

# 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

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**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: <https://rrt5.org/RCPIInlandZoneACP.aspx>

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



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Douglas Ballotti, Director  
Superfund & Emergency Management Division  
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Region 5

May 6, 2021

Date

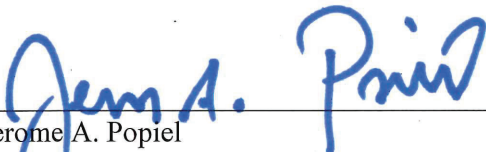
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May 6, 2021

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

## Region 5 Regional Response Team

### Table of Changes for RCP/Inland Zone ACP

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## SECTION 1. INTRODUCTION

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### 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.

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

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

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

## SECTION 2. COMMAND

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### 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 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:

- scientific expertise on living aquatic resources for which DOC is responsible
- current and predicted meteorological, hydrologic, ice, and limnologic conditions
- charts and maps
- 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 SACP's 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 SACP's.

The SACP's 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 SACP's 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 Marshall](#): 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](http://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](http://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](#)
- [CANUSPLAIN](#)
- [CANUSLAK](#)

## 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.dco.uscg.mil/Our-Organization/National-Strike-Force/PIAT/](http://www.dco.uscg.mil/Our-Organization/National-Strike-Force/PIAT/)

### **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](http://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/sites/default/files/2020-07/fema\\_ESF\\_15\\_External-Affairs.pdf](http://www.fema.gov/sites/default/files/2020-07/fema_ESF_15_External-Affairs.pdf)

The Standard Operating Procedures for ESF 15 can be found at [www.fema.gov/sites/default/files/2020-10/fema\\_esf-15\\_sop\\_2019.pdf](http://www.fema.gov/sites/default/files/2020-10/fema_esf-15_sop_2019.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](http://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](http://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](http://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](http://www.osha.gov/SLTC/emergencypreparedness/guides/critical.html)

## SECTION 3: OPERATIONS

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### 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"> <li>• GIS</li> <li>• Data Management</li> </ul> | Cooper.Brian@epa.gov | (312) 353-8651 |

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

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### 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   |
|------------------|--|--|
| <b>Illinois</b>  | Amy Martin<br>(217) 785-7930<br><a href="mailto:HPA.info@illinois.gov">HPA.info@illinois.gov</a>   | <a href="http://www.illinois.gov/ihpa/Pages/default.aspx">www.illinois.gov/ihpa/Pages/default.aspx</a>   |
| <b>Indiana</b>   | Cameron F. Clark<br>(317) 232-1646   | <a href="http://www.in.gov/dnr/historic/">www.in.gov/dnr/historic/</a>   |
| <b>Michigan</b>  | Brian D. Conway<br>(517) 373-1630<br><a href="mailto:ConwayB1@michigan.org">ConwayB1@michigan.org</a>  | <a href="http://www.miplace.org/historic-preservation/">www.miplace.org/historic-preservation/</a>   |
| <b>Minnesota</b> | Barbara Mitchell Howard<br>(651) 259-3466<br><a href="mailto:barbara.howard@mnhs.org">barbara.howard@mnhs.org</a><br>State Historic Preservation Office<br>Phone: (651) 259-3450<br><a href="mailto:mnshpo@mnhs.org">mnshpo@mnhs.org</a> | <a href="http://mn.gov/admin/shpo/">mn.gov/admin/shpo/</a>   |
| <b>Ohio</b>      | Burt Logan<br>(614) 298-2000<br><a href="mailto:ohpo@ohiohistory.org">ohpo@ohiohistory.org</a>   | <a href="http://www.ohiohistory.org/preserve/state-historic-preservation-office">www.ohiohistory.org/preserve/state-historic-preservation-office</a> |
| <b>Wisconsin</b> | Chip Brown<br>(608) 264-6508<br><a href="mailto:chip.brown@wisconsinhistory.org">chip.brown@wisconsinhistory.org</a>   | <a href="http://www.wisconsinhistory.org/Content.aspx?dsNav=N:1189">www.wisconsinhistory.org/Content.aspx?dsNav=N:1189</a>                           |

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](http://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](http://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 VII, 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 VII](#). 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 \(Appendix VII\)](#), 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

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### 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.

### 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](http://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: (703) 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](http://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](http://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](http://www.nws.noaa.gov)

#### **4.2.4.4 Stream gages**

**StreamStats** provides access to spatial analytical tools that are useful for water-resources planning and management, and for engineering and design purposes. The map-based user interface can be used to delineate drainage areas, get basin characteristics, and estimates of flow statistics, and more. Available information varies from state to state. To view and use the application, visit <https://streamstats.usgs.gov/ss/>.

**WaterWatch** (<http://waterwatch.usgs.gov>) is a U.S. Geological Survey (USGS) World Wide Web site that displays maps, graphs, and tables describing real-time, recent, and past streamflow conditions for the United States. The real-time information generally is updated on an hourly basis.

#### **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](http://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

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### 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](http://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.dco.uscg.mil/Our-Organization/National-Strike-Force/](http://www.dco.uscg.mil/Our-Organization/National-Strike-Force/)
- **Atlantic Strike Team**  
[www.dco.uscg.mil/Our-Organization/National-Strike-Force/AST/](http://www.dco.uscg.mil/Our-Organization/National-Strike-Force/AST/)
- **Gulf Strike Team**  
[www.dco.uscg.mil/Our-Organization/National-Strike-Force/GST/](http://www.dco.uscg.mil/Our-Organization/National-Strike-Force/GST/)
- **Pacific Strike Team**  
[www.dco.uscg.mil/Our-Organization/National-Strike-Force/PST/](http://www.dco.uscg.mil/Our-Organization/National-Strike-Force/PST/)
- **USCG Incident Management Assistance Team (IMAT)**  
[www.atlanticarea.uscg.mil/Our-Organization/Area-Units/CG-IMAT/](http://www.atlanticarea.uscg.mil/Our-Organization/Area-Units/CG-IMAT/)
- **Public Information Assist Team**  
[www.dco.uscg.mil/Our-Organization/National-Strike-Force/PIAT/](http://www.dco.uscg.mil/Our-Organization/National-Strike-Force/PIAT/)

### 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](http://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.nnsa.energy.gov/aboutus/ourprograms/emergencyoperationscounterterrorism/respondingtoemergencies/firstresponders-0](http://www.nnsa.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](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/get-help/disaster-relief-and-recovery-services.html](http://www.redcross.org/get-help/disaster-relief-and-recovery-services.html)

### 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](mailto: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](http://www2.illinois.gov/iema/LocalEMA/Documents/SCIP/SCIP.pdf)
- Indiana: [www.in.gov/ipsc/](http://www.in.gov/ipsc/)
- Michigan: [www.michigan.gov/mpscs/0,4640,7-184-42060---,00.html](http://www.michigan.gov/mpscs/0,4640,7-184-42060---,00.html)
- Minnesota: [dps.mn.gov/divisions/ecn/Pages/default.aspx](http://dps.mn.gov/divisions/ecn/Pages/default.aspx)
- Ohio: [ema.ohio.gov/TechnicalSupport\\_CASM.aspx](http://ema.ohio.gov/TechnicalSupport_CASM.aspx)
- Wisconsin: [dma.wi.gov/DMA/oec/programs/interop](http://dma.wi.gov/DMA/oec/programs/interop)

#### 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

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### 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](http://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/](http://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](http://www.epa.gov/emergency-response/reimbursement-local-governments-emergency-response-hazardous-substance-releases)
- CERCLA Overview: [www.epa.gov/superfund/superfund-cercla-overview](http://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](http://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](http://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](http://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](http://www.epa.gov/laws-regulations/summary-oil-pollution-act)

- Statute [www.law.cornell.edu/uscode/text/33/chapter-40](http://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/](http://www.uscg.mil/Mariners/National-Pollution-Funds-Center/About_NPFC/OSLTF/)
- National Pollution Funds Center [www.uscg.mil/Mariners/National-Pollution-Funds-Center](http://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/](http://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](http://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/](http://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](http://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/](http://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Documentation-Cost/PRFAs/)

**Claims:**

[www.uscg.mil/Mariners/National-Pollution-Funds-Center/Claims/](http://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/emergency-managers/national-preparedness/frameworks/response](http://www.fema.gov/emergency-managers/national-preparedness/frameworks/response)



- National Response Framework-Financial Management Support Annex:  
[www.fema.gov/pdf/emergency/nrf/nrf-support-fin.pdf](http://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](http://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.fema.gov/federal-agencies/mission-assignments](http://www.fema.gov/federal-agencies/mission-assignments)
- Mission Assignment Overview (IS-293):  
[www.fema.gov/disasters/stafford-act](http://www.fema.gov/disasters/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/](http://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](http://www.uscg.mil/Portals/0/NPFC/docs/PDFs/CG-NPFC-CA1.pdf)

## Appendix I: RRT Roster

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[www.rrt5.org/RRT/Roster.aspx](http://www.rrt5.org/RRT/Roster.aspx)

## Appendix I: RRT Contacts

### REGIONAL RESPONSE TEAM 5

| Fed Mem Agency | Primary  | Alternate  |
|----------------|--|--|
| <b>EPA</b>     | <b>Jason El-Zein</b><br>US Environmental Protection Agency<br>Emergency Response Branch #1<br>Ann Arbor, MI<br>Office Phone: 734-214-4900<br>Hotline Phone (24hr): 312-353-2318<br><a href="mailto:el-zein.jason@epa.gov">el-zein.jason@epa.gov</a>  | <b>Sam Borries</b><br>US Environmental Protection Agency<br>Emergency Response Branch #2<br>Chicago IL<br>Office Phone: 312-353-8360<br>Hotline Phone (24hr): 312-353-2318<br><a href="mailto:borries.samuel@epa.gov">borries.samuel@epa.gov</a>   |
| <b>USCG</b>    | <b>Jerry Popiel</b><br>Department of Homeland Security<br>US Coast Guard Ninth District<br>Cleveland, OH<br>Office Phone 216-902-6112<br>Hotline Phone (24 hr) 1-800-321-4400<br><a href="mailto:Jerome.A.Popiel@uscg.mil">Jerome.A.Popiel@uscg.mil</a>  | <b>TJ Mangoni</b><br>Department of Homeland Security<br>US Coast Guard Ninth District<br>Cleveland, OH<br>Office Phone 216-902-6118<br>Hotline Phone (24 hr) 1-800-321-4400<br><a href="mailto:Anthony.j.mangoni@d9.uscg.mil">Anthony.j.mangoni@d9.uscg.mil</a>  |
| <b>NOAA</b>    | <b>LT Rachel Pryor, NOAA</b><br>Scientific Support Coordinator<br>USCG D9 - Great Lakes<br>1240 East Ninth Street, Suite 339<br>Cleveland, OH 44199<br>Cell: 202-557-6801(primary telephone number)<br>Office: <a href="tel:216-522-7760">216-522-7760</a><br>Spill Emergency 24/7: <a href="tel:206-526-4911">206-526-4911</a><br><a href="mailto:rachel.l.pryor@noaa.gov">rachel.l.pryor@noaa.gov</a>  | <b>Adam Davis</b><br>NOAA Scientific Support Coordinator for USCG District 8<br>Emergency Response Division (ERD)/ Office of Response and Restoration (OR&R)<br>NOAA Gulf of Mexico Disaster Response Center<br>7344 Zeigler Blvd., Mobile, AL 36608<br>Office: 251.544.5012<br>Cellular: 206.549.7759<br><a href="mailto:adam.davis@noaa.gov">adam.davis@noaa.gov</a> |
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REGIONAL RESPONSE TEAM 5

| Fed Mem Agency | Primary  | Alternate  |
|----------------|--|--|
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| <b>DOI</b>     | <b>John V. Nelson</b><br>Regional Environmental Officer for DOI<br>Regions 3 & 4<br>Office of Environmental Policy and Compliance<br>U.S. Department of the Interior<br>phone: 202-208-6304<br>cell: 202-286-4327<br>fax: 202-208-6970<br>215-266-5155 (mobile 24/7)<br><a href="mailto:john_nelson@ios.doi.gov">john_nelson@ios.doi.gov</a> | <b>Valincia Darby</b><br>Regional Environmental Protection Specialist<br>Department of the Interior, OEPC<br>200 Chestnut Street, Rm. 244<br>Philadelphia, PA 19106<br>Phone: (215) 597-5378<br>Fax: (215) 597-9845<br><a href="mailto:Valincia_Darby@ios.doi.gov">Valincia_Darby@ios.doi.gov</a>  |
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REGIONAL RESPONSE TEAM 5

| <b>Fed Mem Agency</b>        | <b>Primary</b>   | <b>Alternate</b>  |
|------------------------------|--|---|
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REGIONAL RESPONSE TEAM 5

| Fed Mem Agency | Primary  | Alternate   |
|----------------|--|---|
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REGIONAL RESPONSE TEAM 5

| <b>Fed Mem Agency</b> | <b>Primary</b>   | <b>Alternate</b>   |
|-----------------------|--|--|
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## **Appendix II: Worst Case Discharges in Region 5**

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Available online at [www.rrt5.org/RCPACPMMain/RCPACPAppearices/WorstCaseDischarges.aspx](http://www.rrt5.org/RCPACPMMain/RCPACPAppearices/WorstCaseDischarges.aspx)



## Appendix II: FRP Worst Case Discharges in Region 5

| Operator                                 | Facility                    | County    | State | Total Volume | Worst Case | Water Body   | Distance to Water |
|--|-----------------------------|-----------|-------|--------------|------------|--|-------------------|
| <b>Illinois</b>                          |                             |           |       |              |            |  |                   |
| Abbott Power Plant                       | The University Of Illinois  | Champaign | IL    | 1874040      | 1000000    | Embarrass River  |                   |
| Ameropan Oil<br>Corproation, Inc         | Chicago Terminal            | Cook      | IL    | 23941355     | 6980000    | Chicago Sanitary And<br>Ship Cana                                  |                   |
| Archer Daniels Midland<br>Co             | Decatur East Complex        | Macon     | IL    | 24294476     | 3724537    | Lake Decatur   | 0.5               |
| Archer Daniels Midland<br>Co             | Decatur West Plant          | Macon     | IL    | 26624907     | 5195233    | Lake Decatur   | 0.5               |
| Archer Daniels Midland<br>Company        | Quincy Facility             | Adams     | IL    | 24640841     | 2119861    | Upper Mississippi River  |                   |
| ASII-Menzies Aviation-<br>MDW            | Chicago Midway Airport      | Cook      | IL    | 1993935      | 636000     | Chicago Ship And<br>Sanitary Cana                                  | 0                 |
| Asphalt Materials                        | St Elmo II Asphalt Terminal | Fayette   | IL    | 4702790      | 1807991    | Brickyard Branch Creek   | 0.25              |
| Asphalt Operating<br>Services Of Chicago | Chicago, Illinois           | Cook      | IL    | 37594272     | 4620000    | Calumet River  | 0                 |
| Athertons                                |                             | Carroll   | IL    | 6949000      | 6900000    | Mississippi River  | 0.3               |
| BASF Corporation                         |                             | Kankakee  | IL    | 1906910      | 87000      | Drainage Ditch to Gar<br>Creek, kankakee River,<br>Illinois River  | 0                 |
| Bell Oil Terminal                        |                             | Cook      | IL    | 18391843     | 3048451    | Chicago Sanitary & Ship<br>Canal                                   |                   |
| BNSF                                     | Corwith Yard                | Cook      | IL    | 2087292      | 1015235    | Chicago Sanitary Ship<br>Canal-Lake Michigan                       | 0                 |
| Bp-amoco/facility Idled                  | Peoria Terminal             | Tazewell  | IL    | 2781985      | 1450000    |  |                   |
| Buckeye Partners, LP                     | Kankakee Terminal           | Kankakee  | IL    | 9164196      | 2273670    | Wiley Creek  | 0.5               |
| Buckeye Partners, LP                     | Decatur Terminal            | Macon     | IL    | 8633971      | 3360000    | Drainage Culvert,<br>Stevens Creek,<br>Sanagamon River             | 0.5               |
| Buckeye Terminal                         | Argo Terminal               | Cook      | IL    | 38633180     | 4620000    | Illinois/michigan Canal  | 0.1               |
| Buckeye Terminal, LLC                    | Effingham Terminal          | Effingham | IL    | 6385770      | 1902600    | Drainage Ditch, Sugar<br>Fork, Green Creek, Little<br>Wabash River | 0.5               |

Region 5 Regional Contingency Plan / Inland Zone Area Contingency Plan

| Operator                               | Facility                            | County    | State | Total Volume | Worst Case | Water Body                                | Distance to Water |
|--|-------------------------------------|-----------|-------|--------------|------------|---|-------------------|
| Buckeye Terminals, LLC                 | Bartonville Terminal                | Peoria    | IL    | 8037708      | 2688294    | Illinois River                            | 0.25              |
| Buckeye Terminals, LLC                 | Harristown Terminal                 | Macon     | IL    | 9031527      | 3525816    | Long Point Slough                         | 0.25              |
| Buckeye Terminals, LLC                 | Rockford Terminal                   | Winnebago | IL    | 8921396      | 3104598    | South Fork Kent Creek                     | 0.2               |
| Bunge Corporation                      | Cairo II, Terminal                  | Alexander | IL    | 2234171      | 470000     | Ohio River/mississippi River              | 0.25              |
| Bunge Milling                          |                                     | Vermilion | IL    | 5400117      | 1586300    | Stoney Creek/vermillion River             |                   |
| Burlington Northern Railroad           | Galesburg Yard                      | Knox      | IL    | 2864127      | 2500000    | Cedar Creek                               | 1                 |
| BWC Terminals                          | Riverdale Terminal                  | Cook      | IL    | 5847929      | 649703     | Little Calumet River                      | 0.25              |
| Calumet Specialty Products Partners Lp |                                     | Cook      | IL    | 6299162      | 425799     | Grand Calumet River (border The Facility) |                   |
| Canal Barge Company, Inc.              | Channahon Asphalt Terminal          | Will      | IL    | 13020000     | 7000000    | Des Plaines River                         | 0.25              |
| Cargill, Inc.                          | Industrial Oils & Lubricant Chicago | Cook      | IL    | 6373690      | 588130     | Calumet River/calumet Lake                | 0.25              |
| Cargill, Inc.                          | Bloomington Facility                | Mc Lean   | IL    | 1161285      | 594289     | Sugar Creek                               | 0.15              |
| Cargill, Inc.                          | Creve Coeur, II Terminal            | Tazewell  | IL    | 22000275     | 11000000   | Illinois River                            |                   |
| Center Point Terminal Company          | Granite City Terminal               | Madison   | IL    | 35299782     | 6259974    | Ckain Of Rocks Creek/Mississippi River    | 0.25              |
| Citgo Petroleum                        | Arlington Heights East              | Cook      | IL    | 11802600     | 3214687    | Higgins Creek                             | 0.25              |
| Citgo Petroleum Company                | Lemont Refinery                     | Cook      | IL    | 335310614    | 11142600   | Chicago Sanitary & Chip Canal             |                   |
| Citgo Petroleum Corporation            | Arlington Heights West              | Cook      | IL    | 15277756     | 3435768    | Unnamed Tributary And Stream              | 0.5               |
| Citgo Petroleum Corporation            | Cicero Lubricants Mfg. Plant        | Cook      | IL    | 14763830     | 431900     | Chicago Sanitary & Ship Canal             | 0.25              |
| Continental Tire North America, Inc.   | Mt. Vernon, Il                      | Jefferson | IL    | 1367000      | 1000000    |   | 1                 |
| Countrymark Refining & Logistics, LLC  | Albion Gathering Station            | Edwards   | IL    | 9662500      | 6300000    | Bonpas Creek                              |                   |
| Countrymark Refining & Logistics, LLC  | Johnsonville Gathering Station      | Wayne     | IL    | 1050000      | 840000     |   |                   |

Region 5 Regional Contingency Plan / Inland Zone Area Contingency Plan

| Operator                               | Facility                       | County      | State | Total Volume | Worst Case | Water Body                     | Distance to Water |
|--|--------------------------------|-------------|-------|--------------|------------|--------------------------------|-------------------|
| Dow Automotive                         |                                | Kankakee    | IL    | 20000        | 22400      | Kankakee River                 | 1.5               |
| Dynegy Midwest Generation, Inc         | Havana Power Station           | Mason       | IL    | 725201778    | 5250000    | Illinois River                 |                   |
| Egan Marine Corporation                | Service Welding & Ship Bldg.   | Cook        | IL    | 760000       | 40000      | Chicago Sanitary & Ship Canal  | 0.25              |
| Emulsicoat, Inc.                       | Plant 2 - Urbana               | Champaign   | IL    | 9231614      | 2120942    | Saline Branch Drainage Ditch   | 0.18              |
| Emulsicoat, Inc.-Plant 1               | Urbana                         | Champaign   | IL    | 4196055      | 1015232    | City Of Urbana, Sewer          | 0.25              |
| Emulsions, Inc                         |                                | Lawrence    | IL    | 2210990      | 489000     | Embaras River                  | 0.5               |
| Equistar Chemicals, LP                 | Morris Complex                 | Grundy      | IL    | 1595401      | 804000     | Storm Ditch To Aux Sable Creek |                   |
| Evonik Corporation                     | Mapleton Facility              | Peoria      | IL    | 31338160     | 425000     | Pond Lily Lake, Illinois River |                   |
| Exxon Mobil Oil Corporation            | DesPlaines Terminal            | Cook        | IL    | 20510223     | 2711788    | Higgins Creek                  | 0.25              |
| Exxonmobil Corporation                 | Cicero Lube Plant              | Cook        | IL    | 13139007     | 2310884    | Chicago Sanitary & Ship Canal  | 0.25              |
| Exxonmobil Corporation                 | Lockport, IL Terminal          | Will        | IL    | 30511835     | 6361373    | Illinois & Michigan Canal      |                   |
| Exxonmobil Joliet Refinery             | US Interstate 55 & Aresenal Rd | Will        | IL    | 338911501    | 22412964   | Des Plaines River              | 0.25              |
| Future Environmental                   | Peoria, IL                     | Peoria      | IL    | 2054000      | 500000     | Illinois River                 |                   |
| Gateway Terminals, LLC                 | Sauget, IL                     | Saint Clair | IL    | 16645700     | 4153800    | Mississippi River              | 0                 |
| Goodyear Tire & Rubber Co. - Formerly  | Kelly-springfield Tire Co.     | Stephenson  | IL    | 878300       | 800000     |                                | 0.7               |
| Great Lakes Terminal & Transport Corp. | Argo Terminal-caretaker Status | Cook        | IL    | 11554000     | 1050000    | Chicago Sanitary & Ship Canal  |                   |
| Green Plains Madison, LLC              |                                | Madison     | IL    | 6167390      | 1015164    | Mississippi River              |                   |
| Growmark Inc.                          | Menard Terminal                | Menard      | IL    | 16677323     | 3390786    | Cabiness Creek-Sangamon River  | 0.5               |
| Growmark, Inc                          | Ashkum Terminal                | Iroquois    | IL    | 13368234     | 2651822    | Iroquis River                  |                   |
| GROWMARK, Inc.                         | Meredosia Terminal             | Morgan      | IL    | 9320000      | 4607000    | Illiois River                  |                   |

Region 5 Regional Contingency Plan / Inland Zone Area Contingency Plan

| <b>Operator</b>                       | <b>Facility</b>      | <b>County</b> | <b>State</b> | <b>Total Volume</b> | <b>Worst Case</b> | <b>Water Body</b>              | <b>Distance to Water</b> |
|---------------------------------------|----------------------|---------------|--------------|---------------------|-------------------|--------------------------------|--------------------------|
| Growmark, Inc.                        | Amboy Terminal       | Lee           | IL           | 7598701             | 2320000           | unnamed tributary              | 0                        |
| Hartford Wood River Terminal, LLC     |                      | Madison       | IL           | 34786925            | 3360000           | Missississpi River             | 0.4                      |
| Heritage Asphalt LLC                  | Pekin Terminal       | Tazewell      | IL           | 4876649             | 2590956           | Illinois River                 |                          |
| Heritage Asphalt, LLC                 | Cicero, IL Terminal  | Cook          | IL           | 5642971             | 3384106           | Chicago Sanitary Ship Canal    |                          |
| Heritage Environmental Services, Inc. |                      | Cook          | IL           | 402460              | 402460            |                                | 0.25                     |
| HWRT Terminal - Norris City, LLC      | Norris City Terminal | White         | IL           | 7813008             | 2524116           | Trib.to Norris City Reservoir  | 0.2                      |
| Illinois Corn Processing              |                      | Tazewell      | IL           | 2742525             | 100000            | Illinois River                 | 0                        |
| IMTT - Illinois                       | Lemont Terminal      | Cook          | IL           | 42000000            | 2270409           | Sanitary And Ship Canal        |                          |
| IMTT - Joliet                         | Joliet Facility      | Will          | IL           | 31920000            | 1260000           | Des Plaines River              | 0                        |
| Incobrasa Industries, Ltd.            |                      | Iroquois      | IL           | 18864973            | 3000000           |                                |                          |
| Ingredion Inc.                        | Argo Plant           | Cook          | IL           | 1732525             | 285000            | Chicago Sanitary Ship Canal    |                          |
| International Paper                   | Peoria Plant         | Peoria        | IL           | 0                   | 55                |                                | 1.5                      |
| Interstate Chemical Co                | Alpont Terminal      | Will          | IL           | 4229165             | 4228175           | Des Plaines River              | 0                        |
| Kinder Morgan                         | Rochelle Terminal    | Ogle          | IL           | 12732006            | 2806429           | Unnamed Tributary Of Kyte Cree |                          |
| Kinder Morgan                         | O'Hare Terminal      | Cook          | IL           | 29465479            | 4804341           | Higgins Creek                  | 0.5                      |
| Kinder Morgan                         | Wood River Terminal  | Madison       | IL           | 85858341            | 10214066          | Mississippi River              | 1                        |
| Kinder Morgan                         | Argo Harlem Terminal | Cook          | IL           | 21716505            | 3453027           | Chicago Sanitary & Ship Canal  | 0.25                     |
| Kinder Morgan Liquid Terminals        | Argo Terminal        | Cook          | IL           | 112549869           | 3990000           | Chicago Sanitary & Ship Canal  | 0.25                     |
| Kinder Morgan Liquid Terminals        | Chicago Terminal     | Cook          | IL           | 18295290            | 2284114           | Lake Calumet                   |                          |
| Koppers Ind., Inc.                    |                      | Cook          | IL           | 20542740            | 3383000           | Chgo Sanitary & Ship Canal     |                          |

Region 5 Regional Contingency Plan / Inland Zone Area Contingency Plan

| Operator                          | Facility                             | County    | State | Total Volume | Worst Case | Water Body   | Distance to Water |
|-----------------------------------|--------------------------------------|-----------|-------|--------------|------------|--|-------------------|
| Korall Corporation                | Lemont Facility                      | Cook      | IL    | 27900385     | 5670000    | Chicago Sanitary And & Ship                        |                   |
| Loders Croklaan                   | Channahon Plant                      | Will      | IL    | 11501270     | 354841     | Des Plaines River                                  | 0.25              |
| Magellan Pipeline Company         | Heyworth, Illinois Terminal          | Mc Lean   | IL    | 17622846     | 4642520    | Short Point Creek                                  | 1                 |
| Marathon Ashland Petroleum LLC    | Robinson Terminal                    | Crawford  | IL    | 14994        | 13902      | Wabash River                                       | 0.7               |
| Marathon Petroleum Co             | Robinson Refinery                    | Crawford  | IL    | 317825039    | 12694577   | Unnamed Tributary To Sugar Creek                   | 0.5               |
| Marathon Pipe Line, LLC           | Martinsville, IL                     | Clark     | IL    | 87028826     | 11100600   | North Fork Embarrass River                         |                   |
| Marathon Pipeline, LLC            | Wood River Station                   | Madison   | IL    | 45951450     | 6283368    | Drainage Ditch To Cahokia Creek. Mississippi River |                   |
| Marathon-no Oil Stored-no Oil     | Lubricants & Tba Supply              | Crawford  | IL    | 1146000      | 642000     |  | 0.5               |
| Materials Service Corp Not An Frp | Not An Frp - Below Threshold         | Will      | IL    | 28000        | 40000      |  |                   |
| Menzies ORD                       | Chicago O'Hare Intl. Airport         | Cook      | IL    | 23714313     | 2814000    | Willow Creek to Des Plaines River                  | 0.32              |
| Meredosia Terminal, Inc.          |                                      | Morgan    | IL    | 14686065     | 2762000    | Illinois River                                     |                   |
| MPLX Terminals, LLC               | Champaign IL Light Products Terminal | Champaign | IL    | 23319310     | 3458291    | Clear Lake   | 1                 |
| MPLX Terminals, LLC               | Mt. Prospect Terminal                | Cook      | IL    | 16354856     | 2439095    | Higgins Creek                                      | 0.25              |
| MPLX Terminals, LLC               | Rockford, IL Light Prod. Term.       | Winnebago | IL    | 9695030      | 3384107    | South Fork Kent Creek                              | 0.25              |
| Norfolk Southern Railway Company  | Decatur Yard                         | Macon     | IL    | 1159366      | 1085296    | Sewer to Sangamon River                            | 0.25              |
| Nustar Terminals Services, Inc.   | Blue Island Termianl                 | Cook      | IL    | 29999038     | 5460000    | Calumet Sag Channel                                | 0.25              |
| Oiltanking, Inc                   | Joliet Marine Terminal               | Will      | IL    | 1027915      | 1026400    | Des Plaines River                                  | 0                 |
| Olympic Petroleum Corporation     | Cicero Facility                      | Cook      | IL    | 5229235      | 420000     | Chicago Ship Canal                                 |                   |

Region 5 Regional Contingency Plan / Inland Zone Area Contingency Plan

| Operator                             | Facility                       | County      | State | Total Volume | Worst Case | Water Body   | Distance to Water |
|--------------------------------------|--------------------------------|-------------|-------|--------------|------------|--|-------------------|
| Omega Partners<br>Hartford, LLC      | Hartford, IL                   | Madison     | IL    | 34542401     | 10668000   | Chahokia Creek,<br>Mississippi River   | 0.5               |
| One Earth Energy, LLC                |                                | Ford        | IL    | 6578021      | 1500000    | Drummer Creek  | 2112              |
| Oneok North Systems,<br>LLC          | Morris Facility                | Grundy      | IL    | 1057692      | 1050000    | Aux Sable Creek  |                   |
| Ortek, Inc.                          |                                | Cook        | IL    | 2317500      | 250000     |  |                   |
| Owens-corning Trumbull<br>Asphalt    | Summit Plant                   | Cook        | IL    | 10214975     | 4800000    | Chicago Sanitary & Ship<br>Canal   | 1000              |
| Pacific Ethanol Pekin, LLC           |                                | Tazewell    | IL    | 3410755      | 1260000    | Illinois River   |                   |
| Patoka Terminal                      | Truck Unloading Facility       | Marion      | IL    | 6050000      | 2940000    | Unnamed Creek To<br>North Fork East Fork<br>Kaskaskia River To Lake<br>Carlyle |                   |
| Peoria River Terminal,<br>Inc.       | Peoria, IL                     | Peoria      | IL    | 5881220      | 1470000    | Illinois River   |                   |
| Petroleum Fuel &<br>Terminal Co      | Forest View, Illinois Terminal | Cook        | IL    | 19927502     | 3397909    | Chicago River/des Plaies<br>River  | 0.5               |
| Phillips 66 Company                  | Wood River Refinery            | Madison     | IL    | 618900000    | 12432000   | Mississippi River  |                   |
| Phillips 66 Company                  | East St. Louis Terminal        | Saint Clair | IL    | 92084310     | 8198400    | Mississippi River  | 0.5               |
| Phillips 66 Company                  | Hartford Terminal & Barge Dock | Madison     | IL    | 64944385     | 3395490    | Cahokia<br>Canal/mississippi Riv   |                   |
| Premcor Alsip<br>Distribution Center | Valero Terminaling             | Cook        | IL    | 46681391     | 5019000    | Calumet Sag Channel  |                   |
| REG Seneca Facility                  | Seneca Illinois                | La Salle    | IL    | 9105430      | 1000000    | Illinois River   |                   |
| Renewable Energy Group               | Danville                       | Vermilion   | IL    | 16164741     | 5515394    | Stony Creek To<br>Vermilion River  |                   |
| Rock Valley Oil &<br>Chemical Co.    |                                | Winnebago   | IL    | 292000       | 19000      | Rock River   | 1.5               |
| RRR Tank Properties, LLC             | Joliet, Illinois               | Grundy      | IL    | 8433670      | 2299653    | Des Plaines River  |                   |
| Safety-kleen Systems, Inc            | East St. Louis Terminal        | Saint Clair | IL    | 1981815      | 300000     | Storm Sewer To Missippi<br>River   |                   |
| Scott Air Force Base                 |                                | Saint Clair | IL    | 1493020      | 210000     | Silver Creek/ash Creek   | 0.25              |

## Region 5 Regional Contingency Plan / Inland Zone Area Contingency Plan

| Operator                                 | Facility                       | County      | State | Total Volume | Worst Case | Water Body                       | Distance to Water |
|--|--------------------------------|-------------|-------|--------------|------------|----------------------------------|-------------------|
| Shell Oil Products US                    | Des Plaines Terminal           | Cook        | IL    | 14119763     | 4749052    | Higgins Creek                    | 0.2               |
| Shell Pipeline Company/dot Facility      | Patoka West Trucking/dot Facil | Marion      | IL    | 5187000      | 5153400    | Carlyle Lake                     | 0.25              |
| Solae, LLC                               | Gibson City Terminal           | Ford        | IL    | 20806428     | 3078017    | Drummer Creek                    | 0.25              |
| Stepan Co.                               | Millsdale Plant                | Will        | IL    | 4451089      | 600930     | Des Plaines River                |                   |
| The Premcor Refining Group-valero        | Hartford Distribution Center   | Madison     | IL    | 54158206     | 5040000    | Mississippi River                |                   |
| The Valvoline Company                    |                                | Cook        | IL    | 3953440      | 1008000    | Des Plaines River                | 0.25              |
| Union Pacific Railroad                   | Proviso Yard                   | Cook        | IL    | 1000000      | 1000000    |                                  | 1.5               |
| Union Pacific Railroad Company           | Dolton Yard                    | Cook        | IL    | 0            | 693000     |                                  | 1                 |
| United Parcel Service                    | Rockford Terminal              | Winnebago   | IL    | 1995200      | 840000     | Rock River                       | 0.5               |
| Unocal - See Frp0500282                  | Monee Station                  | Cook        | IL    |              | 672000     |                                  | 1.5               |
| Unocal Pipeline Company-dot Facility Onl | Chicap Pipeline-dot Facility   | Will        | IL    | 36960000     | 2100000    |                                  | 1.5               |
| Unocal/dot Facility                      | Patoka Station                 | Marion      | IL    | 20916000     | 1512000    |                                  | 1.5               |
| Utica Terminal, Inc.                     | Subsidiary Of IL Road Contract | La Salle    | IL    | 4964575      | 1018685    | Illinois River                   | 0.25              |
| Vantage Corn Processors, LLC             | Peoria Illinois                | Peoria      | IL    | 2543139      | 1049750    | Illinois River                   | 0                 |
| Watco Transloading, LLC                  | Cahokia Terminal               | Saint Clair | IL    | 1508245      | 1503000    | Mississippi River                |                   |
| Westway Feed Products, LLC               | Cordova, Illinois              | Rock Island | IL    | 1046140      | 960000     | Mississippi River                |                   |
| Zenith Energy Terminal                   | Joliet Terminal                | Will        | IL    | 32398678     | 6300000    | Des Plaines River                | 0                 |
| Zion Energy LLC/Calpine Central LP       | Zion Energy Center             | Lake        | IL    | 1702606      | 1545946    | Drainage Ditch/Des Plaines River |                   |
| <b>Indiana</b>                           |                                |             |       |              |            |                                  |                   |
| Alcoa                                    | Warrick Operations             | Warrick     | IN    | 3919617      | 358750     | Ohio River                       |                   |
| American Electric Power                  | Rockport Plant                 | Spencer     | IN    | 4486916      | 2000000    | Ohio River                       |                   |

Region 5 Regional Contingency Plan / Inland Zone Area Contingency Plan

| <b>Operator</b>                       | <b>Facility</b>                    | <b>County</b> | <b>State</b> | <b>Total Volume</b> | <b>Worst Case</b> | <b>Water Body</b>   | <b>Distance to Water</b> |
|---------------------------------------|------------------------------------|---------------|--------------|---------------------|-------------------|---|--------------------------|
| Arcelormittal Burns Harbor, LLC       |                                    | Porter        | IN           | 49428000            | 500000            | Lake Michigan   | 0.5                      |
| Arcelormittal Steel, Inc.             | Indiana Harbor West                | Lake          | IN           | 588441              | 70000             | Indiana Harbor Ship Channel   | 0.25                     |
| Arcelormittal, Inc.                   | Indiana Harbor East                | Lake          | IN           | 1511364             | 120000            | Indiana Harbor Ship Canal   | 0.25                     |
| Archer Daniels Midland-frankfort, In  | Frankfort Indiana                  | Clinton       | IN           | 5946222             | 4218705           | Wildcat Creek   |                          |
| Asphalt Materials                     | Mt. Vernon Terminal                | Posey         | IN           | 16103952            | 6345201           | Ohio River  | 0.25                     |
| Asphalt Materials                     | Indianapolis                       | Marion        | IN           | 18924573            | 11945353          | Oil Creek   | 0.25                     |
| Benchmark Distribution Terminals, LLC | Waterloo, IN Asphalt Terminal      | De Kalb       | IN           | 12678565            | 3440557           | Storm Water Discharge   |                          |
| BF Goodrich Tire Manufacturing        |                                    | Allen         | IN           | 9350759             | 2031408           | Maumee River And Marsh Ditch  |                          |
| BP Products North America, Inc.       | Whiting Business Unit              | Lake          | IN           | 600743257           | 25379046          | Indiana Harbor Canal & Lake Mi  |                          |
| Buckeye Partners LP                   | East Chicago Terminal              | Lake          | IN           | 84374354            | 11280402          | Indiana Harbor Canal  |                          |
| Buckeye Terminal, LLC                 | Granger Terminal                   | Saint Joseph  | IN           | 11173746            | 2781618           | Juday Creek   | 0.5                      |
| Buckeye Terminals, LLC                | Raceway Terminal                   | Marion        | IN           | 17691392            | 3422412           | Clermont Creek  |                          |
| Buckeye Terminals, LLC                | Muncie Terminal                    | Delaware      | IN           | 7894208             | 4620000           | Mud Creek   | 1.1                      |
| Buckeye Terminals, LLC                | Zionsville (Indianapolis) Terminal | Marion        | IN           | 25098936            | 4635842           | Eagle Creek Reservoir   | 0.5                      |
| Buckeye Terminals, LLC                | Clermont Terminal                  | Marion        | IN           | 11760000            | 3360000           | Eagle Creek   | 1                        |
| Buckeye Terminals, LLC                | Hammond (East Chicago) Terminal    | Lake          | IN           | 71181442            | 10659180          | Grand Calumet River   | 0.25                     |
| Buckeye Terminals, LLC                | Indianapolis Terminal              | Marion        | IN           | 8287642             | 3187380           | Mario Creek & Eagle Creek   | 0.5                      |
| Buckeye Terminals, LLC                | South Bend Terminal                | Saint Joseph  | IN           | 8690956             | 2299962           | Bowen Creek   | 0.25                     |
| Bunge North America (East) Inc.       | Decatur Terminal                   | Adams         | IN           | 25068580            | 3000000           | St. Mary's River  | 0.25                     |
| Bunge North America (East) LLC        | Morristown Facility                | Shelby        | IN           | 7318415             | 304508            | Unnamed Creek To Blue River And The Morristown Wellhead Protection Area | 0                        |



