

REGION 5 AREA CONTINGENCY PLAN REVISION

RRT5 Fall Meeting – October 29 – 30, 2019



RESPONSE PLANNING BACKGROUND

There are three levels of contingency plans for emergency preparedness activities under the national response system.

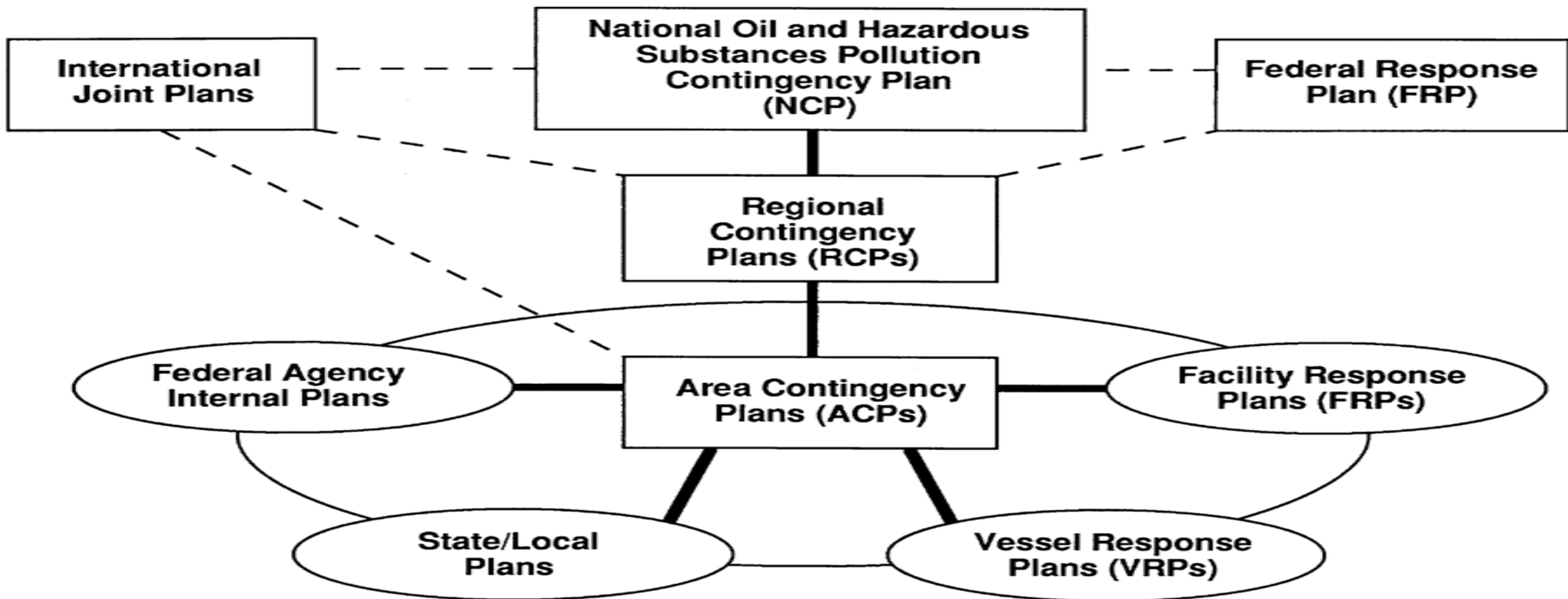
1) **The National Contingency Plan (NCP)**: provides the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants.

2) **The Regional Contingency Plan (RCP)**: coordinates timely, effective response by various federal agencies and other organization to discharges of oil or releases of hazardous substances, pollutants or contaminants for each federal region.

3) **The Area Contingency Plan (ACP)**: removes a worst case discharge and mitigates or prevents a substantial threat of discharge, from a vessel, offshore facility, or onshore facility operating in or near the area when implemented with the NCP.

The ACP also provides for coordinated, immediate and effective protection, rescue, and rehabilitation of fish and wildlife resources and habitat as well as minimization of risk of injury through implementation of the ACP's Fish and Wildlife and sensitive environments plan annex.

Relationship of Plans



- Plans of the National Response System (NRS)
- - - -** Points of coordination with the NRS
- Plans integrated with the ACP

REGION 5 REGIONAL CONTINGENCY PLAN / AREA CONTINGENCY PLAN (RCP/ACP)

Region 5 is covered by:

- A joint Regional Contingency Plan
 - USCG – Coastal Zone
 - EPA – Inland Zone
- Two Area Plans
 - USCG directs the plan for the coastal zone
 - D9 – Great Lakes Drainage Basin
 - D8 – Upper Mississippi River and Ohio River Drainage Basins
 - EPA directs the plan for the inland zone
 - All other land territory of the six States of Region 5 including each State's inland lakes and rivers

The screenshot shows the RRT5 website interface. At the top, there is a navigation menu with the following items: RRT HOME, RCP/ACP MAIN (highlighted in green), RCP/ACP TOOLS, SUB-AREAS, INTERACTIVE MAPPING, LIBRARY, INTERNATIONAL, and RRT. Below the navigation menu, the page title is "RCP/ACP MAIN". On the right side, there is a home icon and the text "RCP/ACP Main".

