe follows the NIMS incident command system in which response starts with Reservation first. If the tribe expends all of its resources and staff, the tribe may choose to request assistance from federal, state, and local authorities and resources.

- [Minnesota Chippewa Tribe](#)

The Minnesota Chippewa Tribe is a consortium comprised of the Bois Forte, Fond du Lac, Grand Portage, Leech Lake, Mille Lacs, and White Earth reservations.

- [Prairie Island Indian Community](#)
- [Red Lake Band of Chippewa](#)
- [Shakopee Mdewakanton Sioux Community](#)
- [Upper Sioux Community](#)
- [White Earth Band of Chippewa](#)

2.5 Multi-Regional Responsibilities

The Federal OSC for a given incident is determined by the point of origin of the release. However, if a discharge or release affects areas covered by two or more RCPs/ACPs, the response mechanisms of both may be affected. In this case, response actions of all Regions concerned shall be fully coordinated as detailed in the RCPs.

There shall be only one OSC at any time during the course of a specific response operation. Should a discharge or release affect two or more areas, EPA, USCG, DOD, DOE, or other lead agency, as appropriate, shall give prime consideration to the area vulnerable to the greatest threat, in determining which agency should provide the OSC. The RRT shall designate the OSC if the RRT member agencies that have response authority within the affected area are unable to agree on the designation. The NRT shall designate the OSC if members of one RRT or two adjacent RRTs are unable to agree on the designation.

Where USCG has initially provided the OSC for response to a release of hazardous materials located in the coastal zone, responsibility for response shall shift to EPA, DOD or DOE as appropriate.

Several interregional entities have been established that have interests within Region 5 and have roles in response and planning. The entities vary considerably in their concerns and capabilities. The following is a list of these interregional organizations.

2.5.1 [Great Lakes Commission](#)

The Great Lakes Commission (GLC) is an interstate compact commission consisting of gubernatorially appointed and legislatively mandated representatives of the eight Great Lakes States (Minnesota, Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, and New York). The Commission was formed to promote the informed use, development, and protection of Great Lakes Basin land and water resources through regional coordination, policy development, and advocacy.

2.5.2 [Ohio River Valley Water Sanitation Commission](#)

The Ohio River Valley Water Sanitation Commission (ORSANCO) is an interstate water pollution control agency established in 1948, with membership consisting of representatives from the eight States in the Ohio River Valley (Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, Virginia,

and West Virginia), and a representative from EPA. The Commission is responsible for operating several programs:

- water quality monitoring of the Ohio River and its major tributaries
- regulation of wastewater discharge to the Ohio River
- investigation of particular water pollution problems

In addition, ORSANCO assists State environmental agencies, EPA, and USCG in emergency spill response and notification. ORSANCO maintains a spill notification database on the Ohio River and its tributaries. Specifically, in the event of a spill on the Ohio River or a major tributary, ORSANCO's role is to serve as an interstate communications center, assisting in emergency notification procedures and to coordinate emergency stream monitoring.

2.5.3 Upper Mississippi River Basin Association

The Upper Mississippi River Basin Association (UMRBA) is an interstate organization formed by the Governors of Illinois, Iowa, Minnesota, Missouri, and Wisconsin to maintain communication and cooperation among the States on matters related to water resources planning and management in the Upper Mississippi Basin. The five States are represented through gubernatorial appointees, and five Federal Agencies have advisory status. As part of its efforts to facilitate cooperative planning, the Association provides support to an ad-hoc Upper Mississippi Spills Coordination Group, which includes representatives of the five State response agencies, as well as EPA Regions 5 and 7, USCG, USFWS, NOAA, and USACE. The group meets periodically to discuss common problems and coordinate activities to respond to spills on the Upper Mississippi. This group also maintains a Response Plan and Resource Manual that defines spill response policy on the main stem of the Upper Mississippi River.

2.6. International Response

2.6.1 International Joint Commission

The International Joint Commission (IJC) is a bi-national organization that was created under the Boundary Waters Treaty of 1909 to advise the governments of the United States and Canada on issues concerning water quality and quantity in the boundary waters between the two nations. The IJC monitors and assesses cleanup progress under the Treaty and advises governments on matters related to the quality of the boundary waters of the Great Lakes system. The Commission consists of six members, three appointed by the President of the United States, and three appointed by the Prime Minister of Canada.

2.6.2 Joint Contingency Plans

There are three Joint Contingency Plans with Canada that affect Region 5, CANUSCENT and CANUSPLAIN in the Inland Zone, and CANUSLAK on the waters of the Great Lakes and upper St. Lawrence River. All three plans provide instruction for dealing with accidental and unauthorized releases of pollutants that cause or may cause damage to the environment along the shared inland boundary and that may constitute a threat to the public health, property, or welfare.

The links below will lead you to these plans.

- CANUSCENT: www.epa.gov/emergencies/docs/chem/canuscent.pdf
- CANUSPLAIN: www.epa.gov/oem/docs/chem/canusplain.pdf
- CANUSLAK: www.epa.gov/emergencies/docs/chem/jcpcan.pdf

2.7 Notifications and Public Affairs

Click here for [National Response Team \(NR\) Joint Information Center Model](#)

2.7.1 Discovery

It is the spiller's responsibility to report all spills. The spiller or responsible party is required to immediately report all releases of oil and hazardous substances into or on navigable water, adjoining shorelines, or the contiguous zone, to the National Response Center (NRC). The NRC will notify the appropriate OSC.

If EPA or USCG is the first to be notified of a release or discharge, they will notify State, Local and Tribal entities and the NRC. Notification will also be made to other potentially affected EPA Regions, USCG Sectors and Canadian Provinces. OSC notification of trustees is accomplished through protocols developed via trustee-specific agreements. For spills of significance, if the State or other agency is the first to be notified, they shall notify the appropriate Federal Agencies.

The objective is to promote timely and effective coordination among the entire spill response community including federal, state, local, tribal and private entities in response to an oil spill or hazardous substance release in Region 5.

For discharges or releases that fall outside the NRC notification protocols, if states are the first to be notified, the Department of the Interior requests notification by the state(s) through [the RRT contact list](#) of any significant discharges or releases that could significantly impact federal trust resources. These resources include threatened and endangered species, migratory birds and federal lands.

2.7.2 Public Information

All news releases or statements made by participating agencies shall be jointly coordinated and released through a public information office. The spokesperson shall notify, at a minimum, immediately affected citizens, local and State officials and, when appropriate, emergency management agencies. OSCs may consider use of the RRT5 to assist in media relations and other community involvement activities. Also, responsible parties may implement community involvement activities.

2.7.2.1 Public Information Assist Team (PIAT)

PIAT is one of the special forces mandated in the National Contingency Plan. The team provides emergency public information services to Federal On-Scene Coordinators, primarily during oil spills

and hazardous material releases. The team also provides these services for natural disasters, domestic terrorism events and weapons of mass destruction events.

Access to PIAT resources is available at www.uscg.mil/hq/nsfweb/piat/piatdefault.aspx

2.7.2.2 Crisis Communication Plan

The Crisis Communication Plan identifies the responsibilities of those gathering, organizing and releasing this information and establishes the process for coordinating efforts and meeting these demands through a well-defined dissemination process.

Information about Crisis Communication Planning and a template are available from Ready.Gov at www.ready.gov/business/implementation/crisis.

2.7.2.3 Emergency Support Function 15 – External Affairs (ESF 15)

ESF 15 ensures that sufficient Federal assets are deployed to the field during a potential or actual Incident of National Significance to provide accurate, coordinated, and timely information to affected audiences, including governments, media, the private sector, and the local populace. This annex details the establishment of support positions to coordinate communications to various audiences.

A description of ESF 15 can be found at www.fema.gov/pdf/emergency/nrf/nrf-esf-15.pdf

The Standard Operating Procedures for ESF 15 can be found at www.fema.gov/pdf/emergency/nrf/esf15_sop.pdf

2.8 Safety

2.8.1 Worker Health and Safety

The Hazardous Waste Operations and Emergency Response Standard (29 CFR 1910.120) can be found at:

www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9765

The EPA Health and Safety Manual can be found at:

www.epaossc.net/HealthSafetyManual/index.htm

The National Institute of Environmental Health Sciences "Safety and Health Awareness for Oil Spill Cleanup Workers" can be found at:

www.rrt5.org/Documents/PDFs/NIEHS_Oil_Spill_Manual_Awareness.PDF

2.8.2 Volunteer Worker Health and Safety

For job duties and responsibilities with a low magnitude of risk, fewer than 24 hours of training may be appropriate for post-emergency cleanup workers. It is the expectation of the Occupational Safety and Health Administration (OSHA) that though the number of hours of training may vary, a minimum of 4 hours would be appropriate in most situations. Moreover, petroleum spills are

unique in that many people who assist in the cleanup may not engage in this activity on a recurring basis. In addition, for maximum protection of the environment, petroleum spills dictate that cleanup must be completed as soon as possible (OSHA Instruction CPL 2-2.51). The DOL RRT5 representative is responsible for determining site-specific training requirements. For information see [National Response Team: Use of Volunteers Guidelines for Oil Spills](#).

2.8.3 Safety / Environmental Health Officers

The **Safety Officer** - (SO) function is to develop and recommend measures for assuring personnel safety, and to monitor and/or anticipate hazardous and unsafe situations. Only one SO will be assigned for each incident. Visit the [Incident Command System](#) website for more information.

2.8.4 Emotional Health Services

For information on critical incident stress management, please see the OSHA Critical Incident Stress Guide and other references at www.osha.gov/SLTC/emergencypreparedness/guides/critical.html

SECTION 3: OPERATIONS

3.1 Assessment and Classification

3.1.1 Spill of National Significance

A [Spill of National Significance](#) (SONS) is a spill that, due to

- 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, Tribal, and responsible party resources to contain and clean up the discharge.

A discharge may be classified as a SONS by the Administrator of EPA for discharges occurring in the inland zone and the Commandant of the USCG for discharges occurring in the coastal zone. For a SONS in the inland zone, the EPA Administrator may name a senior Agency official to assist the OSC in communicating with the affected parties and the public and coordinating Federal, State, local, Tribal, and international resources at the national level. This strategic coordination will involve, as appropriate, the NRT, RRT(s), the Governor(s) of affected State(s), and the mayor(s) or other chief executive(s) of local government(s).

3.1.2 Worst Case Discharge

[CWA Section 311\(d\)\(2\)\(J\)](#) requires the ACP to include procedures and standards for removing a worst case discharge of oil and for mitigating or preventing a substantial threat of such a discharge. The CWA specifically states that when implemented in conjunction with the NCP, the ACP must “be adequate to remove a worst case discharge, and to mitigate or prevent a substantial threat of such discharge from a vessel, offshore facility, or onshore facility operating in or near the area.”

The CWA and its implementing regulations require certain vessels and facilities to develop a spill response plan that is consistent with the ACP. Facilities and vessels subject to the regulations must identify a WCD in its response plan. The NCP defines a WCD to mean: 1) in the case of a vessel, a discharge in adverse weather conditions of its entire cargo, and 2) in the case of an offshore facility or onshore facility, the largest foreseeable discharge in adverse weather conditions.

The NCP at 40 C.F.R. 300.324 allows an ACP to further define a WCD by specifying what types of WCDs require activation of the WCD provisions of the ACP. For the purposes of this plan, WCDs are: (1) the WCD identified in Facility Response Plans (FRPs) approved by EPA Region 5 and (2) WCDs identified by subarea committees in the SACPs. As such, this RCP/ACP contains response measures adequate to address a WCD identified in EPA Region 5 approved FRPs as well as WCDs identified in SACPs. In addition, the regulatory scheme for approving vessel and facility response plans and the regulatory requirement that the RRT evaluate the effectiveness of an ACP in part by reviewing response actions carried out between RRT meetings allow for continued assessment of

the response strategies set forth herein. Accordingly, the removal strategies, equipment, personnel, and expertise described in this RCP/ACP and the SACPs are adequate to remove a WCD from a vessel, offshore facility, or onshore facility operating in or near the area.

For a list of FRPs approved by EPA and the WCDs identified in the Region 5 Area by subarea committees, see Appendix III.

It is important to note that at the time of this revision to the RCP/ACP, EPA Region 5 has not inventoried the entire Region 5 Area to assess all sources of oil regulated under the CWA and its implementing regulations. EPA Region 5 is currently undertaking such efforts in the 26 subareas through RRT5 subarea committees and will continue evaluating portions of the Region 5 Area that are not part of a designated subarea to identify additional WCDs.

See [Appendix II: Worst Case Discharges in Region 5](#) for information on identified WCDs.

3.1.3 Removing a WCD

Assumptions: The responsible party and federal/state/local agencies will respond to the discharge in an appropriate manner. Immediate containment of the discharge would not be feasible because it is a WCD.

Hazard Assessment: During a response effort, safety of human life is the highest priority. Stabilizing the situation is the next priority, which involves a hazard assessment. For a WCD scenario, the hazard assessment would identify critical infrastructure and resources that could be impacted as a result of the WCD.