Region 5 Regional Contingency Plan / Inland Zone Area Contingency Plan

| <b>Operator</b>                     | <b>Facility</b>             | <b>County</b> | <b>State</b> | <b>Total Volume</b> | <b>Worst Case</b> | <b>Water Body</b>              | <b>Distance to Water</b> |
|-------------------------------------|-----------------------------|---------------|--------------|---------------------|-------------------|--------------------------------|--------------------------|
| Bunge North America (East), LLC     | Indianapolis                | Marion        | IN           | 4007185             | 2000000           | White River                    | 0                        |
| Cargill, Inc.                       | Soybean Processing Plant    | Tippecanoe    | IN           | 1757812             | 1370000           | Wabash River                   | 0.25                     |
| Citgo Petroleum Corporation         | Huntington Terminal         | Huntington    | IN           | 8975992             | 2977322           | Little Wabash River            | 0.6                      |
| Citgo Petroleum Corporation         | East Chicago Terminal       | Lake          | IN           | 179570000           | 5880000           | Lake Michigan                  | 0.25                     |
| Consolidated Grain And Barge Co.    | Soybean Processing Division | Posey         | IN           | 2234411             | 447000            | Ohio River                     | 0                        |
| Countrymark Cooperative Llp         | Peru Terminal               | Miami         | IN           | 11878429            | 2310000           | Road Ditch To Lewis Little Dit | 0.25                     |
| Countrymark Cooperative, Inc.       | Mt Vernon Refinery          | Posey         | IN           | 34485753            | 4611768           | Mill Creek/Ohio River          | 0.5                      |
| Countrymark Cooperative, LLP        | Jolietville Terminal        | Hamilton      | IN           | 22589921            | 4033218           | Intermit Stream To Eagle Creek | 0.25                     |
| Countrymark Coopoeative, LLP        | Switz City, Indiana         | Greene        | IN           | 9636545             | 2310000           | Road Ditch To Buck Creek       | 0.5                      |
| CSX Transportation, Inc.            | Avon/BigFour Yard           | Hendricks     | IN           | 4083912             | 1029300           | Salem Creek, White Lick Creek  | 0.1                      |
| D-A Lubricant Co                    | Lebanon, Indiana            | Boone         | IN           | 2557630             | 50000             | Ditch-prairie Creek-sugar Cree |                          |
| Eco Services Operations, LLC        |                             | Lake          | IN           | 1843919             | 814941            | Grand Calumet River            |                          |
| Enbridge Energy Company             | Hartsdale Terminal          | Lake          | IN           | 37800000            | 4620000           |                                |                          |
| Enterprise Refined Products         | Princeton Terminal          | Gibson        | IN           | 8053500             | 2814000           | Ditch To Keg Creek To Patoka R |                          |
| Exxon Mobil Oil Corporation         | Hammond Terminal            | Lake          | IN           | 28715083            | 5029080           | Indiana Harbor Ship Canal      | 0.3                      |
| FCA US LLC                          | Kokomo Transmission Plant   | Howard        | IN           | 2029994             | 160000            | Kokomo Creek                   |                          |
| Fedex Express Corporation           | Indianapolis                | Marion        | IN           | 44726425            | 750000            | Seerley Creek Basin            |                          |
| Frick Services, Inc Liquid Terminal |                             | Porter        | IN           | 5560800             | 1900000           | East Harbor Arm                |                          |

Region 5 Regional Contingency Plan / Inland Zone Area Contingency Plan

| Operator                                | Facility                                    | County     | State | Total Volume | Worst Case | Water Body   | Distance to Water |
|---|---|------------|-------|--------------|------------|--|-------------------|
| Gladieux Trading & Marketing Co, LP     | Fort Wayne Terminal                         | Allen      | IN    | 23870100     | 2889012    | Potw   | 0.5               |
| Gladieux Trading & Marketing Co., L.P.  | Huntington Terminal                         | Huntington | IN    | 32404065     | 3109355    | Creek, Little River, Little Wabash River                       |                   |
| Green Plains Mount Vernon               |   | Posey      | IN    | 6146542      | 1015164    | Ohio River   |                   |
| Grissom Air Reserve Base                | US Air Force Reserve-434 Air Refueling Wing | Miami      | IN    | 2074176      | 552300     | Mcdowell Ditch/Wabash River                                    |                   |
| Heritage - Crystal Clean, LLC           | Indianapolis Re-Refinery                    | Marion     | IN    | 7921076      | 5937991    |  |                   |
| Heritage Asphalt, LLC                   | Warsaw Asphalt Terminal                     | Kosciusko  | IN    | 6673055      | 4219783    | Winona Lake  | 0.3               |
| HWRT Terminal, LLC                      | Seymour Terminal                            | Jackson    | IN    | 2424850      | 450000     | Mutton Creek   | 0.25              |
| Idemitsu Lubricants America Corporation | Jeffersonville Terminal                     | Clark      | IN    | 2381020      | 125000     | Storm Sewer To Municipality. Lake Cassange Creek to Ohio River |                   |
| Indiana Michigan Power                  | Tanners Creek                               | Dearborn   | IN    | 849200       | 128000     | Ohio River   |                   |
| Indianapolis Power & Light              | Petersburg                                  | Pike       | IN    | 1277787      | 300000     | White River  |                   |
| Indianapolis Power And Light Company    | Harding Street Station                      | Marion     | IN    | 56032556     | 3720108    | White River  |                   |
| Indianapolis Int'l Airport              | Menzies Bulk Storage Fuel Farm Facility     | Marion     | IN    | 1897028      | 619500     | Sterling Run Channel   | 0.01              |
| Integrity Biofuels                      |   | Shelby     | IN    | 2002490      | 1500000    | Ditch-Prairie Branch Creek-Big Blue River                      | 2100              |
| Kinder Morgan                           | Indianapolis Terminal                       | Marion     | IN    | 19364855     | 3465687    | Little Eagle Creek- To Eagle Creek, To White River             |                   |
| Laketon Refining Corporation            | Laketon Terminal                            | Wabash     | IN    | 14303011     | 5067871    | Round Lake/Eel creek/flack Creek                               | 0.25              |
| Lassus Brothers Oil Terminal            | Huntington, Indiana                         | Huntington | IN    | 6739631      | 2286060    | Drain-weber Creek-lake Clare                                   |                   |

Region 5 Regional Contingency Plan / Inland Zone Area Contingency Plan

| Operator                                   | Facility                            | County      | State | Total Volume | Worst Case | Water Body   | Distance to Water |
|--|-------------------------------------|-------------|-------|--------------|------------|--|-------------------|
| Louis Dreyfus Agricultural Industries, LLC |                                     | Kosciusko   | IN    | 10776384     | 1635000    | Caldwell lake, Sloan Adams Drain, Palestine Lake, Tippecanoe River |                   |
| Marathon Petroleum Co., llc                | Clermont Light Products Terminal    | Marion      | IN    | 10724435     | 2172030    | Mario Creek  |                   |
| Marathon Petroleum, LLC                    | Indianapolis Asphalt Terminal       | Marion      | IN    | 5181899      | 1017590    | Dollar Hide Creek  | 0.25              |
| Marathon Petroleum, LLC                    | Clarksville, IN Light Products      | Clark       | IN    | 8184834      | 3488940    | Ohio River   |                   |
| Metalwoking Lubricants Co                  |                                     | Marion      | IN    | 1842921      | 92000      | White River  |                   |
| Mobil Oil Corporation/sold Norco Pipelin   | East Chicago/dot Facility Only      | Lake        | IN    | 46281488     | 4747488    | In Harbor Ship Canal/lake Mi                                       | 0.25              |
| MPLX Terminals, LLC                        | Speedway Light Product Termina      | Marion      | IN    | 22179719     | 3412308    | Little Eagle Creek   | 0.25              |
| MPLX Terminals, LLC                        | Hammond, IN Light Products Terminal | Lake        | IN    | 49817497     | 8755778    | Lake George  | 0.25              |
| MPLX Terminals, LLC                        | Indianapolis Refinery               | Marion      | IN    | 37640443     | 14766035   | ittle Eagle Creek & Oil Creek                                      | 0.25              |
| MPLX Terminals, LLC                        | Huntington Terminal                 | Huntington  | IN    | 7882472      | 1786057    | Little River   | 1                 |
| MPLX Terminals, LLC                        | Evansville Terminal                 | Vanderburgh | IN    | 5345927      | 1639368    | Ohio River   |                   |
| MPLX Terminals, LLC                        | Muncie, IN Light Products Term      | Delaware    | IN    | 9506087      | 2560752    | Drainage Ditch to Mud Creek  |                   |
| MPLX Terminals, LLC                        | Mt. Vernon In Light Products        | Posey       | IN    | 26509756     | 17261011   | Ohio River   | 0                 |
| National Oil & Gas                         | Fort Wayne Bulk Oil Storage         | Allen       | IN    | 3204165      | 1092000    | Ditch-bercot Drain-spy Creek                                       |                   |
| Nofolk Southern Railway Co                 | Elkhart Yard                        | Elkhart     | IN    | 2919021      | 1017700    | Clark Run Creek & Lake Herring/st. Joseph River                    | 0.5               |
| Pinnacle Oil, Inc                          |                                     | Marion      | IN    | 2514700      | 60914      | Little Eagle Creek   |                   |
| Premcor Pipeline Company                   | Hammond Terminal                    | Lake        | IN    | 33871688     | 8400000    | Grand Calumet River  | 0.5               |
| Rolls-Royce Corporation                    | Plant 5 Powerhouse                  | Marion      | IN    | 1055261      | 420000     | Eagel Creek  | 0.75              |

## Region 5 Regional Contingency Plan / Inland Zone Area Contingency Plan

| Operator                                 | Facility                | County      | State | Total Volume | Worst Case | Water Body                     | Distance to Water |
|--|-------------------------|-------------|-------|--------------|------------|--------------------------------|-------------------|
| SKORC Oil Recovery Company               |                         | Lake        | IN    | 25078551     | 4000000    | Lake George Canal              |                   |
| Sunoco Partners Marketing & Terminals LP | Huntington Terminal     | Huntington  | IN    | 8657220      | 1481844    | Claire Lake                    | 0.5               |
| Tanco Clark Maritime, LLC                | Jeffersonville, IN      | Clark       | IN    | 10639078     | 3436569    | Ohio River                     | 0.13              |
| Tanco Terminals, Inc.                    | Port Of Indiana         | Porter      | IN    | 16440420     | 2730000    | Lake Michigan                  |                   |
| The Andersons Marathon Holdings, LLC     | Logansport, IN Terminal | Cass        | IN    | 11014669     | 7500000    | Keeps Creek, to Wabash River   | 0.1               |
| Transmontaigne Terminating Inc.          | Evansville Terminal     | Vanderburgh | IN    | 10128930     | 1370250    | Ohio River                     | 0.25              |
| Transmontaigne Terminating, Inc.         | New Albany Terminal     | Floyd       | IN    | 9457812      | 1061550    | Ohio River                     | 0.25              |
| United States Steel                      | Gary Works              | Lake        | IN    | 2500024000   | 4000000    | Lake Mi, Grand Calulmet River  | 0.24              |
| Us Oil                                   | Indianapolis Terminal   | Marion      | IN    | 17992877     | 2284787    | Marion Creek To Eagle Creek    | 0.2               |
| Valero                                   | Mt. Vernon Plant        | Posey       | IN    | 3008250      | 1406000    | Mcfadden Creek-ohio River      |                   |
| Valero Bluffton Plant                    |                         | Wells       | IN    | 3245078      | 1484820    | Schwartz Ditch                 |                   |
| Valero Linden Plant                      |                         | Montgomery  | IN    | 3213080      | 1464814    | John Gobin Ditch #2            |                   |
| Wolf Lake Terminals, Inc.                |                         | Lake        | IN    | 17607551     | 420000     | Wolf Lake                      |                   |
| <b>Michigan</b>                          |                         |             |       |              |            |                                |                   |
| Bit-Mat Products Of Michigan, Inc.       | Bay City, Michigan      | Bay         | MI    | 11500000     | 4217657    | Saginaw River                  | 0.25              |
| Bkep Materials, LLC                      | Bay City Terminal       | Bay         | MI    | 7316643      | 2284266    | Saginaw River                  |                   |
| Buckeye Terminal, LLC                    | Napoleon Terminal       | Jackson     | MI    | 8659408      | 2049600    | Unnamed Stream to Raisin River | 0.5               |
| Buckeye Terminal, LLC                    | Taylor Terminal         | Wayne       | MI    | 11580906     | 2351916    | Ecorse Creek                   | 1                 |
| Buckeye Terminal, LLC                    | River Rouge Terminal    | Wayne       | MI    | 70104131     | 3686634    | River Rouge                    |                   |
| Buckeye Terminals, LLC                   | Flint Terminal          | Genesee     | MI    | 11630252     | 2768784    | Mott Lake                      | 0.5               |

## Region 5 Regional Contingency Plan / Inland Zone Area Contingency Plan

| Operator                               | Facility                   | County      | State | Total Volume | Worst Case | Water Body                                     | Distance to Water |
|--|----------------------------|-------------|-------|--------------|------------|--|-------------------|
| Buckeye Terminals, LLC                 | Woodhaven Terminal         | Wayne       | MI    | 57542993     | 7423290    | Detroit River                                  | 0.25              |
| Buckeye Terminals, LLC                 | Jackson Terminal           | Jackson     | MI    | 3695916      | 1244250    | Grand River                                    | 1.5               |
| Buckeye Terminals, LLC                 | Niles North Terminal       | Berrien     | MI    | 17798748     | 3081708    | St. Joseph River                               | 0.5               |
| Buckeye Terminals, LLC                 | Dearborn Terminal          | Wayne       | MI    | 10858877     | 3380160    | Storm Sewer To Ecorse River                    | 0.5               |
| Buckeye Terminals, LLC                 | Marshall Terminal          | Calhoun     | MI    | 11714581     | 3422753    | Talmadge Creek                                 | 0.5               |
| Buckeye Terminals, LLC                 | Detroit Products Terminal  | Wayne       | MI    | 24456829     | 4669543    | River Rouge                                    | 0.25              |
| Buckeye Terminals, LLC                 | Ferrysburg Terminal        | Ottawa      | MI    | 12635137     | 3990000    | Grand River/lake Michigan                      | 0.25              |
| Buckeye Terminals, LLC                 | Taylor Terminal East       | Wayne       | MI    | 12436772     | 4009884    | Ecorse Creek Outfall/detroit R                 | 1.5               |
| Buckeye Terminals, LLC                 | Niles West Terminal        | Berrien     | MI    | 5291055      | 1470000    | Intermittent Stream to St. Joseph River        |                   |
| C. Stoddard & Sons, Inc                |                            | Allegan     | MI    | 1622335      | 400000     | Rabbit River                                   | 3804              |
| Citgo Petroleum Corporation            | Ferrysburg Terminal        | Ottawa      | MI    | 7654178      | 2310294    | Grand River to Lake Michigan                   | 0.5               |
| Citgo Petroleum Corporation            | Jackson Terminal           | Jackson     | MI    | 9463900      | 2310000    | Grand River                                    | 1.5               |
| Citgo Petroleum Corporation            | Niles Terminal             | Berrien     | MI    | 11425668     | 5040000    | St. Joseph River                               | 0.5               |
| Construction Resource Management, Inc. | Gladstone Tank Farm        | Delta       | MI    | 12901200     | 3000000    | Lake Michigan                                  |                   |
| Consumer Energy Co.,                   | Karn/weadock Gen. Facility | Bay         | MI    | 36207321     | 8641158    | Saginaw River/saginaw Bay                      | 0.24              |
| Delta Fuels Of Michigan                | Novi Facility              | Oakland     | MI    | 14013884     | 2816060    | Storm Drain - Ingersoll Creek                  |                   |
| Detroit Edison                         | Fermi 2 Power Plant        | Monroe      | MI    | 2792097      | 845970     | Lake Erie, Swan Creek, American Lotus Preserve | 200               |
| Dow Corning Corp                       | Midland Site               | Midland     | MI    | 7110988      | 60000      | Lingle Drain To Tittabawassee River            |                   |
| DTE Electric Company                   | St. Claire Power Plant     | Saint Clair | MI    | 25765600     | 1500000    | St. Claire River & Belle River                 |                   |
| DTE Electric Company                   | Monroe Power Plant         | Monroe      | MI    | 1020030      | 449000     | Lake Erie                                      | 0                 |

## Region 5 Regional Contingency Plan / Inland Zone Area Contingency Plan

| Operator                              | Facility                       | County     | State | Total Volume | Worst Case | Water Body  | Distance to Water |
|---------------------------------------|--------------------------------|------------|-------|--------------|------------|---|-------------------|
| DTE Electric Company                  | Belle River Power Plant        | St. Claire | MI    | 1711800      | 1200000    | East China Water Intake                             | 0.25              |
| EES Coke Battery, LLC                 |                                | Wayne      | MI    | 1959354      | 710848     | Detroit River                                       |                   |
| Envirosolids, LLC                     | Dearborn, Mi                   | Wayne      | MI    | 10792031     | 3418913    | Storm Sewer To Rouge River                          |                   |
| Equilon Enterprises Llc/dot Facility  | Detroit Metro Plant/dot Facili | Wayne      | MI    | 4377000      | 2814000    | Godfrey Drain To Ecorse River                       |                   |
| Fiat Chrysler Automobiles US, LLC     | Dundee Engine Plant            | Monroe     | MI    | 1286404      | 122000     | Drain Leads To Macon Creek, River Raisin, Lake Erie | 1700              |
| General Motors Powetrain              | Saginaw Metal Casting Operatio | Saginaw    | MI    | 0            |            |   |                   |
| Gm Pt Willow Run Plant                | Ypsilanti Site                 | Washtenaw  | MI    | 2318079      | 180000     | Willow Run Creek/tyler Pond                         |                   |
| Great Lakes Aggregates                | River Rouge Petroleum Terminal | Wayne      | MI    | 1040200      | 1000000    | River Rouge/detroit River                           |                   |
| Great Lakes Petroleum Terminal, LLC   |                                | Wayne      | MI    | 24820536     | 5042281    | South Bank Rouge River                              |                   |
| Holland Terminal                      |                                | Ottawa     | MI    | 11229571     | 4060500    | Storm Drain Lake Macatawa, Lake MI                  | 0                 |
| Isle Royale National Park             | Mott Island Headquarters       | Houghton   | MI    | 60425        | 20000      | Lake Superior                                       |                   |
| Isle Royale National Park             | Windigo Developed Area         | Houghton   | MI    | 52780        | 20000      | Lake Superior                                       |                   |
| Isle Royale National Park             | Rock Harbor Developed Area     | Houghton   | MI    | 52740        | 20000      | Lake Superior                                       |                   |
| Koch Materials Company/facility Idled | Bay City Facility/idle Status  | Bay        | MI    | 1211840      | 230000     | Saginaw River                                       | 0.3               |
| Lansing Asphalt Terminal Co. (LATCO)  | Lansing, MI                    | Eaton      | MI    | 14503455     | 3050208    | Carrier Creek                                       |                   |
| Lockhart Chemical Company             |                                | Genesee    | MI    | 1488500      | 28000      | Flint River   | 0.5               |
| Marathon Petroleum Company, LLC       | Michigan Refining Division     | Wayne      | MI    | 209098900    | 9156000    | Rouge River   | 0.25              |

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| Operator                              | Facility                                 | County         | State | Total Volume | Worst Case | Water Body   | Distance to Water |
|---------------------------------------|--|----------------|-------|--------------|------------|--|-------------------|
| Marathon Petroleum, LLC               | Bay City (wilder) Terminal               | Bay            | MI    | 13150830     | 2268000    | Sauginaw River/sauginaw Bay  | 0.3               |
| Marathon Petroleum, LLC               | Traverse City, Lt Product Term           | Grand Traverse | MI    | 7647858      | 2335956    | Grand Traverse Bay   | 0.25              |
| Marathon Pipe Line                    | Samaria Station                          | Monroe         | MI    | 25261016     | 3998652    | North Branch Cone Creek, Cone Creek, Little Lake Drain, Little lake Creek, N Maumee Bay of Lake Erie |                   |
| Michigan Asphalt Terminal Company     | Matco                                    | Manistee       | MI    | 8087880      | 2200000    | Manistee Lake  |                   |
| Michigan Marine Terminal              | River Rouge                              | Wayne          | MI    | 29355964     | 4120121    | Rouge River  |                   |
| Michigan Paving & Materials Co        | Monroe Terminal                          | Monroe         | MI    | 58000000     | 8400000    | River Raisen To Lake Erie  |                   |
| Michigan Paving & Materials Co        | Liquid Asphalt Emulsion Production Plant | Gratiot        | MI    | 16271286     | 5480000    | Pine River   |                   |
| Mistersky Tank And Dock Facility      | Detroit, MI                              | Wayne          | MI    | 19094704     | 3621618    | Detroit River  |                   |
| MPLX Terminals, LLC                   | Niles Terminals                          | Berrien        | MI    | 26557092     | 4391090    | St. Joseph River   | 1                 |
| MPLX Terminals, LLC                   | North Muskegon Terminal                  | Muskegon       | MI    | 18518104     | 6824616    | Bear Creek   | 0.25              |
| MPLX Terminals, LLC                   | Romulus Terminal                         | Wayne          | MI    | 11325562     | 2354970    | Douglas & Kelly Drains   | 0.1               |
| MPLX Terminals, LLC                   | Lansing Terminal                         | Clinton        | MI    | 7404996      | 3178032    | Watson & Summers Drain   | 0.25              |
| MPLX Terminals, LLC                   | Flint Light Products Terminal            | Genesee        | MI    | 9196958      | 4799783    | Cornwell Drain to Flint River  | 0.25              |
| MPLX Terminals, LLC                   | Bay City Mi Light Products Ter           | Bay            | MI    | 18477757     | 4067979    | Saginaw River  |                   |
| MPLX Terminals, LLC                   | Jackson, Mi Light Products Ter           | Jackson        | MI    | 12911708     | 2412939    | Rives Blackman Drain To Grand  | 1                 |
| Pennzoil-quaker State Dbasop Products | River Rouge Lubricants Plant             | Wayne          | MI    | 8886782      | 1015224    | Rouge River  | 0.01              |
| Quaker Houghton                       | Detroit Facility                         | Wayne          | MI    | 2554237      | 36000      | Lower Rouge River  | 2                 |

## Region 5 Regional Contingency Plan / Inland Zone Area Contingency Plan

| Operator                                 | Facility                       | County        | State | Total Volume | Worst Case | Water Body                                  | Distance to Water |
|--|--------------------------------|---------------|-------|--------------|------------|---|-------------------|
| Selfridge Air National Guard Base        | SANGB                          | Macomb        | MI    | 1436910      | 902710     | Lake St. Claire                             |                   |
| Sterling Services, Ltd.                  |                                | Wayne         | MI    | 2552051      | 498912     | Storm Sewer                                 |                   |
| Sunoco Logistics Marketing & Terminals   | Romulus Terminal               | Wayne         | MI    | 15075236     | 4993050    | Godfrey Drain                               | 0.25              |
| Sunoco Partners Marketing & Terminals LP | Owosso Terminal                | Shiawassee    | MI    | 9807088      | 1680000    | Maple River                                 | 0.5               |
| Sunoco Partners Marketing & Terminals Lp | River Rouge Terminal           | Wayne         | MI    | 3200444      | 1299158    | Rouge River                                 | 0.5               |
| Swissport Sa Fuel Services, LLC          | Dtw Bulk Fuel Storage Facility | Wayne         | MI    | 8934925      | 2520000    | Frank & Poet Drain                          | 0.25              |
| The Andersons Marathon Holdings, LLC     |                                | Calhoun       | MI    | 3297587      | 1500000    | Kalamazoo River                             | 0.1               |
| US Oil Rogers City Terminal              |                                | Presque Isle  | MI    | 3364195      | 3360000    | Frog Pond                                   |                   |
| US Venture Inc.                          | Cheboygan Terminal             | Cheboygan     | MI    | 6887674      | 2107182    | Cheboygan River                             |                   |
| Valero Renewable Fuels Co., LLC          | Riga Plant                     | Lenawee       | MI    | 1342658      | 619570     | Goll Drain, Floodwood Creek, River Raisin   | 0                 |
| Verso Escabana, LLC                      | Escabana, Michigan             | Delta         | MI    | 1200000      | 1000000    | Escabana River                              | 0.25              |
| Waterfront Petroleum Terminal            | Dearborn Terminal              | Wayne         | MI    | 3903158      | 951840     | Rouge River                                 | 0                 |
| Zeeland Farm Services, Inc               |                                | Ottawa        | MI    | 1865550      | 183376     | Blck Creek-Macatawa River-Macatawa Lake     | 5018              |
| ZFS Ithaca, LLC                          |                                | Gratiot       | MI    | 2125055      | 500000     | Brady Creek                                 | 2991              |
| <b>Minnesota</b>                         |                                |               |       |              |            |   |                   |
| AG Processing, Inc.                      |                                | Lac Qui Parle | MN    | 2997956      | 502656     | Storm Sewer To Lac Qui Parle River Wetlands | 0.25              |
| Archer Daniels Midland                   | Northern Sun Division          | Goodhue       | MN    | 5773356      | 2942572    | Mississippi River                           | 0.25              |
| Archer Daniels Midland Co                | Marshall Minnesota             | Lyon          | MN    | 3649978      | 2284000    | Redwood River                               |                   |



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| Operator                                 | Facility                      | County      | State | Total Volume | Worst Case | Water Body                           | Distance to Water |
|--|-------------------------------|-------------|-------|--------------|------------|--------------------------------------|-------------------|
| Archer Daniels Midland Company           | Mankato, Mn                   | Blue Earth  | MN    | 11677473     | 4060918    | Minnesota River                      | 1                 |
| Bongards Creameries                      |                               | Carver      | MN    | 2430000      | 2315000    | Ditch Leading To Winkler Lake        | 1                 |
| Burlington Northern & SantaFe Railway Co | Northtown Yard                | Anoka       | MN    | 2434434      | 2282000    | Mississippi River                    | 0.5               |
| BWC Terminals LLC                        | St. Paul Terminal #1          | Ramsey      | MN    | 8104733      | 1500000    | Mississippi River                    | 0.25              |
| BWC Terminals LLC                        | St. Paul Terminal #2          | Ramsey      | MN    | 5350220      | 1500000    | Mississippi River                    |                   |
| Cargill Barnesville                      | Barnesvill, MN                | Clay        | MN    | 10300945     | 8240000    | Stony Creek                          | 0.42              |
| Certainteed Corporation                  | Shakopee Plant                | Scott       | MN    | 4114605      | 1014647    | Minnesota River                      | 3000              |
| CHS                                      | Fairmont Facility             | Martin      | MN    | 12321593     | 3400000    | Unnamed Creek                        | 0.25              |
| CHS Hallock                              |                               | Kittson     | MN    | 18854447     | 415000     | Co. Ditch 8, Stream-red River        | 0.1               |
| CHS Lubricants Plant                     |                               | Dakota      | MN    | 3505600      | 500000     | Mississippi River                    | 0.25              |
| CHS Oilseed Processing                   | Mankato                       | Blue Earth  | MN    | 10381046     | 801767     | Minnesota River And Blue Earth River |                   |
| Como Lube & Supplies, Inc                |                               | Saint Louis | MN    | 2419500      | 260000     | Lake Superior                        |                   |
| East Side Oil Co.                        |                               |             | MN    | 4845815      | 2000000    | Mississippi River                    | 0.5               |
| Flint Hill Resources                     | Pine Bend Refinery            | Dakota      | MN    | 435097140    | 22127600   | Mississippi River                    | 0                 |
| Flint Hills Resources                    | Marshall, MN Asphalt Terminal | Lyon        | MN    | 24057633     | 9136699    | Redwood River Diversion Channe       |                   |
| Flint Hills Resources, LP                | St Paul Facility              | Ramsey      | MN    | 3963522      | 1071588    | Mississippi River                    | 0.25              |
| Flint Hills Resources, LP                | Savage Terminal               | Scott       | MN    | 3759689      | 1054903    | Minnesota River & Adjacent Wetlands  | 0.25              |
| Great Lakes Fleet                        | Vessel Fueling Facility       | Lake        | MN    | 558000       | 450000     | Agate Bay                            |                   |
| Green Plains Fairmont, LLC               |                               | Martin      | MN    | 3656669      | 1562000    | Judicial Ditch-center Crk-blue       |                   |

Region 5 Regional Contingency Plan / Inland Zone Area Contingency Plan

| Operator                         | Facility                       | County     | State | Total Volume | Worst Case | Water Body   | Distance to Water |
|----------------------------------|--------------------------------|------------|-------|--------------|------------|--|-------------------|
| Green Plains Otter Tail, LLC     |                                | Otter Tail | MN    | 2262608      | 1000000    | Swale -kinz<br>Waterfowl(wetland)-<br>ditch-lake-ditch-pelican<br>River - Otter Rail River |                   |
| Guardian Energy                  |                                | Waseca     | MN    | 3387757      | 1579140    | Unnamed Ditch  |                   |
| Hardrives, Inc                   | Umore Facility                 | Dakota     | MN    | 2825245      | 1185000    |  |                   |
| Hawkins Chemical - No Oil Sotred | Terminal I - 04/29/02 Ltr      | Ramsey     | MN    | 4330741      |            |  |                   |
| Hawkins Chemical - No Oil Stored | Terminal li - 4-20-02 Ltr Rcvd | Ramsey     | MN    | 1066000      |            |  |                   |
| Highwater Ethanol, LLC           |                                | Redwood    | MN    | 1719436      | 750000     | Dutch Charley Creek  | 0                 |
| Kinder Morgan                    | Spring Valley Terminal         | Fillmore   | MN    | 10383193     | 2628963    | Spring Valley Creek  | 0.75              |
| Magellan Pipeline Co, LP         | Wrenshall Terminal             | Carlton    | MN    | 19072626     | 4060644    | Silver Creek/st. Louis River   | 0.75              |
| Magellan Pipeline Company, LLC   | Alexandria, Minnesota Terminal | Douglas    | MN    | 27544697     | 2284128    | Lake Agnes   | 0.5               |
| Magellan Pipeline Company, LLC   | Mankato, Minnesota Terminal    | Blue Earth | MN    | 19246668     | 1697808    | Minneopa Creek   | 0.25              |
| Magellan Pipeline Company, LLC   | Marshall, Minnesota Terminal   | Lyon       | MN    | 8897288      | 1283562    | Red Wood River via Diversion Channel   | 0.25              |
| Magellan Pipeline Company, LLC   | Minneapolis, Minnesota Termina | Ramsey     | MN    | 84448933     | 3383856    | Lake Jones   | 0.5               |
| Magellan Pipeline Company, LLC   | Rochester, Minnesota Terminal  | Olmsted    | MN    | 6425956      | 1684200    | Bear Creek   | 0.5               |
| McNamara Contracting, Inc.       |                                | Dakota     | MN    | 1858845      | 1762500    |  |                   |
| Minnesota Soybean Processors     | Brewster, MN                   | Nobles     | MN    | 24081542     | 8150000    | Judicial Ditch<br>76/okabena Creek watershed   |                   |
| MSP Fuel Storage Facility        | Swissport Fueling, Inc.        | Hennepin   | MN    | 9083814      | 2270016    | Minnesota River Valley   | 0.25              |
| Newport Terminal Corporation     | Newport Terminal               | Washington | MN    | 16032306     | 2223900    | Mississippi River  | 0.25              |

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| Operator                                      | Facility                           | County      | State | Total Volume | Worst Case | Water Body   | Distance to Water |
|---|------------------------------------|-------------|-------|--------------|------------|--|-------------------|
| Nustar Pipeline Operating Partnership         | Roseville Terminal                 | Ramsey      | MN    | 26654802     | 4054731    | Mississippi River  | 1                 |
| Nustar Pipeline Operating Partnership LP      | Sauk Centre Terminal               | Stearns     | MN    | 5488280      | 1377138    | Sauk River Near St Cloud Mn  | 0.3               |
| Nustar Pipeline Operating Partnership         | Moorhead Terminal                  | Clay        | MN    | 20993636     | 3780000    | Red River  | 1                 |
| Owens Corning Minneapolis Roofing & Asphalt   |                                    | Hennepin    | MN    | 2516811      | 1507257    | Shingle Creek to Mississippi River                                   | 300               |
| REG - Albert Lea, LLC                         | Albert Lea, MN                     | Freeborn    | MN    | 3996550      | 730000     | Cnty Ditch 16-shell Rock River                                       |                   |
| St. Paul Park Refining Co                     | St. Paul Park Refinery             | Washington  | MN    | 136153838    | 3745604    | Mississippi River  | 0                 |
| Superior Refining Co                          | Crookston Terminal                 | Polk        | MN    | 6552055      | 4200000    | Burnham Creek  | 1.5               |
| Superior Refining, LLC                        | Duluth Petroleum Products Terminal | Saint Louis | MN    | 8440467      | 2288874    | Sargent Creek  | 1.5               |
| Superior Refining, LLC                        | Duluth Marine Terminal             | Saint Louis | MN    | 603440       | 184800     | Duluth Harbor Basin  |                   |
| Texpar Energy, LLC                            | Rochester, MN                      | Olmsted     | MN    | 9001000      | 3000000    | Cascade Creek, Zumbro River  | 0.1               |
| Tiller Corporation - Barton Enterprises, Inc. | Onshore Liquid Storage Fac.        | Washington  | MN    | 25483775     | 4060940    | Mississippi River  | 0.25              |
| United Power                                  | Elk River Facility                 | Sherburne   | MN    | 2570000      | 924000     |  | 0.2               |
| Valero Renewables Fuels Co.                   | Welcome, MN<br>Welcome, MN         | Martin      | MN    | 3861602      | 1785000    | Ditch-swan Slough-lilly Creek  |                   |
| <b>Ohio</b>                                   |                                    |             |       |              |            |  |                   |
| AES Ohio Generation                           | Killen Station                     | Adams       | OH    | 2805389      | 1350000    | Ohio River   |                   |
| American Electric Power                       | Robert P. Mone Plant               | Van Wert    | OH    | 1463022      | 1353000    | Unnamed Ditch To Upper Prairie Creek To Blue Creek To Auglaize River | 1                 |
| Arcelormittal Cleveland, Inc.                 | Cleveland                          | Cuyahoga    | OH    | 12583117     | 11257697   | Cuyahoga River & Lake Erie   | 0.01              |
| Archer Daniels Midland Co                     | Fostoria, Ohio                     | Seneca      | OH    | 17181505     | 7219410    | East Fork Of Portage River   |                   |

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|--------------------------------------|-------------------------|------------|-------|--------------|------------|---|-------------------|
| Ashland/ Break Out Tanks Only No Frp | Findlay Terminal        | Hancock    | OH    | 13892592     | 2696232    |   | 1.5               |
| Asphalt Materials North Plant        | Marietta Ohio, Plant 2  | Washington | OH    | 4430370      | 839262     | Ohio River  | 0.25              |
| Asphalt Materials, Inc               | Edison, Ohio Plant      | Morrow     | OH    | 5577402      | 2098675    | 0.1 Mi To Whetstone Creek   | 0.1               |
| Asphalt Materials, Inc.              | Marion                  | Marion     | OH    | 0            | 43390      |   |                   |
| Asphalt Materials, Inc.              | Marietta, South Plant   | Washington | OH    | 5898663      | 622958     | Ohio River  | 0.25              |
| Asphalt Materials, Inc.              | Oregon, Ohio            | Lucas      | OH    | 4291342      | 2350074    | Roadside Drainage Swale<br>I.erie   | 0.25              |
| BASF Corporation                     | Cincinnati Plant        | Hamilton   | OH    | 3500220      | 265000     | Mill Creek & Ohio River   | 0.25              |
| BP Oil North America Inc-            | Toledo Refinery         | Lucas      | OH    | 86563719     | 9706200    | Ditch That Runs Through<br>The Facility Leadin To<br>The Maumee River, Lake<br>Erie |                   |
| Buckeye Termianls, LLC               | Lima North Terminal     | Allen      | OH    | 1452084      | 408744     | Ottawa River  | 0.5               |
| Buckeye Terminal LLC                 | Tiffin Terminal         | Seneca     | OH    | 6307712      | 2251200    | Sandusky River  | 0.75              |
| Buckeye Terminals                    | Canton Terminal         | Stark      | OH    | 7720158      | 1045800    | Nimishillen Creek   | 0.5               |
| Buckeye Terminals, LC                | Columbus East Terminal  | Franklin   | OH    | 6100882      | 2349900    | Scioto River  | 1.5               |
| Buckeye Terminals, LLC               | West Toledo Terminal    | Lucas      | OH    | 5362894      | 839366     | Ten Mile Creek/ottawa<br>River  | 0.25              |
| Buckeye Terminals, LLC               | Columbus South Terminal | Franklin   | OH    | 13260490     | 2255400    | Unnamed Creek & Scioto<br>River   | 0.25              |
| Buckeye Terminals, LLC               | Sciotoville Terminal    | Scioto     | OH    | 5105350      | 1692600    | Ohio River  |                   |
| Buckeye Terminals, LLC               | Warren Terminal         | Trumbull   | OH    | 7694921      | 1650000    | Tributary to Mosquito<br>Creek, Mosquito Creek,<br>Mahoning River                   | 0.25              |
| Buckeye Terminals, LLC               | Lorain Terminal         | Lorain     | OH    | 6013912      | 1590077    | Willow Creek  | 1                 |
| Buckeye Terminals, LLC               | Cuyahoga Terminal       | Cuyahoga   | OH    | 8193037      | 1789200    | Ohio & Erie<br>Canal/cuyahoga Rvr   | 0.25              |
| Buckeye Terminals, LLC               | Dayton Terminal         | Montgomery | OH    | 6962965      | 2352000    | Mad River   | 0.5               |
| Buckeye Terminals, LLC               | Cincinnati Terminal     | Hamilton   | OH    | 16628808     | 2708244    | Ohio River  |                   |