The main content area is divided into two columns. The left column contains a "Table Of Contents" section with a green header. Below the header, there is a list of links: Introduction, Letter of Promulgation, List of Changes, Purposes and Objectives, Authority, Scope and Provisions, Response Jurisdictions, Updating, and Crosswalk with NCP. The right column contains a section titled "1.3 Scope and Provisions" with a green header. Below the header, there is a paragraph of text explaining the policy of the RRT and the role of the US EPA and USCG. The text is as follows:

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, US 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.

USCG has five ACPs that cover, in part, how to respond to an oil or hazardous substance spill in the coastal zone of the Great Lakes and their connecting channels. This includes the identification, prioritization and cleanup strategies for sensitive areas; and identification of contractors and equipment. While US EPA has chosen to combine its Area Contingency Plan for Region 5 into the existing Regional Contingency Plan to produce this joint document, the USCG's five area contingency plans are separate documents, which are compatible with and may be used in conjunction with this RCP for spills that impact both the inland and coastal zones. The ACP referred to in this Plan is the US EPA Inland Plan unless otherwise stated. This plan applies to the Region 5 RRT (RRT5) member agencies (see Appendix I).

The RCP/ACP, when implemented in conjunction with other provisions of the NCP, shall be adequate to remove a worst case discharge and to mitigate or prevent a substantial threat of such a discharge.

The RCP portion of this plan covers response for all of Region 5, but the ACP portion of this plan only covers the inland portion. When reading the plan, if the jurisdiction falls in the coastal zone, the spill will fall under the responsibility of the Coast Guard and will only be subject to the RCP components of this plan. If a jurisdiction is in the inland zone, both ACP and RCP components of this plan apply.

Certain groups of counties have been designated as sub areas of the RCP/ACP and will be appended to the plan. They are chosen based on specific criteria for threat:

REGION 5 RCP/ACP UPDATES

- Previously, USCG and EPA had joint Area/Sub-Area Plans in certain geographical areas (e.g., Great Lakes) that covered both the Coastal and Inland Zone
 - In 2016 several USCG Sectors in Region 5 were directed to develop plans for the Coastal Zone only in the Great Lakes
- Change prompted EPA to review ACP portion of joint RCP/ACP and determine if updates and/or new Sub-Area contingency plans were needed
 - Determined that Worst Case Discharge requirements of OPA/NCP not properly addressed in ACP and there is no dedicated discussion for response strategy
- Region 5 contains substantial transportation systems and several transportation hubs, including oil pipeline systems, rail and shipping, which leaves for vulnerability from releases in inland areas that are remote
 - Current ACP does not consider releases from transportation related facilities, only fixed facilities with Facility Response Plans submitted to EPA

UPDATING EPA'S ACP

- Proposed revisions focus on the ability of the ACP to address a worst case discharge (WCD)
 - The current plan defines a WCD “to be the catastrophic release as identified in Facility Response Plans (FRPs) submitted to US EPA”
 - The proposed revised language allows for analysis of impacts from potential vessel, railroad, and pipeline spills in the subareas by expanding the definition to include: (1) the WCD identified in Facility Response Plans (FRPs) approved by US EPA and (2) other WCDs identified by sub-area committees and by EPA for parts of the inland zone that are not currently included in a subarea
- EPA must consider discharges from all facilities that could impact the inland zone
 - Vessels that are constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue
 - Facilities that are capable of transferring oil in bulk to or from a vessel
 - Non-transportation related onshore and offshore facilities
 - Transportation of oil by motor vehicles and rolling stock (i.e., rail)
 - Onshore Oil Pipelines

UPDATING EPA'S ACP CONTINUED

EPA has developed a template for Sub-Area Contingency Plans (SACP) to:

- 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 subarea
- identify and provide specific methods of preventing/mitigating impact to sensitive areas, habitat, and endangered species in the sub-area
- identify sub-area specific response expertise, personnel, and equipment
- help coordinate timely and effective responses by private industry, local and state officials and various federal agencies to minimize damage resulting from discharge of oil and release of hazardous materials and substances

TIMELINE OF UPDATES

- Proposed revisions to Region 5 RCP/ACP have been circulated
- Standardized template for EPA Inland Zone Sub-Area Contingency Plan developed
 - Example of SACP template and content has been presented to Northern Michigan Area Committee and was well-received
 - Preparing to roll-out SACP template for use by EPA OSCs and Planners
- RRT5 can review SACP when it convenes on bi-annual basis before incorporation into the Region 5 RCP/ACP