Response Priorities: Safety of human life is the highest priority during a response. Stabilizing the situation is the next priority. Stabilizing the situation includes securing the source of the discharge and/or removing the remaining product from the container (tank, pipeline, etc.) to prevent additional oil spillage, to reduce need for follow-up response action, and to minimize adverse impact on the environment.

In addition to the release and control measures set forth in section 3.2 below, the following should be considered when attempting to minimize effects of a WCD:

Health and safety are the first priorities. Responders should be alert to:

- Fire and explosion potential from vapors at or near the spill site;
- Potential toxic effects from the spill and chemical countermeasures;
- Proper use of safety equipment;
- Hyperthermia, hypothermia, frostbite, or sunburn;
- Small boat safety;

- Helicopter and aircraft safety.

Speed is essential in recovery efforts. Responders should keep in mind the following:

- Oil spreads and drifts rapidly; delays will rapidly increase the area needing cleanup.
- If in-situ burning is a desirable alternative and a viable option, begin the ignition as early as possible to minimize potential for evaporation and emulsification.
- Oil is usually easier to deal with on water than after it has contacted the shore.
- Because any proposal for in-situ burning requires consultation with the Federal OSC, the State’s member of the RRT, federal and state natural resource trustees, and the State’s air permitting agency, development of a comprehensive proposal early in the spill response phase is desirable.

Cleanup Priorities

The nine oil spill remediation steps in response to a WCD are:

1. Stop the discharge.
2. Contain and remove spilled oil at the source to the extent possible.
3. Assess the amount and type of spilled oil via surveillance and tracking.
4. Follow procedures defined in subarea contingency plans and where applicable facility/vessel response plans; modify them as needed; document all actions.
5. Protect threatened resources and monitor shore-bound oil.
6. Contain and remove offshore oil that has escaped the primary control operation at the source.
7. Skim oil that has pooled in natural collection areas such as sloughs and coves.
8. Clean up shorelines where oil has stranded, to the extent possible and advisable.
9. Dispose of collected materials in accordance with applicable regulations.

Region 5 Area response expertise that can be utilized for a response in all subareas are listed in the table below. The SACPs may contain additional subarea-specific experts.

Expert	Affiliation	Area of Expertise	Contact Email	Contact Phone
Brian Cooper	EPA	<ul style="list-style-type: none"> • GIS • Data Management 	Cooper.Brian@epa.gov	(312) 353-8651

Dr. Faith Fitzpatrick	United States Geological Survey (USGS)	<ul style="list-style-type: none"> • Fluvial Geomorphology 	fafitzpa@usgs.gov	(608) 821-3818
Greg Powell	EPA Environmental Response Team (ERT)	<ul style="list-style-type: none"> • Oil Spill Dynamics and Behavior 	Powell.Greg@epa.gov	(859) 594-6549
Deborah Millsap	Ohio Field Office - United States Fish and Wildlife Service (USFWS)	<ul style="list-style-type: none"> • Natural Resource Damage Assessment • Wildlife Recovery and Rehabilitation 	deborah_millsap@fws.gov	614-416-8339 x14
Dan Sparks	Indiana Field Office - USFWS	<ul style="list-style-type: none"> • Natural Resource Damage Assessment • Wildlife Recovery and Rehabilitation 	daniel_sparks@fws.gov	<u>812-334-4261</u> <u>x219</u>
Dr. Lisa Williams	Michigan Field Office - USFWS	<ul style="list-style-type: none"> • Natural Resource Damage Assessment • Wildlife Recovery and Rehabilitation 	lisa_williams@fws.gov	(517) 351-8324
Betsy Galbraith	Wisconsin/Minnesota Field Offices - USFWS	<ul style="list-style-type: none"> • Natural Resource Damage Assessment • Wildlife Recovery and Rehabilitation 	betsy_galbraith@fws.gov	(920) 866-1753
Aleshia Kenney	Illinois Field Office	<ul style="list-style-type: none"> • Natural Resource Damage Assessment • Wildlife Recovery and Rehabilitation 	aleshia_kenney@fws.gov	<u>309-757-5800</u> <u>x218</u>
Ed Karecki	Chicago, IL Field Office - USFWS	<ul style="list-style-type: none"> • Natural Resource Damage Assessment • Wildlife Recovery and Rehabilitation 	edward_karecki@fws.gov	<u>312-216-4734</u>
Annette Trowbridge	Great Lakes Regional Office - USFWS	<ul style="list-style-type: none"> • Natural Resource Damage Assessment • Wildlife Recovery and Rehabilitation 	annette_trowbridge@fws.gov	612-713-5104

Region 5 Area response personnel and equipment that can be utilized for any response, including addressing a WCD, are available through EPA Region 5 Emergency Response Contracts (ERRS) and Technical Assistance Contracts (START).

In addition to these contracts, Region 5 has the ability to secure response contract capacity from the nine other EPA Regions and can call upon the response contracting systems of all the other federal agencies who are members of the National Response System. Section 4.2 of this RCP/ACP describes other available technical support. Each SACP may also contain a list of equipment (including firefighting equipment), [dispersants](#), or other mitigating substances and devices, and personnel available to an [owner](#) or [operator](#) and federal, [state](#), and local agencies, to ensure an effective and immediate removal of a [discharge](#), and to ensure mitigation or prevention of a substantial threat of a [discharge](#) in that subarea.

In addition to the experts, equipment and personnel provided by EPA, an OSC responding to an incident may rely on an owner or operator resources for responding to a WCD or other discharge or release scenario. As such, to check the ability of a facility to remove a WCD, the Region 5 shall periodically conduct Government Initiated Unannounced Exercises (GUIE) and drills of removal capability, without prior notice. Additionally, drills are to be conducted under the National Preparedness for Response Exercise Program (PREP), and may include participation by federal, state, and local agencies; owners and operators of facilities in the area; and other elements of private industry. This RCP/ACP integrates approved vessel, onshore facility, pipeline, and bulk transportation response plans through the sub-area contingency plans. EPA may coordinate with RRT5 members, Subarea Committee members, and other relevant stakeholders when planning for response drills as appropriate.

3.2 Discharge or Release Control

3.2.1 General Guidelines for Oil Spills

Shoreline Cleanup Guideline Matrices have been developed for the EPA Region 5 Area by the RRT5. These guidelines address the use of specific countermeasures on various shoreline habitats for four oil types. The shoreline types are listed in relative order of sensitivity. Habitat sensitivity is a function of a range of factors, including:

- degree of exposure to natural removal processes
- biological productivity and ability to recover following oil exposure
- human use of the habitat
- ease of oil removal

These correlate directly with the rankings used in the [Environmental Sensitivity Index](#) (ESI) atlases published for the U.S. Great Lakes by NOAA.

The classifications developed for these matrices indicate the relative environmental impact expected as a result of implementing the response techniques on a specific shoreline. The relative effectiveness of the technique also has been incorporated into the matrices, especially where use

of the technique would result in longer application and thus greater ecological impacts or leave higher oil residues in the habitat.

3.2.2 Actions to Lessen Impact

Defensive actions should begin as soon as possible to prevent, minimize, or mitigate the threat to the public health or welfare or to the environment. Actions may include the following:

- Analysis of water samples to determine the source and spread of the contaminants
- Control of the source of the discharge
- Measurements and sampling
- Placement of physical barriers to deter the spread of the oil or to protect sensitive environmental resources through coordination with resource agency specialists
- Control of the water discharged from upstream impoundments

If approved, the use of chemicals and other materials to restrain the spread of the oil and mitigate its effects, in accordance with the [NCP](#). Use of chemical agents is not pre-approved in Region 5.

Appropriate actions should be taken to recover the oil or mitigate its effects. Of the numerous chemical or physical methods that may be used, the chosen methods should be the most consistent with protecting the public health and welfare and the environment. Sinking agents **shall not be used**.

3.2.3. Use of Chemical Agents

Click here for [Chemical Use Guidelines](#)

The OSC must choose the best method from the available response tools in any incident. The physical recovery and removal of oil is the preferred cleanup technique. Under certain conditions, however, chemical agents can be an effective tool. If chemical use is considered, the guidelines below are intended to aid the OSC in making a decision.

EPA has compiled the [NCP Product Schedule](#), a list of dispersants and other chemicals which the OSC and/or PRP may consider for use during a spill emergency. The Product Schedule does not authorize or pre-approve use of any of the listed products. Use of dispersants or other oil emulsifiers is not pre-approved anywhere in Region 5 and is not likely to be allowed because of the limited dilution available in fresh waters, the use of freshwaters as a water supply, the limited toxicology information available for dispersants in fresh water, and the limited information available as to fresh water effectiveness of dispersants. The OSC may not authorize use of a product that is not listed on the Product Schedule.

Sinking agents shall not be used in EPA Region 5. EPA Region 5 does not promote the use of dispersants or other oil emulsifiers as they do not work in fresh water.

The use of

- surface collecting agents
- biological additives
- burning agents
- miscellaneous oil spill control agents

on surface waters, particularly near sensitive wetland or water supplies (freshwater systems) must be approved by State and/or Federal Agencies. Such use adds to the potential for serious impact of already released petroleum products. This stance is necessary to protect subsurface water intakes (potable and non-potable).

The Region does recognize, however, that as a last resort, such agents may have some limited applicability. An example of a situation in which chemical use might be considered for reasons other than protection of human life is during the migratory season, when significant migratory bird or endangered species populations are in danger of becoming oiled.

3.2.3.1. Application Steps for Use of Chemical Spill Control Agent

The OSC may authorize or is authorized to use any chemical product without concurrence of the R5 EPA representative to RRT5 when its use is necessary to prevent or substantially reduce a hazard to human life. The RRT should be notified as soon as practicable. In situations where a human hazard is not present, the OSC must receive the concurrence of

- the RRT Co-Chair, and
- the RRT representative(s) of the affected State(s), in consultation with
- the DOI RRT member (and, where the Great Lakes are affected, the DOC RRT member, where practicable)

before authorizing use of a listed product.

The OSC may consult with the NOAA or EPA Scientific Support Coordinator (SSC) prior to chemical agent application in EPA Region 5. The NOAA and EPA SSCs provide oil spill modeling results, interpretation of ESI maps, location of sensitive areas, chemical effects, and environmental risks.

The OSC will coordinate with RRT5 to authorize use of chemical agents on behalf of the responsible party. Use of chemical agents on a Regional boundary should include the appropriate RRT members of the bordering Region. The RRT shall be notified of any chemical agent use as soon as practicable.

Section 300.910 of the NCP requires RRTs and ACs to address the use of dispersants and other chemicals in planning activities and include applicable preauthorization plans that address the specific contexts in which substances and devices listed on the NCP Product Schedule should and should not be used.

Subject to the following conditions, RRT5 has authorized the use of socks, booms, pads, pillows or other devices which completely surround and contain one of the solidifier products listed on the NCP Product Schedule: ALSOCUP, Aqua N-CAP Polymer, CIAgent, WASTE-SET #3200, WASTE-SET #3400:

- a. Application of the solidifier product must be done in a manner that does not allow the solidifier product to be released from the sock, boom, pad or pillow; and
- b. The sock, boom, pad or pillow is not left in the environment for more than one week after contact with the oil; and
- c. The sock, boom, pad or pillow must be recovered from the water within one week of contact with oil or depletion of solidifying capacity and properly disposed of.

This preauthorization does not include preapproved use in Tribal or Department of Interior managed lands. The preauthorization does not apply to the above listed chemicals if they no longer remain on the NPC Product Schedule.

Solidifier preauthorization documents can be found in [Appendix VIII](#).

3.2.3.2 Chemical Use Checklist

The OSC/RPM will supply the appropriate members of the RRT with the information contained in the [Chemical Use Checklist](#). The checklist provides information concerning the circumstances of the spill, trajectories, environmental resources at risk, and available decision makers with the information necessary to make a decision on the use of chemical agents.

3.3 Containment and Collection

3.3.1 Tactics Manual

The [Inland Response Tactics Manual](#) describes general tactics to be applied during initial response to a spill of oil in fresh water.

3.3.2 Inspection and Disinfection to Prevent Spread of Invasive Species

When vessels, off-road vehicles, or equipment is brought in from outside the local area or watershed, inspection and disinfection, if needed, should occur *before* vessels and equipment are used in the spill area as well as after. As such, inspection and disinfection need to be operational for both mobilization and demobilization. This can be accomplished with a Disinfection Group whose activities can be coordinated or combined with a Decontamination Group.

Appendix IX of this RCP/ACP includes sample Disinfection Plan for preventing the spread of invasive organisms from vessels, off-road vehicles, or equipment, including procedures, equipment and supplies needed, and a sample checklist for inspection. An incident-specific Disinfection Plan should be approved by the U.S. Fish and Wildlife Service or the relevant state agency (e.g. Michigan Department of Environment, Great Lakes, and Energy) to ensure that the plan is consistent with current understandings of threats from invasive organisms.

3.4 Sample Collection

3.4.1 Sample Collection Procedures

The OSC must observe precautions when collecting and handling liquid samples for analyses, as the character of the sample may be affected by a number of common conditions. Standard agency protocols are to be followed in the collection and shipment of all samples.