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| Operator                                | Facility                                 | County     | State | Total Volume | Worst Case | Water Body   | Distance to Water |
|---|--|------------|-------|--------------|------------|--|-------------------|
| Buckeye Terminals, LLC                  | Cleveland Terminal                       | Cuyahoga   | OH    | 6368696      | 1271000    | Cuyahoga River                                       |                   |
| Buckeye Terminals, LLC                  | Lima South Terminal                      | Allen      | OH    | 49944996     | 7677180    | Ottawa River   | 1                 |
| Buckeye Terminals, LLC                  | Toledo Norco                             | Lucas      | OH    | 5250958      | 1035000    | Maumee River   | 0.25              |
| Buckeye Terminals, LLC-facility Idled   | Bryan Terminal-facility Idled            | Williams   | OH    | 3372348      | 840000     | Prairie Creel  | 0.5               |
| Bunge North America                     | Bellevue                                 | Huron      | OH    | 3143840      | 1400000    | Snyders Ditch  |                   |
| BWC Terminals                           | Cincinnati Terminal                      | Hamilton   | OH    | 17122106     | 1616096    | Ohio River   |                   |
| Cardinal Power Plant                    |  | Jefferson  | OH    | 126936306    | 940000     | Ohio River   |                   |
| Cargill Incorporated                    |  | Shelby     | OH    | 10017784     | 800000     | Mill Creek Tributary                                 | 0.25              |
| CC UTICA                                | Belpre Condensate Stabilization Facil    | Washington | OH    | 5041285      | 2520000    | Ohio River   | 0                 |
| CertainTeed Corporation                 | Avery Plant                              | Erie       | OH    | 10326923     | 1015300    | Ditch-Mud Brook-Huron River-Lake Eris                | 0                 |
| Cincinnati Renewable Fuels, LLC         |  | Hamilton   | OH    | 7984184      | 733765     | Adjacent To Mill Creek To Ohio River                 |                   |
| Citgo Holdings Terminals, LLC           | Dayton Terminal                          | Montgomery | OH    | 8951515      | 2254098    | Mad River  | 1                 |
| Citgo Holdings Terminals, LLC           | Toledo Terminal                          | Lucas      | OH    | 49557288     | 7560000    | Lake Erie, Maumee River                              | 0.6               |
| Citgo Petroleum Corporation             | Columbus Terminal                        | Franklin   | OH    | 8850461      | 2835702    | Indian Run South Fork                                | 0.3               |
| Citgo Petroleum Corporation             | Tallmadge Terminal                       | Summit     | OH    | 8610988      | 3240300    | Ti Creek 4   | 0.75              |
| Clean Water LTD                         |  | Montgomery | OH    | 1701660      | 185486     | Arthur O. Fischer Park & Great Miami River           | 5280              |
| Cleveland Hopkins International Airport | Menzies Bulk Jet-A Fuel Storage Facility | Cuyahoga   | OH    | 1380240      | 689220     | Drainage Ditch To Abram Creek to Lake Erie           |                   |
| Countrysmark Refining & Logistics       | Salem Gathering Station                  | Marion     | OH    | 3171780      | 2329030    | crooked creek  | 100               |
| Csx Ashtabula West Yard                 | Ashtabula Yard                           | Ashtabula  | OH    | 1000000      | 1000000    |  | 0.75              |
| Darby Generating Station                |  | Pickaway   | OH    | 3109098      | 1353000    | Unnamed Tributary, Dry Run, Deer Creek, Scioto River | 0                 |

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| Operator                                 | Facility   | County     | State | Total Volume | Worst Case | Water Body  | Distance to Water |
|--|--|------------|-------|--------------|------------|---|-------------------|
| Deep Rock Disposal Solutions             | Wase Disposal Facility - Injection Well Facility | Washington | OH    | 966000       | 888720     | Mile Run to Ohio River  | 1000              |
| Deeprrock Disposal Facility              |  | Washington | OH    | 1357385      | 966000     | Ohio River Watershed  | 585               |
| Delta Fuels Of Ohio                      | Toledo   | Lucas      | OH    | 10539543     | 2288496    | City Of Toledo Sanitary Sewer                                 |                   |
| Duke Energy                              | Woodsdale Generating Station                     | Butler     | OH    | 4181232      | 4000000    | Great Miami River   | 0                 |
| Dynegy Miami Fort                        | Miami Fort Station                               | Hamilton   | OH    | 4408200      | 3113640    | Ohio River  | 0                 |
| Dynergy Zimmer, LLC                      | WM. Zimmer Station                               | Clermont   | OH    | 127501854    | 3000000    | Ohio River  | 0.25              |
| East Liverpool River-Rail Terminal Co    |  | Columbiana | OH    | 6825000      | 1260000    | Ohio River  |                   |
| Emery Oleochemicals                      | Cincinnati OH                                    | Hamilton   | OH    | 14033475     | 410000     | Mill Creek  |                   |
| Energy Transfer (SUNOCO)                 | Dayton Terminal (west)                           | Montgomery | OH    | 9309290      | 1890000    | Still Water River   | 0.75              |
| Enlink Midstream                         | Black Run Station                                | Muskingum  | OH    | 5178651      | 2721600    | 300 Feet To Black Run Creek                                   |                   |
| Enterprise Refined Products              | Lebanon Terminal                                 | Warren     | OH    | 59947512     | 5880000    | Tributary Of Turtle Creek                                     |                   |
| Ergon Ironton, Inc.                      |  | Lawrence   | OH    | 3503816      | 2100000    | Ohio River  | 0.25              |
| Ergon Trucking, Inc.                     | Magnolia   | Stark      | OH    | 6839278      | 2100000    | Tributary Of Sandy Creek                                      | 0.75              |
| Ergon Trucking, Inc.                     | Marietta, Oh                                     | Washington | OH    | 17556349     | 5250000    | Ohio River  |                   |
| First Energy Generation Corp.            | Ashtabula Plants                                 | Ashtabula  | OH    | 8140000      | 34200      |   |                   |
| FQ Energy Services, LLC                  | New Matamoras Facility                           | Washington | OH    | 3002400      | 1260000    | Ohio River  | 0.1               |
| Ge Aircraft Engines                      | Cincinnati                                       | Hamilton   | OH    | 2361463      | 1015248    | Mill Creek  | 0.25              |
| General James M Gavin Plant              |  | Gallia     | OH    | 2610214      | 2000000    | Ohio River  | 0.25              |
| Gillota, Inc.                            | Boston Heights Terminal                          | Summit     | OH    | 10356625     | 2900000    | Unnamed Tributary to Brandywine Creek, Cuyhoga RVR, Lake Erie | 1400              |
| Greater Cincinnati Asphalt Terminal 2 LI | North Bend Plant                                 | Hamilton   | OH    | 30940961     | 6000000    | Ohio River  | 0.25              |

Region 5 Regional Contingency Plan / Inland Zone Area Contingency Plan

| Operator                                       | Facility                       | County     | State | Total Volume | Worst Case | Water Body  | Distance to Water |
|--|--------------------------------|------------|-------|--------------|------------|---|-------------------|
| Guardian Lima, LLC                             |                                | Allen      | OH    | 2141971      | 2010000    | Unnanmed Tibutary To<br>Lost Creek To Ottawa<br>River To Auglaize River | 0.1               |
| Heritage Asphalt, LLC                          | Columbus Ohio Plant            | Franklin   | OH    | 1504600      | 527000     | Dry Run Creek, A<br>Tributary Of Scioto River                           |                   |
| Honeywell<br>International/caretaker<br>Status | Ironton Plant/caretaker Status | Lawrence   | OH    | 2959835      | 1575000    |   |                   |
| J.M. Smucker, LLC                              | Cincinnati Crisco Plant        | Hamilton   | OH    | 19620144     | 19562179   | Ohio River  |                   |
| Kinder Morgan                                  | Dayton Terminal                | Montgomery | OH    | 11552290     | 3339000    | Mad River, Great Miami<br>River   | 0.5               |
| Kinder Morgan                                  | Cincinnati Terminal            | Hamilton   | OH    | 6342516      | 1040634    | Mill Creek  | 1                 |
| Koch Pavemenet<br>Solutions/idled Facility     | Heath Facility/idled Facility  | Licking    | OH    | 9922750      | 3272235    | Ramp Creek  |                   |
| Kokosing Materials, Inc.                       | Wheelersburg Asphalt Terminal  | Scioto     | OH    | 11298400     | 2708400    | Ohio River  |                   |
| Kokosing Materials, Inc.                       | Mansfield Terminal #15         | Richland   | OH    | 25536804     | 4063920    | Rock Fork Creek   | 1000              |
| Kraton Polymers U.S.,<br>LLC                   | Belpre Plant                   | Washington | OH    | 4732407      | 564054     | Davis Creek/ohio River  | 0.25              |
| Lima Refining Company                          | Lima Refinery                  | Allen      | OH    | 270423000    | 11705400   | Ottawa River  |                   |
| Lubriplate Lubricants Co.                      |                                | Lucas      | OH    | 2357695      | 60000      | Maume Bay & Lake Erie   |                   |
| Marathon Petroleum Co<br>LP                    | Canton Refinery                | Stark      | OH    | 139371664    | 11795070   | Hurford Run Creek   | 0.25              |
| Marathon Petroleum,<br>LLC                     | Cleveland Asphalt Terminal     | Cuyahoga   | OH    | 8647987      | 2400372    | Cuyahoga River  |                   |
| Marathon Petroleum,<br>LLC                     | Wellsville, OH Asphalt Term.   | Columbiana | OH    | 13161956     | 4060929    | Ohio River  | 0                 |
| Marathon Petroleum,<br>LLC                     | North Bend Asphalt Terminal    | Hamilton   | OH    | 73494213     | 8422667    | Ohio River  | 0.25              |

Region 5 Regional Contingency Plan / Inland Zone Area Contingency Plan

| Operator                            | Facility                        | County     | State | Total Volume | Worst Case | Water Body  | Distance to Water |
|-------------------------------------|---------------------------------|------------|-------|--------------|------------|---|-------------------|
| Marathon Petroleum, LLC             | Lebanon, OH Light Products Ter  | Warren     | OH    | 24266040     | 6345201    | Settling Pond/ditch   |                   |
| Marathon Pipe Line                  | Bellevue Station                | Huron      | OH    | 1248978      | 1246980    | Unnamed Intermittent Stream, Meggison CRK, Wbranch Huron Rvr, Huron Rvr | 0                 |
| Marathon Pipe Line                  | Heath Station                   | Licking    | OH    | 22873372     | 4458342    | Unnamed Ditch To South Fork Licking River                               |                   |
| Marathon Pipe Line LLC              | Lima Tank Farm                  | Allen      | OH    | 41478086     | 1280202    | Storm Drain, Ditch, Little Ottawa River, Ottawa River                   | 0                 |
| Markwest Ohio Fractionation Co, LLC | Hopedale Fractionation Facility | Harrison   | OH    | 12107358     | 3511326    | Cross Creek To Ohio River   |                   |
| MPLX Terminals, LLC                 | Brecksville, OH Light Products  | Cuyahoga   | OH    | 24642544     | 3412308    | Cuyahoga River  | 1                 |
| MPLX Terminals, LLC                 | Columbus Terminal (East)        | Franklin   | OH    | 11184653     | 2371519    | Scioto River  | 1                 |
| MPLX Terminals, LLC                 | Marietta, OH Terminal           | Washington | OH    | 8806719      | 1963197    | Ohio River  | 0.25              |
| MPLX Terminals, LLC                 | Cincinnati Terminal             | Hamilton   | OH    | 23622061     | 3554488    | Ohio River  |                   |
| MPLX Terminals, LLC                 | Youngstown, Light Prod. Termin  | Mahoning   | OH    | 5553099      | 2412939    | Lake Erie   |                   |
| MPLX Terminals, LLC                 | Steubenville Terminal           | Jefferson  | OH    | 5447729      | 2037515    | Alleghany Steel Run   | 0.25              |
| MPLX Terminals, LLC                 | Columbus Terminal (West)        | Franklin   | OH    | 20555587     | 3412308    | Drainage Ditch & Dry Run Creek, Scioto River                            |                   |
| MPLX Terminals, LLC                 | Lima OH Light Products Terminal | Allen      | OH    | 38624132     | 11280358   | Ottawa River  | 0.25              |
| MPLX Terminals, LLC                 | Oregon, OH Light Products Term  | Lucas      | OH    | 10354889     | 2439095    | Amlosch Ditch to Maumee River   | 1                 |
| Norfolk Southern                    | Bellevue Yard                   | Huron      | OH    | 913625       |            |   |                   |
| Norfolk Southern                    | Moorman Yard                    | Erie       | OH    | 1895755      | 859290     | Pipe Creek/Castaway Bay/Sandusky Bay/Lake Erie                          | 0                 |
| Norfolk Southern Railway Co         | Portsmouth Yard                 | Scioto     | OH    | 2067037      | 1025500    | sewer Run Creek/lake Herrington/OHIO RIVER                              | 0.25              |
| Ohio Oil Gathering, Inc             | Bells Run Terminal              | Washington | OH    | 14547408     | 2730504    | Ohio River  | 0.25              |



Region 5 Regional Contingency Plan / Inland Zone Area Contingency Plan

| <b>Operator</b>                          | <b>Facility</b>            | <b>County</b> | <b>State</b> | <b>Total Volume</b> | <b>Worst Case</b> | <b>Water Body</b>   | <b>Distance to Water</b> |
|--|----------------------------|---------------|--------------|---------------------|-------------------|---|--------------------------|
| Orion Engineered Carbons                 | Belpre Plant               | Washington    | OH           | 6953637             | 2730000           | Ohio River  | 0.25                     |
| Peter Cremer North America, LP           | Southside Terminal         | Hamilton      | OH           | 5169223             | 900273            | Ohio River  |                          |
| Proctor & Gamble Co                      | North Terminal             | Hamilton      | OH           | 5857518             | 1000000           | Mill Creek  | 0.18                     |
| Queen City Terminal                      |                            | Hamilton      | OH           | 2923300             | 2287472           | Ohio River  |                          |
| S & S Terminal Incorporated              |                            | Jefferson     | OH           | 15681665            | 4999974           | Ohio River  |                          |
| Seneca Petroleum Co., Inc.               | Front Street Acme Station  | Lucas         | OH           | 6232950             | 3360000           | Maumee River  |                          |
| Shelly Liquid Division                   | Toledo Terminal            | Lucas         | OH           | 11830209            | 4600000           | Maumee Bay  | 0.25                     |
| Shelly Liquid Division                   | Gallipolis, Oh             | Gallia        | OH           | 45010440            | 7920000           | Ohio River  |                          |
| Shelly Liquid Division                   | Middleport Terminal        | Cuyahoga      | OH           | 9615026             | 4100000           | Cuyahoga River  |                          |
| South Point Ethanol                      | Marine Transfer Facility   | Lawrence      | OH           | 4000000             |                   |   | 0.5                      |
| Sunoco Partners Marketing & Terminals LP | Akron Terminal             | Summit        | OH           | 4185643             | 1250518           | Unnamed Tributary to Kelcey Creek to Little Cuyahoga River To Cuyhoga River |                          |
| Sunoco Partners Marketing & Terminals LP | Cleveland Terminal         | Cuyahoga      | OH           | 11402286            | 1901928           | Cuyahoga River  | 0.5                      |
| Sunoco Partners Marketing & Terminals LP | Columbus East Terminal     | Franklin      | OH           | 3670243             | 836758            | Stream  | 0.5                      |
| Sunoco Partners Marketing & Terminals LP | Youngstown Terminal        | Mahoning      | OH           | 934457              | 399871            | Boardman Ditch To Cranberry Run   |                          |
| Sunoco Partners Marketing & Terminals LP | Columbus West Terminal     | Franklin      | OH           | 8173515             | 2443564           | Stream To Scioto River  | 0.25                     |
| Sunoco, Inc./not An Frp 200,000g Only    | Haverhill Plant/not An Frp | Lawrence      | OH           | 0                   |                   |   |                          |
| Tait Electric Generating Station         |                            | Montgomery    | OH           | 1403388             | 600000            | Greater Miami River   | 0                        |

## Region 5 Regional Contingency Plan / Inland Zone Area Contingency Plan

| Operator                                | Facility                       | County     | State | Total Volume | Worst Case | Water Body                                      | Distance to Water |
|---|--------------------------------|------------|-------|--------------|------------|---|-------------------|
| Terry Asphalt Materials, Inc.           | Hamilton, Ohio Terminal        | Butler     | OH    | 17369130     | 4200000    | Old Erie Canal                                  |                   |
| The Andersons Marathon Holdings, LLC    | Greenville OH Terminal         | Darke      | OH    | 4674812      | 1447000    | Greenville Crk, Stillwater Rvr, Great Miami Rvr | 0.75              |
| The Lubrizol Corporation                | Painesville Plant              | Lake       | OH    | 17758500     | 1015000    | Blackbrook Creek, Tiber Creek/Pebble Branch     | 0.25              |
| The Proctor & Gamble Manufacturing Co   | Lima Plant                     | Allen      | OH    | 1449331      | 94000      | Ottawa River                                    |                   |
| The Valvoline Company                   |                                | Hamilton   | OH    | 11145385     | 1300000    | Ohio River                                      | 0.25              |
| Toledo Refining Co                      | Toledo Refinery                | Lucas      | OH    | 54548037     | 3857196    | Maumee River                                    |                   |
| Toledo Refining Co-                     | Toledo Marine & Hocking Valley | Lucas      | OH    | 5419218      | 3144120    | Maumee River                                    | 0                 |
| Toledo Refining Co, LLC                 | Toledo No. 2 Tank Farm         | Lucas      | OH    | 161746398    | 19474980   | Otter Creek, Maumee River                       |                   |
| Toledo Terminal                         |                                | Lucas      | OH    | 4743000      | 659400     | Lake Erie                                       | 0.5               |
| Transmontaigne Terminaling Inc.         | East Liverpool, Oh Terminal    | Columbiana | OH    | 9575202      | 1502802    | Ohio River                                      | 0.25              |
| Troy Energy, LLC                        |                                | Wood       | OH    | 4612230      | 2250000    | Tributary Of Tousiant Creek                     |                   |
| Uss/kobe Steel Company-republic         | Spcc Only Spcc Only            | Lorain     | OH    | 646600       | 300000     |   |                   |
| Utica Condensate Stabilization Facility |                                | Harrison   | OH    | 3137159      | 2100000    | Unnamed Trubitary To Liming Creek               |                   |
| Valero Renewable Fuels Co., LLC         | Bloomington, OH                | Fayette    | OH    | 3277268      | 1500000    | East Fork Creek                                 |                   |
| Vermillion Power LLC                    | West Lorain Power              | Lorain     | OH    | 3455300      | 2760000    | Lake Erie                                       | 0.24              |
| Vertex Refining OH, LLC                 | Columbus Facility              | Franklin   | OH    | 1622575      | 1103751    | 1750 Ft To Mason Creek To Big Walnit Creek      |                   |
| WATCO Co., River T                      |                                | Hamilton   | OH    | 11976793     | 1663622    | Ohio River                                      | 0                 |
| Wilmington Air Park                     | Wilmington                     | Clinton    | OH    | 554445       | 229571     | Lytle Creek                                     | 0.25              |

## Region 5 Regional Contingency Plan / Inland Zone Area Contingency Plan

| Operator                               | Facility                       | County    | State | Total Volume | Worst Case | Water Body  | Distance to Water |
|--|--------------------------------|-----------|-------|--------------|------------|---|-------------------|
| Wright Patterson Air Force Base        | 88th Air Base Wing (88abw/cc)  | Greene    | OH    | 6478488      | 840000     | Bass Lake   | 0.25              |
| Zenith Energy Terminals                | Toledo Terminal                | Lucas     | OH    | 10896259     | 2289461    | Maumee River  | 0.25              |
| Zenith Energy Terminals                | Cleveland Terminal             | Cuyahoga  | OH    | 26904041     | 4032000    | Cleveland Lakefront State Park/Cuyahoga River Adjacent                | 0                 |
| Zenith Energy Terminals Holdings, LLC  | Aurora, OH Terminal            | Portage   | OH    | 15283218     | 2256702    | Ditch to Aurora Branch  |                   |
| <b>Wisconsin</b>                       |                                |           |       |              |            |   |                   |
| Amsoil                                 | Superior Wisconsin             | Douglas   | WI    | 2682655      | 50000      | Ditch To St. Louis Bay/Lake Superior                                  | 0.25              |
| Badger State Ethanol                   | Monroe Wisconsin               | Green     | WI    | 1605601      | 750000     | Honey Creek   |                   |
| Benz Oil Co                            |                                | Milwaukee | WI    | 2792641      | 90000      | Lincoln Creek To Milwaukee River To Milwaukee Harbor To Lake Michigan |                   |
| Big River Resources Boyceville, LLC    |                                | Dunn      | WI    | 6143810      | 750000     | South Hay River   |                   |
| Buckeye Terminal, LLC                  | Granville Terminal             | Milwaukee | WI    | 22083406     | 4061820    | Menomonee River   | 0.2               |
| CHS                                    | Chippewa Falls Terminal, WI    | Chippewa  | WI    | 14437200     | 2352000    | Ditch to Intermittent Watercourse, chippewa falls                     | 0.25              |
| CHS Cooperatives, Inc.                 | Mcfarland Terminal             | Dane      | WI    | 7275280      | 2310000    | Upper Mud Lake  | 0.25              |
| Citgo Petroleum Corporation            | Green Bay Terminal             | Brown     | WI    | 13982000     | 3360000    | Fox River/green Bay   | 0.5               |
| Citgo Petroleum Corporation            | Madison Terminal               | Dane      | WI    | 7006533      | 2310000    | Lake Waubesa/upper Mud Lake   | 0.75              |
| Citgo Petroleum Corporation            | Milwaukee Terminal             | Milwaukee | WI    | 18889545     | 3276000    | Little Menomonee River  | 5                 |
| Construction Resources Management Inc. | Fox River Bulk Storage Facilit | Brown     | WI    | 16914000     | 2300000    | Fox River   | 0                 |

Region 5 Regional Contingency Plan / Inland Zone Area Contingency Plan

| <b>Operator</b>                         | <b>Facility</b>                    | <b>County</b> | <b>State</b> | <b>Total Volume</b> | <b>Worst Case</b> | <b>Water Body</b>                      | <b>Distance to Water</b> |
|---|------------------------------------|---------------|--------------|---------------------|-------------------|--|--------------------------|
| Construction Resources Management, Inc. | Marine Center Asphalt Bulk Storage | Milwaukee     | WI           | 27953740            | 3053635           | Kinnickinnic River/lake Michigan       | 0                        |
| Department Of Defense                   | Badger Army Ammunition Plant       | Sauk          | WI           | 2647783             | 824000            | Wisconsin River                        | 1.5                      |
| Enbridge - Formerly Lakehead Pipeline   | Dot Facility Only                  | Douglas       | WI           | 0                   |                   |  |                          |
| Exxonmobil-facility Idled               | La Crosse Terminal-idled           | La Crosse     | WI           | 3192000             | 3511200           |  |                          |
| Flint Hills Resources, LP               | Green Bay, WI Facility             | Brown         | WI           | 4608438             | 2349974           | Fox River Leading To Green Bay         | 0.1                      |
| Flint Hills Resources, LP               | Junction City Terminal             | Portage       | WI           | 22110636            | 8439900           | Wisconsin River/mill Creek             | 0.7                      |
| Flint Hills Resources, LP               | Stevens Point Asphalt Terminal     | Portage       | WI           | 3659371             | 1714563           | Wisconsin River/adjacent Wetla         | 0.1                      |
| Flint Hills Resources, LP               | Waupun Terminal                    | Fond Du Lac   | WI           | 28750535            | 3790273           | Willow Creek/w.branch Rock Rvr         | 0.5                      |
| Flint Hills Resources, LP.              | Madison Terminal                   | Dane          | WI           | 14825297            | 4865034           | Lake Waubesa                           | 0.25                     |
| Flint Hills Resources, LP.              | Milwaukee Terminal                 | Milwaukee     | WI           | 14583427            | 4018476           | Little Menomonee River                 | 0.25                     |
| Henry G. Meigs, LLC                     | Eau Claire, WI Asphalt Termina     | Eau Claire    | WI           | 635634              | 108156            | Storm Sewer                            | 1                        |
| International Paper                     | Fond Du Lac                        | Fond Du Lac   | WI           | 15000               | 3750              |  | 1.5                      |
| International Paper Co/menasha Facility | Formerly Akrosil, Inc.             | Winnebago     | WI           | 0                   | 250               |  |                          |
| Magellan Pipeline Company, LLC          | Wausau, Wisconsin Terminal         | Marathon      | WI           | 6826635             | 2801820           | Wisconsin River                        | 1                        |
| Marquis Energy - Wisconsin, LLC         | Necedah, WI                        | Juneau        | WI           | 1695710             | 750000            | Unnamed Tributary To Yellow Ri         | 0.4                      |
| Midwest Industrial Asphalt, Inc.        |                                    | La Crosse     | WI           | 38933324            | 11214000          | Black River & Mississippi River        | 0.1                      |
| MKE Fuel Co. & Airside Fuel Facility    |                                    | Milwaukee     | WI           | 7990525             | 4200000           | Storm Sewer, Oak Creek - Lake Michigan | 0                        |

Region 5 Regional Contingency Plan / Inland Zone Area Contingency Plan

| <b>Operator</b>                         | <b>Facility</b>                    | <b>County</b> | <b>State</b> | <b>Total Volume</b> | <b>Worst Case</b> | <b>Water Body</b>   | <b>Distance to Water</b> |
|---|------------------------------------|---------------|--------------|---------------------|-------------------|---|--------------------------|
| Northern States Power Company           | French Island Generating Plant     | La Crosse     | WI           | 2915845             | 2909415           | Black River   |                          |
| OSI Environmental, INC                  | Superior Terminal                  | Douglas       | WI           | 1070775             | 1000000           | Superior Bay & St. Louis River                            |                          |
| Plains Midstream Canada                 | Superior Facility                  | Douglas       | WI           | 4250496             | 2121000           | Adjacent To Newton Creek To Superior Bay To Lake Superior |                          |
| PPG Industries, Inc                     | Oak Creek Facility                 | Milwaukee     | WI           | 2840670             | 16116             | Root River  |                          |
| REG Madison, LLC                        | De Forest, Wi                      | Dane          | WI           | 1642320             | 308944            | Wetlands Along Yahara River & Yahara River                |                          |
| Rockgen Energy Center                   | Calpine Central Lp                 | Dane          | WI           | 1247142             | 1125000           | Koshkonong Creek  |                          |
| Safety-kleen Systems                    | Madison, Wi                        | Dane          | WI           | 1736041             | 501025            | Starweather Creek   | 0.25                     |
| Sanamax Corporation                     | Marine Transfer & Storage Facility | Brown         | WI           | 2550467             | 640608            | Fox River   | 0.25                     |
| Shell Oil Products Us-dot Facility Only | Mitchell Field Terminal            | Milwaukee     | WI           | 3240000             | 4620000           | Kinnickinnic River  | 0.3                      |
| South Harbor Milwaukee Terminal         |                                    | Milwaukee     | WI           | 2002800             | 210325            | Kinnickinnic River  |                          |
| Superior Refining                       | Rhinelanders Asphalt Terminal      | Oneida        | WI           | 6708280             | 2200000           | Thunder Lake  | 1.5                      |
| Superior Refining Co.                   | Superior Refinery                  | Douglas       | WI           | 121582762           | 8965824           | St. Louis Bay, Superior Bay, Newton Creek, Lake Superior  | 1                        |
| United Wisconsin Grain Producers        | Friesland, Wi                      | Columbia      | WI           | 5401604             | 750800            | North Branch Duck Creek                                   |                          |
| US Oil                                  | Milwaukee North & Central Terminal | Milwaukee     | WI           | 22201865            | 3412308           | Little Menomonee River                                    | 0.5                      |
| US Oil                                  | Green Bay Quincy South             | Brown         | WI           | 18529098            | 3800000           | Lake Michigan   | 0.5                      |
| US Oil                                  | Green Bay Hurlbut North Terminal   | Brown         | WI           | 5803180             | 2417940           | Atkinson Marsh to Bay of Green Bay                        | 5                        |
| US Oil Milwaukee                        | Jones Island Terminal              | Milwaukee     | WI           | 13132250            | 3360000           | Port Of Milwaukee;lake Michiga                            | 0.25                     |
| US Venture                              | Green Bay Hurlbut North Terminal   | Brown         | WI           | 14822368            | 3412308           | Green Bay   | 0.25                     |

Region 5 Regional Contingency Plan / Inland Zone Area Contingency Plan

| <b>Operator</b>                       | <b>Facility</b>                 | <b>County</b> | <b>State</b> | <b>Total Volume</b> | <b>Worst Case</b> | <b>Water Body</b>                        | <b>Distance to Water</b> |
|---------------------------------------|---------------------------------|---------------|--------------|---------------------|-------------------|--|--------------------------|
| US Venture Inc.                       | South & West Milwaukee Terminal | Milwaukee     | WI           | 29601101            | 5957858           | Little Menomonee River                   | 0.4                      |
| US Venture, Inc                       | Madison North & South Terminal  | Dane          | WI           | 19772996            | 3170664           | Lake Waubesa                             | 0.25                     |
| Us Venture, Inc                       | Mcfarland Buckeye Terminal      | Dane          | WI           | 7613284             | 2316154           | Lake Waubesa                             | 0.25                     |
| Us Venture, Inc.                      | Tog Terminal                    | Dane          | WI           | 5359055             | 1654170           | Upper Mud Lake/lake Waubesa              | 0.25                     |
| US Venture, Inc.                      | Fox River Terminal              | Brown         | WI           | 28019881            | 3299646           | Fox River                                | 0.2                      |
| US Venture, Inc.                      | Chippewa Falls Terminal         | Chippewa      | WI           | 5414259             | 1687896           | Stream To Lake Hallie                    | 0.2                      |
| US Venture, Inc.                      | Green Bay Buckeye Terminal      | Brown         | WI           | 13865955            | 4801236           | Fox River/lake Michigan                  | 501                      |
| US Venture, Inc.                      | Green Bay Quincy North          | Brown         | WI           | 25578000            | 3780000           | Fox River                                |                          |
| Wisconsin Electric Power              | Paris Station                   | Racine        | WI           | 3793440             | 1500000           | Rock River                               | 1.01                     |
| Wisconsin Electric Power Company      | Concord Generating Station      | Jefferson     | WI           | 1586097             | 1500000           | Rock River                               | 0.2                      |
| Wisconsin Public Service              | West Marinette Combustion Turb  | Marinette     | WI           | 1680904             | 561350            | Manmade Drainage Ditch To Little River   | 0.5                      |
| Wolf Paving                           |                                 | Waukesha      | WI           | 2653980             | 2750710           | Wales Creek                              | 0.2                      |
| Zenith Energy Terminals Holdings, LLC | Madison Terminal                | Dane          | WI           | 6369110             | 2310000           | Drainage Ditch, Door Creek, Lale Waubesa | 0                        |

FRP: Facility Response Plan

## **Appendix III: Shoreline Cleanup Guideline Matrices**

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Available online at

[www.rrt5.org/RCPACPMMain/RCPACPAppearices/ShorelineCleanupMatrices.aspx](http://www.rrt5.org/RCPACPMMain/RCPACPAppearices/ShorelineCleanupMatrices.aspx)

**RRT 5 Shoreline Cleanup Guidelines for VERY LIGHT OIL (e.g., gasoline) \*\* DRAFT \*\* 2/4/93 \*\***

| Shoreline Type Codes                       |                                    |
|--|------------------------------------|
| 1 - vertical rocky shores, seawalls, piers | 6 - gravel beaches                 |
| 2 - eroding scarps & sediments             | 7 - riprap                         |
| 3 - shelving bedrock ledges                | 8 - sheltered bedrock & bluffs     |
| 4 - sand beaches                           | 9 - sheltered low-lying banks      |
| 5 - mixed sand & gravel beaches            | 10 - fringing & extensive wetlands |

| Countermeasure   | Shoreline Types |   |   |   |   |      |      |   |      |      |
|--|-----------------|---|---|---|---|------|------|---|------|------|
|  | 1               | 2 | 3 | 4 | 5 | 6    | 7    | 8 | 9    | 10   |
| 1) No Action   | A               | A | A | A | A | A    | A    | A | A    | A    |
| 2) Manual Removal  | A               | A | A | A | A | Aa   | Aa   | A |      |      |
| 3) Passive Collection (Sorbents)                           | A               |   | A |   |   | A    | A    | A | A    | A    |
| 4) Debris Removal/Heavy Equipment                          |                 |   |   |   |   |      |      |   |      |      |
| 5) Trenching (recovery wells)                              |                 |   |   |   |   |      |      |   |      |      |
| 6) Sediment Removal  |                 |   |   |   |   |      |      |   |      |      |
| 7) Cold Water Flooding (deluge)                            |                 |   |   |   |   | Ab   | Ab   |   | Ab   | Ab   |
| 8) Cold Water Washing                                      |                 |   |   |   |   |      |      |   |      |      |
| a) Low Pressure (<50psi)                                   |                 |   |   |   |   | Cb,f | Ab,f |   | Ab,f | Ab,f |
| b) High Pressure (<100psi)                                 |                 |   |   |   |   |      |      |   |      |      |
| 9) Warm Water Washing (ambient to 90F)                     |                 |   |   |   |   |      |      |   |      |      |
| 10) Hot Water Pressure Washing (>90F)                      |                 |   |   |   |   |      |      |   |      |      |
| 11) Slurry Sand Blasting                                   |                 |   |   |   |   |      |      |   |      |      |
| 12) Vacuum   |                 |   |   |   |   | Ab   | Ab   |   | Ab   | Ab   |
| 13) Shore Removal/Replacement                              |                 |   |   | C | C |      |      |   | Cc   |      |
| 14) Cutting Vegetation (depends upon time of year)         |                 |   |   |   |   |      |      |   |      |      |
| <b>ALL METHODS BELOW REQUIRE RRT and/or STATE APPROVAL</b> |                 |   |   |   |   |      |      |   |      |      |
| 15) Chemical Treatment                                     |                 |   |   |   |   |      |      |   |      |      |
| a) Oil Stabilization                                       |                 |   |   |   |   |      |      |   |      |      |
| b) Protection of Beaches                                   |                 |   |   |   |   |      |      |   |      |      |
| c) Cleaning of Beaches                                     |                 |   |   |   |   |      |      |   |      |      |
| 16) Burning (depends upon time of year)                    |                 |   |   |   |   |      |      |   |      | C    |
| 17) Nutrient Enhancement                                   |                 |   |   |   |   |      |      |   |      |      |
| 18) Bacterial Addition                                     |                 |   |   |   |   |      |      |   |      |      |
| 19) Sediment Reworking                                     |                 |   |   | C | C |      |      |   |      |      |

**Key to Identifiers**

A = Acceptable

C = Conditional - Use after other less intrusive methods or following particularly heavy impact

Blank space = Not Advisable or Not Applicable

a = Manual removal of oiled debris or small persistent pockets.

b = Passive collection and vacuum should be coordinated with flooding or washing methods.

c = Shoreline removal/replacement with clay if substrate is saturated with oil.

f = Proximity to water intakes should be considered when pressure washing shoreline.