3.4.2 Chain-of-Custody Record

All samples and other tangible evidence must be maintained in proper custody until orders have been received from competent authority directing their disposition. Precautions should be taken to protect the samples from breakage, fire, altering, and tampering. It is important that a record of the chain of custody of the samples be properly maintained from the time the samples are collected until ultimate use at the trial of the case. In this regard, a record of time, place, and name and title of the person collecting the sample, and each person handling same thereafter, must be maintained and forwarded with the sample. Form No. IEPA350051 may be used. EPA Regional procedures for sample collection, transport and custody are to be used for all samples submitted to the Central Regional Laboratory.

3.4.3 Photographic Records

Conditions should be photographed to show the source and the extent of oil or hazardous material. The following information should be recorded in the metadata for each image:

- Name and location of vessel facility
- Date and time the photo was taken
- Names of the photographer and witnesses
- Shutter speed and lens opening
- Type of media/imaging device used

3.5 Wildlife Training Materials

The following link opens a PowerPoint presentation containing training materials developed by Wildlife Branch for webinar-based training: [Wildlife Branch Training Webinar](#)

3.6 Transportation & Disposal

3.6.1 Federal Disposal-Hazardous Materials

Hazardous materials are to be handled according to RCRA requirements. Information can be found at: www.epa.gov/osw/inforesources/online/index.htm

3.6.2 Federal Management–Oil

Oil is to be handled according to RCRA requirements. Information can be found at: www.epa.gov/osw/inforesources/online/index.htm

Specific documents relevant to oil are located at:

<http://yosemite.epa.gov/osw/rcra.nsf/topics!OpenView&Start=1&Count=1000&Expand=72#72>

SECTION 4. PLANNING

4.1 Resource Protection

Mitigation and cleanup of spills requires knowledge of resources at risk. Because many source locations and pollution paths are possible, strict prioritization of protection strategies is difficult. However, identification of resources potentially at risk before an incident and discussion of their relative importance by the appropriate trustees are useful processes, both technically and from communications and human standpoints.

4.1.1 Environmentally and Economically Sensitive Areas

Environmentally and Economically Sensitive Areas are identified in the Inland Sensitivity Atlas series, a set of Geographic Information System (GIS) products intended to provide contingency planners and spill responders in Region 5 with the most accurate and relevant information possible for spill preparedness and response. The atlas series includes data about sensitive environmental, economic, and cultural resources; potential spill sources; and response resources within EPA Region 5, including portions of the basins of the Upper Mississippi River, the Ohio River, and the Great Lakes. GIS products from this joint effort are made available as paper atlases and in digital format, including an [online Inland Sensitivity Atlas viewer](#).

Information mapped includes:

- species data including Federal and State threatened and endangered species
- Federal, State, Regional, and privately-owned and managed natural resource areas
- Tribal Lands
- Federal, State, Regional, and private designations of natural resource areas (no ownership)
- drinking water intakes
- industrial water intakes
- locks and dams
- marinas and boat accesses
- oil storage above 42,000 gallons and oil pipelines
- Federal, State and Tribal Trustees

Types of environmentally and economically sensitive areas are detailed below, including agencies and programs that can be contacted for further information. Owners/operators should also incorporate information on locally managed environmentally and economically sensitive areas into their FRPs.

4.1.1.1 Cultural Sites

Identification of culturally sensitive sites in the vicinity of a spill can be accomplished by contacting the appropriate State Historic Preservation Officer (SHPO). This individual is generally associated with the State Historical Preservation Office or Society, which may or may not be within a department of State government. Contacts for individual States are provided in the table below.

State	SHPO Contact	SHPO Website
Illinois	Amy Martin (217) 785-7930 HPA.info@illinois.gov	www.illinois.gov/ihpa/Pages/default.aspx
Indiana	Cameron F. Clark (317) 232-1646	www.in.gov/dnr/historic/
Michigan	Brian D. Conway (517) 373-1630 ConwayB1@michigan.org	www.michigan.gov/mshda/0,4641,7-141-54317---,00.html
Minnesota	Barbara Mitchell Howard (651) 259-3466 barbara.howard@mnhs.org State Historic Preservation Office Phone: (651) 259-3450 mnshpo@mnhs.org	www.mnhs.org/shpo
Ohio	Burt Logan (614) 298-2000 ohpo@ohiohistory.org	www.ohiohistory.org/state-historic-preservation-office/historic-preservation-office-staff
Wisconsin	Chip Brown (608) 264-6508 chip.brown@wisconsinhistory.org	www.wisconsinhistory.org/Content.aspx?dsNav=N:1189

The National Parks Service (NPS) has responsibility for sites located on Federal lands within the Region. NPS maintains a registry of historically and culturally significant resources, the National Register of Historic Places, which can be accessed via the National Register Information System at www.nps.gov/subjects/nationalregister/database-research.htm.

Specific procedures and Federal OSC responsibilities regarding these sites are set forth in the [Programmatic Agreement on Protection of Historic Properties During Emergency Response](#). Further information about the NPS History and Culture program can be found at www.nps.gov/history

4.1.1.2 Fish, Wildlife and Plants

USFWS Field Response Coordinators are the primary Federal contact for information about migratory birds, endangered and threatened species, and fish and wildlife at risk as a result of spills in the inland and coastal zones. See [Appendix VI, Fish and Wildlife Annex](#) for further information.

Each State has fisheries and wildlife biologists, who may be assigned to a Department of Natural Resources or other State agency. These personnel are assigned to geographic areas within a State (district or region) and are listed in [Appendix VI](#). They can also be identified through State emergency response agencies or USFWS Pollution Response Coordinators.

The Inland Sensitivity Atlas includes inventories developed by each State's Natural Heritage or Natural Features Inventory.

The [Great Lakes Indian Fish and Wildlife Commission](#) (GLIFWC) can be a source of technical assistance in understanding Native American fish and wildlife management and cultural values. Another source of valuable information is the [National Animal Poison Control Center](#).

Sea Grant Universities and Extension Agents may be a source of local knowledge outside the public sector. These agents have contact with local scientists, fishermen, environmental groups, and other sources that may supplement information provided by regulatory agencies. They can be contacted through the NOAA SSC.

4.1.1.3 Protected Habitat

Updated information on protected habitat and economically and environmentally sensitive environments is provided in this plan in three separate indices, one for each of the three drainage basins in Region 5: The Great Lakes basin, the Mississippi River basin, and the Ohio River basin. Each index contains detailed information, in digital format, regarding the environmentally and economically sensitive areas, and Tribal interests.

Descriptive information, maps, and emergency contact lists are also included. The text in the indices provides further instructions on accessing the data available on the disks.

A variety of protected areas such as forests, parks, preserves, reserves, and management areas are managed by public or private organizations such as The Nature Conservancy/Heritage Foundation. Additional sources of this information include Federal or State land management agencies, which include the Departments of the Interior, Agriculture, and Commerce at the Federal level and their counterparts at the State and local levels.

4.1.1.4 Endangered Species Act Section 7(a)(2) Consultations

Oil spill response activities qualify as an emergency action under the Endangered Species Act. The emergency continues to exist until the removal operations are completed and the case is closed in accordance with 40 C.F.R. 300.320(b). The OSC will continue to conduct emergency consultations, if needed, until the emergency is over, and the case is closed. Formal, or informal, consultation is initiated after the emergency is over, at which time the USFWS and/or NMFS evaluates the nature of the emergency actions, the justification for the expedited consultation, and any impacts to listed species and their habitats.

RRT5 has engaged USFWS and NMFS during the ACP planning process and response strategies. This informal consultation determines the presence of listed species or critical habitat, and the effects of countermeasures, and ensures that measures to reduce or avoid impacts to listed species and critical habitats during oil spill response activities are developed. Response strategies set forth in the SACPs are specifically designed to protect listed species and critical habitat should be

implemented as soon as possible and to the extent practicable when responding to any discharge of oil or release of hazardous substances.

4.1.2 Trustees for Natural Resources

[CERCLA](#), [CWA](#) and [OPA](#) require the designation of certain [Federal](#), [State](#), and [Native American Tribal](#) officials to act on behalf of the public as trustees for natural resources that they manage or protect. Natural resources, as defined in [CERCLA](#) and [OPA](#), means land, fish, wildlife, biota, air, water, groundwater, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States, any state or local government, or Indian Tribe.

Roles & Responsibilities

Natural resource(s) trustees are responsible for assessing damages to resources under their jurisdictions resulting from oil spills or release of hazardous substances. Also, agencies are responsible for seeking recovery for losses from responsible parties and for devising and carrying out rehabilitation, restoration, and replacement of injured natural resources. Where more than one natural resource(s) trustee has jurisdiction over a resource, agencies will coordinate and cooperate in carrying out the activities described above (reference [NCP 300.600](#)). Damage assessment is controlled by the designated natural resource(s) trustees and not response; however, it is important for natural resource(s) trustees to work with the OSC/RPM to coordinate activities as necessary.

To minimize impacts to natural resources and assist trustees in carrying out their responsibilities, the OSC is required to

1. Promptly report actual or potential discharges or releases to those federal, state and tribal agencies designated as trustees for natural resources;
2. Consult with trustees and other natural resource managers in determining such impacts and appropriate protective actions;
3. Coordinate all response activities with trustees and other natural resource managers;
4. Make available to trustees documentation and information that can assist the trustees in determining actual or potential natural resource injuries; and
5. Consult with USFWS on all incidents and response activities that may affect federally listed threatened or endangered species or their habitats.

The trustees and other natural resource managers, consistent with procedures specified in the [Fish and Wildlife Annex \(Appendix VI\)](#), may provide timely advice on recommended actions concerning resources that are potentially affected by a discharge of oil or release of hazardous substances. This could include providing assistance to the OSC/RPM in identifying and recommending pre-approved response techniques and in predesignating shoreline types and areas.

See [Appendix VII](#) for a detailed discussion of trustee responsibilities.

The trustees are authorized to assess monetary damages for resources injured, lost, or destroyed as a result of discharge of oil or releases of hazardous substances. In addition, the trustees are authorized to seek damages from the responsible person(s), and to devise and carry out restoration, rehabilitation and replacement of natural resources. Where more than one trustee has jurisdiction over a resource, these agencies should coordinate and cooperate in carrying out their activities. RRT representatives from trustee agencies serve as contact points.

Points of Contact

The Region 5 contact for the DOI [Office of Environmental Policy and Compliance](#) is located in Philadelphia, PA, at (215) 597-5378.

NOAA acts on behalf of the U.S. Department of Commerce as a trustee for natural resources. NOAA contacts include member/trustee Representative Lt Rachel Pryor phone: (216) 522-7760 and alternate member Adam Davis phone: (251) 554-5012; 24/7 Emergency Contact for both: (206) 526-4911.

4.1.2.1 Federal Trustees

CERCLA requires the President to designate in the National Contingency Plan (NCP) Federal officials who are to act on behalf of the public as Trustees for natural resources under Federal trusteeship. Section 300.600 of the NCP designates the Secretaries of the following Cabinet Departments to act as Trustees for the natural resources, subject to their respective management or control:

- [Department of Agriculture \(USDA\)](#);
- [Department of Commerce \(DOC\)](#);
- [Department of Defense \(DOD\)](#);
- [Department of Energy \(DOE\)](#);
- [Department of the Interior \(DOI\)](#); and
- Other agencies authorized to manage or protect natural resources.

Specific information about each of the Secretary’s responsibilities can be found in the NCP at 40 CFR §300.600 or in the links supplied for each Cabinet Department above.

4.1.2.2 State Trustees

The governor of each state has designated state officials to act on behalf of the public as trustees for natural resources. Natural resources under state jurisdiction include all fish, wildlife and biota, including a shared trusteeship with the federal government for certain plants and animals, air, surface water, groundwater and land.

4.1.2.3 Native American Trustees

The tribal chairman or head of the tribal governing body, or person designated by tribal officials, acts as trustee of natural resources under Native American tribal trusteeship including lands and other natural resources belonging to, managed by, controlled by, or otherwise appertaining to the

tribe; or held in trust for the tribe; or belonging to a member of the tribe if subject to a trust restriction on alienation.

4.1.2.4 Cultural Resource Trustees

To be developed.

4.2 Technical Support Services

4.2.1 Field Services Section

The [Field Services Section, Superfund Division, Region 5](#) has the ability to perform limited field surveys at hazardous waste sites. The Section has staff and equipment to provide the following services using various techniques and field equipment:

- Surface geophysical surveys: using ground-penetrating radar, electromagnetic surveys, magnetometers, seismic refraction, and resistivity measures.
- Subsurface geophysical surveys: using seismic tomography, electromagnetic surveys, natural gamma detection, single-point resistivity, spontaneous potential measures, fluid resistivity, and various borehole measures.
- Soil/Groundwater samples: using a Geoprobe or similar equipment.
- Aerial photography: using a remote-control helicopter for low level flights.