**RRT 5 Shoreline Cleanup Guidelines for LIGHT OIL (e.g., diesel) \*\* DRAFT \*\* 2/4/93 \*\***

| Shoreline Type Codes                       |                                    |
|--|------------------------------------|
| 1 - vertical rocky shores, seawalls, piers | 6 - gravel beaches                 |
| 2 - eroding scarps & sediments             | 7 - riprap                         |
| 3 - shelving bedrock ledges                | 8 - sheltered bedrock & bluffs     |
| 4 - sand beaches                           | 9 - sheltered low-lying banks      |
| 5 - mixed sand & gravel beaches            | 10 - fringing & extensive wetlands |

| Countermeasure   | Shoreline Types |        |        |    |    |    |      |        |        |    |
|--|-----------------|--------|--------|----|----|----|------|--------|--------|----|
|  | 1               | 2      | 3      | 4  | 5  | 6  | 7    | 8      | 9      | 10 |
| 1) No Action   | A               | A      | A      | C  | C  | C  | A    | A      | A      | C  |
| 2) Manual Removal  | A               | A      | A      | C  | C  | C  | C    | A      | A      | Cd |
| 3) Passive Collection (Sorbents)   | A               |        | A      | A  | A  | A  | A    | A      | A      | A  |
| 4) Debris Removal/Heavy Equipment  | A               |        | A      | A  | A  | A  | A    | A      | A      | A  |
| 5) Trenching (recovery wells)  |                 |        |        | Ce | Ce |    |      |        |        |    |
| 6) Sediment Removal  |                 |        |        |    |    |    |      |        |        |    |
| 7) Cold Water Flooding (deluge)  |                 |        |        | Cb | Cb | Ab | Ab   |        | Ab     | Ab |
| 8) Cold Water Washing  |                 |        |        |    |    |    |      |        |        |    |
| a) Low Pressure (<50psi)   | Ab,f            | Ab,f   | Ab,f   |    |    |    | Ab,f | Ab,f   | Ab,f   |    |
| b) High Pressure (<100psi)   | Ab,f            |        | Ab,f   |    |    |    |      | Ab,f   |        |    |
| 9) Warm Water Washing (ambient to 90F)   | Cb,f,g          | Cb,f,g | Cb,f,g |    |    |    |      | Cb,f,g | Cb,f,g |    |
| 10) Hot Water Pressure Washing (>90F)  |                 |        |        |    |    |    |      |        |        |    |
| 11) Slurry Sand Blasting   |                 |        |        |    |    |    |      |        |        |    |
| 12) Vacuum   | Ab              |        | Ab     | Cb | Cb | Ab | Ab   | Ab     | Ab     | Ab |
| 13) Shore Removal/Replacement  |                 |        |        | C  | C  |    |      |        |        |    |
| 14) Cutting Vegetation (depends upon time of year)   |                 |        |        |    |    |    |      | C      | C      | C  |
| <b>ALL METHODS BELOW REQUIRE RRT and/or STATE APPROVAL</b>   |                 |        |        |    |    |    |      |        |        |    |
| 15) Chemical Treatment   |                 |        |        |    |    |    |      |        |        |    |
| a) Oil Stabilization   |                 |        |        | C  | C  | C  |      |        |        |    |
| b) Protection of Beaches   |                 |        |        | C  | C  | C  |      |        |        |    |
| c) Cleaning of Beaches   |                 |        |        | C  | C  | C  |      |        |        |    |
| 16) Burning (depends upon time of year)  |                 |        |        |    |    |    |      |        |        | C  |
| 17) Nutrient Enhancement   |                 |        |        | C  | C  | C  | C    |        |        |    |
| 18) Bacterial Addition   |                 |        |        | C  | C  | C  | C    |        |        |    |
| 19) Sediment Reworking   |                 |        |        | C  | C  | C  |      |        |        |    |
| <b>Key to Identifiers</b>  |                 |        |        |    |    |    |      |        |        |    |
| A = Acceptable   |                 |        |        |    |    |    |      |        |        |    |
| C = Conditional - Use after other less intrusive methods or following particularly heavy impact          |                 |        |        |    |    |    |      |        |        |    |
| Blank space = Not Advisable or Not Applicable  |                 |        |        |    |    |    |      |        |        |    |
| b = Passive collection and vacuum should be coordinated with flooding or washing methods.                |                 |        |        |    |    |    |      |        |        |    |
| d = Low intensity removal of mobile debris only, e.g., vegetation or driftwood.                          |                 |        |        |    |    |    |      |        |        |    |
| e = Trenching only if heavy impact exists and no other viable collection method is available.            |                 |        |        |    |    |    |      |        |        |    |
| f = Proximity to water intakes should be considered when pressure washing shoreline.                     |                 |        |        |    |    |    |      |        |        |    |
| g = Consider biological community and porosity of substrate when using pressure or elevated temperature. |                 |        |        |    |    |    |      |        |        |    |

**RRT 5 Shoreline Cleanup Guidelines for MEDIUM OIL (e.g., #4 or medium crude) \*\* DRAFT \*\* 2/4/93 \*\***

| Shoreline Type Codes                       |                                    |
|--|------------------------------------|
| 1 - vertical rocky shores, seawalls, piers | 6 - gravel beaches                 |
| 2 - eroding scarps & sediments             | 7 - riprap                         |
| 3 - shelving bedrock ledges                | 8 - sheltered bedrock & bluffs     |
| 4 - sand beaches                           | 9 - sheltered low-lying banks      |
| 5 - mixed sand & gravel beaches            | 10 - fringing & extensive wetlands |

| Countermeasure                                     | Shoreline Types |        |        |    |    |      |        |        |        |      |
|--|-----------------|--------|--------|----|----|------|--------|--------|--------|------|
|  | 1               | 2      | 3      | 4  | 5  | 6    | 7      | 8      | 9      | 10   |
| 1) No Action                                       | Ch              | Ch     | Ch     |    |    |      | Ch     |        |        | Ch,i |
| 2) Manual Removal                                  | A               | A      | A      | A  | A  | A    | A      | A      | A      | Cd   |
| 3) Passive Collection (Sorbents)                   | A               |        | A      | A  | A  | A    | A      | A      | A      | A    |
| 4) Debris Removal/Heavy Equipment                  |                 |        | A      | A  | A  | A    | A      | A      | A      |      |
| 5) Trenching (recovery wells)                      |                 |        |        | Ce | Ce |      |        |        |        |      |
| 6) Sediment Removal                                |                 | C      |        | A  | A  |      |        |        |        |      |
| 7) Cold Water Flooding (deluge)                    |                 |        |        | Cb | Cb | Ab   | Ab     |        | Ab     | Ab   |
| 8) Cold Water Washing                              |                 |        |        |    |    |      |        |        |        |      |
| a) Low Pressure (<50psi)                           | Ab,f            | Ab,f   | Ab,f   |    |    | Cb,f | Ab,f   | Ab,f   | Cb,f   | Cb,f |
| b) High Pressure (<100psi)                         | Ab,f            |        | Ab,f   |    |    | Cb,f | Ab,f   | Cb,f   | Cb,f   |      |
| 9) Warm Water Washing (ambient to 90F)             | Ab,f,g          | Cb,f,g | Ab,f,g |    |    |      | Cb,f,g | Cb,f,g | Cb,f,g |      |
| 10) Hot Water Pressure Washing (>90F)              | Cb,f,g,j        |        | Cb,f,g |    |    |      | Cg,j   |        |        |      |
| 11) Slurry Sand Blasting                           | Cj              |        |        |    |    |      | C      |        |        |      |
| 12) Vacuum   | Ab              |        | Ab     | Cb | Cb | Ab   | Ab     | Ab     | Ab     | Ab   |
| 13) Shore Removal/Replacement                      |                 |        |        | A  | A  | C    | C      |        |        |      |
| 14) Cutting Vegetation (depends upon time of year) |                 |        |        |    |    |      |        | C      | C      | C    |

**ALL METHODS BELOW REQUIRE RRT and/or STATE APPROVAL**

|   |  |   |  |   |   |   |   |   |   |   |
|---|--|---|--|---|---|---|---|---|---|---|
| 15) Chemical Treatment                  |  |   |  |   |   |   |   |   |   |   |
| a) Oil Stabilization                    |  |   |  | C | C |   |   | C | C | C |
| b) Protection of Beaches                |  |   |  | C | C |   |   |   |   |   |
| c) Cleaning of Beaches                  |  |   |  | C | C |   |   |   |   |   |
| 16) Burning (depends upon time of year) |  | C |  |   |   |   |   | C | C | C |
| 17) Nutrient Enhancement                |  |   |  | C | C | C | C |   |   |   |
| 18) Bacterial Addition                  |  |   |  | C | C | C | C |   |   |   |
| 19) Sediment Reworking                  |  | C |  | C | C | C | C |   |   |   |

**Key to Identifiers**

A = Acceptable

C = Conditional - Use after other less intrusive methods or following particularly heavy impact

Blank space = Not Advisable or Not Applicable

b = Passive collection and vacuum should be coordinated with flooding or washing methods.

d = Low intensity removal of mobile debris only, e.g., vegetation or driftwood.

f = Proximity to water intakes should be considered when pressure washing shoreline.

g = Consider biological community and porosity of substrate when using pressure or elevated temperature.

h = No action only if residual sheening is present.

i = No action only if the wetland fringes are impacted or access would result in unacceptable damage.

**RRT 5 Shoreline Cleanup Guidelines for HEAVY OIL (e.g., bunker c) \*\* DRAFT \*\* 2/4/93 \*\***

| Shoreline Type Codes                       |                                    |
|--|------------------------------------|
| 1 - vertical rocky shores, seawalls, piers | 6 - gravel beaches                 |
| 2 - eroding scarps & sediments             | 7 - riprap                         |
| 3 - shelving bedrock ledges                | 8 - sheltered bedrock & bluffs     |
| 4 - sand beaches                           | 9 - sheltered low-lying banks      |
| 5 - mixed sand & gravel beaches            | 10 - fringing & extensive wetlands |

| Countermeasure                                     | Shoreline Types |        |        |    |    |    |          |        |        |      |
|--|-----------------|--------|--------|----|----|----|----------|--------|--------|------|
|  | 1               | 2      | 3      | 4  | 5  | 6  | 7        | 8      | 9      | 10   |
| 1) No Action                                       | Ch              | Ch     | Ch     |    |    |    | Ch       |        |        | Ch,i |
| 2) Manual Removal                                  | C               | A      | A      | A  | A  | A  | A        | A      | A      | Cd   |
| 3) Passive Collection (Sorbents)                   | Ck              | Ck     | Ak     | Ak | Ak | Ak | Ak       | Ak     | Ak     | Ak   |
| 4) Debris Removal/Heavy Equipment                  |                 |        | A      | A  | A  | A  | A        | A      | A      |      |
| 5) Trenching (recovery wells)                      |                 |        |        | Ce | Ce |    |          |        |        |      |
| 6) Sediment Removal                                |                 | C      |        | A  | A  |    |          |        |        |      |
| 7) Cold Water Flooding (deluge)                    |                 |        |        | C  | C  | C  | C        |        | C      | C    |
| 8) Cold Water Washing                              |                 |        |        |    |    |    |          |        |        |      |
| a) Low Pressure (<50psi)                           |                 | Ab,f   | Ab,f   |    |    |    | Cb,f     | Ab,f   | Cb,f   | Cb,f |
| b) High Pressure (<100psi)                         |                 | Cb,f,g | Ab,f   |    |    |    | Cb,f     | Cb,f   |        |      |
| 9) Warm Water Washing (ambient to 90F)             | Ab,f,g          | Ab,f,g | Ab,f,g |    |    |    | Cb,f,g   | Cb,f,g | Cb,f,g |      |
| 10) Hot Water Pressure Washing (>90F)              | Ab,f,g,j        |        | Cb,f,g |    |    |    | Cb,f,g,j |        |        |      |
| 11) Slurry Sand Blasting                           | Cj              |        |        |    |    |    | Cj       |        |        |      |
| 12) Vacuum   | Ab              | Ab     | Ab     | Cb | Cb | Cb | Cb       | Ab     | Cb     | Cb   |
| 13) Shore Removal/Replacement                      |                 |        |        | A  | A  | A  |          |        |        |      |
| 14) Cutting Vegetation (depends upon time of year) |                 |        |        |    |    |    |          | C      | C      | C    |

**ALL METHODS BELOW REQUIRE RRT and/or STATE APPROVAL**

|   |  |   |  |   |   |   |   |  |   |   |
|---|--|---|--|---|---|---|---|--|---|---|
| 15) Chemical Treatment                  |  |   |  |   |   |   |   |  |   |   |
| a) Oil Stabilization                    |  |   |  |   |   |   |   |  |   |   |
| b) Protection of Beaches                |  |   |  | C | C |   |   |  |   |   |
| c) Cleaning of Beaches                  |  |   |  |   |   |   |   |  |   |   |
| 16) Burning (depends upon time of year) |  | C |  |   |   |   |   |  | C | C |
| 17) Nutrient Enhancement                |  |   |  | C | C | C | C |  |   |   |
| 18) Bacterial Addition                  |  |   |  | C | C | C | C |  |   |   |
| 19) Sediment Reworking                  |  | C |  | C | C | C | C |  |   |   |

**Key to Identifiers**

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Blank space = Not Advisable or Not Applicable

b = Passive collection and vacuum should be coordinated with flooding or washing methods.

d = Low intensity removal of mobile debris only, e.g., vegetation or driftwood.

f = Proximity to water intakes should be considered when pressure washing shoreline.

g = Consider biological community and porosity of substrate when using pressure or elevated temperature.

h = No action only if residual sheening is present.

i = No action only if the wetland fringes are impacted or access would result in unacceptable damage.

j = Hot water pressure wash or slurry sand blast for aesthetic reasons.

k = Passive collection only if viscosity is low enough to result in sorbent effectiveness.

Shoreline Type 1

**VERTICAL ROCKY SHORELINE, SEAWALLS, PIERS**

| Countermeasure   | Oil Type |        |          |          |
|--|----------|--------|----------|----------|
|  | Very Lt  | Light  | Medium   | Heavy    |
| 1) No Action   | A        | A      | Ch       | Ch       |
| 2) Manual Removal  | A        | A      | A        | C        |
| 3) Passive Collection (Sorbents)                           | A        | A      | A        | Ck       |
| 4) Debris Removal/Heavy Equipment                          |          | A      |          |          |
| 5) Trenching (recovery wells)                              |          |        |          | Ce       |
| 6) Sediment Removal  |          | C      |          | A        |
| 7) Cold Water Flooding (deluge)                            |          |        |          | C        |
| 8) Cold Water Washing                                      |          |        |          |          |
| a) Low Pressure (<50psi)                                   |          | Ab,f   | Ab,f     |          |
| b) High Pressure (<100psi)                                 |          | Ab,f   | Ab,f     |          |
| 9) Warm Water Washing (ambient to 90F)                     |          | Cb,f,g | Ab,f,g   | Ab,f,g   |
| 10) Hot Water Pressure Washing (>90F)                      |          |        | Cb,f,g,j | Ab,f,g,j |
| 11) Slurry Sand Blasting                                   |          |        | Cj       | Cj       |
| 12) Vacuum   |          | Ab     | Ab       | Ab       |
| 13) Shore Removal/Replacement                              |          |        |          |          |
| 14) Cutting Vegetation (depends upon time of year)         |          |        |          |          |
| <b>ALL METHODS BELOW REQUIRE RRT and/or STATE APPROVAL</b> |          |        |          |          |
| 15) Chemical Treatment                                     |          |        |          |          |
| a) Oil Stabilization                                       |          |        |          |          |
| b) Protection of Beaches                                   |          |        |          |          |
| c) Cleaning of Beaches                                     |          |        |          |          |
| 16) Burning (depends upon time of year)                    |          |        |          |          |
| 17) Nutrient Enhancement                                   |          |        |          |          |
| 18) Bacterial Addition                                     |          |        |          |          |
| 19) Sediment Reworking                                     |          |        |          |          |

**Key to Identifiers**

A = Acceptable

C = Conditional - Use after other less intrusive methods or following particularly heavy impact

Blank space = Not Advisable or Not Applicable

b = Passive collection and vacuum should be coordinated with flooding or washing methods.

f = Proximity to water intakes should be considered when pressure washing shoreline.

g = Consider biological community and porosity of substrate when using pressure or elevated temperature.

h = No action only if residual sheening is present.

j = Hot water pressure wash or slurry sand blast for aesthetic reasons.

k = Passive collection only if viscosity is low enough to result in sorbent effectiveness.

Shoreline Type 2

**ERODING SCARPS & SEDIMENTS**

| Countermeasure   | Oil Type |        |        |        |
|--|----------|--------|--------|--------|
|  | Very Lt  | Light  | Medium | Heavy  |
| 1) No Action   | A        | A      | Ch     | Ch     |
| 2) Manual Removal  | A        | A      | A      | A      |
| 3) Passive Collection (Sorbents)                           |          |        |        | Ck     |
| 4) Debris Removal/Heavy Equipment                          |          |        |        |        |
| 5) Trenching (recovery wells)                              |          |        |        |        |
| 6) Sediment Removal  |          |        | C      | C      |
| 7) Cold Water Flooding (deluge)                            |          |        |        |        |
| 8) Cold Water Washing                                      |          |        |        |        |
| a) Low Pressure (<50psi)                                   |          | Ab,f   | Ab,f   | Ab,f   |
| b) High Pressure (<100psi)                                 |          |        |        | Cb,f   |
| 9) Warm Water Washing (ambient to 90F)                     |          | Cb,f,g | Cb,f,g | Ab,f,g |
| 10) Hot Water Pressure Washing (>90F)                      |          |        |        |        |
| 11) Slurry Sand Blasting                                   |          |        |        |        |
| 12) Vacuum   |          |        |        | Ab     |
| 13) Shore Removal/Replacement                              |          |        |        |        |
| 14) Cutting Vegetation (depends upon time of year)         |          |        |        |        |
| <b>ALL METHODS BELOW REQUIRE RRT and/or STATE APPROVAL</b> |          |        |        |        |
| 15) Chemical Treatment                                     |          |        |        |        |
| a) Oil Stabilization                                       |          |        |        |        |
| b) Protection of Beaches                                   |          |        |        |        |
| c) Cleaning of Beaches                                     |          |        |        |        |
| 16) Burning (depends upon time of year)                    |          |        | C      | C      |
| 17) Nutrient Enhancement                                   |          |        |        |        |
| 18) Bacterial Addition                                     |          |        |        |        |
| 19) Sediment Reworking                                     |          |        | C      | C      |

**Key to Identifiers**

A = Acceptable

C = Conditional - Use after other less intrusive methods or following particularly heavy impact

Blank space = Not Advisable or Not Applicable

b = Passive collection and vacuum should be coordinated with flooding or washing methods.

f = Proximity to water intakes should be considered when pressure washing shoreline.

g = Consider biological community and porosity of substrate when using pressure or elevated temperature.

h = No action only if residual sheening is present.

k = Passive collection only if viscosity is low enough to result in sorbent effectiveness.

Shoreline Type 3

**SHELVING BEDROCK LEDGES**

| Countermeasure   | Oil Type |        |        |        |
|--|----------|--------|--------|--------|
|  | Very Lt  | Light  | Medium | Heavy  |
| 1) No Action   | A        | A      | Ch     | Ch     |
| 2) Manual Removal  | A        | A      | A      | C      |
| 3) Passive Collection (Sorbents)                           | A        | A      | A      | Ak     |
| 4) Debris Removal/Heavy Equipment                          |          | A      | A      | A      |
| 5) Trenching (recovery wells)                              |          |        |        |        |
| 6) Sediment Removal  |          |        |        |        |
| 7) Cold Water Flooding (deluge)                            |          |        |        |        |
| 8) Cold Water Washing                                      |          |        |        |        |
| a) Low Pressure (<50psi)                                   |          | Ab,f   | Ab,f   | Ab,f   |
| b) High Pressure (<100psi)                                 |          | Ab,f   | Ab,f   | Ab,f   |
| 9) Warm Water Washing (ambient to 90F)                     |          | Cb,f,g | Ab,f,g | Ab,f,g |
| 10) Hot Water Pressure Washing (>90F)                      |          |        | Cb,f,g | Cb,f,g |
| 11) Slurry Sand Blasting                                   |          |        |        |        |
| 12) Vacuum   |          | Ab     | Ab     | Ab     |
| 13) Shore Removal/Replacement                              |          |        |        |        |
| 14) Cutting Vegetation (depends upon time of year)         |          |        |        |        |
| <b>ALL METHODS BELOW REQUIRE RRT and/or STATE APPROVAL</b> |          |        |        |        |
| 15) Chemical Treatment                                     |          |        |        |        |
| a) Oil Stabilization                                       |          |        |        |        |
| b) Protection of Beaches                                   |          |        |        |        |
| c) Cleaning of Beaches                                     |          |        |        |        |
| 16) Burning (depends upon time of year)                    |          |        |        |        |
| 17) Nutrient Enhancement                                   |          |        |        |        |
| 18) Bacterial Addition                                     |          |        |        |        |
| 19) Sediment Reworking                                     |          |        |        |        |

**Key to Identifiers**

A = Acceptable

C = Conditional - Use after other less intrusive methods or following particularly heavy impact

Blank space = Not Advisable or Not Applicable

b = Passive collection and vacuum should be coordinated with flooding or washing methods.

f = Proximity to water intakes should be considered when pressure washing shoreline.

g = Consider biological community and porosity of substrate when using pressure or elevated temperature.

h = No action only if residual sheening is present.

k = Passive collection only if viscosity is low enough to result in sorbent effectiveness.

**Shoreline Type 4**  
**SANDY BEACHES**

| Countermeasure   | Oil Type |       |        |       |
|--|----------|-------|--------|-------|
|  | Very Lt  | Light | Medium | Heavy |
| 1) No Action   | A        | C     |        |       |
| 2) Manual Removal  | A        | C     | A      | A     |
| 3) Passive Collection (Sorbents)                           |          | A     | A      | Ak    |
| 4) Debris Removal/Heavy Equipment                          |          | A     | A      | A     |
| 5) Trenching (recovery wells)                              |          | Ce    | Ce     | Ce    |
| 6) Sediment Removal  |          |       | A      | A     |
| 7) Cold Water Flooding (deluge)                            |          | Cb    | Cb     | C     |
| 8) Cold Water Washing                                      |          |       |        |       |
| a) Low Pressure (<50psi)                                   |          |       |        |       |
| b) High Pressure (<100psi)                                 |          |       |        |       |
| 9) Warm Water Washing (ambient to 90F)                     |          |       |        |       |
| 10) Hot Water Pressure Washing (>90F)                      |          |       |        |       |
| 11) Slurry Sand Blasting                                   |          |       |        |       |
| 12) Vacuum   |          | Cb    | Cb     | Cb    |
| 13) Shore Removal/Replacement                              | C        | C     | A      | A     |
| 14) Cutting Vegetation (depends upon time of year)         |          |       |        |       |
| <b>ALL METHODS BELOW REQUIRE RRT and/or STATE APPROVAL</b> |          |       |        |       |
| 15) Chemical Treatment                                     |          |       |        |       |
| a) Oil Stabilization                                       |          | C     | C      |       |
| b) Protection of Beaches                                   |          | C     | C      | C     |
| c) Cleaning of Beaches                                     |          | C     | C      |       |
| 16) Burning (depends upon time of year)                    |          |       |        |       |
| 17) Nutrient Enhancement                                   |          | C     | C      | C     |
| 18) Bacterial Addition                                     |          | C     | C      | C     |
| 19) Sediment Reworking                                     | C        | C     | C      | C     |

**Key to Identifiers**

A = Acceptable

C = Conditional - Use after other less intrusive methods or following particularly heavy impact

Blank space = Not Advisable or Not Applicable

b = Passive collection and vacuum should be coordinated with flooding or washing methods.

e = Trenching only if heavy impact exists and no other viable collection method is available

k = Passive collection only if viscosity is low enough to result in sorbent effectiveness.

Shoreline Type 5

**MIXED SAND & GRAVEL BEACHES**

| Countermeasure   | Oil Type |       |        |       |
|--|----------|-------|--------|-------|
|  | Very Lt  | Light | Medium | Heavy |
| 1) No Action   | A        | C     |        |       |
| 2) Manual Removal  | A        | C     | A      | A     |
| 3) Passive Collection (Sorbents)                           |          | A     | A      | Ak    |
| 4) Debris Removal/Heavy Equipment                          |          | A     | A      | A     |
| 5) Trenching (recovery wells)                              |          | Ce    | Ce     | Ce    |
| 6) Sediment Removal  |          |       | A      | A     |
| 7) Cold Water Flooding (deluge)                            |          | Cb    | Cb     | C     |
| 8) Cold Water Washing                                      |          |       |        |       |
| a) Low Pressure (<50psi)                                   |          |       |        |       |
| b) High Pressure (<100psi)                                 |          |       |        |       |
| 9) Warm Water Washing (ambient to 90F)                     |          |       |        |       |
| 10) Hot Water Pressure Washing (>90F)                      |          |       |        |       |
| 11) Slurry Sand Blasting                                   |          |       |        |       |
| 12) Vacuum   |          | Cb    | Cb     | Cb    |
| 13) Shore Removal/Replacement                              | C        | C     | A      | A     |
| 14) Cutting Vegetation (depends upon time of year)         |          |       |        |       |
| <b>ALL METHODS BELOW REQUIRE RRT and/or STATE APPROVAL</b> |          |       |        |       |
| 15) Chemical Treatment                                     |          |       |        |       |
| a) Oil Stabilization                                       |          | C     | C      |       |
| b) Protection of Beaches                                   |          | C     | C      | C     |
| c) Cleaning of Beaches                                     |          | C     | C      |       |
| 16) Burning (depends upon time of year)                    |          |       |        |       |
| 17) Nutrient Enhancement                                   |          | C     | C      | C     |
| 18) Bacterial Addition                                     |          | C     | C      | C     |
| 19) Sediment Reworking                                     | C        | C     | C      | C     |

**Key to Identifiers**

A = Acceptable

C = Conditional - Use after other less intrusive methods or following particularly heavy impact

Blank space = Not Advisable or Not Applicable

b = Passive collection and vacuum should be coordinated with flooding or washing methods.

e = Trenching only if heavy impact exists and no other viable collection method is available

k = Passive collection only if viscosity is low enough to result in sorbent effectiveness.



**Shoreline Type 6**  
**GRAVEL BEACHES**

| Countermeasure   | Oil Type |       |        |       |
|--|----------|-------|--------|-------|
|  | Very Lt  | Light | Medium | Heavy |
| 1) No Action   | A        | C     |        |       |
| 2) Manual Removal  | Aa       | C     | A      | A     |
| 3) Passive Collection (Sorbents)                           | A        | A     | A      | Ak    |
| 4) Debris Removal/Heavy Equipment                          |          | A     | A      | A     |
| 5) Trenching (recovery wells)                              |          |       |        |       |
| 6) Sediment Removal  |          |       |        |       |
| 7) Cold Water Flooding (deluge)                            | Ab       | Ab    | Ab     | C     |
| 8) Cold Water Washing                                      |          |       |        |       |
| a) Low Pressure (<50psi)                                   | Cb,f     |       | Cb,f   |       |
| b) High Pressure (<100psi)                                 |          |       | Cb,f   |       |
| 9) Warm Water Washing (ambient to 90F)                     |          |       |        |       |
| 10) Hot Water Pressure Washing (>90F)                      |          |       |        |       |
| 11) Slurry Sand Blasting                                   |          |       |        |       |
| 12) Vacuum   | Ab       | Ab    | Ab     | Cb    |
| 13) Shore Removal/Replacement                              |          |       | C      | A     |
| 14) Cutting Vegetation (depends upon time of year)         |          |       |        |       |
| <b>ALL METHODS BELOW REQUIRE RRT and/or STATE APPROVAL</b> |          |       |        |       |
| 15) Chemical Treatment                                     |          |       |        |       |
| a) Oil Stabilization                                       |          | C     |        |       |
| b) Protection of Beaches                                   |          | C     |        |       |
| c) Cleaning of Beaches                                     |          | C     |        |       |
| 16) Burning (depends upon time of year)                    |          |       |        |       |
| 17) Nutrient Enhancement                                   |          | C     | C      | C     |
| 18) Bacterial Addition                                     |          | C     | C      | C     |
| 19) Sediment Reworking                                     |          | C     | C      | C     |

**Key to Identifiers**

A = Acceptable

C = Conditional - Use after other less intrusive methods or following particularly heavy impact

Blank space = Not Advisable or Not Applicable

a = Manual removal of oiled debris or small persistent pockets.

b = Passive collection and vacuum should be coordinated with flooding or washing methods.

f = Proximity to water intakes should be considered when pressure washing shoreline.

k = Passive collection only if viscosity is low enough to result in sorbent effectiveness.

Shoreline Type 7

RIPRAP

| Countermeasure   | Oil Type |       |        |          |
|--|----------|-------|--------|----------|
|  | Very Lt  | Light | Medium | Heavy    |
| 1) No Action   | A        | A     | Ch     | Ch       |
| 2) Manual Removal  | Aa       | C     | A      | A        |
| 3) Passive Collection (Sorbents)                           | A        | A     | A      | Ak       |
| 4) Debris Removal/Heavy Equipment                          |          | A     | A      | A        |
| 5) Trenching (recovery wells)                              |          |       |        |          |
| 6) Sediment Removal  |          |       |        |          |
| 7) Cold Water Flooding (deluge)                            | Ab       | Ab    | Ab     | C        |
| 8) Cold Water Washing                                      |          |       |        |          |
| a) Low Pressure (<50psi)                                   | Ab,f     | Ab,f  | Ab,f   | Cb,f     |
| b) High Pressure (<100psi)                                 |          |       | Ab,f   | Cb,f     |
| 9) Warm Water Washing (ambient to 90F)                     |          |       | Cb,f,g | Cb,f,g   |
| 10) Hot Water Pressure Washing (>90F)                      |          |       | Cg,j   | Cb,f,g,j |
| 11) Slurry Sand Blasting                                   |          |       | C      | Cj       |
| 12) Vacuum   | Ab       | Ab    | Ab     | Cb       |
| 13) Shore Removal/Replacement                              |          |       | C      |          |
| 14) Cutting Vegetation (depends upon time of year)         |          |       |        |          |
| <b>ALL METHODS BELOW REQUIRE RRT and/or STATE APPROVAL</b> |          |       |        |          |
| 15) Chemical Treatment                                     |          |       |        |          |
| a) Oil Stabilization                                       |          |       |        |          |
| b) Protection of Beaches                                   |          |       |        |          |
| c) Cleaning of Beaches                                     |          |       |        |          |
| 16) Burning (depends upon time of year)                    |          |       |        |          |
| 17) Nutrient Enhancement                                   |          | C     | C      | C        |
| 18) Bacterial Addition                                     |          | C     | C      | C        |
| 19) Sediment Reworking                                     |          |       | C      | C        |

**Key to Identifiers**

A = Acceptable

C = Conditional - Use after other less intrusive methods or following particularly heavy impact

Blank space = Not Advisable or Not Applicable

a = Manual removal of oiled debris or small persistent pockets.

b = Passive collection and vacuum should be coordinated with flooding or washing methods.

f = Proximity to water intakes should be considered when pressure washing shoreline.

g = Consider biological community and porosity of substrate when using pressure or elevated temperature.

h = No action only if residual sheening is present.

j = Hot water pressure wash or slurry sand blast for aesthetic reasons.

k = Passive collection only if viscosity is low enough to result in sorbent effectiveness.

Shoreline Type 8

**SHELTERED BEDROCK & BLUFFS**

| Countermeasure   | Oil Type |        |        |        |
|--|----------|--------|--------|--------|
|  | Very Lt  | Light  | Medium | Heavy  |
| 1) No Action   | A        | A      |        |        |
| 2) Manual Removal  | A        | A      | A      | A      |
| 3) Passive Collection (Sorbents)                           | A        | A      | A      | Ak     |
| 4) Debris Removal/Heavy Equipment                          |          | A      | A      | A      |
| 5) Trenching (recovery wells)                              |          |        |        |        |
| 6) Sediment Removal  |          |        |        |        |
| 7) Cold Water Flooding (deluge)                            |          |        |        |        |
| 8) Cold Water Washing                                      |          |        |        |        |
| a) Low Pressure (<50psi)                                   |          | Ab,f   | Ab,f   | Ab,f   |
| b) High Pressure (<100psi)                                 |          | Ab,f   | Cb,f   | Cb,f   |
| 9) Warm Water Washing (ambient to 90F)                     |          | Cb,f,g | Cb,f,g | Cb,f,g |
| 10) Hot Water Pressure Washing (>90F)                      |          |        |        |        |
| 11) Slurry Sand Blasting                                   |          |        |        |        |
| 12) Vacuum   |          | Ab     | Ab     | Ab     |
| 13) Shore Removal/Replacement                              |          |        |        |        |
| 14) Cutting Vegetation (depends upon time of year)         |          | C      | C      | C      |
| <b>ALL METHODS BELOW REQUIRE RRT and/or STATE APPROVAL</b> |          |        |        |        |
| 15) Chemical Treatment                                     |          |        |        |        |
| a) Oil Stabilization                                       |          |        | C      |        |
| b) Protection of Beaches                                   |          |        |        |        |
| c) Cleaning of Beaches                                     |          |        |        |        |
| 16) Burning (depends upon time of year)                    |          |        | C      |        |
| 17) Nutrient Enhancement                                   |          |        |        |        |
| 18) Bacterial Addition                                     |          |        |        |        |
| 19) Sediment Reworking                                     |          |        |        |        |

**Key to Identifiers**

A = Acceptable

C = Conditional - Use after other less intrusive methods or following particularly heavy impact

Blank space = Not Advisable or Not Applicable

b = Passive collection and vacuum should be coordinated with flooding or washing methods.

f = Proximity to water intakes should be considered when pressure washing shoreline.

g = Consider biological community and porosity of substrate when using pressure or elevated temperature.

k = Passive collection only if viscosity is low enough to result in sorbent effectiveness.

Shoreline Type 9

**SHELTERED LOW LYING BANKS**

| Countermeasure   | Oil Type |        |        |        |
|--|----------|--------|--------|--------|
|  | Very Lt  | Light  | Medium | Heavy  |
| 1) No Action   | A        | A      |        |        |
| 2) Manual Removal  |          | A      | A      | A      |
| 3) Passive Collection (Sorbents)                           | A        | A      | A      | Ak     |
| 4) Debris Removal/Heavy Equipment                          |          | A      | A      | A      |
| 5) Trenching (recovery wells)                              |          |        |        |        |
| 6) Sediment Removal  |          |        |        |        |
| 7) Cold Water Flooding (deluge)                            | Ab       | Ab     | Ab     | C      |
| 8) Cold Water Washing                                      |          |        |        |        |
| a) Low Pressure (<50psi)                                   | Ab,f     | Ab,f   | Cb,f   | Cb,f   |
| b) High Pressure (<100psi)                                 |          |        | Cb,f   |        |
| 9) Warm Water Washing (ambient to 90F)                     |          | Cb,f,g | Cb,f,g | Cb,f,g |
| 10) Hot Water Pressure Washing (>90F)                      |          |        |        |        |
| 11) Slurry Sand Blasting                                   |          |        |        |        |
| 12) Vacuum   | Ab       | Ab     | Ab     | Cb     |
| 13) Shore Removal/Replacement                              | Cc       |        |        |        |
| 14) Cutting Vegetation (depends upon time of year)         |          | C      | C      | C      |
| <b>ALL METHODS BELOW REQUIRE RRT and/or STATE APPROVAL</b> |          |        |        |        |
| 15) Chemical Treatment                                     |          |        |        |        |
| a) Oil Stabilization                                       |          |        | C      |        |
| b) Protection of Beaches                                   |          |        |        |        |
| c) Cleaning of Beaches                                     |          |        |        |        |
| 16) Burning (depends upon time of year)                    |          |        | C      | C      |
| 17) Nutrient Enhancement                                   |          |        |        |        |
| 18) Bacterial Addition                                     |          |        |        |        |
| 19) Sediment Reworking                                     |          |        |        |        |

**Key to Identifiers**

A = Acceptable

C = Conditional - Use after other less intrusive methods or following particularly heavy impact

Blank space = Not Advisable or Not Applicable

b = Passive collection and vacuum should be coordinated with flooding or washing methods.

c = Shoreline removal/replacement with clay if substrate is saturate with oil.

f = Proximity to water intakes should be considered when pressure washing shoreline.

g = Consider biological community and porosity of substrate when using pressure or elevated temperature.

k = Passive collection only if viscosity is low enough to result in sorbent effectiveness.

Shoreline Type 10

**FRINGING & EXTENSIVE WETLANDS**

| Countermeasure   | Oil Type |       |        |       |
|--|----------|-------|--------|-------|
|  | Very Lt  | Light | Medium | Heavy |
| 1) No Action   | A        | C     | Ch,i   | Ch,i  |
| 2) Manual Removal  |          | Cd    | Cd     | Cd    |
| 3) Passive Collection (Sorbents)                           | A        | A     | A      | Ak    |
| 4) Debris Removal/Heavy Equipment                          |          | A     |        |       |
| 5) Trenching (recovery wells)                              |          |       |        |       |
| 6) Sediment Removal  |          |       |        |       |
| 7) Cold Water Flooding (deluge)                            | Ab       | Ab    | Ab     | C     |
| 8) Cold Water Washing                                      |          |       |        |       |
| a) Low Pressure (<50psi)                                   | Ab,f     |       | Cb,f   | Cb,f  |
| b) High Pressure (<100psi)                                 |          |       |        |       |
| 9) Warm Water Washing (ambient to 90F)                     |          |       |        |       |
| 10) Hot Water Pressure Washing (>90F)                      |          |       |        |       |
| 11) Slurry Sand Blasting                                   |          |       |        |       |
| 12) Vacuum   | Ab       | Ab    | Ab     | Cb    |
| 13) Shore Removal/Replacement                              |          |       |        |       |
| 14) Cutting Vegetation (depends upon time of year)         |          | C     | C      | C     |
| <b>ALL METHODS BELOW REQUIRE RRT and/or STATE APPROVAL</b> |          |       |        |       |
| 15) Chemical Treatment                                     |          |       |        |       |
| a) Oil Stabilization                                       |          |       | C      |       |
| b) Protection of Beaches                                   |          |       |        |       |
| c) Cleaning of Beaches                                     |          |       |        |       |
| 16) Burning (depends upon time of year)                    | C        | C     | C      | C     |
| 17) Nutrient Enhancement                                   |          |       |        |       |
| 18) Bacterial Addition                                     |          |       |        |       |
| 19) Sediment Reworking                                     |          |       |        |       |

**Key to Identifiers**

A = Acceptable

C = Conditional - Use after other less intrusive methods or following particularly heavy impact

Blank space = Not Advisable or Not Applicable

b = Passive collection and vacuum should be coordinated with flooding or washing methods.

d = Low intensity removal of mobile debris only, e.g., vegetation or driftwood.

f = Proximity to water intakes should be considered when pressure washing shoreline.

h = No action only if residual sheening is present.

i = No action only if the wetland fringes are impacted or access would result in unacceptable damage.

k = Passive collection only if viscosity is low enough to result in sorbent effectiveness.

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

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Available online at [www.rrt5.org/RCPACPMMain/RCPACPApendices/DisinfectionProcedures](http://www.rrt5.org/RCPACPMMain/RCPACPApendices/DisinfectionProcedures)

## APPENDIX IX: DISINFECTION PROCEDURES FOR INVASIVE SPECIES IN VESSELS AND WATER WETTED EQUIPMENT

### Definitions

Vessel-The word vessel includes every description of watercraft or other artificial contrivance used or capable of being used as a means of transportation on water.

Water wetted equipment-Water wetted equipment refers to water wetted resources being utilized between infected water and uninfected waters.

### Purpose

Aquatic invasive species are waterborne, non-native organisms, including plants, animals, and pathogens, that can threaten ecosystems into which they spread or are introduced. Aquatic invasive species can compete with native species for food and habitat, prey on native species and kill them through disease processes, disrupt ecosystem stability, impact water quality, impact commercial and recreational activities, affect property values, and cost millions of dollars in prevention and control. The long term impacts of invasive species on an ecosystem can easily exceed those of an oil spill.

Aquatic invasive species may be introduced via vessels and water wetted equipment that are from waters outside of the region, as well as vessels that have been used in more local, but separate, waterways. For example, viral hemorrhagic septicemia is a fish virus that is present in the Great Lakes, but is not yet present in most inland lakes. The movement of vessels and water wetted equipment between infected waters and uninfected waters may spread the virus.

### Process

For the purposes of this RCP/ACP, the term Disinfection Procedures should be considered distinct from Decontamination Plan. The purpose of disinfection is to prevent the spread of invasive organisms that may be present on vessels or water wetted equipment into or out of the spill area; whereas, the purpose of decontamination is to remove oil or other contaminants after use in the spill area. Thus, disinfection should occur **before** vessels and water wetted equipment are used in the spill area as well as **after**, when they are demobilized from the area.

The Disinfection Group, under the oversight of the appropriate state environmental agency, U.S. Fish and Wildlife Service (USFWS), or local water resource manager is responsible for the implementation of the Disinfection Procedures.

At a minimum, all vessels and water wetted equipment, coming from either 1) a distinctly separate water (salt vs fresh water, a different water shed, an isolated waterbody etc...), or 2) coming from downstream of a dam or falls, will need to pass an inspection for the need for disinfection prior to being allowed into the water. This could be coordinated with the vessel safety inspection. A sample checklist is attached to the Disinfection Procedures, but this checklist may need to be tailored to specific threats related to the expected source areas for vessels and water wetted equipment. Following inspection, boats and equipment that could be carrying invasive species in any form must go through disinfection.

Disinfection areas will be established onsite during a spill response. The disinfection areas may be co-located with decontamination areas, staging areas, or vessel inspection areas. Disinfection areas must be configured to contain all wastewater for proper disposal. Disinfection wastewater must not be allowed to drain onto unpaved surfaces or into sewers, ditches, or waterways.