4.2.2 Underwater Response

4.2.2.1 Underwater Survey Equipment

The following underwater survey equipment is available to the Region through the EPA Emergency Response Team (ERT):

- Remote-Operated Vehicle (ROV): For use in observing underwater objects from shore or boat (1,000-foot depth limit).
- Mesotech Sonar: Mounted on ROV to locate any object above bottom sediments. ROV directed to potential drums by sonar.
- Proton Magnetometer: Locates metal objects underwater. Towed behind a boat.
- Sediment and Water Sampling Equipment: Provides ability to sample water and sediments at any depth. Analyses performed at ERT's laboratory facilities, Edison, NJ.
- 20-foot Boston Whaler: Trailable boat specially designed for underwater electronic surveys and diving operations.
- Side-Scan Sonar Survey Equipment: Accurately maps bottom.

4.2.2.2 Diving Capabilities

The following diving and diving support resources are available to the Region through the EPA Emergency Response Team (ERT):

- ERT Diving Team: Three US EPA-certified divers with Level B-equivalent diving gear.
- Commercial (Contract) Divers: For long-term underwater removals, Region 5 uses private diving firms that comply with EPA's Chapter 10 Diving Safety Regulations.
- Various Diving Equipment: Available from any of EPA's five diving units.

4.2.2.3 U.S. Navy SUPSALV Program

The Chief of Naval Operations (CNO) Surface Warfare Program directs the U.S. Navy's Salvage Program which stems from 10 U.S.C. §7361-7364 (Salvage Facilities Act) authorizing the Secretary of the Navy to provide necessary salvage facilities for public and private vessels and settle claims for salvage services rendered by the Navy. This authority allows for the maintenance of a national salvage and oil spill response capability for use in peacetime, war, or national emergency, many of the primary responsibilities of which are assigned directly to SUPSALV. The NAVSEA 24-hour duty number is (202) 781-3889.

Information about SUPSALV is available online at www.supsalv.org/00c25_home.asp?destPage=00c25&pageId=25.1.

4.2.3 Remote Sensing

A variety of land-based remote sensing methods exist which have been successfully used and are commercially available through contractors. Contact EPA for details and to access its contracted resources.

Aerial remote sensing, primarily used for locating pollutants in water, is in its early stages of development. Technologies are similar to land-based systems; however, data acquisition and interpretation are costly and of limited value. The agencies listed below have capabilities and experts that can be consulted regarding the use of these techniques.

- EPA Environmental Photographic Interpretation Center (EPIC) Reston, Virginia (703) 648-4284; fax: (708) 648-4290
- NOAA Satellite Services Division (301) 763-8051 (business hours); (301) 763-8142, x 124
- Environment Canada (Emergency Science Division) (613) 998-9622

4.2.4 Models

4.2.4.1 Water

- NOAA [Great Lakes Environmental Research Laboratory](#) (Great Lakes open waters)
- [ReachScan](#) Model
- NOAA HazMat Modeling and Simulation Studies Branch (MASS)
- USACE [Cold Regions Research Engineering Laboratory](#) (CRREL) (Rivers: General plus St. Mary's, Detroit-St. Clair and Ohio Rivers specifically) and St. Lawrence Seaway Development Corporation (SLSDC)
- [ORSANCO](#) (Ohio River, main stem only)
- [USACE Districts](#)

4.2.4.2 Air Dispersion Model

CAMEO

CAMEO is a suite of software tools developed by EPA and the National Oceanic and Atmospheric Administration (NOAA), to assist front-line chemical emergency planners and responders. They can

use CAMEO to access, store, and evaluate information critical for developing emergency plans. For more information, visit www2.epa.gov/cameo/what-cameo-software-suite.

ALOHA

ALOHA is the hazard modeling program for the CAMEO software suite. It allows users to enter details about a real or potential chemical release, and then it will generate threat zone estimates for various types of hazards. ALOHA can model toxic gas clouds, flammable gas clouds, BLEVEs (Boiling Liquid Expanding Vapor Explosions), jet fires, pool fires, and vapor cloud explosions. For more information about ALOHA, visit www2.epa.gov/cameo/aloha-software.

4.2.4.3 Weather Forecasts and Observations

The most current weather information can be found on the National Weather Service website at www.nws.noaa.gov

4.2.4.4 Stream gages

Click here for [Hydro Viewer](#)

4.2.4.5 GLOS

[Data Portal](#): The GLOS Data Portal provides access to near-real-time and archived observations and to model forecasts for the Great Lakes. For more information, visit GLOS.US.

4.3 Tools

Standalone planning tools and information resources. Clicking on a section title will open the selected tool.

4.3.1 Air Monitoring Evaluation Flowchart

This tool is designed to help the responder identify appropriate actions for possible hazardous chemicals and radiation. Where the response type or any target chemicals are known, the user can view chemical characteristics, monitoring equipment and guidance, and appropriate measures based on levels present. Where environmental conditions are unknown, decision steps are laid out to help determine next courses of action."

4.3.2 Inland Response Tactics Manual

General information about tactics for use during initial response to spills to fresh water. Includes a description of the tactic, deployment considerations and limitations, equipment and personnel needed, support requirements and other reference information. Developed by Alaska Clean Seas and adapted for use in other regions.

4.3.3 Habitat Factsheets

Overviews of response considerations for habitats likely to be found in and around nearshore and inland waterways. Each factsheet includes a general description of the habitat, information about

the habitat's sensitivity to oil spills and to response methods, a list of response methods sorted by level of impact, and sources of additional information.

4.3.4 Incident Command System Forms

An index of links to standard ICS forms, provided as fillable forms in Microsoft Word or Adobe PDF format.

SECTION 5: LOGISTICS

5.1 Support

The following section includes resources to find assets for personnel, equipment, and supplies to support an incident.

5.1.1 Ground Support

Primarily responsible to support out of service resources, the coordination and transportation of personnel, supplies, food and equipment.

EPA Special Teams

www2.epa.gov/emergency-response/epas-role-emergency-response-special-teams

- EPA Environmental Response Team (ERT) – A group of EPA technical experts who provide around-the clock assistance at the scene of hazardous substance releases. ERT can be accessed through the EPA FOSC for an incident.
- Radiological Emergency Response Team (RERT) – RERT responds to emergencies requiring the cleanup of radioactive substances
- Chemical, Biological, Radiological, and Nuclear Consequence Management Advisory Division (CBRN CMAD) – CBRN CMAD provides scientific support and technical expertise for the decontamination of buildings, building contents, public infrastructure, agriculture and associated environmental media

USCG Special Teams

USCG Special Teams provide highly trained, experience personnel and specialized equipment to facilitate preparedness for and response to oil and hazardous substances pollution incident in order to protect public health and the environment.

- **National Strike Force**
www.uscg.mil/hq/nsfweb
- **Atlantic Strike Team**
www.uscg.mil/hq/nsfweb/AST/astdefault.asp
- **Gulf Strike Team**
www.uscg.mil/hq/nsfweb/GST/gstdefault.asp
- **Pacific Strike Team**
www.uscg.mil/hq/nsfweb/PST/pstdefault.asp
- **USCG Incident Management Assistance Team (IMAT)**
www.uscg.mil/lantarea/cgimat/default.asp
- **Public Information Assist Team**
www.uscg.mil/hq/nsfweb/piat/piatdefault.asp

5.1.2 Supply

Responsible for ordering personnel, equipment and supplies; receiving and storing all supplies for an incident; maintaining an inventory of supplies; and servicing non-expendable supplies and equipment

USCG Response Resource Inventory System

USCG database of Oil Spill Response Organizations:

cgrri.uscg.mil/UserReports/WebClassificationReport.aspx

5.1.3 Facilities

Responsible for activation and layout of incident facilities; provides sleeping and sanitation facilities for response personnel; and manages base and camp operations.

- Site security – generally, local law enforcement or responsible party will provide site security at the scene of an incident. However, FOSC has authority to provide for site security as necessary.
- National Nuclear Security Administration Radiological Assistance Program (RAP) – The RAP is the nation’s premier first-response resource in assessing an emergency situation and advising decision-makers on steps to take to evaluate and minimize the hazards of a radiological incident.

www.nsa.energy.gov/aboutus/ourprograms/emergencyoperationscounterterrorism/respondingtoemergencies/firstresponders-0

5.2 Services

Management of all service activities at an incident which includes communications, medical and food.

US General Services Administration’s Logistics Worldwide (LOGWORLD) – assists federal agencies in procuring logistics:

https://www.gsaadvantage.gov/ref_text/GS10F0330L/0NJESK.31U979_GS-10F-0330L_20141009GS10F0330L.PDF

5.2.1 Food

Supplying all food needs for the entire incident include remote locations as well as providing food for personnel unable to leave tactical field assignments.

Red Cross - The Red Cross helps disaster victims by providing safe shelter, hot meals, essential relief supplies, emotional support and health services like first aid. www.redcross.org/find-help/disaster-recovery

5.2.2 Medical

Develop Medical Emergency Plan, obtain medical aid and transportation for injured and ill incident personnel and preparing reports and records. May also assist Operations in supplying medical care and assistance to civilian casualties but is not intended to provide medical services to the public.

5.2.3 Communications

Develop plans for effective use of communications equipment and facilities; installing and testing communications equipment; supervising Incident Communications Center; distributing communications equipment to incident personnel and communications equipment and repair.

NRC Teleconference Services

The [National Response Center](#) is capable of establishing a teleconference of up to 650 participants. The system is intended for use in support of emergency response operations but can be made available on a limited basis for routine matters.

Federal OSCs and RRT chairmen may request a teleconference by contacting the [NRC](#) Duty Officer at 1-800-424-8802. They may request emergency conferences at any time but should provide 1-day advance notice whenever possible. A member of the RRT asking for phone lines in relation to RRT business may call the NRC or email the duty officer at NRC@uscg.mil with a request for teleconferencing services. If requesting via email, the requestor will get a response either by email or phone with the conference call line information.

Statewide Interoperability Plans

- Illinois: www2.illinois.gov/iema/LocalEMA/Documents/SCIP/SCIP.pdf
- Indiana: www.in.gov/ipsc/
- Michigan: www.michigan.gov/mpscs/0,4640,7-184-42060---,00.html
- Minnesota: dps.mn.gov/divisions/ecn/Pages/default.aspx
- Ohio: ema.ohio.gov/TechnicalSupport_CASM.aspx
- Wisconsin: www.interop.wi.gov/section.asp?linkid=1624&locid=166

Satellite Phones

EPA Region 5 maintains three satellite phones available with one each in Willowbrook, Illinois; Ann Arbor, Michigan; and Westlake, Ohio. They are model Motorola Iridium 9505A.

Portable Satellite Units

- Portable Satellite Units (PSU) were developed under the direction of the National Approach to Response-Field Communication Group. In an effort to support OSCs deployed for the September 2005 Hurricane Katrina response, these units were assembled and sent to the field. In 2007, 10 additional PSUs were purchased and distributed to EPA Regions and ERT in support of OSCs. In 2010, there was an upgrade to each PSU that includes VoIP phone service.

To access a PSU in Region 5, contact Jon Gulch by calling the EPA Region 5 spill phone at 312-353-2318.

Mobile Command Post

EPA Region 5 has a Mobile Command Post (MCP) that is stored at a contractor warehouse in Hammond, Indiana.

The MCP is made up of two main areas, separated by a slide pocket door; a forward work area with several workstations and the communications rack and a rear conference room with video conferencing capability. The MCP can be hard-wired to electrical power and phones or can operate from an on-board generator. The MCP has a satellite dish for internet data service, satellite television, Voice over Internet Protocol (VoIP) phones, and radio communications equipment. The MCP can monitor Regional television broadcasts via satellite and local stations through the Internet and over-air broadcast for situational news updates and changing weather patterns. The MCP is equipped with a telescoping external camera that can elevate above the scene and remotely operated to zoom in on nearby events. Security camera images can be captured on an on-board DVD-R recorder. An internal camera is in the command staff area of the MCP so briefings can be conducted and transmitted wirelessly to other locations, such as field command posts or the Regional office. The MCP has a computer network system with wired and wireless Internet, fax capability, and a local print server with two color printers and a large color plotter. The network is available on several on-board workstations and one external work area with flat panel display. The MCP has its own compact weather station. The MCP can be staffed with fully trained Logistics/Communications Unit personnel through the Region 5 Response Support Corp (RSC).

- MCP Phone Number: 312-324-3564
- MCP Fax Number: 312-550-7764
- 24-Hour Satellite Support (Miri Microsystems): 866-933-6015

GETS Cards

The [Government Emergency Telecommunications Service \(GETS\)](#) provides National Security/Emergency Preparedness (NS/EP) personnel a high probability of completion for their phone calls when normal calling methods are unsuccessful. It is designed for periods of severe network congestion or disruption and works through a series of enhancements to the Public Switched Telephone Network (PSTN). GETS is in a constant state of readiness. Users receive a GETS “calling card” to access the service. This card provides access phone numbers, Personal Identification Number (PIN), and simple dialing instructions.

SECTION 6: FINANCE

6.1 CERCLA-Funded Response

The person or persons responsible for discharges or releases are liable for costs of cleanup. Action will be initiated by the agency administering the funding mechanism to recover such expenditures from the party responsible for the discharge, if known. The OSC may also issue an Administrative Order, either by consent or unilaterally, to require financially viable responsible parties to conduct the removal action.

Until new guidance is published, all incidents requiring funding must be screened by category:

- a) CWA Section 311(k) for oil only, and
- b) CERCLA for any release or threat of release of a hazardous material as defined by CERCLA.

Any response to any potentially hazardous oil and hazardous materials mixture shall be CERCLA-funded. This section addresses U.S. EPA and State access to OPA and CERCLA funding. USCG procedures can be found in USCG ACPs.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980 and updated under the Superfund Amendments and Reauthorization Act (SARA) in 1986. An overview can be found at www.epa.gov/laws-regulations/summary-comprehensive-environmental-response-compensation-and-liability-act

- Funding guidance can be found through the National Pollution Fund Center at www.uscg.mil/Mariners/National-Pollution-Funds-Center/About_NPFC/OSLTF/
- Local Government Reimbursement under CERCLA www.epa.gov/emergency-response/reimbursement-local-governments-emergency-response-hazardous-substance-releases
- CERCLA Overview: www.epa.gov/superfund/superfund-cercla-overview
- USCG procedures for accessing CERCLA: www.uscg.mil/Portals/0/NPFC/docs/PDFs/urg/Ch2/URG_2_02.pdf?ver=2017-08-15-124954-970

Local CERCLA Access

The purpose of local CERCLA access is to provide funds (limited to \$25,000) in the form of reimbursements for expenses, to local, county, and tribal governments that respond to hazardous substance release in their jurisdiction.

Reimbursement to Local Governments for Emergency Response to Hazardous Substances Releases Regulation Overview:

www2.epa.gov/emergency-response/reimbursement-local-governments-emergency-response-hazardous-substance-releases

Local Governments Reimbursement Program:

www2.epa.gov/emergency-response/local-governments-reimbursement-program

6.2 Oil Pollution Act

The Oil Pollution Act established the Oil Spill Liability Trust Fund (OSLTF) to pay for oil spill cleanups and damages in cases where they responsible party cannot or will not pay for the cleanup. The OSLTF is administered by the USCG's National Pollution Fund Center.

Summary of Oil Pollution Act www.epa.gov/laws-regulations/summary-oil-pollution-act

- Statute www.law.cornell.edu/uscode/text/33/chapter-40
- Oil Spill Liability Trust Fund: www.uscg.mil/Mariners/National-Pollution-Funds-Center/About_NPFC/OSLTF/
- National Pollution Funds Center www.uscg.mil/Mariners/National-Pollution-Funds-Center
- NPFC User Reference Guide – reference tool during an oil or hazardous materials spill incident for Coast Guard and EPA FOSCs: www.uscg.mil/Mariners/National-Pollution-Funds-Center/URG/
- CANAPS-Ceiling and Number Assignment Processing System – EPA FOSCs use to obtain a Federal Project Number when responding to an oil spill: www.uscg.mil/Portals/0/NPFC/docs/PDFs/urg/Ch2/CanapsTutorial.pdf
- Technical Operating Procedures for Resource Documentation under Oil Pollution Act of 1990: www.uscg.mil/Mariners/National-Pollution-Funds-Center/Publications/tops/

Local OPA Access

Direct State Access: States must request direct access through the Federal On-Scene Coordinator (FOSC) and must be approved by the FOSC. The request can only come from the official designated by the Governor

www.ecfr.gov/cgi-bin/text-idx?c=ecfr&rgn=div5&view=text&node=33:2.0.1.2.5&idno=33

Pollution Removal Funding Authorizations (PRFA): For PRFAs, the State acts as a contractor to the FOSC on site and can oversee site activities. The State can oversee Federal contractors under a PRFA.

www.uscg.mil/Mariners/National-Pollution-Funds-Center/Documentation-Cost/PRFAs/

Claims:

www.uscg.mil/Mariners/National-Pollution-Funds-Center/Claims/

6.3 FEMA Disasters, Stafford Act

The Stafford Act provides the legal authority for the federal government to aid states during declared major disasters and emergencies.

- National Response Framework:
www.fema.gov/media-library-data/20130726-1914-25045-1246/final_national_response_framework_20130501.pdf
- National Response Framework-Financial Management Support Annex:
www.fema.gov/pdf/emergency/nrf/nrf-support-fin.pdf
- FEMA's Public Assistant Applicant Handbook-Handbook
Developed by FEMA to assist communities in recovering from disasters to get better understanding of the Public Assistance Program:
www.fema.gov/pdf/government/grant/pa/fema323_app_handbk.pdf
- Mission Assignments
Mission assignments are issued by FEMA to direct other federal agencies for tasks in response to a Stafford Act event under the National Response Framework. MA are provided in anticipation of or in response to a Presidential declaration
www.rrt6.org/Uploads/Files/Mission%20Assignment%20Process%20Overview.pdf
- Mission Assignment Overview (IS-293):
www.fema.gov: Stafford Act

6.4 Forms

- **Pollution Removal Funding Authorization (PRFA):** A PRFA is issued to a government agency to assist the FOSC when responding to an oil spill. Forms for issuing a PRFA to a federal or state agency can be found at the website. The FOSC will prepare cost documentation to the NPFC. Each agency involved in the spill must have a separate PRFA.
www.uscg.mil/Mariners/National-Pollution-Funds-Center/Documentation-Cost/PRFAs/
- **Claims:** Claims against the Oil Pollution Act of 1990 can be submitted to the National Pollution Fund Center for damages due to an oil spill or uncompensated removal costs. A claim can be submitted by local and State agencies for costs incurred related to an oil spill. Spill response contractors can also submit a claim against the OSLTF for costs incurred if the responsible party has been invoiced and is not willing to pay contractor. Costs for spill cleanup can be submitted to the NPFC after the incident if direct state access or a PRFA was not used. An FOSC is not involved in the claims process. When submitting a claim against the OSLTF, the claimant must ensure:
 - Response actions taken are consistent with the NCP
 - The material spilled is an oil
 - The name of the navigable water threatened or impacted by the oil
 - A cost breakdown of the amount being claimed:
www.uscg.mil/Portals/0/NPFC/docs/PDFs/CG-NPFC-CA1.pdf

Appendix I: RRT Roster

www.rrt5.org/RRT/Roster.aspx

Appendix II: Worst Case Discharges in Region 5

Available online at www.rrt5.org/RCPACPMain/RCPACPApPendices/WorstCaseDischarges.aspx

Appendix III: Shoreline Cleanup Guideline Matrices

Available online at

www.rrt5.org/RCPACPMain/RCPACPApPENDICES/ShorelineCleanupMatrices.aspx

Appendix IV: Disinfection Procedures for Invasive Species in Vessels and Water Wetted Equipment

Available online at www.rrt5.org/RCPACPMain/RCPACPApendices/DisinfectionProcedures

Appendix V: Chemical Use Guidelines

Available online at www.rrt5.org/RCPACPMain/RCPACPApPendices/ChemicalUseGuidelines.aspx

Appendix VI: In Situ Burning of Oil

Available online at www.rrt5.org/RCPACPMain/RCPACPApPendices/InSituBurning.aspx

Appendix VII: Fish and Wildlife Annex

Available online at www.rrt5.org/RCPACPMain/RCPACPApPendices/FishWildlifeAnnex.aspx

Appendix VIII: Region 5 RRT Oil Spill Solidifier Preapproval Documentation

Available online at <http://www.rrt5.org/Portals/0/Appendices/5 RRT solidifier preapproval documents.pdf>

Appendix IX: Acronyms and Definitions

Available online at www.rrt5.org/RCPACPMain/RCPACPAppearices/AcronymsDefinitions.aspx

Appendix X.
Memorandum of Agreement
for Emergency Responses to Oil and Hazardous Substances Release
between The Wisconsin Department of Military Affairs, Division of
Emergency Management,
The State of Wisconsin Department of Natural Resources and
The US Environmental Protection Agency, Region V,
The United States Coast Guard, Ninth District

MEMORANDUM OF AGREEMENT
BETWEEN
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5
AND
UNITED STATES COAST GUARD
REGARDING RESPONSE BOUNDARIES FOR
OIL AND HAZARDOUS SUBSTANCES POLLUTION INCIDENTS AND
FEDERAL ON-SCENE COORDINATOR RESPONSIBILITIES

Section 1: PARTIES

The Parties to this Memorandum of Agreement (MOA) are the United States Environmental Protection Agency (EPA), Region 5 and the United States Coast Guard, Eighth District (“USCG D8”).

Section 2: PURPOSE AND AUTHORITIES

- A. The intent of this MOA is to delineate the Region 5 inland zone geographical boundaries establishing responsibility for the predesignation of Federal On-Scene Coordinators (FOSCs) for pollution response, pursuant to the Federal Water Pollution Control Act, as amended, also known as the Clean Water Act (CWA), 33 U.S.C. §§ 1251 – 1387; and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. § 300.120.
- B. This agreement is established under the provisions of 33 U.S.C. §§ 1251 – 1387, 14 U.S.C. § 93(a)(20), 14 U.S.C. § 141, 40 C.F.R. § 300.120, and EPA Delegation 1-11.

Section 3: DEFINITION

Except where otherwise specifically defined in the context of its use herein, or where specifically set forth below, terms used in this MOA shall have the meaning set forth in federal law. The definition supplied below is meant to enhance and supplement the understanding of those terms, as used in federal law, and is not meant to usurp or alter their meaning under federal law.

- **Commercial Vessels.** “Commercial vessels” are vessels in commercial service that conduct any type of trade or business involving the transportation of goods or individuals, except combatant vessels. This definition includes: tank vessels (ships and barges); freight vessels and inspected and uninspected barges; commercial fishing vessels; inspected passenger vessels; and uninspected towing vessels. This definition excludes recreational vessels, permanently moored structures, and cranes, generators, and temporary storage devices not an integral part of an uninspected barge, which, while they may appear to be vessels or part of the vessel are not inspected by the Coast Guard, e.g., an uninspected deck barge that experiences a ruptured hydraulic line from non integral crane would be an EPA-led response.

Section 4: ENTITIES WITHIN THE GEOGRAPHICAL ZONE

- A. The EPA Region 5 geographical zone includes the area that covers Illinois, Indiana, Minnesota, Ohio, and Wisconsin within U.S. Coast Guard Eighth District.
- B. The following USCG D8 commands fall within the geographical zone under this MOA:
 - 1. Sector Upper Mississippi River: The Sector Upper Mississippi River Captain of the Port (COTP) area of responsibility (AOR) is detailed within 33 C.F.R. § 3.40-40.
 - 2. Sector Ohio Valley: The Sector Ohio Valley Captain of the Port (COTP) area of responsibility (AOR) is detailed within 33 C.F.R. § 3.40-65.
 - 3. Marine Safety Unit (MSU) Pittsburgh: COTP MSU Pittsburgh is responsible for an area that covers Southwestern Pennsylvania and portions of Ohio and West Virginia. The AOR includes the following within EPA Region 5: Ohio River MM 40.5 to 112.0.

Section 5: INLAND ZONE BOUNDARY DESIGNATIONS

- A. EPA Region 5 designation:
 - 1. EPA Region 5 provides the predesignated FOSC for pollution response in the inland zone, as defined in the NCP, 40 C.F.R. § 300.5. All discharges or releases, or a substantial threat of such a discharge or release of oil, hazardous substances, pollutants or contaminants originating within the inland zone will be the responsibility of the EPA. Included are discharges and releases from unknown sources.
 - 2. The EPA FOSC is the predesignated FOSC for all areas or pollution incidents within Region 5 with exception of Section 5.B and the general response provisions delineated below. Responsibilities regarding inland waterways between EPA Regions (i.e., Ohio River and the Mississippi River) are delineated in separate Memorandums of Understanding (MOUs) among the EPA Regions.
- B. USCG D8 COTP FOSC Predesignation:
 - 1. The EPA Region 5 predesignates the relevant USCG D8 COTP as the FOSC in response to an incident in the inland zone when it:
 - (a) Involves either: (1) a commercial vessel, including a commercial vessel that has partially or completely sunk; (2) a commercial vessel transfer operation; or (3) it is within or originating from the USCG regulated portion of a facility; and

- (b) Results in a discharge or substantial threat of a discharge of oil or release or substantial threat of a release of a hazardous substance into or on the navigable waters of the United States or adjoining shorelines.
- 2. For the purposes of this MOA, the USCG regulated portion of a facility extends from the facility transfer system's connection with the vessel to the first valve inside the secondary containment surrounding tanks in the non-transportation-related portion of the facility or, in the absence of secondary containment, to the valve or manifold adjacent to the tanks comprising the non-transportation-related portion of the facility, unless another location has otherwise been agreed to by the COTP and the appropriate federal official.