## DISINFECTION PROCEDURES

The following techniques are acceptable for disinfection of vessels and water wetted equipment. Contact time is crucial for complete disinfection. Contact time reflects exposure of air, water, or disinfectant to a specific area, and not the total amount of time spent disinfecting. For example, if you are using 70° C water to disinfect your vessel, you must apply 70° C water to each area for one minute or longer (see options and procedures below from USFWS, Region 3).

| Methods  | Procedures   | Positives   | Negatives   |
|--|--|---|---|
| <b>Heat + air</b><br>(Drying in hot sun)                   | <b>30C (86F) 24 hrs minimum</b><br>(time at Temp contact period crucial)<br>(Exposure to Hot sun/air while dry)  | Follow MSDS directions for health risk and use Personal Protective Equipment (PPE). | Time consuming<br>Weather/Temperature criteria critical to reliable results   |
| <b>Heat + water</b><br>Spray &/or immerse                  | <b>50C (122F) contact time for 10 minutes</b><br>(time at temp contact period crucial)<br>(Large source of hot water needed)                                       | Follow MSDS directions for health risk and use PPE.                                 | Must maintain high water/contact; hotter than average tap water   |
| <b>Heat + water</b><br>Spray &/or immerse                  | <b>70C (158F) contact time for 1 minute</b><br>(time at temp contact period crucial)<br>(Large source of hot water needed)   | Follow MSDS directions for health risk and use PPE.                                 | Must maintain very high water/contact; much hotter than average tap water. Risk of Burns. Requires additional logistical support for steady supply of fuel. |
| <b>Virkon Aquatic</b>                                      | <b>Follow Product directions for Proper mixture and minimum contact time.</b><br>(immerse in solution, Apply directly, or Spray-on with pressure washer and rinse) | Follow MSDS directions for health risk and use PPE.                                 | Follow MSDS directions for health risks and use PPE) when mixing concentrate form. Chemical based   |
| <b>Quarternary Ammonium+Water</b><br>*(family of products) | <b>Follow Product directions for Proper mixture and minimum contact time.</b><br>(immerse in solution, Apply directly, or Spray-on with pressure washer and rinse) | Follow MSDS directions for health risk and use PPE.                                 | Chemical Based<br>Follow MSDS directions for health risk and use PPE.   |
| <b>Chlorine + water</b>                                    | <b>Min. 200 mg/liter water for 20 minutes</b><br>(immerse in solution, Apply directly, or Spray-on with pressure washer and rinse/neutralize thoroughly)           | Follow MSDS directions for health risk and use PPE.                                 | Follow MSDS directions for health risk and use PPE. Highly corrosive.   |

An example equipment list for the disinfection station follows:



- ☐ Four steam pressure sprayers or disinfectant sprayers, depending on method
- ☐ 200 gallon diesel storage with secondary containment
- ☐ 100 feet of caution tape
- ☐ Six free-standing guide posts
- ☐ Two 55-gallon drums – open top with lid
- ☐ Two 55-gallon drums – open top with bung opening lid
- ☐ Eight packs of sorbent wipers (minimum 50 pads each)
- ☐ Two plastic buckets and two scrub brushes
- ☐ Two child wading pools
- ☐ Labels for drummed waste
- ☐ Four 50-foot garden hoses with variable spray nozzles
- ☐ Four 20-gallon plastic trash cans
- ☐ PPE for a minimum 4 person team (Face shields, Tyvek suits, PVC Gloves, booties, and respirators depending on cleaning chemicals)
- ☐ Vacuum truck for waste water recovery
- ☐ Absorbent boom
- ☐ Portable containment pad or other containment system
- ☐ One or more frac tanks or other storage containers to contain wastewater

### **Sample Checklist**

The procedures in this document will focus on expectations of inspection criteria of vessels, vehicles and their trailers, as well as, equipment entering Regional Response Team 5 waters. The recommended inspections procedure is being implemented to ensure that invasive species do not enter the waterways of Region 5 and impact treatment infrastructure and threaten the ecosystem.

The vessel, trailer/vehicle and equipment inspection will include looking for water, debris or growth on or in any inspected area. Surfaces will also be touched to see if growth or mussels may be attached. The inspection should be completed the same way each time starting at one side and ending up at the other side.

Below are the recommended procedures for what to inspect.

## Inspection Checklist

The following list of items comes from the Vessel Inspection Checklist and states what the Disinfectant team should be looking for:

- (a) **Vehicle Rear:** The vehicle bumper, tailgate or spare tire may have mud, grass, weeds or other debris on it.
- (b) **Trailer Structure, Railings and Spare Tire:** The trailer, railings and spare tire may have mud, grass, weeds, debris or standing water.
- (c) **Vessel Hull:** The vessel hull should be inspected for growth and debris. Growth may be visible if it has recently come from being in the water for an extended period of time. Small mussels attached to a boat can feel like sandpaper or sesame seeds.
- (d) **Transom:** The transom is at the back of the vessel that the engine is attached to. The transom may have several items of importance to inspection that mussels can attach to including the outdrive, trim tabs, transducers, bilge plug area and through hull fittings. Check the transom to make sure the surface is smooth and visibly clear of all debris and growth.
- (e) **Outdrive:** The outdrive is attached to the transom on stern drive vessels and the lower unit on outboard vessels. It has intricate parts that make it easy for mussels to attach, hide and grow. The inspector should feel and look for any signs of growth, debris or texture of sandpaper.
- (f) **Propeller/Shafter:** Mussels can attach and live on or around where the propeller attaches to the lower unit of drive shaft. Mussels can also attach to the shaft or connecting points of the vessel. These can be hard to see and should be inspected with a flashlight to verify if any mussels, debris or water is present.
- (g) **Trim Tabs:** Trim tabs are located on the lower portion of the transom and are usually metal plates that help stabilize the vessel while underway. The inspector should feel the corners, edges and look on the underside of the trim tabs for debris and growth.
- (h) **Transducers:** These are located on the transom or bottom of the hull near the stern of the vessel. They are used in conjunction with a computer to determine depth, speed and water temperature. Growth or debris can appear on them.
- (i) **Bilge Plug:** If the bilge plug is pulled when the vessel arrives at the lake, there should be no fluid or debris coming from it. By carefully putting your finger in the plug hole, it can be determined if debris is blocking water from exiting. If the bilge plug is not pulled, have the owner/operator pull the plug. If water exits, place the plug back it to prevent it from coming out.
- (j) **Through Hull Fittings:** Through hull fitting in all boats have the potential to store mussels in the right conditions. To check these fittings, look with a flashlight inside them and feel for irregularities.
- (k) **Bait Tank/Live Well/Compartments:** Bait tanks, live wells and compartments should be dry and clear of all water and debris. Some compartments do not drain completely due

to the way they are manufactured. Any debris in compartments is not acceptable. Common debris often found includes; fish scales, weeds, small pebbles and trash.

- (l) **Bilge:** The bilge is at the bottom of the inside stern of the vessel. It may not be visible in all boats due to various boat designs. The bilge should be clean from all water and debris.
- (m) **Anchor/Fenders and Line:** Anchors can have mud or debris on them. If an anchor, fender and lines attached have been in infested water for an extended period of time then mussels and debris can attach. Check these items for mud, growth and debris.
- (n) **Trolling Motor:** Trolling motors can pick up plants and debris while being used and must be inspected. Check these items for mud, growth and debris.

The Disinfectant Team will determine if vessel has been used locally or non-locally. If the vessel is local and there are no visible signs of mussels, plants, mud or other type of species, approve for launch, otherwise, disinfect.

Disinfectant Team will conduct a complete inspection for non-local vessels. If vessel passes inspection, approve for launch, otherwise, disinfect.

If Disinfectant Team determines vessel is a viable threat to the Great Lakes ecosystem and is not confident that disinfecting the vessel would protect the water quality, quarantining the vessel for 28 days is another option.

**Sample Checklist:**

Inspection: Check for **WATER, MUD, DEBRIS** or **GROWTH** and check all smooth surfaces for **“SANDPAPER”** feel.

Clear of Water, Debris and/or Growth: Check appropriate box below.

**Yes      No**

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Vehicle rear   |
| <input type="checkbox"/> | <input type="checkbox"/> | Trailer structure, railings, spare tire                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Vessel hull  |
| <input type="checkbox"/> | <input type="checkbox"/> | Transom  |
| <input type="checkbox"/> | <input type="checkbox"/> | Outdrive   |
| <input type="checkbox"/> | <input type="checkbox"/> | Prop/shafts (propeller on the engine)                                      |
| <input type="checkbox"/> | <input type="checkbox"/> | Trim tabs (located on back of hull near engine. Not all vessels have them) |
| <input type="checkbox"/> | <input type="checkbox"/> | Transducers  |
| <input type="checkbox"/> | <input type="checkbox"/> | Bilge plug pulled – no fluid or debris                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | Through hull fittings  |
| <input type="checkbox"/> | <input type="checkbox"/> | Bait tank/live wells/compartments  |
| <input type="checkbox"/> | <input type="checkbox"/> | Bilge (may not be visible)   |
| <input type="checkbox"/> | <input type="checkbox"/> | Anchor/fenders and line  |
| <input type="checkbox"/> | <input type="checkbox"/> | Boom   |
| <input type="checkbox"/> | <input type="checkbox"/> | Skimmers   |
| <input type="checkbox"/> | <input type="checkbox"/> | Other Response equipment   |
- ☐ Your vessel has not cleared the inspection due to water and or debris in one or more areas. Your vessel will not be allowed on Region 5 waters for a minimum of 28 days and will be placed on a vessel quarantine list as of today. This zero tolerance has been established to ensure the safety of the water quality and its ecosystem.
- ☐ Your vessel will need to be disinfected before it can be cleared to enter Region 5 waters.
- ☐ OK to enter Region 5 waters.

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Date

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Staff (Print Name)

## Appendix V: Chemical Use Guidelines

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Available online at [www.rrt5.org/RCPACPMMain/RCPACPAppearices/ChemicalUseGuidelines.aspx](http://www.rrt5.org/RCPACPMMain/RCPACPAppearices/ChemicalUseGuidelines.aspx)

## **APPENDIX V: CHEMICAL USE GUIDELINES**

## CHEMICAL USE CHECKLIST

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### Chemical Use Preapproval

Federal Region 5 Regional Response Team

Oil Spill Solidifier Preapproval- Contained within socks, booms, pillow Under the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300) the Regional Response Team (RRT) may authorize the use of oil spill control agents that are on the National Product Schedule. Pursuant to various presentations on the products, and the additional written materials that the Science and Technology Sub-Committee of the RRT has reviewed, the Region V RRT will allow the use of the following products under limited approval and specific conditions explained below:

- ALSOCUP
- Aqua N-CAP Polymer
- CIAgent
- WASTE-SET #3200
- WASTE-SET #3400

The Region 5 RRT has approved the use, in Region 5, of socks, booms, pads, pillows or other device which completely surrounds and contains one of the solidifier products listed above subject to the following conditions:

1. 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
2. The sock, boom, pad, or pillow is not left in the environment for more than one week after contact with oil; and
3. The sock, boom, or pillow must be recovered from the water within one week of contact with oil or depletion of solidifying capacity and properly disposed of.
4. This preapproval does not include preapproved use in tribal or Department of Interior managed lands.

Conditions of approval for solidifier products:

- [NCP Subpart J - Main Page](#)
- [NCP Product Schedule](#)
- [NCP Technical Notebook](#)

### Chemical Countermeasures Fact Sheet

The Chemical Countermeasures Fact Sheet describes the appropriate use of oil treatment products, which products may be used and under what circumstances approval is required.

## Chemical Use Guidelines

- Compile Data

## Spill Data — Responsibility: OSC

- Circumstances
- Time/date of incident
- Location
- Type of oil product
- Volume of oil release
- Total potential of release
- Type of release (instantaneous, continuous, etc.)

## Characteristics of Spilled Oil(s) — Responsibility: OSC

- Specific gravity
- Viscosity

## Weather and Water Conditions / Forecasts — Responsibility: SSC

- Air temperature
- Water conditions
- Water temperature
- Water depth

## Oil Trajectory Information — Responsibility: SSC

- 48-hour surface oil trajectory forecast
  - Surface area of slick
  - Expected conditions of landfall
- 48-hour dispersed or chemically treated oil trajectory forecast
  - Oil movement in water column
  - Surface oil movement and expected landfall
  - Concentration of the dispersant/oil mixture in the water column

## Chemical Characteristics and Application Equipment — Responsibility: OSC

**Table 0.1: Chemical Characteristics**

|               | Product 1 | Product 2 | Product 3 |
|---------------|-----------|-----------|-----------|
| Chemical Name |           |           |           |
| Trade Name    |           |           |           |



|  |  |  |  |
|--|--|--|--|
| Manufacturer   |  |  |  |
| When Available                                       |  |  |  |
| Location   |  |  |  |
| Characteristics                                      |  |  |  |
| Toxicity   |  |  |  |
| Effectiveness  |  |  |  |
| Reactions  |  |  |  |
| Applicability  |  |  |  |
| Flash point  |  |  |  |
| Amount Available                                     |  |  |  |
| Type of Containers                                   |  |  |  |
| Application Methods                                  |  |  |  |
| Benefits<br>(reduce vapor; increase viscosity; etc.) |  |  |  |

**Table 2 Transportation & Equipment**

|                             | Company<br>1 | Company<br>2 | Company<br>3 |
|-----------------------------|--------------|--------------|--------------|
| Name                        |              |              |              |
| Location                    |              |              |              |
| Equipment available         |              |              |              |
| Transportation of equipment |              |              |              |

## Comparison of Effectiveness of Conventional

### Methods vs. Use of Chemicals — Responsibility: US EPA, USCG, OSC, SSC, State(s)

- Containment at the source
- Burning

- Shoreline protection strategies
- Shoreline cleanup strategies
- Time necessary to execute response

### **Habitats and Resources at Risk — Responsibility: OSC, SSC**

- Shoreline habitat type and area of impact
- Resources
  - Endangered/threatened species
  - Critical habitat for the above species
  - Waterfowl use
  - Shellfish
  - Finfish
  - Commercial use
  - Public use areas
  - Other resources of significance

### **Other Users of the Water: Nearby and Downstream — Responsibility: SSC**

- Water supply, potable
- Water supply, industrial

### **Recommendations — Responsibility: US EPA, USCG, OSC, SSC, State(s)**

#### **Possible Options**

- Do not use chemicals
- Use chemicals on a trial basis
- Disperse or chemically treat to maximum extent possible with accepted methods on available equipment

#### **Other Recommendations/Rationale**

TBD

## **Evaluation of Decisions — Responsibility: US EPA, USCG, OSC, SSC, State(s)**

**Will the application remove a significant amount of the slick from the surface of the water?**

**Can the extent or location of the shoreline impacts be altered in a positive manner?**

TBD

**Can the damage to endangered/threatened species, mammals, and waterfowl be lessened?**

TBD

**Will the damage to habitats and resources resulting from the chemical use be less than those resulting without the use?**

TBD

**If recreational, economic, and aesthetic considerations are a higher priority than natural resource considerations, what is the most effective means of their protection?**

TBD

## **Monitoring of Chemical Use — Responsibility: OSC, State(s)**

### **Records**

- Chemical brand
- Equipment and methods used in application
- Dilution of chemical prior to application, if any
- Rate of application
- Times and area of application
- Wind and wave conditions during application

### **Effectiveness - Visual and Photographic Documentation**

- Oil before and after chemical application
- Resurfacing of dispersed or chemically treated oil
- Sampling of the water beneath the oil slick and the oil/chemical combination to determine the level of the petroleum hydrocarbons in the water

## **Environmental Impacts – Visual and Photographic Surveys**

- The extent of shoreline impact by chemically treated and untreated oil
- Mortality or abnormal behavior of fish, birds, or mammals
- Comparison of shoreline areas impacted by oil and oil/chemical mixtures
- Analysis of oil concentrations in sediments under chemically treated oil
- Investigation of water column organisms for signs of adverse impact due to chemically treated oil
- Collection and analysis of birds affected by chemicals or oil/chemical mixture

## **Public Health**

- Sampling water supplies for petroleum and chemical constituents

## **Appendix VI: In Situ Burning of Oil**

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Available online at [www.rrt5.org/RCPACPMMain/RCPACPAppearices/InSituBurning.aspx](http://www.rrt5.org/RCPACPMMain/RCPACPAppearices/InSituBurning.aspx)

# **RRT5 In-Situ Burning Annex**

## **RRT5 In-Situ Burning Annex**

### **PURPOSE**

This annex contains the background information and guidance necessary to aid the Federal On-Scene Coordinator (FOSC) in their consideration of whether to allow the technique of in situ burning (ISB) as an oil spill countermeasure.

### **REFERENCES AND ADDITIONAL LINKS**

- [National Contingency Plan \(NCP\)](#)
- [Regional Contingency Plans \(RCPs\)](#)
- [Region 5 Sub Area Plans](#)
- [Great Lakes Area Contingency Plan \(GLACP\) \(via Homeport\)](#)
- [Geographic Response Plans \(GRPs\) \(via Homeport\)](#)
- [RRT 5 Habitat Fact Sheets](#)
- [RRT 5 Incident Specific RRT Checklist \(IS-RRT\)](#)
- [NOAA Office of Response and Restoration - ISB](#)
  - [Special Monitoring of Applied Response Technologies \(SMART\)](#)
  - [Sample Site Safety Plan for ISB](#)
- [Options for Minimizing Environmental Impacts of Freshwater Spill Response](#)
- [Selection Guide for Oil Spill Response Countermeasures](#)
- [Characteristics of Response Strategies: A Guide for Spill Response Planning in Marine Environments](#)

### **RESPONSIBILITIES**

For this annex Lead Federal Agencies (LFAs) provide leadership, expertise and authorities to respond to oil discharges.

LFAs:

The US EPA and Coast Guard are the FOSC for any oil discharges in Region V that require emergency removal actions with the exception of incidents that:

- Occur from vessels or facilities owned, operated, or controlled by the Department of Defense (DOD) or Department of Energy (DOE)
- Are *non-emergency* removal actions of oil discharges from vessels or facilities owned, operated, or controlled by federal agencies *other than* the DOD or DOE

# RRT5 In-Situ Burning Annex

## SCOPE

The RRT has adopted this annex applicable to spill responses under the direct oversight of a FOSC. This annex authorizes the FOSC to use ISB as a response countermeasure to an oil discharge when he or she determines it is appropriate after key members of the RRT have been consulted and concur. This annex is subject to individual state laws and in the case of the use of burning agents during ISB by the NCP (40 CFR 300.910).

In order to minimize environmental impacts and facilitate effective cleanup of an oil spill, responders have a limited number of techniques available to them. These include mechanical methods, the use of certain alternative countermeasures, and ISB. Under certain specific conditions, ISB may offer a logistically simple, rapid, inexpensive, and relatively safe means for reducing impacts of an oil spill. Moreover, because a large portion of burned oil is converted to gaseous combustion products, the need for collection, storage, transport, and disposal of recovered material can be substantially reduced. ISB may be able to remove a large amount of spilled oil before the spreading and drifting of spilled oil fouls shorelines and threatens wildlife. In certain circumstances, such as oil spilled in ice conditions, burning may be the single viable response technique.

## REQUIREMENTS

The requirements of this annex apply only to responses under the direct oversight of an FOSC, but its general application is strongly encouraged. The RRT acts as the regional coordinating body for response actions.

- 1) The appropriate state's approval is always required. In Region 5, the use of ISB as a response tool will be subject to State law and policy. When burning agents are used this is a requirement of the NCP. **(See attachments for appropriate state(s) approval processes).**
- 2) In accordance with (IAW) the NCP, US EPA must concur with the FOSCs recommendation to authorize the use of ISB. When burning agents are used this is a requirement of the NCP.
- 3) As a natural resource trustee, the Department of Interior (DOI) should be consulted with the decision to conduct ISB during a spill response overseen by a FOSC. The responsibility of concurrence is given to DOI as a federal natural resource trustee and because of its authorities, and potential assistance to the FOSC, regarding the Endangered Species Act (ESA) and potential representation of federally recognized tribal governments.
- 4) As a natural resource trustee, the Department of Commerce (DOC)/National Oceanic and Atmospheric Administration (NOAA) should be consulted when considering ISB. Notification should be from the RRT Co-Chairs via the DOC RRT member. NOAA Scientific Support Coordinator (SSC) should be contacted to assist in the decision-making process and may provide resources at risk.

## **RRT5 In-Situ Burning Annex**

- 5) Tribal agency official(s) must be consulted on any decision to use ISB when a burn would reasonably be expected to impact those designated areas of tribal interests.
- 6) Approval must also be in concert with Canadian federal government officials, adjoining states and/or provinces, and local officials with approving jurisdictions, where deemed appropriate or necessary.

### **RESPONSE ACTIVITIES**

#### **FOSC Priorities**

- Responder safety
- Public safety and hazard mitigation
- Public notification
- Environmental cleanup/restoration
- Proper transportation, storage and disposal of contaminated debris & waste

#### **Considerations**

ISB, for the purposes of this annex, is defined as the use of an ignition source to initiate the combustion of spilled oil that will burn due to its intrinsic properties and does not include the adding of a burning agent to sustain the burn.

The use of ISB in this annex is not for disposal purposes; rather, it is a response technique to be employed when an oil spill is virtually uncontrolled with the potential to spread and contaminate additional areas. It should also be considered as a cleanup technique for oiled habitats such as wetlands, where it is used in conjunction with other cleanup methods.

#### **FOSC Tools**

The following documents contain useful, detailed information to assist the FOSC in the use of ISB as an oil spill countermeasure.

- [Region 5 Sub Area Plans](#)
- [GRPs \(via Homeport\)](#)
- [Special Monitoring of Applied Response Technologies \(SMART\)](#)
- [RRT 5 IS-RRT Checklist](#)
- [RRT 5 Habitat Fact Sheets](#)
- [Options for Minimizing Environmental Impacts of Freshwater Spill Response](#)
- [Selection Guide for Oil Spill Response Countermeasures](#)
- [Characteristics of Response Strategies: A Guide for Spill Response Planning in Marine Environments](#)
- [RRT5 Website Planning and Response Tools](#)



# **RRT5 In-Situ Burning Annex**

## **NOTIFICATION**

- Request IS-RRT
  - Conduct emergency consultations with trustee agencies as applicable
- Ensure notification to appropriate stakeholders
- Coordinate public notifications

## **ASSETS AND RESOURCES**

The following are able to support response to hazardous substance incidents, and should be considered as potential response resources:

- [USCG Ninth District Response Advisory Team \(DRAT\)](#)
- [USCG Atlantic Strike Team \(AST\)](#)
- [US EPA Environmental Response Team \(ERT\)](#)
- [US EPA Airborne Spectral Photometric Environmental Collection Technology \(ASPECT\)](#)
- [National Interagency Fire Center \(NIFC\)](#)
- [Interagency Modeling and Atmospheric Assessment Center \(IMAAC\)](#)
- For local subject matter experts see references

## **ENCLOSURES**

1. State permits and/or approval process
  - a. Illinois EPA OER Request to Burn
2. [IS-RRT Checklist](#)

### IEPA OER REQUEST TO BURN

IEMA Incident #: H-20\_ \_ \_ \_ \_ (Must have an incident number)

Person requesting BURN PERMIT: \_\_\_\_\_

Person represents (company): \_\_\_\_\_

Date of request: \_\_\_\_\_ Time: \_\_\_\_\_

Amount to be burned: \_\_\_\_\_

Reason: \_\_\_\_\_

\_\_\_\_\_

Location: \_\_\_\_\_

\_\_\_\_\_

☐ Check if same as reported spill location:

Land owner permission: ☐ YES ☐ NO

Mines & Minerals permission: ☐ YES ☐ NO

Complete during daylight: ☐ YES ☐ NO

Personnel on scene until burn is complete: ☐ YES ☐ NO

Notified local fire protection district: ☐ YES ☐ NO

Distance to nearest Public Road: \_\_\_\_\_ Direction: \_\_\_\_\_

Distance to nearest residential home(s): \_\_\_\_\_ Direction: \_\_\_\_\_

Wind direction: \_\_\_\_\_ Speed: \_\_\_\_\_ mph

Any special conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

GRANTED ☐

DENIED ☐

\_\_\_\_\_  
Person Authorizing Burn Permit



### Incident-Specific RRT Checklist

Incident Specific RRTs are formed from standing team members when the RRT is activated for a response. Participation by member agencies will relate to the technical nature of the incident and its geographic location. Activities are determined by the operational requirements of the response to a specific incident. The appropriate level of activation shall be determined by the designated RRT chair for the incident. This completed checklist should be attached to the incident case file.

- ☐ Required members on call (Normally, co-chairs and coordinators, affected member and state agencies):

|  |
|--|
|  |
|--|

- ☐ Date/ Time: 

|  |
|--|
|  |
|--|

- ☐ Prepared by: 

|  |
|--|
|  |
|--|

- ☐ Summary of incident (A brief synopsis of the who/what/where/when/why/how of the incident):

|  |
|--|
|  |
|--|

- ☐ Current organization and actions taken:

|  |
|--|
|  |
|--|

R E G I O N A L   R E S P O N S E   T E A M   5

**FOSC**

☐ Actions/ Approval requested by FOSC to RRT:

**RRT**

☐ Decision/Action/ Recommendation on request from FOSC:

☐ Rationale:

☐ ESA Initial Consultation:

Applicable

☐ Completed with:

☐ USFWS

Point of Contact:

☐ NOAA

Point of Contact:


☐ State(s)

Point(s) of Contact:

R E G I O N A L   R E S P O N S E   T E A M   5

Enclosure 2.

☐ Additional Notes



**SIGNATURES**

Member/ Agency:

Concur:

Non-Concur:

R E G I O N A L   R E S P O N S E   T E A M   5

## **Appendix VII: Fish and Wildlife Annex**

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Available online at [www.rrt5.org/RCPACPMMain/RCPACPAppearices/FishWildlifeAnnex.aspx](http://www.rrt5.org/RCPACPMMain/RCPACPAppearices/FishWildlifeAnnex.aspx)

## **APPENDIX VII: FISH AND WILDLIFE ANNEX TO THE U.S. EPA REGION 5 REGIONAL/AREA CONTINGENCY PLAN**

Prepared by U.S. Fish and Wildlife Service Region III  
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November 1996; Revised June 2008

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*Part I provides guidance for spill response planning and Part II provides guidance for spill response activities.*

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- 2. Biological Opinion

## INTRODUCTION

*Part I of this Annex provides guidance for spill response planning and Part II provides guidance for spill response activities.*

## **Objectives of the Fish and Wildlife and Sensitive Environments Plan**

Agencies with fish and wildlife responsibilities need to be informed of the course of events during a spill and first responders need to be aware of environmentally sensitive areas in the vicinity of the spill. The purpose of this Fish and Wildlife Annex is to provide information that will allow spill responders to quickly recognize threats to fish, wildlife, and their habitats, (i.e. sensitive environments) and to minimize the effects of both the spill and response activities on these natural resources.

## **Overview of Fish and Wildlife Response Issues**

The On-Scene-Coordinator (OSC) should promptly notify natural resource trustees of spills. The OSC should also coordinate response activities with the appropriate natural resource trustees, including the selection of a removal action. When the OSC becomes aware that a release may affect any endangered or threatened species, or their habitats, the OSC shall consult with the appropriate natural resource trustee. For Federally listed endangered or threatened species the appropriate trustee is the Department of the Interior (DOI), acting through the U.S. Fish and Wildlife Service (USFWS). The appropriate USFWS contact for each State is included in this Annex.

The designated State official normally assumes responsibility for notifying the State trustee of natural resources affected/potentially affected by the incident. However, the OSC should not hesitate to contact the State wildlife agency independently for technical assistance. Appropriate State fish and wildlife agency contacts are listed in this Annex.

For inland waters, the fish and wildlife resources for which the Federal government is primarily responsible include migratory birds and Federally listed endangered and threatened species. Migratory birds include most species of wild birds except certain introduced species and nonmigratory game birds. Federal agencies also are responsible for wildlife on Federally owned land. The States have primary responsibility for all other species of wildlife and fish, as well as some shared responsibility for migratory birds and Federally listed endangered and threatened species. Federally listed endangered and threatened species are listed by county in this Annex.

Lands (Federal, State, and locally owned) that should be presumed to contain high quality fish and wildlife habitat include parks, designated wildlife areas and refuges, and forests. Most surface waters and wetlands should also be presumed to be high quality fish and wildlife habitat. Spills which impact large areas of surface water will likely threaten protected species of wildlife. Lands designated as critical habitat under provisions of the Endangered Species Act of 1973 (ESA) are specific land parcels and are identified in this Annex.

The seasonal timing of a spill may affect the degree of damage to fish and wildlife resources. For example, spills to some surface waters will pose a greater threat to waterfowl during the spring and fall migration periods. In the spring, oiled waterfowl (and other wildlife) may also return to their nests and contaminate eggs or chicks, thus multiplying the impact. A very minute amount of oil on an egg can be enough to kill the developing embryo. Waterfowl and other wildlife that

become oiled can transport oil residues to distant locations and impact wildlife concentration areas several miles away.

An oil spill affecting wildlife can involve agencies such as the USFWS and State wildlife agencies, private wildlife rehabilitators such as Tri-State Bird Rescue or International Bird Rescue Research Center (IBRRC), and volunteers. Wildlife rehabilitation activities may last well beyond completion of the cleanup. For those States which have developed a trained and organized network of volunteer wildlife rehabilitators (<http://www.tc.umn.edu/~devo0028/contact.htm>), information on how to mobilize the network is presented in this Annex. A general list of appropriate wildlife agency contacts, and other wildlife contacts, is also included.

The Occupational Safety and Health Administration (OSHA) requires that those responding to spills be properly trained and that the hazards of the spilled material be known. This can result in wildlife not being rehabilitated if the spilled materials are unknown or if they present an unacceptable health risk to rehabilitators. There will also be delays in wildlife rehabilitation if volunteers have not been trained. USFWS resources available for spill response are generally very limited. The assistance of State wildlife agencies and professional and volunteer wildlife rehabilitators will be critical to the success of any wildlife cleaning and rehabilitation operation.

## **PART I. PLANNING GUIDANCE FOR SPILL RESPONSE**

### **1.0 REGULATORY AND STATUTORY AUTHORITIES AND OBLIGATIONS**

#### **1.1 Federal Statutory Regulations**

Authority and guidance for wildlife response following oil spills is contained in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP 1968) which recognized the need to utilize Federal agency expertise during responses to oil spills and releases of hazardous substances.

##### **1.1.1 Department of the Interior, U.S. Fish & Wildlife Service**

The Department of the Interior (DOI) has trustee responsibility for migratory birds under the Migratory Bird Treaty Act (16-USC 703-722) and for threatened and endangered species under the Endangered Species Act (16 USC 1531-1544). The DOI and Department of Commerce share trustee responsibility for anadromous fish under the Anadromous Fish Conservation Act (16 USC 7571-757f).

As a manager of trust natural resources delegated under DOI, the U.S. Fish and Wildlife Service (USFWS) has the responsibility to conserve, enhance, and protect fish and wildlife and their habitat. The USFWS role during prespill planning, "removal" activities, and "preassessment" activities has been enhanced and formalized by the new responsibilities identified in the Oil Pollution Act of 1990 (OPA) and the mandated amendments to the Federal Water Pollution Control Act (FWPCA) ("Clean Water Act") which revised the NCP.

Specifically, USFWS personnel are responsible for protecting trust natural resources from the threat of injury or injury caused by a discharge of oil. Additionally, they are responsible for assisting in the identification of sensitive environments in advance of discharges, assisting the OSC during the response phase, assessing injuries, determining damages, and overseeing wildlife rehabilitation during actual discharges. (For more specific roles and responsibilities of the USFWS during a spill, please refer to Part II, Section 1.2.1.).

The following list briefly summarizes the primary authorities which direct the USFWS in carrying out its responsibilities related to oil spill response and contingency planning:

#### **1.1.1.1 Migratory Bird Treaty Act**

Prohibits the taking or possession of any migratory birds, except as permitted by certain regulations which are enforced by the USFWS. Prosecutions under this law apply to oil spill situations which result in migratory bird mortality. Rehabilitation of oiled migratory birds is also subject to permitting regulations under this Act.

#### **1.1.1.2 Endangered Species Act**

Provides for the conservation of threatened and endangered species of fish, wildlife, and plants. The USFWS has lead authority for the Secretary of the Interior within the geographic area covered by this Area Plan to prohibit unauthorized taking or possession of Federally listed endangered species (Also see Part I, Section 4).

#### **1.1.1.3 Bald and Golden Eagle Protection Act**

Provides for the protection of the bald eagle and the golden eagle by prohibiting the taking, possession and commerce of such birds. The USFWS has lead authority for the Secretary of the Interior within the geographic area covered by this Area Plan to prohibit unauthorized taking or possession of bald or golden eagles.

#### **1.1.1.4 National Wildlife Refuge System Administration Act**

Provides directives for the administration and management of all areas (lands and waters) in the National Wildlife Refuge System. The USFWS is responsible for ensuring that all uses of these areas are compatible with the major purposes for which such areas were established.

#### **1.1.1.5 Anadromous Fish Conservation Act**

Authorizes the Secretary of the Interior to enter into cooperative agreements with the States and other non-Federal interests for conservation, development, and enhancement of anadromous fish, including those in the Great Lakes.

Also authorizes the USFWS to conduct studies and make recommendations to U.S. EPA concerning measures for eliminating or reducing polluting substances detrimental to fish and wildlife in interstate or navigable waters, or their tributaries.

#### **1.1.1.6 Fish and Wildlife Coordination Act**

Requires consultation with the USFWS and State fish and wildlife Agencies in instances in which diversions or other modifications to water bodies are proposed, authorized, permitted, or licensed by a Federal agency under a Federal permit or license. It recognizes the vital contribution of fish and wildlife resources to the Nation and requires coordination and equal consideration of fish and wildlife conservation with other water resources development objectives.

#### **1.1.1.7 Oil Pollution Act of 1990**

Requires the USFWS to assist in the development of Area Contingency Plans, including fish and wildlife response plans; assist in preparation of damage assessment regulations; and, if necessary, conduct natural resource damage assessments.

#### **1.1.1.8 Comprehensive Environmental Response Compensation and Liability Act (Superfund)**

Requires the USFWS to protect and restore trust resources injured by uncontrolled releases of hazardous materials. Authorizes the USFWS to conduct assessments to establish injury and the dollar equivalent of that injury for collection of damages from parties responsible for releasing hazardous materials.

### **1.1.2 Department of the Interior, National Park Service**

**1.1.2.1 National Park Service Organic Act (16 U.S.C. 1 et seq.)** Establishes the National Park Service within the Department of the Interior and directs the NPS to “... *promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified... to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.*”

**1.1.2.2 General Authorities Act of 1970 (16 U.S.C. 1a-1 and 1a-8)** Combines all areas administered by the NPS in one National Park System and amends the Organic Act to specify that the National Park System shall include any area of land and water now or hereafter administered by the Secretary of the Interior through the NPS for park, monument, historic, parkway, recreational, or other purpose.

**1.1.2.3 The National Park Resources Protection Act of 1996 (16 USC 19jj)** Any person who causes the loss of, or injures a park system resource is liable to the United States for response costs and damages.

**1.1.2.4 Wilderness Act (Public Law 88-577) Section 4(c)** States that “...within any wilderness area designated by this Act and, except as necessary to meet *minimum requirements* for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no

temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

**1.1.2.5 National Historic Preservation Act** In 1997, the National Response Team completed a Programmatic Agreement on Protection of Historic Properties during Emergency Response under the National Response Plan. This agreement provides an approved procedure to meet the consultation requirements of the regulations for implementing Section 106 of the National Historic Preservation Act.

### **1.1.3 Department of the Interior, Bureau of Indian Affairs**

[To be provided]

### **1.1.4 Department of Commerce, National Oceanic and Atmospheric Administration**

[To be provided]

### **1.1.5 Department of Agriculture, Forest Service**

[To be provided]

## **1.2 State Regulations**

[To be provided]

## **2.0 NOTIFICATION OF NATURAL RESOURCE TRUSTEES**

(NCP sec. 300.300(b)(c)(d), NCP sec. 300.210(c)(4)(ii)(G))

When an oil spill occurs, any person in charge of a vessel or facility, or any other person, shall immediately notify the National Response Center (NRC) of the discharge at 1-800-424-8802. (Alternatively, if direct notification to the NRC is not possible, notification may be made to the U.S. Coast Guard or the U.S. EPA predesignated OSC, or the nearest Coast Guard Unit.) The State or Federal OSC, when notified by the NRC, should then notify the Office of Environmental Compliance (OEPC) and the State natural resource agencies. In addition, contacts may be made with the local USFWS Ecological Services Field Office. Primary contacts for the USFWS and State Natural Resource Agencies are listed in Part II, Section 3. Only one contact per agency is necessary; the persons initially contacted will notify other personnel within their respective agencies, such as law enforcement staff and refuge managers. The USFWS will provide responders with information concerning the presence of trust natural resources, as well as technical assistance concerning the effects of oil on these resources. The USFWS may help coordinate wildlife recovery and rehabilitation efforts in conjunction with the State fish and wildlife agencies.

## **3.0 MECHANISMS FOR TIMELY IDENTIFICATION OF PROTECTION PRIORITIES**

(NCP 300.210(c)(4)(ii)(B))

### **3.1 During a Spill**

A threat to fish, wildlife, or important habitat may be reported by any Federal, State, Local agency, or individual with pertinent information. During a spill, the timely identification of protection priorities for fish, wildlife, and their habitats shall be accomplished through coordination between the representatives of the USFWS, the State agency with responsibility for fish and wildlife resources, and the OSC or his representative. This coordination shall be initiated by the party that first becomes aware of a threat to high priority natural resources.

Some natural resources that, at any given time or location, may warrant a high level of protection include the following categories of lands and species:

- (a) Federally listed endangered and threatened species, designated critical habitat, and other habitats known to be utilized by these species;
- (b) migratory birds including waterfowl, raptors, songbirds, and most other bird species and their habitats;
- (c) State listed endangered and threatened species and their habitats;
- (d) designated areas of high quality fish and wildlife habitat such as Federal and State wildlife refuges and wildlife management areas, State and Federal fish hatcheries, natural area preserves, parks, and forests;
- (e) surface waters in general including rivers and streams, ponds and lakes, and wetlands;
- (f) other species of fish and wildlife (game and non-game) and their associated habitats.

Information about the location of these environmentally sensitive areas will be developed by the Area Committee as part of the spill planning process. Knowledge of these areas may need to be refined or augmented during an actual spill. Sources of information about environmentally sensitive areas may include commercially available Local maps and State atlases, National Wetland Inventory maps, U.S. Geological Survey quadrangle maps, maps developed by the Area Committee, maps and information developed as part of facilities plans, maps and information developed by various government agencies, and computer GIS information. Detailed computerized GIS maps of sensitive areas that could be accessible from the field using laptop computers would be beneficial to response personnel.

### **3.2 Prior to Application of Chemical or Other Countermeasures**

(NCP 300.210 (c)(4)(ii)(C) and (D))



The OSC must obtain the concurrence of the Department of the Interior (DOI) before use of chemical countermeasures that could be destructive to fish, wildlife, or their habitats (chemical dispersants, emulsifiers, cleaning agents, agents to accelerate burning, etc.). The OSC must obtain concurrence from DOI before an in-situ burn countermeasure may be implemented. Containment and removal should be the first priority countermeasures.

Prior to response activities in wetlands and other sensitive environments, especially operations involving heavy machinery, the OSC should coordinate with the USFWS and State fish and wildlife agency. Identification of areas sensitive to physical modification or perturbation will have been identified to the extent possible by the Area Committee. In general, these will include the same areas identified as sensitive environments. The location of disposal and staging areas may require refinement during a spill, and this planning should be coordinated with the USFWS and State fish and wildlife agency.

## **4.0 THREATENED AND ENDANGERED SPECIES**

### **4.1 Federally Threatened and Endangered Species Within U.S. EPA Region 5**

Threatened and endangered (T&E) species inhabit, or live near, almost every body of water in the Region. USFWS Field Offices provide an annually-updated list of Federal T&E species, by county.