Section 6: GENERAL RESPONSE PROVISIONS

- A. These provisions apply to all EPA FOSCs and USCG COTP/FOSCs serving EPA Region 5.
- B. The USCG and EPA Region 5 will assist each other consistent with agency responsibilities and authorities through the cognizant COTP and the inland zone predesignated EPA FOSC.
- C. These provisions do not preclude mutual assistance between the two agencies. In addition to 40 C.F.R. § 300.135(b), in this EPA Region, the EPA and the USCG will carry out agency and specific pollution response responsibilities under the NCP and the Regional Contingency Plan/Area Contingency Plan (RCP/ACP), and will assist each other to the fullest extent possible to prevent or minimize the impacts of a discharge of oil, or substantial threat of a discharge of oil, or release, or a substantial threat of release of a hazardous substance where each respective agency has jurisdiction.
- D. Such mutual assistance will be provided based on notification and mutual consent that the assistance is requested and necessary to respond to: (i) a discharge of oil, or a substantial threat of a discharge of oil, (ii) a release, or substantial threat of a release of a hazardous substance, (iii) a release or substantial threat of a release of pollutants or contaminants which may present an imminent and substantial endangerment to the public health or welfare. Notification will be provided by the COTP to the EPA FOSC, or by the EPA FOSC to the COTP, whenever a spill is discovered that appears to warrant the provision of mutual assistance. When it is mutually agreed that the provision of such assistance is beneficial, an FOSC from either organization may serve in the following capacities:
 - 1. As the FOSC for that incident;
 - 2. As the Federal On-Scene Coordinator's Representative (FOSCR) for the predesignated OSC; or,
 - 3. Perform duties as first federal official as outlined in 40 C.F.R. § 300.135(b).

- E. Regardless of any agreements within this MOA, it is the responsibility of the EPA and the USCG to ensure that the other agency has properly taken over FOSC responsibilities in its zone prior to relieving itself of any FOSC responsibility. Any verbal agreement to transfer FOSC responsibilities shall be followed up in writing and/or documented in a Situation Report (SITREP) or Pollution Report (POLREP).
- F. When the COTP is not notified via the National Response Center, the EPA shall notify the COTP immediately for all known commercial vessel and USCG regulated facility spills or releases in the inland zone.
- G. The USCG COTP shall inform the EPA Region 5 duty officer immediately when the reported discharge or release is an actual or potential medium or major discharge or release as defined in 40 C.F.R. § 300.5 and required by 40 C.F.R. § 300.320. Additionally, the COTP shall provide a verbal report or SITREP/POLREP for all other response actions.
- H. The USCG D8 COTP in each zone shall provide, annually, a list of fixed USCG regulated facilities (33 C.F.R. §§ 126, 127, and 154) located in the inland zone of their area of responsibility to the Co-Chairs of the Regional Response Team.
- I. In addition, EPA Region 5 will notify the COTP and the Eighth Coast Guard District of any Regional Contingency Plan/Area Contingency Plan (RCP/ACP) meetings for the participation of Coast Guard units in the regional contingency planning process.

Section 7: OTHER PROVISIONS

- A. Nothing in this Agreement is intended to conflict with current law or regulation or the directives of the United States Coast Guard or the Environmental Protection Agency, or any department in which these parties may be operating, nor any such laws, regulations or directives that may be promulgated hereafter. If a term of this Agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this Agreement shall remain in full force and effect.
- B. Notwithstanding any terms of this Agreement, nothing herein shall be construed to diminish or supersede any rights or authorities available to the parties. This MOA neither amends nor repeals any other requirement or authority conferred by any other provision of law. Nothing in this MOA shall limit, deny, amend, modify, or repeal any other requirements or authorities of agencies of the United States.

- C. This MOA does not create any right or benefit, substantive or procedural, enforceable by law or equity, by persons who are not party to this Agreement, against the EPA or USCG, their officers or employees, or any other person. This MOA does not direct or apply to any person outside of the EPA or USCG.
- D. Each party agrees that should a third party claim arise under the terms and conditions or the Federal Tort Claims Act (FTCA), Title 28, U.S.C. §§ 1346 and 2671 et seq., or of the laws of any state based on negligence or a wrongful act or omission, the party whose employee(s)' conduct gave rise to the claim shall be responsible for the investigation and disposition of said claim. For claims involving conduct of employees of more than one party arising out of a joint activity conducted pursuant to this MOA, the parties agree to work cooperatively to determine which entity will be primarily responsible for the investigation and disposition of the claim.
- E. As required by the Anti-deficiency Act, 31 U.S.C. §§ 1341 and 1342, all commitments made by the EPA and USCG in this MOA are subject to the availability of appropriated funds and budget priorities. Nothing in this MOA, in and of itself, obligates either party to expend appropriations or to enter into any contract, assistance agreement, interagency agreement or incur other financial obligations. Any transaction involving transfers of funds between the parties to this MOA will be handled in accordance with applicable laws, regulations and procedures under separate written agreements. This MOA will be incorporated by reference or included as an enclosure to any reimbursable agreement between the USCG and EPA resulting from this MOA.

Section 8: EFFECTIVE DATE, MODIFICATION, AND TERMINATION

This Agreement will become effective upon the signature of both parties. The Agreement will be subject to review and amendment coincident with each periodic review of the Regional, Area and other applicable contingency plans and at any other time at the request of either of the parties. It may be terminated by either party, effective 30 calendar days after providing written notice to the other. It will remain in effect until modified by mutual agreement or terminated.

Section 9: POINTS OF CONTACT

Points of Contact for the coordination, support, and implementation of this Agreement are as follows:

- A. EPA Region 5 – Mr. Jason El-Zein, Chief, Emergency Response Branch 1, Superfund Division, Chicago, IL at (734) 692-7661; EPA’s 24 hour number: (312) 353-3218.
- B. Eighth Coast Guard District – Captain Jose Jimenez, Chief, Response Division, New Orleans, LA at (504) 671-2229; USCG D8’s 24 hour number: (504) 589-6225.

Section 10: SUPERSEDING POWER

Regional and Area Contingency Plans of the signatory agencies will be amended to reflect the geographical boundaries and agreements contained herein. This MOA supersedes other MOU/MOAs previously in effect concerning the FOSC boundaries for purposes of pollution response within EPA Region 5.

Agreed to and entered into by the undersigned.

For U.S. EPA Region 5:



Date: 2/21/17

Robert A. Kaplan
Acting Regional Administrator
U.S. EPA Region 5
Chicago, IL

For USCG D8:



Date: 15 MAR 17

David R. Callahan
Rear Admiral, U.S. Coast Guard
Commander, Eighth Coast Guard District
New Orleans, LA

Appendix XI.
Memorandum of Agreement
between United States Environmental Protection Agency Region 5
and United States Coast Guard
Regarding Response Boundaries for Oil and Hazardous Substances
Pollution Incidents and Federal On-Scene Coordinator Responsibilities



**MEMORANDUM OF AGREEMENT FOR
EMERGENCY RESPONSES TO OIL AND HAZARDOUS SUBSTANCE RELEASES**

BETWEEN

**THE WISCONSIN DEPARTMENT OF MILITARY AFFAIRS, DIVISION OF
EMERGENCY MANAGEMENT
THE STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES**

AND

**THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION V
THE UNITED STATES COAST GUARD, NINTH DISTRICT**

PARTIES

This Memorandum of Agreement is between the Wisconsin Department of Military Affairs, Division of Emergency Management, the Wisconsin Department of Natural Resources (State Agencies) and the U. S. Environmental Protection Agency (USEPA) for the inland zone portion of Wisconsin as defined in the Regional Contingency Plan (RCP) and the U. S. Coast Guard (USCG) for the coastal zone portion of Wisconsin as defined in the RCP (Federal Agencies) (See Attachment).

This Memorandum of Agreement neither expands nor abridges the rights of any party, including potentially responsible parties, not signatory to this Agreement.

BACKGROUND

An effective response to any type of emergency requires coordinated, cooperative and unified efforts of all involved parties. A comprehensive approach to emergency response focusing on oil and hazardous substances has been established through federal legislation and regulation such as the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Clean Water Act (CWA), as amended by the Oil Pollution Act of 1990 (OPA 90) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). Prior to the enactment of the federal legislation above-referenced, the State of Wisconsin enacted Emergency Management and Hazardous Substance Spills legislation (as codified in Chapter 166 and §292.11 of the Wisconsin

State Statutes respectively) which enhance and serve as companions to the federal legislation. These laws were established to protect public health and safety and to ensure the integrity of the environment by providing a mechanism for planning and conducting response actions.

PURPOSE

Responsibility for planning for an effective emergency response to a release rests with representatives from the affected local communities, industries and the State and Federal Agencies. For the vast majority of cases, the local jurisdiction's Incident Commander will have sufficient expertise and resources to mount a timely and effective emergency response. However, for larger or more complicated emergency responses involving multiple jurisdictions, two or more states, or significant national or international efforts, a Unified Command will be more effective. The NCP recognizes the need for a cooperative effort which can be enhanced through Unified Command. Within Unified Command, the local jurisdiction affected by an oil or hazardous substance release works together with State and Federal agencies, as appropriate, and in the event of a release, the responsible parties. The affirmation of that local authority, alternatively known as "Home Rule", is formally delegated to local units of government under Article XI §3 of the Wisconsin Constitution and in §§59.03, 59.04 and 62.04 of the Wisconsin Statutes. Recognition of this local authority and responsibility during an oil or hazardous substance spill is consistent with the intent of OPA 90, CERCLA and the NCP.

POINTS OF AGREEMENT

The State of Wisconsin considers the retention of authority by local jurisdictions in emergency responses to be integral to the principle of "Home Rule" as codified in Article XI §3 of the Wisconsin Constitution and in §§59.03, 59.04 and 62.04 of the Wisconsin Statutes. In order to respond more effectively, local, State and Federal agencies must work together within the concept of "Home Rule". This can be accomplished by defining the roles and responsibilities of all involved parties in the Area Contingency Plan, the State Contingency Plan and the Regional Contingency Plan. The following points clarify how local, State and Federal agencies will cooperate and coordinate in the State of Wisconsin during an oil or hazardous substance release:

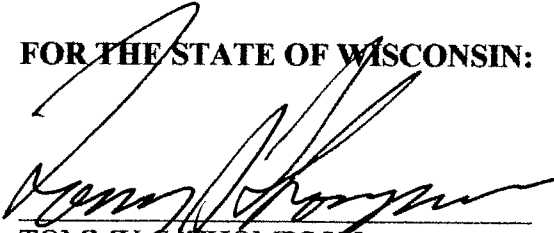
- Local units of government retain their respective authorities as delegated in Article XI §3 of the Wisconsin Constitution and in §§59.03, 59.04 and 62.04 of the Wisconsin Statutes.
- The State of Wisconsin retains its authority as provided in Chapter 166 and §292.11 of the Wisconsin Statutes.
- The Federal Agencies retain their authority and the ability to respond pursuant to the National Contingency Plan (NCP), CERCLA, CWA as amended by OPA 90, and the Constitution and laws of the United States.

- The local Incident Commander, who will normally be the first government representative on scene for a release, is expected to initiate public safety measures that are necessary to protect public health and welfare.
- Unified Command, when formed, shall include the local Incident Commander. The local Incident Commander, as delegated by the Chief Elected Official, will represent the authority of the local jurisdiction.
- The State and Federal Agencies will designate representatives to establish a Unified Command as outlined in the Area Contingency Plan and dependent upon the unique nature of the incident and emergency response expertise required.
- The local units of government, State and Federal Agencies will participate as members of the Unified Command during all stages of an emergency, from response to recovery, as provided in the Area Contingency Plan.
- All local, State and Federal Agencies and responsible parties, that are part of, or are reporting to, the Unified Command will retain their respective roles and responsibilities, and will function under the coordination of the Unified Command. Within the Unified Command, when State or Federal resources are required to effectively protect human health and the environment as indicated in the National Contingency Plan, overall coordination may shift from the local Incident Commander to a State or Federal On-Scene Coordinator. The Unified Command will, to the extent possible, form decisions by consensus among local units of government, State and Federal Agencies. It is acknowledged and agreed that neither the Federal, State or local authorities can direct each others resources without the approval from the jurisdiction who provided the resources.
- The Area Contingency Plan, the State Contingency Plan and the Regional Contingency Plan will reflect the intent of this Agreement.

Attachment: Appendix 1 to Region V Regional Contingency Plan

SIGNATURES

FOR THE STATE OF WISCONSIN:



TOMMY G. THOMPSON

Governor

Date: October 7, 1998

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:



DAVID A. ULLRICH

Acting Regional Administrator

USEPA Region V

Date: 10-7-98

FOR THE U.S. COAST GUARD:



JOHN F. MCGOWAN

Rear Admiral, U.S. Coast Guard

Commander, Ninth Coast Guard District

Date: 10/7/98

APPENDIX 1: JURISDICTIONS IN REGION 5

1. REGIONAL AREAS

Region 5 has been divided into two operational areas, inland and coastal, which correspond to the areas in which U.S. EPA and USCG are responsible respectively for providing OSCs. The coastal operational area consists of the open waters of the Great Lakes, including Lake St. Clair, the interconnecting rivers, major bays, ports, and harbors of the Region 5 States; and the land surface, land substrata, ground water, and ambient air proximal to those waters. The inland operational area includes all other land territory of the six States of Region 5, including each State's inland lakes and rivers. Numerous Native American community reservations and treaty rights areas are also delineated within Region 5.

Two Coast Guard Districts share Federal Region 5. The Ninth Coast Guard District, headquartered in Cleveland, serves the Great Lakes drainage basin. The Eighth Coast Guard District, headquartered in New Orleans, serves the drainage basins of the upper Mississippi and the Ohio Rivers.

Within the Great Lakes coastal zone, the appropriate Captain of the Port (COTP) functions as the predesignated OSC for all oil and hazardous substance releases, subject to a DOT/U.S. EPA redelegation of certain CERCLA response authorities. U.S. EPA performs the following two categories of response actions within the coastal zone: 1) remedial actions for releases originating from facilities, and 2) all response actions for releases originating from hazardous waste management facilities.

The scope of the Eighth Coast Guard District response role is defined by a revised Memorandum of Understanding (MOU), between that District and U.S. EPA Region 5, signed by the Regional Administrator on April 12, 1993. The revised MOU assigned U.S. EPA as the predesignated OSC for the entire inland zone, including the inland river system within the Eighth Coast Guard District for responding to all discharges of oil and hazardous substances.

DOD or DOE provides OSCs for all response actions for releases of hazardous substances, pollutants, or contaminants which originate on any facility or vessel under the jurisdiction, custody, or control of DOD or DOE. In the case of a Federal agency other than U.S. EPA, USCG, DOD, or DOE, such agency shall provide OSCs for all removal actions necessitated by releases originating on any facility or vessel under its jurisdiction that are not emergencies.

U.S. EPA or USCG OSCs may be requested to provide technical assistance to the lead agency OSC who is responding to the release or threatened release. In the event of an emergency on Federal agency property, other than DOD or DOE, U.S. EPA or USCG retains response authority and U.S. EPA OSCs may respond and later initiate cost recovery actions against the potentially responsible party.

Definitions of the boundaries of OSC jurisdictions for Region 5 are provided in the following subsections. Where highways are used to delineate the boundary, the roadbed right-of-ways of the highway are included in the inland (U.S. EPA) zone.

2. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OSC BOUNDARIES

2.1. U.S. EPA REGION 3 OSC BOUNDARIES

U.S. EPA Region 3 will provide OSCs for investigating and responding to releases to the main stem of the Ohio River from the Ohio-Pennsylvania boundary, mile 40.1, to the Kentucky-West Virginia boundary, mile 317.2. All releases in the above-named stretch of the Ohio River emanating from sources in West Virginia will be handled by U.S. EPA Region 3 personnel; those from sources in Region 5 will be handled by personnel from Region 5.

If either RRT is activated, the Eighth USCG District would be involved along the entire stretch of the Ohio River.

2.2. U.S. EPA REGION 4 OSC BOUNDARIES

U.S. EPA Region 4 will provide OSCs for investigating and responding to releases of oil or hazardous materials to the main stem of the Ohio River from the Kentucky-West Virginia boundary, mile 317.2, to its junction with the Mississippi River, mile 981.2. Releases in the above-named stretch of the Ohio River emanating from shoreline sources in U.S. EPA Region 4 will be handled by personnel of Region 4; those spills from shoreline sources in Ohio, Indiana, and Illinois will be handled by personnel from Region 5. Region 4 will have the responsibility for ensuring notification of water users downstream of the location of the release, including coordination with ORSANCO, the USCG Eighth District, and COE when a release occurs on the south shoreline or in the main stream of the Ohio River; Region 5 has a like responsibility, including coordination with ORSANCO, the USCG Eighth District, and COE when a release occurs on the north shoreline of the river.

Either Region, when requested by the other, may assume the functional OSC role for a particular incident. The decision to accept this responsibility will rest with the Region being requested on an incident-specific basis. Boundary lines do not preclude mutual assistance between the two agencies.

2.3. U.S. EPA REGION 7 OSC BOUNDARIES

U.S. EPA Region 7 will provide OSCs for investigating and responding to releases to the main stem of the Upper Mississippi River (UMR) when either Iowa or Missouri is the principal first responding State. U.S. EPA Region 5 will have jurisdiction for such releases within the State of Minnesota and where Minnesota, Wisconsin, or Illinois is the first principal responding State. When releases to the UMR main stem will result in significant response by more than one State, or when there is uncertainty as to the responding States, Region 7 will provide OSCs for such releases occurring between Cairo, Illinois, and Keokuk, Iowa (miles 0.0 to 354.5), and Region 5 above that point.

For spills from shore facilities and non-waterborne sources, OSCs will be provided by the Region in which the source is located.

2.4. U.S. EPA REGION 8 OSC BOUNDARIES

U.S. EPA Region 5 will provide OSCs for investigating and responding to releases to the main stem of the Red River of the North from its origin in Lake Traverse near Browns Valley, Minnesota, to the Canadian border. All spills to the above-named stretch of the Red River emanating from sources in North Dakota and South Dakota will be handled by Region 8 personnel.

South of the Browns Valley area, the boundary between South Dakota and Minnesota involves the headwaters of the Minnesota River flowing southward. Region 5 Spill Response personnel will respond

to releases to the main stem of the Little Minnesota River and Big Stone Lake southward to Ortonville, Minnesota. All releases to the above-named headwaters of the Minnesota River emanating from sources in South Dakota will be handled by Region 8 personnel; releases from sources in Minnesota will be handled by Region 5 personnel.

U.S. EPA Region 8 will provide communications as necessary with the Canadian Province of Manitoba concerning all releases occurring in waters flowing into Canada, including those emanating from Region 5.

3. NINTH COAST GUARD DISTRICT OSC BOUNDARIES

Eight USCG units provide OSCs for releases occurring within the coastal zone, each serving a specific geographic area. These geographic areas are defined as: the international boundary with Canada, the boundaries between the units (described at 33 CFR 3.45), and the boundary between the inland zone and the coastal zone. In most locations, the boundary between inland and coastal zones follows the near shore areas adjoining the Great Lakes and the interconnecting rivers.

The following subsections detail, for each of the eight units, which tributaries fall within the coastal zone and where a geographic feature, such as a highway, serves as the boundary.

3.1. MARINE SAFETY OFFICE, CHICAGO, ILLINOIS

1. Lake Michigan: within limits of COTP Chicago.
2. North Point Marina (Winthrop Harbor, Illinois): Entire marina.
3. Waukegan Harbor: Entire harbor.
4. Wilmette Harbor: From the entrance to the sluice gate.
5. Montrose Harbor (Chicago, Illinois): Entire harbor.
6. Belmont Harbor (Chicago, Illinois): Entire harbor.
7. Diversey Harbor (Chicago, Illinois): Entire harbor.
8. Chicago River: The outer harbor, limited to the waters outside the Chicago Lock and retaining walls, including the waters inside the lock gates.
9. Burnham Park Harbor (Chicago, Illinois): Entire harbor.
10. 59th Street Harbor (Chicago, Illinois): Entire harbor.
11. Jackson Park Harbor (Chicago, Illinois): Entire harbor.
12. Calumet Harbor and River (Chicago, Illinois): From the mouth of the Calumet River south to the north side of O'Brien Lock and Dam, including the waters inside the lock gates. From "The Forks" west to the temporary dike at the south boundary of Lake Calumet.
13. Hammond Marina: Entire marina.
14. Indiana Harbor (East Chicago, Indiana): Upstream to Conrail Railroad Bridge.
15. Pastrick Marina (East Chicago, Indiana): Entire marina.
16. Buffington Harbor (Gary, Indiana): Entire harbor.
17. Gary Harbor (Gary, Indiana): Entire harbor.
18. Burns Harbor (Burns Harbor, Indiana): From the entrance to the south end of deep draft slip.
19. Michigan City Harbor: Entrance to Bascule Bridge.
20. Betsie Lake (Frankfort): Entire lake throughout up to and including the mouth of the Betsie River to Highway M-22 bridge.
21. Arcadia Lake: Entire lake.
22. Portage Lake: Entire lake.
23. Manistee Lake (Manistee): Entire lake throughout up to and including the mouth of the Manistee River to Highway M-55 bridge.
24. Pere Marquette Lake (Ludington): Entire lake throughout up to and including the mouth of the Pere Marquette River to Old U.S. 31 bridge.
25. Pentwater Lake: Entire lake.

26. White Lake: Entire lake.
27. Muskegon/Bear Lake (Muskegon, Michigan): Entire lake throughout up to and including the Muskegon River to the U.S. 31 bridges.
28. Mona Lake: Entire lake.
29. Spring Lake: Entire lake.
30. Grand River: From the mouth to the end of the dredged channel at Buoy #78 (in Ottawa County approximately 17 miles upstream).
31. Pigeon Lake: Entire lake up to the fixed bridge in the intake channel of the J.H. Campbell power plant and on the eastern end up to the fixed bridge of Lakeshore Avenue.
32. Lake Macatawa: Entire lake to the end of the dredged channel marked by buoys #25 and #26 (eastern end of the lake in Holland).
33. Kalamazoo Lake (Douglas/Saugatuck): Entire lake up to and including the Kalamazoo River to the CSX Railroad bridge, approximately 11 miles upstream.
34. Black River (South Haven): From the mouth to the U.S. 31 bridge, approximately 2.6 miles upstream.
35. St. Joseph River (St. Joseph): From the mouth to the Somerleyton bridge, approximately 6.6 miles upstream.
36. Paw Paw River (Benton Harbor): From the mouth to the CSX Railroad bridge, approximately 3.2 miles upstream.
37. Galien River: from the mouth to the Highway 12 bridge, approximately 2 miles upstream.

3.2. MARINE SAFETY OFFICE, CLEVELAND, OHIO

1. Ashtabula River (Ashtabula, Ohio): Upstream to East 5th Street.
2. Black River (Lorain, Ohio): Upstream to the turning basin at the National Tube Division of U.S. Steel (river mile 3.0).
3. Conneaut River (Conneaut, Ohio): Upstream to the Bessemer and Lake Erie Railroad Swing Bridge at the Pittsburg and Conneaut Dock Company (river mile 0.75).
4. Cuyahoga River (Cleveland, Ohio): Upstream to the mouth of Big Creek in the Metropolitan Parks (river mile 7.5).
5. Grand River (Fairport Harbor, Ohio): Upstream to the turning basin at Osborn Concrete and Tank Company.

In addition to the river miles mentioned above, the coastal/inland zone demarcation shall be defined by the boundary on the highway created by State Route 2 from Vermilion to North Perry and then U.S. Route 20 from North Perry to the Ohio/Pennsylvania border. The coastal zone being all waters and adjacent shoreline north of this boundary, any incident on the above-mentioned highways will be the responsibility of U.S. EPA but it should be noted that the COTP may be requested to respond as First Federal Official on scene until a U.S. EPA OSC can respond.

3.3. MARINE SAFETY OFFICE, DETROIT, MICHIGAN

1. Lake Huron: From Latitude 44-43' south and east to international boundary.
2. Saginaw Bay: The entire Saginaw Bay.
3. St. Clair River: East to international boundary.
4. Lake St. Clair: East to international boundary.
5. Detroit River: South to Detroit River Light and east to international boundary.
6. Au Gres River (Au Gres, Michigan): Upstream to U.S. 23 Bridge.
7. Au Sable River (Oscoda, Michigan): Upstream to Mill Street Bridge.
8. Bird Creek (Port Austin, Michigan): Upstream to Spring Street Bridge.
9. Belle River (Port Huron, Michigan): Upstream to M-29 Broadway Bridge.
10. Black River (Port Huron, Michigan): Upstream to and including Black River Canal.
11. Clinton River (Harrison Township, Michigan): Up to and including Clinton River Spillway.

12. Ecorse River (Ecorse, Michigan): Upstream to Jefferson Avenue Bridge.
13. Huron River (Rockwood, Michigan): Dixie Highway Bridge 1.8 miles above mouth of river.
14. Milk River (St. Clair Shores, Michigan): Up to Jefferson Avenue Bridge.
15. Pigeon River (Caseville, Michigan): Upstream to M-25 Bridge.
16. Pine River (St. Clair, Michigan): Upstream to CSX Railroad Bridge.
17. River Rouge (Saginaw and Bay City, Michigan): Upstream to .5 mile above Center Street Bridge in Saginaw.
18. Salt River (Chesterfield Township, Michigan): Upstream to Callens Road Bridge.
19. Sebawaing River (Sebawaing, Michigan): Upstream to M-25 Bridge.

3.4. MARINE SAFETY OFFICE, DULUTH, MINNESOTA

Within Duluth/Superior Harbor, COTP Duluth will assume the responsibility for providing FOSCs in Duluth/Superior Harbor to the mouths of all small tributary rivers and creeks entering into the harbor, plus the St. Louis River serviced by existing patrols and aids to navigation up to the Highway Bridge on Route 23 at Fond du Lac, Minnesota, and the waters of Lake Superior within COTP Duluth.