Federal and State listed T&E species and their designated critical habitat(s) (Federal) are given high priority for fish and wildlife protection. The Federally protected species that reside within U.S. EPA Region 5, and their habitat descriptions, are listed at:

[http://www.fws.gov/midwest/Endangered/lists/cty\\_indx.html](http://www.fws.gov/midwest/Endangered/lists/cty_indx.html)

### **4.2 Endangered Species Act of 1973**

The ESA requires Federal agencies whose actions may affect a listed species or their critical habitat to consult with the USFWS regarding the proposed action. OPA and CERCLA require the U.S. EPA to develop contingency plans for inland areas for accidental discharges of oil and other hazardous materials. Implementing these mandates incurs responsibility under the ESA because (1) development and approval of potential response activities is a Federal action subject to the consultation requirements of section 7(a)(2) of the ESA; and (2) if it is determined that actual spill control methods to be used during OPA/CERCLA-mandated activities may adversely affect Federally listed species, then appropriate actions to minimize such effects must be incorporated into Area Plans.

#### **4.2.1 Section 2 - Purpose**

Fish, wildlife, and plant species have aesthetic, ecological, educational, historical, recreational, and scientific value to the U.S.; some species have become extinct or are threatened with extinction. Section 2 of the ESA describes the purposes of the Act as:

1. Providing a means to conserve the ecosystems upon which endangered and threatened species depend
2. Providing a program for the conservation of such species
3. Taking steps to achieve purposes of existing treaties and conventions affecting wildlife, fish, and plants

#### **4.2.2 Section 3 - Definitions**

Section 3 of the ESA provides definitions for the purposes of the Act. Following are definitions that may be pertinent to this Fish and Wildlife Annex:

Action describes all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies in the U.S.

Biological Opinion is a document stating the opinion of the USFWS, as to whether or not a Federal action is likely to jeopardize the continued existence of a listed species, or result in the destruction or adverse modification of its critical habitat.

Critical Habitat is habitat that has been determined to be critical to the conservation of the species. It has legal standing and is protected under the ESA just as the species is. This must be published in the Federal Register and is subject to public review.

Endangered Species means any species which is in danger of extinction throughout all or a significant portion of its range.

Essential Habitat is habitat needed by a species to survive or recover, however, it is not officially designated as "critical habitat". Essential habitat is not a synonym for critical habitat.

Fish or wildlife means any member of the animal kingdom, including without limitation any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any body part, product, egg, or offspring thereof, or the dead body or parts thereof.

Plant is described as any member of the plant kingdom, including seeds, roots, and other parts.

Proposed species is any species of fish, wildlife, or plant that is proposed in the Federal Register to be listed under Section 4 of the ESA.

Take is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct".

Harass is further defined as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering.

Harm is further defined as an act which actually kills or injures wildlife. Such acts may include significant habitat modification or degradation when it actually kills or injures wildlife by significantly impairing essential behavioral patterns including breeding, feeding or sheltering.

Threatened Species is any species which is likely to become endangered within the foreseeable future throughout all or a significant portion of its range.

#### **4.2.3 Section 7 - Interagency Cooperation**

Section 7(a)(1) requires Federal agencies to use their authorities to further the conservation of listed species. Section 7(a)(2) prohibits Federal agencies from undertaking, funding, permitting, or authorizing actions likely to jeopardize the continued existence of listed species or destroy or modify critical habitat. For additional guidance, see the July 2001 Memorandum of Agreement Regarding Oil Spill Planning and Response Activities Under the Federal Water Pollution Control Act's National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act (<http://uscg.mil/d5/msafety/rrt/rcp/ADMIN/ESAindex.html>).

#### **4.2.4 Section 9 - Prohibited Acts**

This section of the ESA prohibits take (see definitions, Part 1 Section 2.2.2) of listed threatened or endangered species or alteration of critical habitat. An incidental take statement provided for in Section 7 constitutes an exemption from the Section 9 prohibition against take. It applies to the Federal action agency as well as to the permit applicant.

#### **4.2.5 Section 10 - Exceptions**

Section 10 of the ESA provides for exceptions to the Section 9 prohibitions. The USFWS can issue permits to take listed species for scientific purposes, or to enhance the propagation or survival of listed species. The USFWS can also issue permits to take listed species or modify habitat that is incidental to otherwise legal activities, such as that provided through the Section 7 process.

### **5.0 POTENTIAL ENVIRONMENTAL EFFECTS FROM RESPONSE ACTIVITIES**

(NCP sec. 300.210(c)(4)(ii)(C))

Removal actions or countermeasures may have adverse effects on fish and wildlife, their habitats, as well as other sensitive environments. In most situations it will be important that the advantages and disadvantages of various removal or countermeasure techniques be carefully evaluated to ensure the achievement of a net environmental benefit.

The following is a brief description of adverse effects of various actions associated with oil spill cleanup:

| <u>Countermeasure/Response</u>                                       | <u>Potential Adverse Effects</u>   |
|--|--|
| 1) No removal  | a) excess oil would remain in habitat indefinitely;<br>b) residual oil may be naturally weathered, but may be toxic to biota and would cause habitat degradation |
| 2) Protective/sorbent, boom deployment                               | a) excess oil would remain in habitat indefinitely;<br>b) residual oil may be naturally weathered, but may be toxic to biota and would cause habitat degradation |
| c) Protective/sorbent, boom deployment + mechanical pumping/skimming | a) potential physical disturbance of habitat/biota;<br>b) resuspension/dispersion of oiled sediments   |
| d) In-situ burning   | a) smoke plume air quality concerns;<br>b) riparian habitat may be permanently or temporarily damaged  |
| e) Mechanical pumping/skimming                                       | a) potential physical disturbance of habitat/biota;<br>b) resuspension/dispersion of oiled sediments   |

Based on the above, the following generally applicable prioritized countermeasure and removal actions may be recommended:

| <u>Countermeasure/Response</u> | <u>Potential Adverse Effect(s) Minimized</u>   |
|--------------------------------|--|
| 1) Booms                       | a) physical disturbance of sensitive areas/habitats<br>b) disturbance, illegal taking of fish and wildlife<br>c) limited wildlife contact with cleaning/ bioremediation agents |
| 2) Mechanical pumping          | a) physical disturbance of sensitive areas/habitats<br>b) limited wildlife contact with cleaning/ bioremediation agents  |
| 3) Mechanical                  | a) limited wildlife contact with skimming agents<br>cleaning/ bioremediation   |
| 4) In-situ burning             | a) physical disturbance of sensitive areas/habitats<br>b) limited wildlife contact with cleaning/bioremediation agents   |

Movement/transport of oiled debris to the following habitats may pose a substantial threat to fish and wildlife and sensitive environments:

1. Riverine backwaters
2. Wetlands
3. Fish/shellfish spawning/nursery areas
4. Waterfowl/migratory bird foraging/breeding areas

To completely reduce risk to sensitive resources, oiled debris should not be placed in such habitats.

## **6.0 COUNTERMEASURE EVALUATION AND METHODS TO MINIMIZE THE IMPACTS OF RESPONSE ACTIVITIES**

(NCP 300.210 (c)(4)(ii)(B-D))

Section 300.210 (c)(4)(ii)(B-D) of the NCP mandates that the Fish and Wildlife Annex provide a mechanism for expeditious evaluation and appropriate consultations on the effects to fish and wildlife, their habitat, and other sensitive environments from the application of various countermeasures.

Among other considerations, decisions regarding appropriate countermeasures should take into account the relative impact of various response methods on fish and wildlife and sensitive areas. Informed decisions can be made on the deployment of appropriate countermeasures through consulting with the appropriate natural resource agency for sensitive area information and by utilizing the spill response and sensitive area guidance in contingency plans. When deciding on an appropriate response method, the most important considerations are the efficient removal of the oil threat and the effective protection of essential habitats.

Federal law prohibits the use of a chemical to control oil on water, unless specifically authorized by a Federal OSC (FOSC). The FOSC may authorize use of any chemical product if its use is necessary to prevent or substantially reduce a hazard to human life. In situations where a human hazard is not present, the OSC must receive the concurrence of the RRT co-chair, the RRT representative(s) of the affected State(s) and the DOI before authorizing the use of a chemical product to control oil on water. The OSC and/or responsible party must also consult the appropriate Federal and State natural resource trustees and land management agencies in regard to the following concerns:

- (a) physical disturbance of wildlife, their habitat, and other sensitive areas;
- (b) illegal or inadvertent taking of live fish and wildlife or disturbance of carcasses by response personnel;
- (c) the use of cleaning or bioremediation agents in fish and wildlife habitat and environmentally sensitive areas;
- (d) the movement of oiled debris into fish and wildlife habitat and other sensitive environments.

Many of the issues dealing with appropriate response methods will be addressed in detail in Sub-Area Planning. Response sections of Sub-Area Plans may include:

- "Identification of specific areas of concern throughout the subarea, pre-planning for the materials most commonly spilled, and the locations where spills are most likely to occur;

- "Response methods for habitats and sensitive areas using the API/NOAA guidance, Options for Minimizing the Environmental Impacts of Freshwater Spill Response;
- "Pre-approval of appropriate removal actions, including the use of chemicals and dispersants, in accordance with 40 CFR 300.900-920, Subpart J - Use of Dispersants and Other Chemicals; and
- "Locations of access points, staging areas, and boom anchor points."

## **7.0 MONITORING PLANS TO EVALUATE THE EFFECTIVENESS OF REMOVAL ACTIONS OR COUNTERMEASURES**

(NCP 300.210 (c)(4)(ii)(E))

Formal quantitative monitoring by the USFWS will be done as required on a case-by-case basis. The USFWS may rely in large measure on the information developed by State agencies because formal quantitative monitoring on the part of the USFWS may not always be feasible on a routine basis.

Specific monitoring plans to evaluate the effectiveness of different countermeasures or removal actions on wildlife may be developed in the sub-area plans. The effectiveness of the removal action or countermeasure, with regard to wildlife, will be judged on the basis of the welfare of fish and wildlife remaining in the affected area after cleanup. When no new animals are becoming fouled with oil or otherwise being injured by the spill or countermeasures, the cleanup will have been successfully completed.

The assessment of aquatic biota will, in some instances, be left to the State environmental agency or State fish and wildlife agency. Evaluation of spill effects on fish and wildlife, during and after cleanup, will be the responsibility of both the USFWS and the State fish and wildlife agency.

## **8.0 PLANNING FOR THE ACQUISITION AND UTILIZATION OF NECESSARY FISH AND WILDLIFE RESPONSE CAPABILITIES**

(NCP sec. 300.210(c)(4)(ii)(F))

### **8.1 Overview**

The USFWS and State natural resource agency have the responsibility to oversee spill response activities being conducted relative to their effects on fish and wildlife resources. These oversight responsibilities are coordinated with the OSC. In some instances, the Federal and State agencies will participate in activities such as hazing, capture, relocation, and release of wildlife. Those natural resource agencies, however, typically do not conduct treatment of injured trust resources. The USFWS and State natural resource agency(ies) may recommend that the responsible party(ies) or OSC (in the case of an unknown or uncooperative responsible party) contract with an experienced Qualified Wildlife Rehabilitator (QWR). In all cases where a QWR is utilized, the USFWS and State natural resource agencies will maintain an oversight role. Oversight responsibilities include, but are not limited to, the notification of a QWR, the supervision of deterrence, collection, handling, proper veterinary care, provisions for adequate rehabilitation

facilities, assurance that proper cleaning procedures are being followed, wildlife release, review of appropriate permits, review of record keeping practices, and identifying appropriate disposition of carcasses to labs and evidence storage.

A successful rehabilitation effort depends on proper planning, management and equipment, experienced response personnel and trained volunteers. Effective rescue and rehabilitation of contaminated animals requires expert knowledge and experience in the areas of volunteer and staff training, human health hazard recognition, liability issues, disposal of wastewater, and media relations. Wildlife rehabilitation also requires specialized medical expertise and stockpiles of specially designed equipment.

Therefore, consultation and coordination with Federal, Tribal, and State natural resource agencies during both pre-spill planning and spill response is essential to adequately identify, understand and address natural resource concerns.

## **8.2 Permit Requirements**

(NCP sec. 300.210(c)(4)(ii)(G))

Federal and State permits are required to collect, transport, possess, rehabilitate, euthanize, release, or band migratory birds and threatened and endangered species.

### **8.2.1 Federal Permits**

If rescue and rehabilitation efforts are deemed to be necessary and worthwhile, the following Federal permits may apply:

#### **8.2.1.1 Migratory Bird**

*Banding or Marking:* 50 CFR 21.22. A permit is required before any migratory bird is captured for the purpose of banding or marking. Official bands are issued by the U.S. Geological Survey (USGS) Biological Resources Division (BRD) Bird Banding Laboratory (BBL) for this purpose. Any rehabilitation group that participates in the wildlife response and bands birds is required to possess this permit.

*Special Purpose:* On November 26, 2003, the USFWS established a new category of migratory bird permit, namely bird rehabilitation (50 CFR Parts 17, 21 and 22). Rehabilitation permits take the place of the old special use permits for rehabilitation by specifically authorizing migratory bird rehabilitation, including rehabilitation of migratory bird species listed as threatened or endangered under the Endangered Species Act. The new permits, applicable to approximately 2500 bird rehabilitators nationwide (veterinarians are exempt), set specific requirements to take, temporarily possess, or transport any migratory bird for rehabilitation purposes. However, any person who finds a sick, injured, or orphaned migratory bird may, without a permit, take possession of the bird in order to immediately transport it to a permitted rehabilitator.

Prior to entering the location of an oil or hazardous material spill, a permitted rehabilitator must obtain authorization from the FOSC and a designated representative of the USFWS. All activities within the spill location are subject to the authority of the FOSC. The USFWS is responsible for overseeing migratory bird rehabilitation by permitted organizations, such as Tri-State Bird Rescue and Research or International Bird Rescue. Facilities used in migratory bird rehabilitation should conform as closely as possible to facility specifications contained in the USFWS policy *Best Practices for Migratory Bird Care During Oil Spill Response* ([http://www.fws.gov/contaminants/OtherDocuments/best\\_practices.pdf](http://www.fws.gov/contaminants/OtherDocuments/best_practices.pdf)).

#### **8.2.1.2 Eagle Permits**

50 CFR 22. These permits are authorize the taking, possession, or transportation of bald eagles or golden eagles, or their parts, nests, or eggs for scientific or exhibition purposes. They may be required for the possession of such birds during rehabilitation. The USFWS must be notified within 48 hours of acquisition. Directions will be given at that time as to disposition and/or location of continued treatment.

#### **8.2.1.3 Endangered Species**

50 CFR 17.22. Permits are for scientific purposes, enhancement of propagation or survival, or for incidental take. The 30 day comment period for this type of permit may be waived by the USFWS Director during emergency conditions, where the life and health of a specimen is threatened and there is no alternative available. This permit is required by rehabilitators participating in wildlife responses that include endangered species.

#### **8.2.1.4 Authorities for Permits**

The specific Federal laws and regulations that require such permits are as follows:

- a) Migratory Bird Treaty Act of 1918, as amended (16 U.S.C.703 et seq.). This law stipulates that no person shall take, possess, import, export, transport, sell, purchase or barter, any migratory bird, or the parts, nests, or eggs of such bird except as permitted by Federal regulations in 50 CFR. A valid permit, issued by the provisions of 50 CFR Part 21 and 50 CFR Part 13 is required for the collection, salvage, and possession of any migratory bird. Enforcement authority and penalties for violations are provided.
- b) Bald Eagle and Golden Eagle Protection Act (Eagle Act) of 1940, as amended (16 U.S.C. 668 et seq.). Although the USFWS recently delisted the bald eagle as a federally designated threatened species, bald eagles continue to be protected under the Eagle Act and the Migratory Bird Treaty Act by prohibiting killing, selling or otherwise harming them, their nests or eggs. The Eagle Act also protects eagles from disturbance. "Disturb" means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle; 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior; or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior. Recommendations contained in the USFWS



National Bald Eagle Management Guidelines will help FOSCs avoid or minimize disturbance to eagles (<http://www.fws.gov/migratorybirds/baldeagle.htm>). In general, potentially disruptive activities should be kept as far away from nest trees as possible during the breeding season. During an oil or chemical spill, eagles should be monitored and kept out of oiled areas.

- c) Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). This law makes it unlawful for any person to commit, attempt to commit, solicit another to commit, or cause to be committed, the import or export, taking, possessing, sale or offering for sale any endangered species except as permitted under the terms of a valid permit issued by the USFWS pursuant to 50 CFR 17. Enforcement authority and penalties for violations are provided.

All inquiries regarding Federal Migratory Bird permits and criteria for qualified wildlife rehabilitators are to be directed to the following:

Migratory Bird Permit Office  
U.S. Fish and Wildlife Service  
P.O. Box 45  
Bishop Henry Whipple Federal Building  
1 Federal Drive  
Fort Snelling, MN 55111-0045

(612) 725-3776

In a spill situation, response and rehabilitation permit needs for endangered species will be determined by the USFWS on an emergency case-by-case basis administered under 50 CFR 17.21, 22, 31, and 32.

### **8.2.2 State Permits**

State permits may be obtained through the applicable State agency office listed below:

|           |   |
|-----------|---|
| ILLINOIS  | Illinois Department of Natural Resources: 217/782-6384  |
| INDIANA   | Indiana Department of Natural Resources: 317/232-8160   |
| MICHIGAN  | Michigan Department of Natural Resources: 517/373-9329  |
| MINNESOTA | Minnesota Department of Natural Resources: 612/296-3344 |
| OHIO      | Ohio Department of Natural Resources: 614/264-6046      |
| WISCONSIN | Wisconsin Department of Natural Resources: 608/266-2193 |

### **8.3 Selection of a Qualified Wildlife Rehabilitator (QWR)**

An effective wildlife rehabilitation effort for oil contaminated wildlife requires direction by people with demonstrated field experience in oil spill response. Specific information on obtaining a Federal rehabilitation permit can be obtained through the U.S. Fish and Wildlife Service Region 3 Migratory Bird Office (see above for address and phone number).

### **8.3.1. Recognized Professional Rehabilitators**

Two organizations, Tri-State Bird Rescue and Research, Inc. and International Bird Rescue, have become recognized experts in oiled bird rehabilitation:

Tri-State Bird Rescue and Research, Inc.  
110 Possum Hollow Road  
Newark, Delaware 19711  
Telephone: 302-737-7241  
Fax: 302-737-9562  
24-hour 800-710-0695 or 0696

International Bird Rescue Research Center  
699 Potter Street  
Berkeley, California 94710  
Telephone: 510-841-9086  
Fax: 510-841-9089

Both organizations have extensive experience in bird rescue and rehabilitation and have worked with both government and industry. Other local bird rehabilitation organizations may also have comparable capabilities. Veterinarians, researchers, and biologists from the USFWS, other Federal agencies, State wildlife agencies, and universities may also be able to provide assistance and expertise during wildlife rehabilitation efforts.

### **8.3.2 Volunteers**

While most wildlife rehabilitators and veterinarians cannot make the commitment of time needed to develop the resources to respond to major oil spills, many rehabilitators, veterinarians, and staff and volunteers from environmental organizations may be able to make significant contributions to spill-related wildlife rehabilitation efforts. The QWR should be able to identify each person's or organization's strengths and incorporate them into the rehabilitation effort. The USFWS in U.S. EPA's Region 5 has sponsored a series of apprenticeship workshops for wildlife rehabilitators, veterinarians, and biologists. The workshop participants are in the initial stages of being trained to offer professional assistance (as volunteers or part-time staff) to a QWR during major oil spills.

In major wildlife rehabilitation efforts, there may be two or three shifts per day, with a shift utilizing over 50 volunteer workers. Volunteers must be appropriately trained, precisely scheduled for suitable tasks, and must be supervised at all times.

## **8.4 Health and Safety Concerns in Wildlife Rescue and Rehabilitation**

(NCP sec. 300.210(c)(4)(ii)(H))

Health and safety concerns in wildlife rescue and rehabilitation should be considered in all plans. Please refer to Part I, Section 9 for a more comprehensive narrative.

## **8.5 Identification of Facilities and Equipment Necessary for Deterring, Capturing, Cleaning, Rehabilitating, and Releasing Oiled Wildlife**

(NCP sec. 300.210(c)(4)(ii)(F))

### **8.5.1 Facility Requirements**

Facility needs usually focus on the majority of species affected by a petroleum discharge, which are generally birds. Facility requirements can vary significantly, depending on overall size of response, species and age of wildlife contaminated, the type of contaminant, the season/weather, the location of the spill, and the rehabilitation effort. The facility needed will vary according to the needs of the specific spill situation, and should be determined by a QWR experienced in oil spill response work.

Because facility requirements can vary significantly, a permanent facility is not always advisable, and may actually be an impediment in providing the appropriate facility design for the situation. A suitable facility must have a large open space on the ground floor that can easily be configured and reconfigured to accommodate the changing needs of this unique form of wildlife rehabilitation. All rehabilitation efforts should be accommodated under one roof. Experience has taught that multiple buildings or a tent situation are inefficient and unsuitable. A warehouse, armory, motor pool or convention hall that is accessible to a trained labor force, is within reasonable distance from hotel accommodations, and has adequate parking and exterior grounds could meet this requirement. If a facility is situated in a secure site, i.e., military installation or refinery, accommodations for a fluctuating volunteer work force need to be addressed. The facility may be located up to 3-4 hours from the spill site, provided that on-scene stabilization is administered prior to transport. An oil spill stabilization site can be located at the time of a spill.

It is recommended that a list be assembled of potential real estate within the identified high risk areas, and that the sites be physically reviewed by a representative of a wildlife response group with major spill response experience. Once acceptable facilities have been identified, all costs, availability, and contract information should be reviewed on a yearly basis.

The following list represents minimum facility needs for rehabilitating 100-150 oiled wildlife.

#### **8.5.1.1 Space Requirements**

- Front Desk/Admissions – 300 sq. ft.
- Operations Office – 300 sq. ft.
- Kitchen/Food Storage – 300 sq. ft.
- Husbandry Area (large central room) – 2800 sq. ft.
- Supplies/Storage – 500 sq. ft.
- Wildlife Cleaning Area 1 – 750 sq. ft.
- Medical Treatment/Exam – 300 sq. ft.

Pathology/Lab/Cold Storage – 150 sq. ft.  
Isolation Ward – 300 sq. ft.  
Volunteer/Worker Rest Area – 300 sq. ft.  
Bathrooms, Decontamination, Changing – 200 sq. ft.  
Outside Pool Areas @ one 10' x 15' x 2' pool for 15 birds, plus access and maintenance space – 3300 sq. ft.  
Nonhazardous and regulated (medical and oily) trash  
    Indoor 100 sq. ft.  
    Outside 400 sq. ft.  
    Outside area for oily wastewater 300 sq. ft.  
Loading Dock/Parking for 50 (opposite side of building from outside cages) – 5000 sq. ft.  
Total interior sq. ft. – 6300 sq. ft.  
Total exterior sq. ft. – 9000 sq. ft.  
Total sq. ft. – 15,200 sq. ft.

Note: If an existing wildlife rehabilitation center were to be used, it would require the above space in addition to the space allocated for any existing caseload. Animals impacted by an oil spill must be cared for separately from the in-house population.

#### **8.5.1.2 Hot/Cold Water Capacity**

When selecting a wildlife response facility, it is important that the water supply not be contaminated by the oil spill. For preplanning purposes, potential facility locations should be selected in areas of low oil spill probability. All oily waste water must be collected and disposed of in accordance with Federal and municipal regulations, however, the large quantities of rinse, pool, and general use water is permissible for discharge to most municipal systems. It is therefore inadvisable to select a location that relies on a septic system to handle waste because this large volume of water can exceed the design capacity of most septic systems. Ideally there should be external access to cold water supplies for filling pools.

Due to the nature of wildlife rehabilitation, large amounts of water are used in many locations throughout the facility. It is therefore advisable that the facility has floors that can tolerate being wet, with drains at least in the areas dedicated to cleaning activities.

Cold Water Volume (pools and general use) – 23,360 gal./day  
Hot Water Volume (animal cleaning only) – 450 gph @ 104 degrees F.  
    (6750 gal/day @ 15 hrs.)  
Water Pressure (animal cleaning only) – 50-60 psi.  
Water Hardness (animal cleaning only) – 2.5-3.5 grains/gallon

A suitable facility in terms of size, availability and location should not be discounted due to hot water and hardness capacities. Provided that there is an adequate cold water supply, mobile hot water and treatment systems can be retrofitted into existing equipment without much difficulty.

#### **8.5.1.3 Electrical/Lighting**

The electrical needs of a wildlife response facility are very similar to those of a conventional manufacturing/industrial operation in so far as there is a need for general and task lighting, with an adequate number of separately circuited outlets throughout the space capable of providing 20 amp protection. Because of potential risk of electrical shock in wet areas, the addition of GFI circuit breakers in those areas is desirable.

In addition to lighting and the HVAC system, electric power will be used for freezers, refrigerators, heat lamps, pet dryers, office and medical equipment, pool pumps and filters, power tools, etc.

200 amp 120/240 volt 3-wire single phase service with minimum of ten (10) 20 amp circuits in addition to the lighting and HVAC needs, with the ability to expand.

#### **8.5.1.4 HVAC Systems**

The three main concerns regarding air quality are:

- 1) Eliminating the thermal stress to debilitated animals by providing a stable, draft free inside air temperature between 70-80 degrees F.;
- 2) Minimizing human exposure to petroleum volatiles; and
- 3) Minimizing animal exposure to pathogenic organisms (bacterial and fungal).

Air within a wildlife response facility should be exchanged 6 times per hour within office areas, 10 times per hour within large open spaces involving animal care, and 20 times per hour within critical care and/or surgical areas.

Typical HVAC systems used in industrial space are often forced air or closed recirculating systems which by themselves will not meet the above requirements. These systems will need to be augmented with portable filtration (HEPA) and air exchange units. The design of these systems should be determined by the wildlife response group once the facility has been selected, and the particulars of the animal caseload is known.

Air quality in systems that employ return air filtration can be enhanced through the replacement of the existing filters with an electrostatic type. This will not, however, preclude the need for HEPA type filtration and regular air exchanges as outlined above.

#### **8.5.1.5 Communications**

A minimum of three (3) telephone lines (public, private, fax/modem) are necessary with the ability to add more if needed.

### **8.5.2 Equipment, Training and Personnel Needed For Field Retrieval**

#### **8.5.2.1 Equipment**

- Boats
- Safety protection/floatation gear
- Personal protective clothing
- Different types of netting
- Transport containers (boxes, ventilated)
- Transport vehicles (to and from spill site)
- Adequate communication (cellular phones, etc.)
- If stabilization is necessary at spill site (prior to transportation to rehabilitation facility), need rehabilitators to have necessary training and equipment available for stabilization

#### **8.5.2.2 Training**

- OSHA training
- Coast Guard boat training
- QWR wildlife rescue and rehabilitation training
- QWR wildlife handling training

#### **8.5.2.3 Personnel**

- Natural resources trust agencies personnel
- QWR trained field retrieval personnel
- QWR trained rehabilitation personnel
- Enforcement personnel
- Boat handlers
- Rehabilitators trained by QWR (both aspects of rehabilitation and handling)
- Personnel to handle 1-800 # calls for potential oiled wildlife sightings

If wildlife retrieval must begin prior to the QWR arrival, there is a need to specify where the wildlife would be taken for rehabilitation and who would be handling them. Please refer to Part I, Section 9 for further narrative.

### **8.6 Drills and Exercises**

(NCP sec. 300.212)

The State natural resource agency, the USFWS, and the QWR should be incorporated into appropriate drills and/or exercises involving oil spill response situations which may potentially impact wildlife. By including these groups as part of the exercise, the OSC will fully understand and appreciate the vital role that wildlife rehabilitation plays in the overall success of the response strategy.

Since the majority of this work occurs during the first 24-36 hours of a spill incident, early involvement of the QWR in drills and exercises is imperative. The QWR should provide a daily end-of-day report to the incident commander, outlining all communication and response efforts

made by the QWR. This information should be incorporated into the daily drill documents. The QWR participating in the drills/exercises should be included in the final critique of the drill/exercise to help ensure a complete and accurate assessment is made regarding the ability of all participants to respond to wildlife at risk.

## **9.0 SAFETY AND TRAINING**

(NCP sec. 300.210(c)(4)(ii)(H))

### **9.1 Requirements for OSHA and U.S. EPA training**

The annex should identify and secure the means of providing, if needed, the minimum required Occupational Safety and Health Administration (OSHA) or U.S. EPA training for volunteers, including those who assist with injured wildlife. Training should precede actual work in hazardous environments.

Two OSHA regulations address most of the occupational health and safety issues encountered during wildlife rescue and rehabilitation:

- 1) The OSHA standard for Hazardous Waste Operations and Emergency Response (HAZWOPER) (29 CFR 1910.120) applies to organizations or individuals involved directly in retrieval or clean-up efforts. In addition, each State may have its own worker safety requirements. Coordination with the appropriate State agency should be conducted to ensure those requirements are also met.
- 2) The Hazard Communication Standard (29 CFR 1910.1200), also known as "Right-to-Know Law" or "HazCom", requires that all chemicals in the work place be fully evaluated for possible physical or health hazards and that all information relating to these hazards be made available to all workers. HazCom applies to rehabilitation organizations because petroleum is considered to be a hazard to human health.

Appropriate available training offered by U.S. EPA (through their Environmental Response Training Program in Cincinnati, Ohio) includes the following:

- a) Hazardous Materials Incident Response Operations (165.5) 40hrs. (This course meets OSHA's requirement (29 CFR 1910.120) for a minimum of 40 hours of classroom safety training for hazardous waste site workers.)
- b) Emergency Response to Hazardous Materials Incidents (165.15) 40hrs. (This course meets and exceeds OSHA's requirement (29 CFR 1910.120 paragraph q) for a minimum of 24 hours of training for a hazardous materials technician.)

Rehabilitation organizations are legally required to educate and protect all employees, including volunteers, in accordance with OSHA standards. Individuals working with oiled animals must receive information concerning all potential hazards associated with the handling of these

animals. The following requirements should be applied to wildlife rescue and rehabilitation personnel, including volunteers:

- a) Wildlife rescue and rehabilitation management personnel - This is the core team of rehabilitators who will direct operations. These people must have 24-hours of classroom training in hazardous waste operations and emergency response.
- b) Rehabilitation facility volunteers - These volunteers work under the direction of the management team. Persons in this category must receive four hours of training at the HAZWOPER Awareness level, or have sufficient equivalent training or proven experience in specific competencies, before they can begin work. Additional training would be necessary before volunteers would be allowed on scene.
- c) Retrieval volunteers - These volunteers work under the direction of the search and rescue management team and are allowed on-scene, but not in the hot zone. Volunteers working in this category must receive between four and eight hours of HAZWOPER training (Awareness level) and site safety training before they can begin work.

## **9.2 Wildlife Response Training**

A contracted private source may be responsible for training volunteers on site. Additionally, USFWS may be interested in providing periodic training in preparation for spills.

### **9.2.1 Training Topics**

- 1. General overview of the external and internal effects of oil on wildlife
- 2. Current treatment protocols
- 3. Facility needs
- 4. Human health and safety

### **9.2.2 Training Goals**

- 1) Clarify the duties and the responsibilities of the spiller, cleanup contractor, State and Federal agencies, volunteers and the general public
- 2) Improve the treatment and the release rates for affected wildlife
- 3) Enhance speed and quality of a response involving wildlife following an oil spill event
- 4) Reduce wildlife response costs by making efforts more cost-effective
- 5) Help to insure the safety of all those working in a wildlife response

## **9.3 Wildlife Risks**

Specific human health and safety concerns in handling wildlife will vary with the species of animal involved, but the following safeguards apply universally:

- 1) Wearing gloves while cleaning animal cages and food bowls, washing hands with a disinfectant soap, wearing gloves and surgical mask while performing necropsies (post-



mortem examinations), and providing for adequate room ventilation will help reduce the risk of contracting wildlife transmitted diseases.

- 2) Protective eyewear should be worn when working with birds having long, pointed beaks, and towels (for entire body control) or gloves should be used to restrain feet of all birds.
- 3) All individuals who will be handling oiled wildlife must be trained in proper capture and restraint techniques. The head (beak or teeth) and feet (talons or claws) of most animals can cause serious injuries if the handler has received improper or incomplete training.
- 4) Animals should be held at or below waist-height, away from human faces. At least two people should be present for any prolonged handling (examinations, washing, etc.). Aggressive mammals should be controlled with nets or snare poles, and should be sedated for any prolonged handling.
- 5) Any worker handling wildlife should have a current tetanus shot, and only individuals who have received prophylactic rabies vaccinations should handle wild mammals.

Diseases which can be transmitted from animals to humans pose a potential risk to oil/hazmat spill responders during the rescue, rehabilitation and release of wildlife. Although this list may not be inclusive, the following diseases are of particular concern:

### **9.3.1 Birds**

- Aspergillosis--a fungal disease causing respiratory problems in humans.
- Chlamydiosis--a bacterial disease causing flu-like symptoms in people. Potentially fatal.
- Salmonellosis--a bacterial disease causing diarrhea in humans.
- Avian Tuberculosis--a bacterial disease causing skin lesions and occasionally respiratory problems in humans.
- Histoplasmosis--a fungal disease causing pneumonia in humans.

### **9.3.2 Mammals**

- Rabies--a viral disease causing central nervous system (CNS) disorder in humans. Fatal if untreated.
- Giardia--a protozoal disease causing diarrhea.
- Baylisascaris--a parasite causing CNS disorder & death in humans.
- Campylobacteriosis--a bacteria causing diarrhea in humans.

- Cryptosporidiosis--a protozoal disease causing diarrhea in humans.
- Toxoplasmosis--a protozoal disease which may cause CNS disorder in humans.

If responders are likely to come into contact with captured wildlife during a spill event, the site safety officer (or a contracted veterinarian) should be consulted to determine appropriate prevention measures. Volunteers should contact medical professionals if they become ill during or after potential exposure to wildlife diseases.

Medical professionals may also wish to consult the National Biological Discipline, National Wildlife Health Center in Madison, Wisconsin (<http://www.nwhc.usgs.gov/> , NWHCweb@usgs.gov) at (608) 270-2400 for wildlife disease diagnostic assistance.

## **9.4 Safety Equipment**

Appropriate equipment is important for safe spill response activities. Necessary equipment will vary according to the particular situation, and may depend on such circumstances as the size of the spill and types of resources affected. For individuals not involved directly in on-site (hot zone) retrieval or cleanup efforts (exposed only to Level D hazards), personal protective equipment may include the following:

1. coveralls
2. gloves
3. boots/shoes, leather or chemical resistant, steel shank and toe
4. safety glasses or chemical splash goggles
5. hard hat with face shield
6. escape mask

Where sampling includes aquatic sites, personal protective equipment should include:

1. knee, hip, or chest waders in good condition
2. long rubber gloves

Life jackets are required for work in boats or over water. Safety equipment may also include specially designed respiratory equipment and/or ear protection.

## **9.5 Product Risks**

Petroleum products in, on, and around wildlife may present a hazard to human health and safety. Various components in certain petroleum products can damage skin, conjunctivae of eyes, lungs, or the gastrointestinal tract (if inadvertently ingested). Chronic and/or prolonged exposure may cause damage to the central nervous system and some cancers, such as skin cancer and leukemia. Fetal defects have been documented in laboratory animals. Individual risk factors such as pregnancy or history of liver disease should be taken into consideration in allowing volunteers and staff to work in contaminated areas. Personal hygiene must be stressed during the

decontamination process. Protective measures should always be taken to avoid and/or minimize oil exposure throughout spill response activities.

## **9.6 Watercraft Safety**

Airboats or boats propelled by outboard motors are effective for hazing waterbirds and for searching for sick or injured wildlife. Small, noisy, shallow-draft aluminum boats are particularly effective for hazing, and can be used as platforms for shell crackers during the day and for propane exploders or bright lights at night. Although relatively ineffective for herding diving birds, boats may be used for herding young or molting waterfowl that are incapable of flight.

Response personnel will ensure that all watercraft operations are conducted in accordance with local laws and regulations of the U.S. Coast Guard and OSHA, as well as any applicable internal agency regulations.

Response leader responsibilities should include the following:

- 1) Ensure that all workers who operate or work in watercraft have received first aid instruction in artificial respiration.
- 2) Ensure that personnel who operate watercraft have completed a recognized boating or water safety course.

Each watercraft will be required to have personal protective equipment (personal flotation devices), firefighting equipment, and other safety equipment (distress signaling devices, bailing devices, and emergency position indicating radiobeacons, running lights, radio, fog horns, navigational aids, anchor and anchor line), and undergo periodic inspections as required by USCG and OSHA regulations.

## **9.7 Aircraft Safety**

Aircraft, especially helicopters, are effective in hazing migratory birds from large areas because of the combination of loud noise and rapid approach from above. Helicopters may also be used to herd flightless birds (young and molting birds). Aircraft can also be utilized for reconnaissance and transportation of personnel, equipment, and accessing injured wildlife.

Aircraft are considered to be especially useful during the early stages of cleanup and hazing operations. They are more effective if used in combination with other devices such as shell crackers and propane exploders. Because of their maneuverability and noise, helicopters are more effective than fixed-wing aircraft.

Established aviation safety programs and aircraft accident prevention programs within each organization will be complied with at sites at which such response measures are anticipated.

## **10.0 COMPATIBILITY OF NON-FEDERAL RESPONSE PLANS**

(NCP Sec. 300.210(c)(4)(ii)(I))

Section 300.210(c)(4)(ii)(I) of the NCP mandates that the Fish and Wildlife Annex to the ACP define the requirements for evaluating compatibility between this Annex and non-Federal response plans on issues affecting fish and wildlife, their habitat, and sensitive environments. Facility owners or operators must determine the maximum distance at which a worst case oil spill from their facility could cause injury to fish and wildlife and sensitive environments and develop a plan for mitigating that discharge's potential adverse effects. Facility plans must be consistent with the requirements of the NCP, the National Response Framework (NRF), RCP and this ACP Annex. Pipeline plans in the Region will be reviewed and approved by DOT.

Depending on the location of the spill, it may also be appropriate for responders to consult the Upper Mississippi River Spill Response Plan and Resource Manual (<http://www.umrba.org/hazspills/umrplan.pdf>). This document is consistent with the Regional Contingency Plans and Area Contingency Plans of Regions V and VII and provides response information tailored to the Upper Mississippi River and the surrounding basin.

## **11.0 NATURAL RESOURCE DAMAGE ASSESSMENT (NRDA)**

At the same time response efforts to contain and remove oil and undertake wildlife rescue and rehabilitation are occurring, natural resource trustees may pursue NRDA activities. These activities constitute a preliminary assessment, or preassessment, of natural resource injuries. While preassessment activities are generally different from removal/response activities and in most instances are conducted simultaneously. The removal/response activities are controlled by the OSC, while the components of the damage assessment process are directed by the trustees. There is a procedural linkage of the funding mechanisms (both are funded by the Oil Spill Liability Trust Fund) and it becomes necessary for natural resource managers to distinguish between the removal and preassessment activities.

NRDA regulations, authorized by OPA and other Federal laws, presume trustees will seek economic damages from responsible parties for injuries to natural resources from oil discharges. Trustees include Federal landowners, Federal natural resource managers, States, Indian tribes, and foreign governments. Damages collected must be used to restore, replace, or acquire natural resources equivalent to injured natural resources and to reimburse assessment costs.

### **11.1 Authority**

NRDA is authorized by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund), the Clean Water Act (CWA), and the OPA. To facilitate compliance with OPA, the Department of Commerce (DOC) promulgated 15 CFR Part 990 - Natural Resource Damage Assessment Regulations for discharges of oil. The final rule for these regulations was published in the Federal Register on January 5, 1996 with February 5, 1996 as the effective date of the final rule.

### **11.2 Natural Resource Trustees - NRDA Roles and Responsibilities**

Section 1006(b) of OPA provides for the designation of Federal, State, Indian Tribe, and foreign natural resource trustees to determine if injury to, destruction of, loss of, or loss of use of natural resources and services has resulted from an incident, to assess damages for those injuries, to present a claim for damages (including the reasonable costs of assessing these damages), to recover damages, and to develop and implement a plan for the restoration, replacement, or acquisition of the equivalent of the injured natural resources and services under their trusteeship. The DOI is the Federal trustee for migratory birds, certain anadromous fish, endangered species, and DOI-managed lands such as National Parks and Recreation Areas and Wildlife Refuges. The DOI Office of Environmental Policy and Compliance (OEPC) is the initial contact for notification and for overall coordination of trustee activities. The USFWS, a bureau of DOI and the program manager for migratory birds, endangered species, anadromous fish, and lands in the National Wildlife Refuge System, will likely be among those involved for DOI in spill incidents because of their responsibility for these resources. In instances where other Federal agency lands or resources are involved, those agencies (e.g. Department of Defense, U.S. Department of Agriculture, National Oceanic and Atmospheric Administration [NOAA]) may serve as co-trustees with DOI. At the time of a spill, the trustees will agree upon one agency to act as Federal lead administrative trustee and will convene a trustee group in cooperation with State, Indian, and foreign trustees, as appropriate, to ensure the best possible coordination of natural resource trustee activities such as data gathering, damage assessment, and negotiations with the responsible parties.

### **11.3 Process**

The NRDA process in the final rule includes 3 phases as outlined below:

- 1) preassessment
- 2) restoration planning
- 3) restoration implementation.

#### **11.3.1 Preassessment Phase**

When notified of an incident involving oil, trustees must first determine threshold criteria that provide their authority to begin an NRDA, such as applicability of OPA and risks to natural resources under their trusteeship. Based on early available information, trustees make a preliminary determination whether natural resources or services under their authorities have been, or are likely to be, injured. Through coordination with response agencies, trustees next determine whether response actions will eliminate the threat of ongoing and future injuries. If injuries have occurred and/or are expected to continue, and feasible restoration alternatives exist to address such injuries, trustees may proceed with the assessment.

Preassessment phase activities will likely be conducted simultaneously with removal/response activities. The intent of the preassessment phase activities is generally to acquire data and materials that are likely to be lost if not collected during or immediately after a spill has occurred. Such field sampling and data collection is generally limited to:

- 1) Samples necessary to preserve perishable materials likely to have been affected or to contain evidence of the oil. These samples will generally consist of biological material that is either dead or which has been visibly affected by the oil.
- 2) Samples of other materials which exhibit ephemeral conditions, such as surface water, sediments, soil, or the oil itself, which are necessary for identification of released product and measurement of concentrations. If not collected immediately, such information could otherwise be lost due to product dilution, movement, decomposition, or leaching.
- 3) Counts of dead or visibly injured organisms which, if delayed, may not be possible due to factors such as decomposition, scavenging, sinking, or movement from the spill site by currents.

Other types of activities that may be involved in assessment initiation include release detection and notification, trustee identification and notification, site characterization, and identification of pathways, exposed areas, and potentially affected resources. In very specific circumstances, a natural resource trustee may also undertake emergency restoration efforts to prevent or reduce the immediate migration of oil onto or into a trust resource. Emergency restoration is only undertaken if the responsible party or U.S. EPA cannot or does not conduct response actions within the time frame that natural resource trustees deem necessary to protect trust resources.

Because certain NRDA activities (e.g. collection of water and sediment samples) may be identical to those conducted by others as part of the response, all sampling and field work conducted by the natural resource trustees should be coordinated with the lead response agency so as to minimize duplication of sampling and data collection efforts. Work performed for response purposes is reimbursable by the OSLTF under response costs. Activities performed that are not response-related may be reimbursable by the OSLTF under assessment initiation costs.

### **11.3.2 Restoration Planning Phase**

The purpose of the Restoration Planning Phase is to evaluate potential injuries to natural resources and services, and to use that information to determine the need for and scale of restoration activities. The Restoration Planning Phase provides the link between injury and restoration. The Restoration Planning Phase has two basic components; injury assessment and restoration selection.

#### **11.3.2.1 Injury Assessment**

The purpose of injury assessment is to determine the nature and extent of injuries to natural resources and services, thus providing a technical basis for evaluating the need for, type of, and scale of restoration actions. Under the final rule, injury is defined as an observable or measurable adverse change in a natural resource or impairment of a natural resource service. Trustees must determine that there is: 1) exposure, a pathway, and an adverse change to a natural resource or service as a result of an actual discharge; or 2) an injury to a natural resource service as a result of response actions or a substantial threat of a discharge. Trustees must also quantify the degree and spatial and temporal extent of injuries. Injuries are

quantified by comparing the condition of the injured natural resources or services to baseline, where necessary.

#### **11.3.2.2 Restoration Selection**

Once injury assessment is complete, trustees must develop a plan for restoring the injured natural resources and services. Acceptable restoration actions include any of the actions authorized under OPA (restoration, rehabilitation, replacement, or acquisition of the equivalent), or some combination of those actions.

#### **11.3.3 Restoration Implementation Phase**

The Final Restoration Plan is presented to responsible parties to either implement or to fund the trustees' costs of implementing the plan, thus providing the opportunity for settlement of damages claims without litigation. Should responsible parties decline to settle a claim, OPA authorizes the trustees to bring a civil action for damages in Federal court or seek an appropriation from the OSLTF for such damages.

## **PART II. EMERGENCY SPILL RESPONSE GUIDANCE**

### **1.0 ROLES AND RESPONSIBILITIES OF NATURAL RESOURCE TRUSTEES**

(NCP sec. 300.210(c)(4)(I) and 300.615)

#### **1.1 Overview**

When a spill occurs, impacts to the ecosystem are usually unavoidable. However, such impacts can be minimized through proper planning and coordination with State and Federal natural resource trustees and managers both before and during a spill. Consultation and coordination with natural resource managers during the pre-spill planning phase aids in identifying and understanding potential natural resource concerns and issues as a result of spills in general. Consultation and coordination during a spill is also essential to ensure that site-specific resource concerns are addressed.

#### **1.2 Spill Response**

The DOI has statutory responsibilities for protecting migratory birds and Federally-listed threatened and endangered species. In addition, DOI shares trustee responsibilities with the Department of Commerce for anadromous fish. These DOI responsibilities at the field level have been delegated to the USFWS. During a spill event, the USFWS will normally serve as the lead agency for trustee response, coordinating with other trustees and providing oversight for a qualified wildlife rehabilitator (QWR).

If wildlife other than migratory birds, Federally-listed threatened or endangered species, or anadromous fish are found injured, the responsible trustee agency would typically be the State wildlife agency.

During a spill response, natural resource trustees and managers can provide the OSC with technical assistance and expertise on potential effects of oil on fish and wildlife and their habitats (for Notification numbers, see Part II, Section 3). They are frequently familiar with the habitat in the path of the spill and can provide recommendations concerning the best locations for equipment staging, access points, or boom anchors. They can recommend specific habitats where protective actions should be taken and provide advice on specific response measures. They can assist in the development of a monitoring plan and subsequent collection of data. Finally, the USFWS and State natural resource agencies will direct or provide oversight for the protection, rescue, and rehabilitation of wildlife.

When a spill occurs, natural resource trustees or managers will provide advice on the measures necessary to minimize or prevent the exposure of wildlife to oil, as well as the priority and timing of such measures. Protective measures may include one or more of the following:

- preventing the oil from reaching areas where migratory birds and other wildlife are located by either containing or recovering the oil
- deterring birds or other wildlife from entering areas affected by oil by using wildlife hazing devices or other methods.

If exposure of birds and other wildlife to oil cannot be prevented, an immediate decision must be made regarding whether to rescue and rehabilitate oiled birds and other wildlife. The decision must be made in consultation with the applicable Federal (USFWS) and State natural resource management agencies, since State and Federal permits are required by law (please refer to Part I, Section 8). Rehabilitation services for contaminated wildlife can be contracted for by the Responsible Party, the OSC, or Federal and State designated trustees. However, full authority regarding protection, rescue and rehabilitation of wildlife and fish remains with the trustees.

Following a spill, natural resource trustees may have the additional responsibility of assessing injury to the environment as a result of the spill. Natural Resource Damage Assessment (NRDA) is the process (refer to Part I, Section 11) by which trustees collect, compile, and evaluate data, information and statistics to determine the extent of injury to natural resources. This information is used to assess damages (the dollar amount necessary to restore injured trust resources and compensate for lost use as a result of injury) and to seek recovery of those damages from the responsible party. The initiation of a NRDA is typically begun while response activities are still being carried out.

### **1.2.1 Specific Responsibilities of Federal Natural Resource Trustees During a Spill Response**

#### **1.2.1.1 U.S. Department of the Interior, U.S. Fish and Wildlife Service**

The USFWS is the lead agency for the DOI in the management of migratory birds (co-trustee with State natural resource agencies), Federally-listed endangered and threatened species, and USFWS lands (such as National Wildlife Refuges, Waterfowl Production Areas, and fish



hatcheries) within this ACP planning area. During a spill response, USFWS personnel (biologists, law enforcement officers, refuge and fisheries managers) have the following responsibilities:

- a) ensure notification of all necessary USFWS personnel, and establish a response protocol delineating roles of each USFWS office. Coordination protocol with the State natural resource agency and other trustees will also be established.
- b) provide the OSC with specific fish and wildlife habitat information for USFWS lands. USFWS will also provide recommendations for preventing or minimizing spill impacts to USFWS lands, as well as consult on the best locations for response staging areas and access points.
- c) provide the OSC with critical habitat information for Federally-listed threatened and endangered species. USFWS will also provide recommendations for preventing or minimizing spill impacts to these species, as well as advise on the best locations for response staging areas and access points in the vicinity of endangered species critical habitat.
- d) provide the OSC with fish and wildlife habitat information for locations other than Federal lands within the area potentially affected by the spill (in coordination with the State natural resource agencies and other trustees).
- e) provide the OSC with technical assistance and expertise on potential effects of oil on fish and wildlife and their habitats or on other sensitive environments that can be found in the potentially impacted area.
- f) provide the OSC with assistance in coordination of wildlife rescue and rehabilitation efforts (in conjunction with the State natural resource agency and other trustees). NOTE: It is critical that properly licensed and qualified rehabilitators be contacted as soon as it is determined that such services are necessary. The USFWS and State natural resource agencies have joint responsibility for overseeing any activity involving the handling of wildlife. Because such activities may impinge upon the Natural Resource Damage Assessment (NRDA) responsibilities of the trustees, any decision to rescue and rehabilitate oiled and injured wildlife during a spill response must be made in coordination with the USFWS and State natural resource agency.
- g) initiate a Natural Resource Damage Assessment (NRDA) (in conjunction with other natural resource trustee agencies), if applicable. Such activity usually involves acquiring data both during and after a spill event to document: (1) evidence of the oil in water, sediments, soil, and organisms; (2) effects on fish, wildlife, and/or their habitat; (3) exposure pathways, and; (4) the potential need to undertake emergency restoration efforts to prevent or reduce the immediate migration of oil onto or into a trust resource. Because activities associated with NRDA initiation may be identical to those conducted as part of the response, all sampling and field work conducted by the natural resource trustees should be coordinated with the lead response agency.

### **1.2.1.2 Department of the Interior, National Park Service**

The National Park Service (NPS) may provide access, advice and participation in emergency response activities affecting any of the 22 National Park System lands within Region 5, including National Parks, Lakeshores, Monuments, Scenic Trails, Recreation Areas, Memorials, Historic Sites and Canals. It may also offer assistance for spill incident responses that may impact units of the National Wild and Scenic Rivers System and properties on or eligible to be listed on the National Register of Historic Places. The NPS Midwest Regional Office is located in Omaha, Nebraska.

### **1.2.1.3 Department of the Interior, Bureau of Indian Affairs**

The Bureau of Indian Affairs (BIA) may assist in coordination of emergency response activities affecting Indian lands, and in identifying Indian tribal government Officials. The BIA may also assist in obtaining access to Indian land areas as needed for response action, and may also coordinate with the incident Public Information Office Director to ensure that pertinent information is made available to tribal authorities on a timely basis. Currently, there are 35 federally recognized tribes in Region 5, all located in Minnesota, Wisconsin and Michigan. The BIA's Midwest Regional Office is located in Fort Snelling, Minnesota.

### **1.2.1.4 Department of Commerce, NOAA**

This section provides NOAA's element of the Fish and Wildlife and Sensitive Environments Annex to the U.S. EPA Region 5 RCP/ACP

The NCP requires a Fish and Wildlife and Sensitive Environments Annex to the NCP, RCPs, and ACPs. The Annex is intended to provide for coordinated, immediate, and effective protection, rescue, and rehabilitation of, and minimization of risk of injury to, fish and wildlife resources and habitat.

Following is a summary of how NOAA contributes to these goals and objectives:

- 1) NOAA and the American Petroleum Institute (API) developed the manual Options for Minimizing Environmental Impacts of Freshwater Spill Response (also known as the Freshwater Manual). It provides a framework for identification of appropriate countermeasures in the Great Lakes region. It contains information to assist contingency planners and field responders with selecting appropriate protection, response, and cleanup techniques, both before and after an oil spill. The guide provides information on 29 response methods and classifies their relative environmental impact on 12 freshwater environments and habitats in combination with 4 oil types. Spill topics of special concern in freshwater settings are also discussed including: public health, conditions under which oil might sink in freshwater, and oil behavior in ice conditions. The manual is available through the NOAA HAZMAT Scientific Support Coordinator (SSC) assigned to U.S. Coast Guard District 9 in Cleveland, Ohio.

- 2) NOAA developed Environmental Sensitivity Index (ESI) Maps for the Great Lakes. The ESI maps include information for three main components: shoreline habitats; sensitive biological resources; and human-use resources. Shoreline habitats are ranked from 1 to 10 (10 being most sensitive) based on their relative sensitivity to oil spills, potential biological injury, and ease of cleanup. Four major categories of biological resources were considered during the production of the ESI maps; birds, fish, plants, and mammals. The human-use features include: airports, boat ramps, Coast Guard units, marinas, national parks, State parks, water intakes, and wildlife areas. A complete set of ESI maps for the Great Lakes is maintained by the NOAA HAZMAT SSC, USCG District 9 Marine Safety Division, USCG District 9 Civil Engineering Unit, and U.S. EPA Region 5 Emergency Response Branch. USCG District 9 Marine Safety Offices have ESI Maps for their area of responsibility.
- 3) NOAA maintains an extensive library and database of resources at risk in the Great Lakes and remainder of the U.S. This information is available through the NOAA SSC for contingency planning and during incident response.
- 4) NOAA and U.S. EPA Region 4 developed a strategy for meeting OPA 90 mandates for sensitive area mapping in oil spill contingency plans. The strategy compliments the ESI system noted above. The Reach Sensitivity Index (RSI) provides a sensitivity index classification system for small rivers and streams. This RSI also compliments the ongoing U.S. EPA Region 5 mapping of the Mississippi River. Reference NOAA/HAZMAT Report 96-11, A strategy for Mapping Sensitive Resource of Rivers and Streams in U.S. EPA Region 4, July 1996.
- 5) In the spirit of the intent of the Fish and Wildlife and Sensitive Environments Annex, the NOAA SSC has assisted USCG Sector Offices with the development of ACP appendices including: "Sensitive Areas", "Response and Protection Priorities and Strategies", and "Countermeasures and Removal Techniques".

### **1.2.2 Specific Responsibilities of State Natural Resource Trustees During a Spill Response**

The State natural resource agencies are trustees (or co-trustees depending on the State) for the natural resources of the State and co-trustees with the USFWS concerning the management of migratory birds and some Federally threatened and endangered species. The State natural resource trustee has management authority over all State lands, parks, timber, waters, minerals, and wildlife. This includes the protection, preservation, and propagation of fish and wildlife resources of the State. In response to a spill event, State natural resource agency personnel (biologists, conservation officers, managers) have the following responsibilities:

- a) notify other appropriate State natural resource agency personnel and establish a response protocol describing the role of responders;
- b) coordinate efforts with other participating natural resource trustees, such as the USFWS.

- c) provide the OSC with specific fish and wildlife habitat information within the area concerning all lakes, streams, wetlands, and rivers. The State agency will also consult with the responders as to the best locations for staging and recovery areas as well as access points.
- d) provide the OSC with critical habitat information for State-listed threatened and endangered species as well as information on sensitive natural communities and special concern species found in the area.
- e) provide the OSC with technical assistance and expertise on potential effects of oil and hazardous substances on fish and wildlife and their habitats.
- f) provide the OSC with assistance for coordination of wildlife rescue and rehabilitation efforts in cooperation with the USFWS.
- g) assess damages to natural resources during (as circumstances allow) and after a spill. Data acquired would be used to determine the extent of injury to natural resources, to develop restoration or replacement strategies, and to develop and submit a claim for damages to the responsible party(ies).

## **2.0 IDENTIFICATION AND PRIORITIZATION OF NATURAL RESOURCES REQUIRING PROTECTION**

(NCP sec. 300.210(c)(4)(ii)(A)&(B))

Sensitive environments and species are identified in order to provide for coordinated, immediate, and effective protection of fish, wildlife, and their habitats that may be affected by a discharge of oil or hazardous material. Identification of sensitive natural resources allows priority to be placed on protection of these resources prior to a discharge (through pre-spill planning of appropriate countermeasures and pre-staging of response equipment), as well as during a spill event (by focusing attention and response resources on the most critical areas).

### **2.1 Identification**

Because natural systems are dynamic, the best available information on the identification and distribution of sensitive resources will be obtained through the Federal and State natural resource biologists/managers. The experience of these professionals, as well as their ability to provide the most up-to-date information, cannot effectively be utilized without the event-specific conditions of a discharge, such as the location, season, weather, type and amount of material involved. Because of the importance of coordinating with natural resource biologists and managers at the time of a spill, a list of Federal and State agency personnel most familiar with the resources has been assembled (see Part II, Section 3.). Once alerted, these personnel will provide event-specific technical assistance to the Federal or State OSC.

Clearly, there is a need for prior identification of sensitive natural resources to guide those responding to discharges during initial phases of response (i.e., before the consensus opinions of

natural resource managers can be obtained). Therefore, a list of high priority natural resources is provided below (see Section 2.3: Categories for Resource Protection Prioritization).

## **2.2 Prioritization**

Because of the diversity and extent of sensitive natural resources in the ACP region, it is important to reach a consensus, to the extent possible, on the highest resource priorities in order to provide for time-sensitive, coordinated, and effective protection, rescue, and restoration.

Although prioritization is difficult, several criteria that may be used in making this determination have been identified:

- relative abundance or scarcity of a particular resource
- relative diversity and abundance of resources at a particular site
- fecundity of biological resources
- vulnerability to spills
- sensitivity to the product discharged
- amenability to restoration or remediation
- protection by Federal and State laws
- economic importance

## **2.3 Categories for Resource Protection Prioritization**

In general, natural resources are most at risk from oil spills when:

- 1) large numbers of individuals are concentrated in a relatively small area, such as bays where rafts of waterfowl concentrate during migration and overwintering;
- 2) areas important to specific life stages or migration patterns, such as foraging and overwintering sites, are impacted by oil;
- 3) the species are threatened or endangered;
- 4) early life stages of birds and anadromous fish are present in somewhat restricted areas;
- 5) specific areas are known to be vital sources for propagation, such as shellfish beds;
- 6) a significant percentage of the population is likely to be exposed to oil; and
- 7) wildlife come ashore for resting, molting, or birthing.

The above factors lead to categories of natural resources that should be considered of high priority for protection and remediation:

### **2.2.1 Priority 1**

- Federally listed or proposed Endangered and Threatened Species and their Designated Critical Habitat (DOI/FWS/NPS)

## **2.2.2 Priority 2**

### **2.2.2.1 Migratory birds (waterfowl, wading birds, shorebirds, raptors, diving birds, songbirds) and their habitats (DOI/FWS)**

- Migratory Bird Nesting Sites (DOI/FWS)
- Colonial Waterbird Nesting Sites (DOI/FWS)
- Migratory Concentration Areas for Migratory Birds (DOI/FWS)
- Seasonal Concentration Areas for Migratory Birds (DOI/FWS)

### **2.2.2.2 Anadromous Fish Spawning Areas (DOI/FWS/NOAA)**

### **2.2.2.3 National and State Protected Areas:**

- National Wildlife Refuges and Waterfowl Production Areas (DOI/FWS)
- National Wilderness Areas (DOI/FWS/NPS; USDA/FS)
- National Parks (DOI/NPS)
- National Preserves (DOI/NPS)
- National Forests (USDA/FS)
- National Fish Hatcheries (DOI/FWS; NOAA/NMFS)
- Clean Lakes Program Critical Areas (U.S. EPA)
- Tribal Lands (appropriate Tribal Contact)
- State Parks
- State Refuges
- State Wildlife Management Areas
- State Forests

### **2.2.2.4 State-listed or proposed Endangered and Threatened Species**

### **2.2.2.5 High quality priority freshwater wetlands (other than included above) identified by Local, State, regional, or Federal levels of Government (U.S. EPA; COE; DOI/FWS/NPS; USDA/FS)**

### **2.2.2.6 Federal and State Species of Concern (DOI/FWS/NPS)**

### **2.2.2.7 Outstanding National Resource Waters/Outstanding Resource Value Waters (if not listed above):**

- National Wild and Scenic Rivers (DOI/NPS; USDA/FS)
- Critical areas under the Clean Lakes Program (U.S. EPA/States)
- Sites within Joint Venture Project Areas under the North American Waterfowl Management Plan (DOI/FWS)
- Sites under the RAMSAR Treaty on Wetlands of International Importance (DOI/FWS)

- State Scientific and Natural Areas
- Calcareous Fens
- State Wild and Scenic Rivers
- Trout streams

### **2.2.3 Priority 3 - Sensitive Recreation Areas**

- Heritage Program Sites
- Cultural Sites (Archeological, Historical, Monuments)
- Recreational Areas (Boating, Fishing, Swimming)

PLEASE NOTE: Fish and wildlife agency concerns are intensified with the above species and specified areas at specific times of the year (e.g., breeding and migration season). Should an oil spill occur within these designated areas, the USFWS and State(s) natural resource agencies should be contacted immediately to assist in determining the routing direction of the spill as well as other aspects of the cleanup effort.

## **3.0 STATE-BY-STATE NOTIFICATION NUMBERS AND INFORMATION RESOURCES OF FISH AND WILDLIFE RESOURCE MANAGERS**

When an oil spill impacts wildlife, or has the significant potential for impact, in addition to contacting the NRC (1-800-424-8802), the State or Federal OSC should immediately notify the DOI POC, State natural resource agency and the appropriate USFWS Field Office in each State. Primary contact points for the agencies are listed under the appropriate State heading. Only one contact per agency is necessary because the person initially contacted will notify other personnel in their agency, such as Law Enforcement staff and Refuge managers. The OSC may also contact any other natural resource agency for help with fish and wildlife issues.

The USFWS is responsible for the management and protection of migratory birds, Federally listed threatened and endangered species (and their critical habitat), and for USFWS lands, including National Wildlife Refuges, Waterfowl Production Areas, and National Fish Hatcheries. The USFWS will provide responders with information concerning these resources, as well as technical assistance concerning the effects of oil on these resources. The USFWS will help coordinate wildlife recovery and rehabilitation efforts in conjunction with the State natural resource trustee.

On-scene-coordinators must also contact Native American community officials if they need technical information/assistance in the protection of fish and wildlife resources on tribal lands. (Please refer to the directory of tribal authorities presented in the ACP/RCP.)

### **3.1 Information for Spills that Occur in Illinois**

#### **3.1.1 Appropriate Staff Contacts for the Designated Officials for Fish and Wildlife Resource Management Agencies**

Entities for which contact information may be necessary in the event of a spill include:

### 3.1.1.1 Illinois

For Fish and Wildlife Service contact information, see

<http://www.fws.gov/midwest/Eco%5FServ/Env%5FCont/ecwho.html>

- Fish and Wildlife Service Regional Office – Region 3
- Fish and Wildlife Service Illinois (Mississippi River, left and right banks)

Illinois Environmental Protection Agency:

|   |   |
|---|---|
| Primary   | Alternate   |
| Roger Lauder, Manager   | Bud Bridgewater   |
| Office of Emergency Response  | Illinois Environmental Protection Agency  |
| Illinois Environmental Protection Agency  | 1021 North Grand Avenue East  |
| P.O. Box 19276  | P.O. Box 19276  |
| Springfield, IL 62794-9276  | Springfield, IL 62794-9276  |
| Phone: 215-524-5027   | Phone: 217-782-3637   |
| Cell: 217-306-7145  | FAX: 217-524-4036   |
| Pager: 800-249-9891   | 24 hour: 217-782-7860   |
| 24 hr: 217-782-7860 (IEMA)  | Email: <a href="mailto:bud.bridgewater@illinois.gov">bud.bridgewater@illinois.gov</a> |
| FAX: 217-782-1431   |   |
| Email: <a href="mailto:roger.lauder@illinois.gov">roger.lauder@illinois.gov</a> |   |

For an indexed list of Federal Threatened and Endangered Species, see

[http://www.fws.gov/midwest/Endangered/lists/cty\\_indx.html](http://www.fws.gov/midwest/Endangered/lists/cty_indx.html)

### 3.1.1.2 Indiana

For Fish and Wildlife Service contact information, see

<http://www.fws.gov/midwest/Eco%5FServ/Env%5FCont/ecwho.html>

- Fish and Wildlife Service Indiana

Indiana Department of Environmental Management ~~Natural Resources~~:

Max Michael, Section Chief  
Emergency Response  
Indiana Department of Environmental Management  
100 North Senate Drive  
P.O. Box 6015  
Indianapolis, IN 46206-6015  
Phone 317-308-3049  
24 hr: 317-233-7745  
Toll Free: 888-233-7745  
FAX: 317-308-3063  
Email: [mmichael@idem.in.gov](mailto:mmichael@idem.in.gov)



For an indexed list of Federal Threatened and Endangered Species, see  
[http://www.fws.gov/midwest/Endangered/lists/cty\\_indx.html](http://www.fws.gov/midwest/Endangered/lists/cty_indx.html)

### **3.1.1.3 Michigan**

For Fish and Wildlife Service contact information, see  
<http://www.fws.gov/midwest/Eco%5FServ/Env%5FCont/ecwho.html>

- Michigan Department of Environmental Quality

|  |                                    |
|--|------------------------------------|
| Primary                                      | Alternate                          |
| Pete Ostlund                                 | Mitch Adelman                      |
| Field Operations, Water Bureau               | Jackson District Supervisor        |
| Michigan Department of Environmental Quality | Environmental Response Division    |
| Constitution Hall, 2 <sup>nd</sup> Floor     | MI Dept. of Environmental Quality  |
| 525 W. Allegan                               | Jackson, MI 48909                  |
| P.O. Box 30273                               | Phone: 517-780-7852                |
| Lansing, MI 48933                            | 24 hr: 517-373-7660 (out of state) |
| Phone: 517-373-1982                          | 800-292-4706                       |
| 24 hr: 517-373-7660 (out of State)           | FAX: 517-780-7855                  |
| 800-292-4706 (in State)                      | Email: adelmanm@michigan.gov       |
| FAX: 517-373-2040                            |                                    |
| Email: ostlundp@michigan.gov                 |                                    |

For an indexed list of Federal Threatened and Endangered Species, see  
[http://www.fws.gov/midwest/Endangered/lists/cty\\_indx.html](http://www.fws.gov/midwest/Endangered/lists/cty_indx.html)

### **3.1.1.4 Minnesota**

For Fish and Wildlife Service contact information, see  
<http://www.fws.gov/midwest/Eco%5FServ/Env%5FCont/ecwho.html>

- Fish and Wildlife Service Regional Office – Region 3
- Fish and Wildlife Service Illinois Minnesota

Minnesota Department of Natural Resources:  
Minnesota Pollution Control Agency:

|                                 |                                    |
|---------------------------------|------------------------------------|
| Marilyn Danks                   | Phone: 651259-5087                 |
| Minnesota Department of Natural | FAX: 651-296-1811                  |
| Resources                       | Stephen Lee                        |
| Ecological Services             | Minnesota Pollution Control Agency |
| 500 Lafayette Road              | 520 Lafayette Road                 |
| St. Paul, MN 55155              | St. Paul, MN 55155                 |

Phone: 651-297-8610  
24 hr: 651-649-5451

FAX: 651-297-8321  
Email: Stephen.lee@pca.state.mn.us

For an indexed list of Federal Threatened and Endangered Species, see  
[http://www.fws.gov/midwest/Endangered/lists/cty\\_indx.html](http://www.fws.gov/midwest/Endangered/lists/cty_indx.html)

### **3.1.1.5 Ohio**

For Fish and Wildlife Service contact information, see  
<http://www.fws.gov/midwest/Eco%5FServ/Env%5FCont/ecwho.html>

- Fish and Wildlife Service Regional Office – Region 3
- Fish and Wildlife Service Ohio

Ohio Department of Natural Resources, Ohio Division of Wildlife

Central Ohio  
Dan Huss, Manager  
District One  
1500 Dublin Rd.  
Columbus, Ohio 43215  
Phone: 614-644-3925  
Fax: 614-644-3931

Northwest Ohio  
John Daugherty, Manager  
District Two  
952 Lima Ave., Box A  
Findlay, Ohio 45840  
Phone: 419-424-5000  
Fax: 419-422-4875

Northeast Ohio  
Jeff Herrick, Manager  
District Three  
912 Portage Lakes Dr.  
Akron, Ohio 44319  
Phone: 330-644-2293  
FAX: 330-644-8403

Southeast Ohio  
Mark Hemming, Manager  
District Four  
360 E. State St.  
Athens, Ohio 45701  
Phone: 740-589-9930

FAX: 740-589-9999

Southwest Ohio  
Todd Haines, Manager  
District Five  
1076 Old Springfield Pike  
Xenia, Ohio 45385-1238  
Phone: 937-372-9261  
Fax: 937-376-3011

For an indexed list of Federal Threatened and Endangered Species, see

[http://www.fws.gov/midwest/Endangered/lists/cty\\_indx.html](http://www.fws.gov/midwest/Endangered/lists/cty_indx.html)

### **3.1.1.6 Wisconsin**

For Fish and Wildlife Service contact information, see

<http://www.fws.gov/midwest/Eco%5FServ/Env%5FCont/ecwho.html>

- Fish and Wildlife Service Regional Office – Region 3
- Fish and Wildlife Service Wisconsin

Wisconsin Department of Natural Resources  
Wisconsin Department of Emergency Management

Primary  
David Woodbury  
Bureau of Law Enforcement  
Wisconsin Department of Natural Resources  
101 South Webster St.  
P.O. Box 7921  
Madison, WI 53707-7921  
Phone: 608-266-2598  
24 hr: 800-943-0003  
Pager 608-376-9049  
Cell: 608-444-3976  
FAX: 608-266-3696  
Email: david.woodbury@wisconsin.gov

Alternate  
Jerry Haberl  
Wisconsin Depart. of Emergency Mgt.  
Dept. of Military Affairs  
2400 Wright St.  
P.O. Box 7865  
Madison, WI 53707-7865  
Phone 608-242-3213  
24 hr: 608-376-1594 (pager)  
FAX 608-242-3248  
Email: jerry.haberl@wisconsin.gov

For an indexed list of Federal Threatened and Endangered Species, see

[http://www.fws.gov/midwest/Endangered/lists/cty\\_indx.html](http://www.fws.gov/midwest/Endangered/lists/cty_indx.html)

## **References/Acknowledgements**

1. Department of Commerce, National Oceanic and Atmospheric Administration, 15 CFR Part 990, Natural Resource Damage Assessment Final Rule. Federal Register Notice, Vol. 61. No. 4, Friday, January 5, 1996.
2. Environmental Protection Agency, 40 CFR Parts 9 and 300, National Oil and Hazardous Substances Pollution Contingency Plan; Final Rule. Federal Register Notice Vol. 59, No. 178, Thursday, September 15, 1994.
3. North Carolina Coastal Areas Wildlife Contingency Plan.
4. U.S. Department of the Interior, Fish and Wildlife Service. Endangered and Threatened Wildlife and Plants. 50 CFR 17.11 & 17.12. October 31, 1995.
5. U.S. Fish and Wildlife Service Administrative Manual 24 AM 2.
6. U.S. Fish and Wildlife Service Administrative Manual 24 AM 16 - Exhibit A.
7. U.S. Fish and Wildlife Service Administrative Manual 24 AM 16 - Exhibit D.
8. U.S. Fish and Wildlife Service Administrative Manual 24 AM 16 - Exhibit F.
9. U.S. Environmental Protection Agency, Office of Solid Waste and Emergency Response, Environmental Response Training Program (Schedule of Courses).
10. U.S. Environmental Protection Agency Region VIII Contingency Plan-Fish and Wildlife Sensitive Environments Annex.

## Attachment 1. SAFETY CHECKLIST

### PART I. BEFORE FIELD ACTIVITY

1. Employee: \_\_\_\_\_ Date: \_\_\_\_\_

2. Site Location: \_\_\_\_\_

3. Activity Description: Environmental Sampling \_\_\_\_\_

Reconnaissance \_\_\_\_\_

Other (describe) \_\_\_\_\_

4. Type of Response/Site:

Spill \_\_\_\_\_ Industrial \_\_\_\_\_ Nonindustrial \_\_\_\_\_

Rural \_\_\_\_\_ Suburban \_\_\_\_\_ Urban \_\_\_\_\_

Private Lands \_\_\_\_\_ Refuge \_\_\_\_\_ Hatchery \_\_\_\_\_

Other Service Lands \_\_\_\_\_

5. Site topography:

Mountains \_\_\_\_\_ River \_\_\_\_\_ Valley \_\_\_\_\_

Level \_\_\_\_\_ Sloping \_\_\_\_\_

6. Site Accessibility:

Foot only: \_\_\_\_\_

Road: Good \_\_\_\_\_ Fair \_\_\_\_\_ Poor \_\_\_\_\_

Air: Good \_\_\_\_\_ Fair \_\_\_\_\_ Poor \_\_\_\_\_

7. Suspected chemical(s):

\_\_\_\_\_  
\_\_\_\_\_

8. Source of chemical(s):

\_\_\_\_\_  
\_\_\_\_\_

9. First Aid available: Yes \_\_\_\_\_ No \_\_\_\_\_

10. If SCBA, identify team members (buddies): \_\_\_\_\_

\_\_\_\_\_

## PART II. AFTER RESPONSE

1. List possible chemical exposure:

Same as above \_\_\_\_\_

Other chemicals: \_\_\_\_\_

Identified or suspected: \_\_\_\_\_

2. Describe any contact or exposure with chemical: \_\_\_\_\_

\_\_\_\_\_

3. Equipment Decontamination: \_\_\_\_\_

4. Approximate time at site: hr/day \_\_\_\_\_ for \_\_\_\_\_ days \_\_\_\_\_

5. Personal Protective Equipment used:

Gloves \_\_\_\_\_

Hip Waders \_\_\_\_\_

Chest waders \_\_\_\_\_

Other \_\_\_\_\_

6. Date Part I Prepared: \_\_\_\_\_

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

7. Date Part I Prepared: \_\_\_\_\_

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

## **Attachment 2. Biological Opinion**

Biological Opinion to be provided upon completion.

## **Appendix VIII: Region 5 RRT Oil Spill Solidifier Preapproval Documentation**

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



## Federal Region V Regional Response Team

Oil Spill Solidifier Preapproval- Contained within socks, booms, pillows

Under the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300) the Regional Response Team (RRT) may authorize the use of oil spill control agents that are on the National Product Schedule. Pursuant to various presentations on the products, and the additional written materials that the Science and Technology Sub-Committee of the RRT has reviewed, the Region V RRT will allow the use of the following products under limited approval and specific conditions explained below:

ALSOCUP

Aqua N-CAP Polymer

CI Agent

WASTE-SET #3200

WASTE-SET #3400

The Region V RRT has approved the use, in Region V, of socks, booms, pads, pillows or other device which completely surrounds and contains one of the solidifier products listed above subject to the following conditions:

- 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 oil; and
- c. The sock, boom, or pillow must be recovered from the water within one week of contact with oil or depletion of solidifying capacity and properly disposed of.
- d. This preapproval does not include preapproved use in tribal or Department of Interior managed lands.

Customers must be advised of these conditions to the approval of the solidifier products.

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**U.S. DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
National Ocean Service  
Office of Response and Restoration  
Emergency Response Division/Scientific Support Branch  
10 George Street, Suite 220  
Lowell, MA 01852-2293

June, 13, 2020

Jerome Popiel  
US. Coast Guard Ninth District  
1240 E. 9<sup>th</sup> Street  
Cleveland, OH 44199

RE: Preauthorization of enclosed or contained solidifiers in the waters of RRT V, as applicable under the National Contingency Plan, subpart J, for use in oil spill response and treatment.

Dear Popiel,

As the Dept. of Commerce/ National Oceanic & Atmospheric Administration representative to the Region V Regional Response Team and federal natural resources trustee under the National Contingency Plan, I approve the plan submitted for the use of five solidifying agents (ALSOCUP, Aqua N-CAP Polymer, CIAgent, WASTE-SET #3200 and WASTE-SET #3400) to be used in an enclosed sock, boom, pad or other device.

As the National Oceanic & Atmospheric Administration, in its role relative to the Endangered Species Act, has no endangered species in the waters in question, an ESA section 7 consultation is unnecessary. If new species are listed under NOAA's jurisdiction, such a consultation may become necessary at that time.

Respectfully,

Stephen M. Lehmann  
NOAA







**U.S. DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
National Ocean Service  
Office of Response and Restoration  
Emergency Response Division/Scientific Support Branch  
10 George Street, Suite 220  
Lowell, MA 01852-2293

June, 13, 2020

Jason H. El-Zein  
US EPA Region 5  
Emergency Response Branch  
77 West Jackson, SE-5J  
Chicago, IL 60604

RE: Preauthorization of enclosed or contained solidifiers in the waters of RRT V, as applicable under the National Contingency Plan, subpart J, for use in oil spill response and treatment. .