3.5. MARINE SAFETY OFFICE, MILWAUKEE, WISCONSIN

1. All waters of Lake Michigan within COTP Milwaukee's zone.
2. Pike Creek (Kenosha): To the Sixth Avenue Bridge.
3. Root River (Racine): To the Main Street Bridge.
4. Oak Creek (Milwaukee): To its mouth.
5. Kinnickinnic River (Milwaukee): To the South Kinnickinnic Avenue Bridge.
6. Menominee River (Milwaukee): To mile 2 (25th Street Bridge).
7. Milwaukee River (Milwaukee): To the North Humboldt Avenue Bridge.
8. Sauk Creek (Port Washington): To the Wisconsin Street Bridge.
9. Sheboygan River (Sheboygan): To the Pennsylvania Avenue Bridge.
10. Manitowac River (Manitowac): To the C&NW Railroad Bridge.
11. West Twin River (Two Rivers): To the 16th and Madison Streets Bridge.
12. East Twin River (Two Rivers): To the 22nd Street Bridge.
13. Kewaunee River (Kewaunee): To the Park Street Bridge.
14. Ahnapee River (Algoma): To the 2nd Street Bridge.
15. Fox River (Green Bay): To the State Route 172 Bridge.
16. East River (Green Bay): To the Monroe Avenue Bridge.
17. Oconto River (Oconto): To the turning basin.
18. Menominee River (Marinette, Wisconsin to Menominee, Michigan): To the Dunlap Avenue (Highway 41) Bridge.

3.6. MARINE SAFETY OFFICE, SAULT STE. MARIE, MICHIGAN

1. Lake Superior: The waters, bays, tributaries, and adjoining shoreline of Lake Superior within U.S. territory, eastward from the westernmost boundary of the Area of Operations (AOR) to a line between Point Iroquois running northeast to Gros Cap Reef Light on the International Boundary.
2. St. Mary's River: The waters, bays, tributaries, and adjoining shoreline of the St. Mary's River within U.S. territory, from a line between Point Iroquois and Gros Cap Reef Light southward to a line between Detour Reef Light and Crab Island Shoal Light, including the waters of Potagannissing Bay.
3. Lake Huron: The waters, bays, tributaries, and adjoining shoreline of Lake Huron within U.S. territory, northward from the southernmost boundary of the AOR, west to the Straits of Mackinaw Bridge.
4. Lake Michigan: The waters, bays, tributaries, and adjoining shoreline of Lake Michigan, eastward from the westernmost boundary of the AOR, to the Straits of Mackinaw Bridge.

3.7. MARINE SAFETY OFFICE, TOLEDO, OHIO

1. River Raisin (Monroe, Michigan): Upstream to the turning basin (river mile 1.5).
2. Maumee River (Toledo, Ohio): Upstream to the I-75 Bridge.
3. Portage River (Port Clinton, Ohio): Upstream to Highway 163.
4. Sandusky Bay (Sandusky, Ohio): Upstream to Highway 2.
5. Huron River (Huron, Ohio): Upstream to turning basin (mile .5).
6. Lake Erie: The open waters, bays, harbors, and mouths of tributaries within the COTP Toledo zone.

3.8. NINTH COAST GUARD DISTRICT RESPONSES IN THE INLAND ZONE

Ordinarily, the Ninth Coast Guard District will not provide the OSC for a release occurring in the inland zone. However, where a Marine Safety Officer responds in the inland zone to a marine casualty or other incident pursuant to USCG port safety and commercial vessel safety responsibilities, that officer will serve as the First Federal Official On Scene, pending arrival of the predesignated U.S. EPA OSC. In this capacity, that officer will manage any cleanup actions performed by the responsible party and, if necessary, will initiate a Federal removal.

The U.S. EPA Region 5 office may request that the Ninth Coast Guard District provide the OSC for a release in the inland zone, regardless of source, because of the particular circumstances of the incident.

4. EIGHTH COAST GUARD DISTRICT OSC BOUNDARIES

Agency responsibilities have been reassigned to more clearly reflect the inland and coastal zone delineation. The revised MOU assigns the U.S. EPA as the predesignated OSC for the entire inland zone, including the inland river system within the Eighth District. The previous agreement designating specified ports and harbors as portions of the Coastal Zone is no longer applicable.

The Eighth District will assist the predesignated U.S. EPA OSC where there is a discharge or release of oil or hazardous substances, or a threat of such a discharge or release, into or on navigable waters. Upon request by the U.S. EPA OSC, the USCG may act on behalf of U.S. EPA, assuming the functional role and responsibilities of the OSC. If the USCG is the first Federal official on-scene, the USCG will notify the U.S. EPA OSC and act as the OSC until such time as the U.S. EPA OSC arrives. If the incident involves a commercial vessel, a transfer operation, or a marine transportation related facility, the USCG will provide the OSC.

**Appendix XII.
Memorandum of Understanding
Between United States Coast Guard Ninth District
and United States Environmental Protection Agency, Region 5
Regarding Agency Participation on Area Committees to
Execute the National Contingency Plan**

**MEMORANDUM OF UNDERSTANDING BETWEEN
UNITED STATES COAST GUARD NINTH DISTRICT AND
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 5
REGARDING AGENCY PARTICIPATION ON AREA COMMITTEES TO
EXECUTE THE NATIONAL CONTINGENCY PLAN**

1. **PARTIES.** The parties to this Memorandum of Understanding (Agreement) are the Ninth Coast Guard District (USCG) and the United States Environmental Protection Agency, Region 5 (US EPA Region 5).
2. **AUTHORITY.** This Agreement is authorized under the provisions of
 - a. Title 33, United States Code Section 1321
 - b. Title 42, United States Code Chapter 103
 - c. Title 14, United States Code Section 93
 - d. 40 C.F.R. Part 300
 - e. Executive Order 12580, Jan. 23, 1987 (52 Fed Reg. 2923)
 - f. Executive Order 12777, Oct. 22, 1991 (56 Fed Reg. 54757)
 - g. Designation of Areas and Area Committees, April 24, 1992 (57 Fed Reg. 15198) and
 - h. United States Environmental Protection Agency, Headquarters Delegations 1-11 and 2-91
3. **PURPOSE.** The purpose of this Agreement is to establish the framework for cooperation between the USCG and EPA Region 5 in the geographic areas where inland and coastal zones, as defined in the National Oil and Hazardous Substances Contingency Plan (NCP) and Regional Contingency Plans, are adjacent. This Agreement outlines general terms for provision of personnel, information and technical assistance to area committees and appropriate sub-committees located within the geographic boundaries of EPA Region 5.
4. **SCOPE.** This Agreement pertains to the five coastal area contingency plans within the geographic boundaries of EPA Region 5 that are currently maintained by the USCG for the coastal zone, the Region 5 Regional Contingency Plan/Area Contingency Plan (Region 5 RCP/ACP) and the inland zone sub-area plans adjacent to the coastal zones within Region 5. The affected plans will continue to be known as the coastal area contingency plans, the Region 5 RCP/ACP and inland sub-area contingency plans.
5. **BACKGROUND.** The jurisdictional boundary between the coastal and inland zones may intersect a political jurisdiction such as a city or county. A portion of a city or county may lie in the inland zone and be covered by the Region 5 RCP/ACP and inland/or inland sub-area contingency plan maintained by EPA Region 5, while another portion of that city or county may lie in the coastal zone and be covered by a coastal area contingency plan maintained by the USCG. A city or county in such a location may participate in area and sub-area committees sponsored by USCG and EPA Region 5, respectively. This Agreement describes the means of coordination between area committee participants in the coastal and inland zones.

6. RESPONSIBILITIES.

U. S. Coast Guard

- a. USCG intends to provide a Federal On-Scene Coordinator (FOSC) or other representative to assist each area committee in the coastal zone within the jurisdictional boundaries of EPA Region 5 to maintain its area contingency plan and to ensure the plan covers USCG responsibilities within any city or county covered by the area contingency plan and to participate in sub-committees as necessary.
- b. USCG intends to manage the development of the Environmental Response Management Application (ERMA) portal supplied by the National Oceanic and Atmospheric Administration (NOAA) for the coastal zone covered by this Agreement and ensure ERMA data layers are compatible with the mapping technologies used by EPA Region 5.

U. S. Environmental Protection Agency

- a. EPA Region 5 intends to provide a FOSC or other representative to assist each sub-area committee to prepare and maintain a sub-area contingency plan in the inland zone, to provide information to ensure the plan covers EPA Region 5's responsibilities in the sub-area contingency plan and to participate in sub-committees as necessary.
- b. EPA Region 5 intends to manage the development of digital mapping projects of the inland zone covered by this Agreement and ensure that data layers are compatible with mapping technologies used by the USCG.

Both Parties

- a. USCG and EPA Region 5 will retain all responsibilities assigned to them under any statute or regulation, including the NCP.
- b. For each coastal area contingency plan, USCG and EPA Region 5, in consultation with respective area and sub-area committees:
 - (1) Intend to hold meetings of adjacent coastal and inland zone committees jointly. Each zone's committee will be chaired by the respective FOSC/OSC pre-designated for that zone by the NCP. Respective state OSCs will normally serve as vice chair of coastal zone committees. Respective state OSCs will serve as co-chairs for inland zone committees.
 - (2) May establish an executive steering committee to manage and oversee the execution of adjacent coastal area and inland sub-area committees. The executive steering committee may be co-chaired by the respective EPA FOSC and USCG FOSC who will ensure coordination between the two adjacent zone committees.

- (3) Define the jurisdictional boundaries of the area and sub-area contingency plans.
- (4) Identify the roles of each FOSC during a response in the coastal and inland zones including Incident Command System responsibilities and the procedures for the transfer of FOSC responsibilities during a response according to the jurisdictions delineated in the Region 5 RCP/ACP. Recommendations for amending the jurisdictional boundaries will be submitted by FOSCs to the Regional Response Team 5 for consideration and approval. All FOSC roles and responsibilities shall be consistent with the NCP, including those applicable to multi-regional responses described in 40 C.F.R. § 300.140.
- (5) Intend to perform a risk assessment to determine the worst case discharge, maximum most probable discharge and average most probable discharge for the entire geographic area covered by each area contingency plan under this Agreement.
- (6) Intend to coordinate efforts to conduct Government-Initiated Unannounced Exercises (GIUE) and continue to conduct cooperative exercises wherever practical.
- (7) Intend to work cooperatively in planning National Preparedness for Response Exercise Program (PREP) exercises and continue efforts to involve all potential stakeholders, facility response plan holders and oil spill removal organizations.

7. POINTS OF CONTACT.

U. S. Coast Guard

Commander (drm)
Ninth Coast Guard District
1240 E. Ninth Street
Cleveland, Ohio 44199-2060

Mr. Jerome Popiel (jerome.a.popiel@uscg.mil)
(216) 902-6112
(216) 902-6120 (fax)

U. S. EPA

U. S. Environmental Protection Agency
Region 5
77 West Jackson, SE-5J
Chicago, Illinois 60604

Mr. Jason El-Zein (el-zein.jason@epa.gov)
(734) 692-7661
(734) 692-7677 (fax)

8. OTHER PROVISIONS.

- a. Nothing in the agreement is intended to conflict with current laws or regulations, or with the directives of the USCG, the Department of Homeland Security, or EPA Region 5, nor any such laws, regulations, or directives that may be promulgated hereafter. If a term of this Agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect.
- b. This MOU does not create any right or benefit, substantive or procedural, enforceable by law or equity, by persons who are not party to this agreement, against USCG or EPA, their officers or employees, or any other person. This MOU does not apply to any person outside of USCG and EPA.
- c. As required by the Anti-deficiency Act, 31 U.S.C. §§ 1341 and 1342, all commitments made the EPA and USCG in this MOU are subject to the availability of appropriated funds and budget priorities. Nothing in this MOU, in and of itself, obligates either party to expend appropriations or enter into any contact, assistance agreement, interagency agreement or incur other financial obligations. Any transaction involving transfers of funds between the parties to this MOU will be handled in accordance with applicable laws, regulations, and procedures under separate written agreements. This MOU will be incorporated by reference or included as an enclosure to any reimbursable agreement between the USCG and EPA resulting from this MOU.
- d. This MOU is a voluntary agreement that expresses the good-faith intentions of the parties, is not intended to be legally binding, does not create any contractual obligations, and is not enforceable by any party.

9. EFFECTIVE DATE. The terms of this agreement will become effective upon signature by both parties.

10. REPORTING AND DOCUMENTATION. The Parties, through their designated POCs, will communicate at least annually to discuss the current status of this Agreement and whether any modification is needed or appropriate. A report of this communication will be maintained by each of the parties.

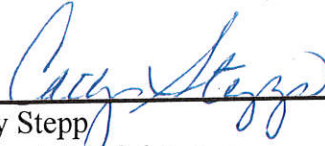
11. MODIFICATION. This agreement may be modified upon the mutual written consent of the parties.

12. TERMINATION. The terms of this agreement, as modified with the consent of both parties, will remain in effect until terminated by 180 days written notice by one party to the other.

APPROVED BY:



J. M. Nunan
Rear Admiral, U. S. Coast Guard
Commander, Ninth Coast Guard District



Cathy Stepp
Regional Administrator
U. S. Environmental Protection Agency
Region 5

Date: July 25, 2018

Date: 5-1-18