Dear Mr. El-Zein,

As the Dept. of Commerce/ National Oceanic & Atmospheric Administration representative to the Region V Regional Response Team and federal natural resources trustee under the National Contingency Plan, I approve the plan submitted for the use of five solidifying agents (ALSOCUP, Aqua N-CAP Polymer, CIAgent, WASTE-SET #3200 and WASTE-SET #3400) to be used in an enclosed sock, boom, pad or other device.

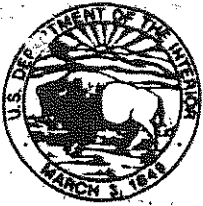
As the National Oceanic & Atmospheric Administration, in its role relative to the Endangered Species Act, has no endangered species in the waters in question, an ESA section 7 consultation is unnecessary. If new species are listed under NOAA's jurisdiction, such a consultation may become necessary at that time.

Respectfully,

Stephen M. Lehmann  
NOAA







## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Bishop Henry Whipple Federal Building  
1 Federal Drive  
Fort Snelling, MN 55111-4056

IN REPLY REFER TO:

FWS-AES/TE

NOV 17 2010

Jason H. El-Zein  
U. S. Environmental Protection Agency  
Region 5, Emergency Response Branch 1  
Superfund Division  
77 West Jackson, SE-5J  
Chicago, Illinois 60604

Dear Mr. El-Zein,

An identical letter is being sent to Captain Stephen Torpey, U. S. Coast Guard.

This replies to your letter dated May 5, 2010, requesting our concurrence on your determination that the proposed preauthorized use with conditions of five solidifier products in emergency oil spill response throughout Regional Response Team Region V (RRTV) "is not likely to adversely affect" listed species or critical habitat pursuant to the Endangered Species Act of 1973, amended (ESA). Preauthorization is defined here as approval by the RRTV to use the selected chemical countermeasures from the Subpart J National Product Schedule of the National Contingency Plan. This chemical countermeasure approval does not eliminate the need for the responders to consult with our agency on the potential for adverse effects to federally listed species or the potential for adverse modification to federally designated critical habitat from the emergency oil spill response as a whole. We have reviewed the materials forwarded to this office on the solidifier products and conducted some independent literature review. We concur with your determination that federally listed species, candidate species, and critical habitat are not likely to be adversely affected by the conditional preauthorization to use solidifier products within RRTV.

The action under review is the preauthorization for use of enclosed or contained solidifier products in responding to oil spills within the geographic area of RRTV. The federally listed endangered, threatened, and candidate species considered for this review include the aquatic and aquatic dependent species that occur in States of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin (see attached list). The conditions for the preauthorized use require that the solidifier product be enclosed or contained within socks, booms, or pillows that does not allow the free product to be released into the environment, that the enclosed products be removed from the water after use, and that the enclosed products are not be left in the water for more than one week. The five solidifier products under consideration include ALSOCUP, Aqua N-CAP Polymer, CIAgent, WASTE-SET #3200, and WASTE-SET #3400. There are two aspects

germane to our section 7 review: direct toxicity due to exposure to the solidifier product should it be accidentally released into the environment from the enclosed products and indirect effects due to changed environmental conditions resulting from an accidental release of solidifier products.

First, to assess the effects of toxicity from direct exposure, we relied upon the freshwater fish toxicity test results available through the RRT and a review of the scientific literature. Our analysis indicates that the selected solidifier products are acutely toxic at high concentrations, but only at levels above what would be encountered from the prescribed application during an emergency response (Fingas 2008). The endpoints used in the toxicological tests were various species of fish. Although we do not know if fish are among the most sensitive organism, we did not find any contradictory data or information to suggest that aquatic invertebrates or aquatic dependent wildlife are toxicologically more sensitive than fish. Therefore, we concur that direct exposure and ingestion of the subject solidifier products are unlikely to adversely affect listed species.

Second, we assessed the indirect effects to listed species and critical habitat as a result of changing the baseline conditions. The baseline condition for this action is the oiled environment without the controlled application of enclosed or contained solidifier products. The application of solidifier products in oiled environments is expected to change the baseline condition should there be an accidental release by a tear or rupture in the socks, pillows, or booms containing the solidifier product. The change to the baseline condition includes creating thicker solid deposits of oil that float and are contained to a smaller area plus any of the incidentally released free solidifier product within the immediate area. Organisms including federally listed aquatic and aquatic dependent species are less likely to be exposed as the area containing oil and the solidifier products will be reduced. However, short term exposure to the thicker floating oil deposits and free solidifier product, although not likely to be more toxic than the oil itself, may present new physical barriers for the federally listed and candidate species, which could alter the normal behavior of organisms. We believe, based on the best available information, that exposure to thicker oil deposits and any free solidifier product will not elicit a detectable negative response in listed species beyond the response expected from exposure or contact with the oil without the use of solidifier products. This includes for example, free solidifier product from controlled uses is not expected to adhere to the skin, fur, or feathers of animals to the extent that it affects thermal regulation by altering natural oils of the exposed organisms beyond the exposure to the untreated oil.

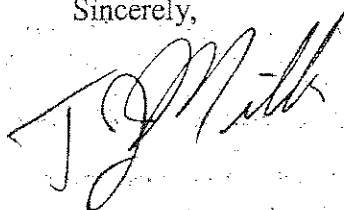
The new condition resulting from an accidental release with the proper use of solidifier products may also modify the baseline conditions within designated critical habitat and potentially affect associated primary constituent elements (see attached matrix). We believe, based on the best available information, that any potentially exposed primary constituent elements will not be further adversely affected. That is, we do not anticipate any further detectable adverse impacts to critical habitat from the application of contained solidifier products in an oiled environment.

Note, activities such as clearing vegetation for roads, construction of boat ramps, access to the oiled environment, physical disturbance to shorelines, construction of groundwater wells, or

discharge of wastewaters during the response effort is not part of the proposed action, and thus, was not contemplated in this section 7 review. To comply with the ESA, further section 7 review is necessary before such actions are undertaken. The request for preauthorized use of solidifier products in waters part of the National Wildlife Refuge System within RRTV is under review. The results of Refuge preauthorized use of solidifier products will be transmitted under a separate letter. This precludes the need for further consultation on this action (preauthorization of use of solidifiers) as required under Section 7 of the Endangered Species Act of 1973, as amended. Should the project be modified or new information indicate endangered species may be affected, consultation should be initiated.

Thank you for the opportunity to consult with you on this matter. Please feel free to call Jennifer Szymanski (608-783-8455) for endangered species related questions or Mike Coffey (309-757-5800 x206) for oil response related questions.

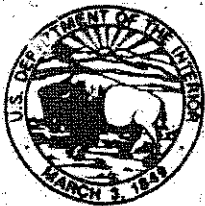
Sincerely,

A handwritten signature in black ink, appearing to read 'T. J. Miller', with a stylized, cursive script.

T. J. Miller  
Chief, Endangered Species

References:

Fingas, M. 2008. A review of the literature related to oil spill solidifiers 1990 – 2008. Report for Prince William Sound Regional Citizens' Advisory Council, Anchorage, AK by Merv Fingas, Spill Science, Edmonton, Alberta. Contract number 955.08.03



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Bishop Henry Whipple Federal Building  
1 Federal Drive  
Fort Snelling, MN 55111-4056

IN REPLY REFER TO:

FWS-AES/TE

NOV 17 2010

Captain Stephen Torpey  
Chief, Office of Incident Management  
U.S. Coast Guard, Ninth District (drm)  
1240 E. 9<sup>th</sup> Street, Room 2007C  
Cleveland, Ohio 44199-2060

Dear Captain Torpey,

An identical letter is being sent to Mr. Jason H. El-Zein, U.S. Environmental Protection Agency.

This replies to your letter dated May 5, 2010, requesting our concurrence on your determination that the proposed preauthorized use with conditions of five solidifier products in emergency oil spill response throughout Regional Response Team Region V (RRTV) "is not likely to adversely affect" listed species or critical habitat pursuant to the Endangered Species Act of 1973, amended (ESA). Preauthorization is defined here as approval by the RRTV to use the selected chemical countermeasures from the Subpart J National Product Schedule of the National Contingency Plan. This chemical countermeasure approval does not eliminate the need for the responders to consult with our agency on the potential for adverse effects to federally listed species or the potential for adverse modification to federally designated critical habitat from the emergency oil spill response as a whole. We have reviewed the materials forwarded to this office on the solidifier products and conducted some independent literature review. We concur with your determination that federally listed species, candidate species, and critical habitat are not likely to be adversely affected by the conditional preauthorization to use solidifier products within RRTV.

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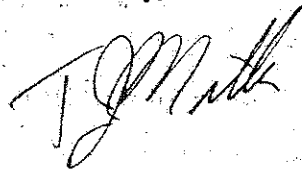
Captain Stephen Torpey

3

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Thank you for the opportunity to consult with you on this matter. Please feel free to call Jennifer Szymanski (608-783-8455) for endangered species related questions or Mike Coffey (309-757-5800 x206) for oil response related questions.

Sincerely,



T. J. Miller  
Chief, Endangered Species

References:

Fingas, M. 2008. A review of the literature related to oil spill solidifiers 1990 – 2008. Report for Prince William Sound Regional Citizens' Advisory Council, Anchorage, AK by Merv Fingas, Spill Science, Edmonton, Alberta. Contract number 955.08.03

**RRTV Solidifier Product PreAuthorization**  
**Critical Habitat Aquatic and Aquatic Dependent Species**  
**Adverse Modification Analysis Matrix**

**Hines Emerald Dragonfly Critical Habitat (Illinois Units)**

| Primary Constituent Element  | Baseline Condition | Action Condition | Baseline Modified | Adverse Effects | Comments  |
|--|--------------------|------------------|-------------------|-----------------|---|
| <b>HINES EMERALD DRAGONFLY</b>   |                    |                  |                   |                 |   |
| Organic soils (histosols, or with organic surface horizon) overlying calcareous substrate predominantly dolomite and limestone bedrock)  | Liquid oil         | Solid oil        | No                | No              |   |
| Calcareous water from intermittent seeps and springs and associated shallow, small, slow flowing streamlet channels, rivulets, and/or sheet flow within fens   | Liquid oil         | Solid oil        | Yes               | No              | Temporary plugging of shallow groundwater recharge pathways |
| Emergent herbaceous and woody vegetation for emergence facilitation and refugia  | Liquid oil         | Solid oil        | No                | No              |   |
| Occupied burrows maintained by crayfish for refugia  | Liquid oil         | Solid oil        | Yes               | No              | Temporary plugging up of chimney openings                   |
| Prey base of aquatic macroinvertebrates, including mayflies, aquatic isopods, caddisflies, midge larvae, and aquatic worms   | Liquid oil         | Solid oil        | No                | No              |   |
| Natural plant communities near the breeding/larval habitat which may include fen, marsh, sedge meadow, dolomite prairie, and the fringe (up to 100meters) of bordering shrubby and forested areas with open corridors for movement and dispersal | Liquid oil         | Solid oil        | No                | No              |   |
| Prey base of small flying insect species (e.g., dipterans)   | Liquid oil         | Solid oil        | No                | No              |   |

**RRTV Solidifier Product PreAuthorization**  
**Critical Habitat Aquatic and Aquatic Dependent Species**  
**Adverse Modification Analysis Matrix**

**Piping Plover Critical Habitat (Illinois, Indiana, Michigan, Minnesota Units)**

| Primary Constituent Element  | Baseline Condition | Action Condition | Baseline Modified | Adverse Effects | Comments   |
|--|--------------------|------------------|-------------------|-----------------|--|
| <b>PIPING PLOVER</b>   |                    |                  |                   |                 |  |
| Sand, gravel, or cobble beaches or spits   | Liquid oil         | Solid oil        | No                | No              |  |
| Shoreline length $\geq 0.2$ kilometers of gently sloping sand beach  | Liquid oil         | Solid oil        | No                | No              |  |
| Sand beach area of $\geq 2$ hectares   | Liquid oil         | Solid oil        | No                | No              |  |
| $\geq 50$ meters where beach width is $\geq 7$ meters or $\geq 7$ meters sand and cobble between dune and treeline   | Liquid oil         | Solid oil        | No                | No              |  |
| Distance from waterline to treeline $\geq 50$ meters   | Liquid oil         | Solid oil        | No                | No              |  |
| Sparse vegetation with $\leq 50\%$ herbaceous or woody cover   | Liquid oil         | Solid oil        | No                | No              |  |
| Protective cover - small herbaceous patches, cobble, gravel, or debris (driftwood, wrack, root masses, dead shrubs)  | Liquid oil         | Solid oil        | No                | No              |  |
| Potential for the dynamic ecological processes that create and maintain habitat (e.g., erosion, accretion, plant succession, lake-level fluctuations; episodic storm events) | Liquid oil         | Solid oil        | Yes               | No              | Not a significant change to natural erosion or accretion processes |
| Low level of disturbance from human activities or domestic animals   | Liquid oil         | Solid oil        | No                | No              |  |

**RRTV Solidifier Product PreAuthorization**  
**Critical Habitat Aquatic and Aquatic Dependent Species**  
**Adverse Modification Analysis Matrix**

**Topeka Shiner Critical Habitat (Minnesota Units)**

| <i>Primary Constituent Element</i>  | <i>Baseline Condition</i> | <i>Action Condition</i> | <i>Baseline Modified</i> | <i>Adverse Effects</i> | <i>Comments</i>  |
|---|---------------------------|-------------------------|--------------------------|------------------------|--|
| <b>TOPEKA SHINER</b>  |                           |                         |                          |                        |  |
| Streams most often with permanent flow, but that can become intermittent during dry periods   | Liquid oil                | Solid oil               | Yes                      | No                     | Temporary blockage of water table recharge through stream bed during dry periods |
| Side-channel pools and oxbows either seasonally connected to a stream or maintained by groundwater inputs, at a surface elevation equal to or lower than the bankfull discharge stream elevation. The bankfull discharge is the flow at which water begins leaving the channel and flowing into the floodplain; this level is generally attained every 1 to 2 years. Bankfull discharge, while a function of the size of the stream, is a fairly constant feature related to the formation, maintenance, and dimensions of the stream channel | Liquid oil                | Solid oil               | No                       | No                     |  |
| Streams and side-channel pools with water quality necessary for unimpaired behavior, growth, and viability of all life stages. The water quality components can vary seasonally and include—temperature (1 to 30°C/centigrade), total suspended solids (0 to 2000 ppm), conductivity (100 to 800 mhos), dissolved oxygen (4 ppm or greater), pH (7.0 to 9.0), and other chemical characteristics  | Liquid oil                | Solid oil               | No                       | No                     |  |
| Living and spawning areas for adult Topeka shiner with pools or runs with water velocities less than 0.5 meters/second (approx. 20 inches/second) and depths ranging from 0.1 to 2.0 meters (approximately 4 to 80 inches)  | Liquid oil                | Solid oil               | No                       | No                     |  |
| Living areas for juvenile Topeka shiners with water velocities less than 0.5 meters/second (approx. 20 inches/second) with depths less than 0.25 meters (approx. 10 inches) and moderate amounts of instream aquatic cover, such as woody debris, overhanging terrestrial vegetation, and aquatic plants  | Liquid oil                | Solid oil               | No                       | No                     |  |

|  |            |           |     |   |
|--|------------|-----------|-----|---|
| Sand, gravel, cobble, and silt substrates with amounts of fine sediment and substrate embeddedness that allows for nest building and maintenance of nests and eggs by native <i>Lepomis</i> sunfishes (green sunfish, orangespotted sunfish, longear sunfish) and Topeka shiner as necessary for reproduction, unimpaired behavior, growth, and viability of all life stages | Liquid oil | Solid oil | No  | No  |
| An adequate terrestrial, semiaquatic, and aquatic invertebrate food base that allows for unimpaired growth, reproduction, and survival of all life stages  | Liquid oil | Solid oil | No  | No  |
| A hydrologic regime capable of forming, maintaining, or restoring the flow periodicity, channel morphology, fish community composition, offchannel habitats, and habitat components described in the other primary constituent elements  | Liquid oil | Solid oil | Yes | No  |
| Few or no nonnative predatory or nonnative competitive species present   | Liquid oil | Solid oil | No  | No  |
|  |            |           |     | Temporary obstruction for stream channel connectivity |

**AQUATIC AND AQUATIC DEPENDENT  
ENDANGERED, THREATENED, PROPOSED, AND CANDIDATE SPECIES  
PARTS OF U.S. FISH AND WILDLIFE SERVICE REGION 3  
Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin  
October 2010**

**MAMMALS**

Gray bat (*Myotis grisescens*) Status: Endangered, Habitat: Caves, Range in RRTV: Illinois, Indiana, Missouri

Indiana bat (*Myotis sodalis*) Status: Endangered, Habitat: Summer habitat includes small to medium river and stream corridors with well developed riparian woods; woodlots within 1 to 3 miles of small to medium rivers and streams; and upland forests. Caves and mines as hibernacula. Range in RRTV: Illinois, Indiana, Iowa, Michigan, Missouri, Ohio

**BIRDS**

Least tern (*Sterna antillarum*) Status: Endangered, Habitat: Bare alluvial islands and dredged spoil islands, Range in RRTV: Illinois, Indiana, Iowa, Missouri

Piping plover (*Charadrius melodus*) - Great Lakes population Status: Endangered, Habitat: beaches along shorelines of the Great Lakes Range in RRTV: Michigan, Ohio, Wisconsin Great Plains population Status: Threatened Habitat: Bare alluvial and dredged spoil islands; sand and gravel areas around fly ash ponds, beaches, Range in RRTV: Iowa, Missouri, and Lake of the Woods, Minnesota

Whooping Crane (*Grus americana*) Status: nonessential, experimental population, Habitat: open wetlands and lakeshores, Range in RRTV: Iowa, Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin are within the Nonessential, Experimental Population area

**REPTILES**

Copperbelly water snake (*Nerodia erythrogaster neglecta*) Status: Threatened, Habitat: wooded and permanently wet areas such as oxbows, sloughs, brushy ditches and floodplain woods Range in RRTV: Indiana, Michigan, Ohio

Eastern massasauga (*Sistrurus catenatus catenatus*) Status: Candidate, Habitat: wetlands and uplands, Range in RRTV: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Wisconsin

Lake Erie water snake (*Nerodia sipedon insularum*) Status: Threatened, Habitat: shorelines of islands in western Lake Erie Range in RRTV: Ohio

## FISHES

Pallid sturgeon (*Scaphirhynchus albus*) Status: Endangered, Habitat: Mississippi River downstream of its confluence with the Missouri River; Ohio River below Dam #53; Missouri River Range in RRTV: Illinois, Iowa, Missouri

Scioto madtom (*Noturus trautmani*) Status: Endangered, Habitat: stream riffles of moderate flow over sandy gravel bottom; may be extinct, Range in RRTV: Ohio

Topeka shiner (*Notropis topeka*) Status: Endangered, Critical Habitat designated in Minnesota and Iowa, Habitat: Small prairie streams, Range in RRTV: Minnesota, Iowa, Missouri

## MUSSELS

Clubshell (*Pleurobema clava*) Status: Endangered, Habitat: Found in coarse sand and gravel areas of runs and riffles within streams and small rivers, Range in RRTV: Indiana, Michigan, Ohio

Cracking pearlymussel (*Hemistena lata*) (= *Lastena l.*) Status: Endangered, Habitat: Medium to large rivers in mud, sand, or gravel, Range in RRTV: Indiana (possibly extirpated)

Fanshell (*Cyprogenia stegaria*) (= *C. irrorata*) Status: Endangered, Habitat: Found in areas of packed sand and gravel at locations in a good current Range in RRTV: Illinois, Indiana, Ohio

Fat pocketbook (*Potamilus capax*) (= *Proptera c.*) Status: Endangered, Habitat: Large rivers in slow-flowing water Range in RRTV: Illinois, Indiana, Missouri

Higgins eye pearly mussel (*Lampsilis higginsii*) Status: Endangered, Habitat: Mississippi River and some of its larger northern tributaries (i.e., St. Croix and Wisconsin Rivers) in gravel or sand, Range in RRTV: Illinois, Iowa, Minnesota, Missouri, Wisconsin

Northern riffleshell (*Epioblasma torulosa rangiana*) Status: Endangered, Habitat: Large streams and small rivers in firm sand of riffle areas; also occurs in Lake Erie, Range in RRTV: Indiana, Michigan, Ohio, reintroduced into Illinois

Orange-foot pimpleback pearlymussel (*Plethobasus cooperianus*) Status: Endangered, Habitat: Gravel bars with strong currents in large rivers, Range in RRTV: Illinois, Indiana (possibly extirpated)

Pink mucket pearlymussel (*Lampsilis abrupta*) (= *L. orbiculata*) Status: Endangered, Habitat: The lower Mississippi and Ohio Rivers and their larger tributaries, Range in RRTV: Illinois, Indiana, Missouri, Ohio



Purple cat's paw pearlymussel (*Epioblasma* (=Dysnomia) *obliquata obliquata*) (=E. *sulcata sulcata*) Status: Endangered, Habitat: Gravel riffles of medium to large rivers, Range in RRTV: Ohio

Rabbitsfoot (*Quadrula cylindrica cylindrica*) Status: Candidate, Habitat: Rivers, Range in RRTV: Illinois, Indiana, Missouri, Ohio

Rayed Bean (*Villosa fabalis*) Status: Candidate, Habitat: Large rivers, Range in RRTV: Indiana, Michigan, Ohio

Ring pink mussel (=golf stick pearly) (*Obovaria retusa*) Status: Endangered, Habitat: Large rivers in sand or gravel, Range in RRTV: Indiana (possibly extirpated)

Rough pigtoe (*Pleurobema plenum*) Status: Endangered, Habitat: Medium to large rivers in sand or gravel, Range in RRTV: Indiana

Sheepnose (*Plethobasus cyphus*) Status: Candidate, Habitat: Large rivers, Range in RRTV: Illinois, Indiana, Iowa, Minnesota, Missouri, Ohio, and Wisconsin

Spectaclecase (*Cumberlandia monodonta*) Status: Candidate, Habitat: Large rivers, Range in RRTV: Illinois, Iowa, Minnesota, Missouri, and Wisconsin

Tubercled-blossom pearlymussel (*Epioblasma* (=Dysnomia) *torulosa torulosa*) Status: Endangered, Habitat: Gravel riffles in medium to large rivers, Range in RRTV: Indiana (possibly extirpated)

White cat's paw pearlymussel (*Epioblasma obliquata perobliqua*) Status: Endangered, Habitat: Firm sand or gravel riffles in small streams and medium to large rivers, Range in RRTV: Ohio, Indiana (possibly extirpated)

White wartyback pearlymussel (*Plethobasus cicatricosus*) Lead: Region 4 Status: Endangered Habitat: Large rivers in gravel Range in RRTV: Indiana (possibly extirpated)

Winged mapleleaf (*Quadrula fragosa*) Status: Endangered, Habitat: Medium to large rivers in mud, sand, or gravel, Range in RRTV: Minnesota, Missouri, Wisconsin

## INSECTS

Hines emerald dragonfly (*Somatochlora hineana*) Status: Endangered, Habitat: Spring fed wetlands, wet meadows and marshes; calcareous streams & associated wetlands overlying dolomite bedrock, Range in RRTV: Illinois, Michigan, Missouri, Wisconsin

Hungerford's crawling water beetle (*Brychius hungerfordi*) Status: Endangered, Habitat: Cool riffles of clean, slightly alkaline streams; known to occur in only 3 isolated locations, Range in RRTV: Michigan

Mitchell's satyr butterfly (*Noenympha mitchelli mitchelli*) Status: Endangered Habitat: Fens; wetlands characterized by calcareous soils which are fed by carbonate-rich water from seeps and springs, Range in RRTV: Indiana, Michigan, Ohio

## CRUSTACEANS

Illinois cave amphipod (*Gammarus acherondytes*) Status: Endangered, Habitat: cave streams, Range in RRTV: Illinois (currently found in 3 caves)

## PLANTS

Decurrent false aster (*Boltonia decurrens*) Status: Threatened, Habitat: Disturbed alluvial soils (Mississippi and Illinois River alluvial floodplain), Range in RRTV: Illinois, Missouri

Dwarf lake iris (*Iris lacustris*) Status: Threatened, Habitat: Partially shaded sandy-gravelly soils on lakeshores, Range in RRTV: Michigan, Wisconsin

Eastern prairie fringed orchid (*Platanthera leucophaea*) Status: Threatened, Habitat: Mesic to wet prairies and meadows, Range in RRTV: Illinois, Iowa, Michigan, Ohio, Wisconsin

Fassett's locoweed (*Oxytropis campestris* var. *chartaceae*) Status: Threatened, Habitat: Open sandy lakeshores, Range in RRTV: Wisconsin

Houghton's goldenrod (*Solidago houghtonii*) Status: Threatened, Habitat: Sandy flats along Great Lakes shores, Range in RRTV: Michigan

Michigan monkey-flower (*Mimulus glabratus* var. *michiganensis*) Status: Endangered, Habitat: Soils saturated with cold flowing spring water; found along seepages, streams and lakeshores, Range in RRTV: Michigan

Minnesota dwarf trout lily (*Erythronium propullans*) Status: Endangered, Habitat: North facing slopes & floodplains in deciduous forests, Range in RRTV: Minnesota

Price's potato-bean (*Apios priceana*) Status: Threatened, Habitat: Wet floodplain forests, shrubby swamps, Range in RRTV: Illinois (possibly extirpated)

Running buffalo clover (*Trifolium stoloniferum*) Status: Endangered, Habitat: Disturbed bottomland meadows; disturbed sites that have shade during part of each day, Range in RRTV: Indiana, Missouri, Ohio

Virginia spiraea (*Spiraea virginiana*) Status: Threatened, Habitat: Stream banks and floodplains,  
Range in RRTV: Ohio

Western prairie fringed orchid (*Platanthera praeclara*) Status: Threatened, Habitat: Wet prairies  
& sedge meadows, Range in RRTV: Iowa, Minnesota, Missouri

## **Appendix IX: Acronyms and Definitions**

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Available online at [www.rrt5.org/RCPACPMMain/RCPACPAppearices/AcronymsDefinitions.aspx](http://www.rrt5.org/RCPACPMMain/RCPACPAppearices/AcronymsDefinitions.aspx)

## Appendix IX: Acronyms and Definitions

### 1.0 ACRONYMS AND DEFINITIONS

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#### 1.1 Definitions

**Area Committee** As provided for by Sections 311(a)(18) and (j)(4) of the Clean Water Act (CWA), means the entity appointed by the President consisting of members from qualified personnel of Federal, State, and local agencies with responsibilities that include preparing an Area Contingency Plan for the area designated by the President. The Area Committee may include ex-officio (i.e., non-voting) members (e.g., industry and local interest groups).

**Area Contingency Plan (ACP)** As provided for by Sections 311(a)(19) and (j)(4) of CWA, means the plan prepared by an Area Committee that is developed to be implemented in conjunction with the NCP and RCP, in part to address removal of a worst case discharge and to mitigate or prevent a substantial threat of such a discharge from a vessel, offshore facility, or onshore facility operating in or near an Area designated by the President.

**Coastal waters** As defined in the NCP, for the purposes of classifying the size of discharges, the waters of the coastal zone except for the Great Lakes and specified ports and harbors on inland rivers. Precise boundaries are identified in U.S. Coast Guard/U.S. Environmental Protection Agency agreements, Federal Regional Contingency Plans and Area Contingency Plans.

**Coastal zone** As defined in the NCP, all United States waters subject to the tide, United States waters of the Great Lakes, specified ports and harbors on inland rivers, waters of the contiguous zone, other waters of the high seas subject to the NCP, and the land surface or land substrata, ground waters, and ambient air proximal to those waters. The term coastal zone delineates an area of Federal responsibility for response action. Precise boundaries are determined by U.S. EPA/USCG agreements and identified in Federal Regional Contingency Plans. No ports or harbors are designated in Region 5.

**Discharge** As defined by Section 311(a)(2) of CWA, includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of oil, but excludes discharges in compliance with a permit under Section 402 of the CWA, discharges resulting from circumstances identified and reviewed and made a part of the public record with respect to a permit issued or modified under Section 402 of the CWA, and subject to a condition in such permit, or continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under Section 402 of the CWA, that are caused by events occurring within the scope of relevant operating or treatment systems. For purposes of the NCP, discharge also means substantial threat of discharge.

**Drinking water supply** As defined by Section 101(7) of CERCLA, means any raw or finished water source that is or may be used by a public water system (as defined in the Safe Drinking Water Act, 42 U.S.C. et seq.) or as drinking water by one or more individuals.

**Economically sensitive areas** Those areas of explicit economic importance to the public that due to their proximity to potential spill sources may require special protection and include, but are not limited to: public water supplies, publicly managed use areas, and Tribal use areas.

Emergency Planning and Community Right-to-Know Act (EPCRA) Title III Section 300. of SARA; created a system of State and local planning agencies for chemical emergencies and provided a way for communities to gain information about potential chemical hazards. EPCRA's mandates cover three main topics emergency planning, emergency notification requirements, and requirements for reporting hazardous chemical inventories.

**Environmentally sensitive areas** Areas identified as a priority for protection and special attention during cleanup in the event of a pollution incident. Designations of types of areas considered to be sensitive can be found in 1) the U.S. Fish and Wildlife Annex (Appendix IX) and 2) the Guidance for Facility and Vessel Response Plans Fish and Wildlife and Sensitive Environments, published by Department of Commerce/National Oceanic and Atmospheric Administration. In addition to this definition, Area Committees may include any additional areas determined to be "sensitive." These areas are mapped in Region 5 and are available on paper and CD-ROM as a companion to this Plan.

4202.(a)(4)(B)(ii)

**Hazardous substance** As defined by section 101(14) of CERCLA, any substance designated pursuant to section 311(b)(2)(A) of the CWA; any element, compound, mixture, solution, or substance designated pursuant to section 102 of CERCLA; any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act [42 U.S. C. 6901 et seq.] has been suspended by Act of Congress); any toxic pollutant listed under section 307(a) of the CWA; any hazardous air pollutant listed under section 112 of the Clean Air Act; and any imminently hazardous chemical substance or mixture with respect to which the U.S. EPA Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act (TSCA). This term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance in the first sentence of this paragraph, and does not include natural gas, natural gas liquids, liquified natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and synthetic gas).

**Inland waters** As defined in the NCP, for the purposes of classifying the size of discharges, means those waters of the United States in the inland zone, waters of the Great Lakes, and specified ports and harbors on inland rivers.

**Inland zone** As defined in the NCP, means the environment inland of the coastal zone excluding the Great Lakes and specified ports and harbors on inland rivers. The term inland zone delineates an area of Federal responsibility for response action. Precise boundaries are determined by U.S. EPA/USCG agreements and identified in Federal regional contingency plans.

**Local Emergency Planning Committee (LEPC)** A group of local representatives appointed by the State Emergency Response Commission (SERC) to prepare a comprehensive emergency plan for the local emergency planning district, as required by the Emergency Planning and Community Right-to-know Act (EPCRA), Title III Section 301(c) of SARA.

**National Oil and Hazardous Substances Pollution Contingency Plan (NCP)** As required by section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9605, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Pub. L. 99-499, collectively called (CERCLA), and by section 311(d) of the Clean Water Act (CWA), 33 U.S.C. 1321(d), as amended by the Oil Pollution Act of 1990 (OPA), Pub. L. 101-380, the NCP provides nationwide organizational structure and procedures for responding to discharges of oil and releases of hazardous substances, pollutants and contaminants. In Executive Order (E.O.) 12777 (56 FR 54757, October 1991), the President delegated to the Environmental Protection Agency (EPA) the responsibility for the amendment of the NCP in coordination with members of the National Response Team (NRT) as well as the Federal Emergency Management Agency (FEMA) and the Nuclear Regulatory Commission to avoid inconsistent or duplicative requirements in the emergency planning responsibilities of those agencies.

**National Pollution Fund Center (NPFC)** As defined by Section 7 of Executive Order 12777, the NPFC is the entity established by the Secretary of the Department of Transportation whose function is the administration of the Oil Spill Liability Trust Fund (OSLTF). This includes access to the OSLTF by Federal Agencies, States, and designated trustees for removal actions and initiation of natural resource damage assessments, as well as claims for removal costs and damages.

**Natural Resource Trustees** Officials representing State, Tribal, Federal, and foreign governments who are authorized to act pursuant to section 107(f) of CERCLA, section 311(f)(5) of the CWA, or section 10006 of the OPA when there is injury or threat to natural resources, including their supporting ecosystems, as a result of a release of a hazardous substance or a discharge of oil. Natural resources means land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources.

**Navigable waters** As defined by 40 CFR 110.1, the term navigable waters includes (a) All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide; (b) Interstate waters, including interstate wetlands; (c) All other waters such as intrastate lakes, rivers, streams, mudflats, sandflats, and wetlands, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters: (1) That are or could be used by interstate or foreign travelers for recreational or other purposes; (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; (3) That are used or could be used for industrial purposes by industries in interstate commerce; (d) All impoundments of waters otherwise defined as navigable waters under this Section; (e) Tributaries of waters identified in (a) through (d) of this definition, including adjacent wetlands; and (f) Wetlands adjacent to waters identified in (a) through (e) of this definition: Provided, that waste treatment systems (other than cooling ponds meeting the criteria of this paragraph) are not waters of the United States. Water of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal Agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with U.S. EPA.

**Oil** As defined by Section 311(a)(1) of CWA, means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil, as defined by Section 1001 of OPA means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged oil, but does not include petroleum, including crude oil or any fraction thereof, which is specifically listed or designated as a hazardous substance under paragraphs (A) through (F) of Section 101 (14) of CERCLA (42 U.S.C. 9601) and which is subject to the provisions of that Act.

**Oil Spill Liability Trust Fund (OSLTF)** As defined by the NCP, means the fund established under Section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. Section 9509).

**On-Scene Coordinator (OSC)** As defined by the NCP, means the Federal official predesignated by U.S. EPA or USCG to coordinate and direct responses, or the government official designated by the lead agency to coordinate and direct removal actions under the NCP. In certain site-specific situations, DOD or DOE may also act as OSC.

**Region 5 Regional Contingency Plan/Area Contingency Plan (RCP/ACP)** Developed to fulfill the requirements of the NCP for both RCPs and ACPs, as well as relevant portions of the Federal Response Plan (FRP), particularly Emergency Support Function #10 for Hazardous Materials (ESF #10)

**Regional Oil and Hazardous Substances Pollution Contingency Plan (RCP)** As provided for by Section 300.210 (b) of the NCP, and under the auspices of the Regional Response Team (RRT), the RCP is the mechanism for planning and coordinating regional preparedness and response actions for discharges of oil and releases of hazardous substances.

**Regional Response Team (RRT)** As defined in the NCP, the regional response organization (consisting of a representative from each State in the region and representatives from 15 Federal Agencies) which acts as a regional body responsible for regional planning and coordination of preparedness and response actions involving oil and hazardous materials. The RRT coordinates assistance and advice to the OSC in the event of a major or substantial spill.

**State Emergency Response Commission (SERC)** As provided in SARA Section 301.(a), an individual or group of officials appointed by the State governor to implement the provisions of EPCRA (see above). The SERC coordinates and supervises the work of the Local Emergency Planning Committees and reviews local emergency plans annually.

**Tribal Emergency Response Commission (TERC)** As defined in the NCP, a group of officials appointed by Native American governing bodies to implement the provisions of EPCRA in the same manner as the SERCs. The TERC may designate local emergency planning districts and appoint LEPCs or act as an LEPC as needed, including reviewing and/or developing local emergency response plans.

**Used oil** Any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

**Waste oil** For the purposes of this Plan, waste oil is any oil that has been refined from crude oil, or any synthetic oil, that has been physically or chemically contaminated as a result of a spill.



**Wetlands** Those areas that are inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include playa lakes, swamps, marshes, bogs, and similar areas such as sloughs, prairie potholes, wet meadows, prairie river overflows, mudflats, and natural ponds (40 CFR 112.2[y]).

**Worst case discharge** Worst case discharge as defined by section 311(a)(24) of the CWA, means, in the case of a vessel, a discharge in adverse weather conditions of its entire cargo, and, in the case of an offshore facility or onshore facility, the largest foreseeable discharge in adverse weather conditions.

## 1.2 Acronyms and Abbreviations

|               |  |
|---------------|--|
| ACP           | Area Contingency Plan  |
| AOR           | Area of Response   |
| APHIS         | Animal Plant and Health Inspection Service   |
| API           | American Petroleum Institute   |
| ASCS          | Agricultural Stabilization and Conservation Service  |
| AST           | Atlantic Strike Team   |
| ATSDR         | Agency for Toxic Substances and Disease Registry   |
| BIA           | Bureau of Indian Affairs   |
| BLM           | Bureau of Land Management  |
| BOA           | Basic Ordering Agreement   |
| CANUSCENT     | Regional Annex to Canada-United States Joint Inland Pollution Contingency Plan   |
| CANUSLAK      | Regional Annex to Canada-United States Joint Inland Pollution Contingency Plan   |
| CANUSPLAIN    | Regional Annex to Canada-United States Joint Inland Pollution Contingency Plan   |
| CANUTEC       | Canadian Transportation Emergency Center   |
| CDC           | Centers for Disease Control  |
| CERCLA        | Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Section 9601 et seq., also known as Superfund |
| CHEMTREC      | Chemical Transportation Emergency Center   |
| COTP          | Captain of the Port (USCG)   |
| CRREL         | Cold Region Research Engineering Laboratory  |
| CWA           | Clean Water Act, as amended by OPA, 33 U.S.C. Section 1251 et seq.   |
| DEM           | Department of Emergency Management   |
| DNR           | Department of Natural  |
| Resources DOA | Department of Agriculture  |
| DOC           | Department of Commerce   |
| DOD           | Department of Defense  |
| DOE           | Department of Energy   |
| DOI           | Department of the Interior   |
| DOJ           | Department of Justice  |
| DOL           | Department of Labor  |
| DOS           | Department of State  |
| DOT           | Department of Transportation   |

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| DRG     | District Response Group (USCG)   |
| DWRO    | Director of Western Rivers Operations  |
| EMD     | Emergency Management Division  |
| EPCRA   | Emergency Planning and Community Right-to-Know Act of 1986 (Title III of SARA) |
| EPIC    | Environmental Photographic Interpretation Center                               |
| ERB     | Emergency Response Branch  |
| ERCS    | Emergency Response Cleanup Services  |
| ERD     | Emergency Response Division  |
| ERS     | Emergency Response Section   |
| ERT     | Environmental Response Team  |
| ERU     | Emergency Response Unit  |
| ESF     | Emergency Support Function   |
| ESI     | Environmental Sensitivity Index  |
| FCO     | Federal Coordinating Officer   |
| FEMA    | Federal Emergency Management Agency  |
| FNS     | Food and Nutrition Service   |
| FPN     | Federal Project Number   |
| FRERP   | Federal Radiological Emergency Response Plan                                   |
| FRMAP   | Federal Radiological Monitoring and Assessment Plan                            |
| FRP     | Facility Response Plan   |
| FRP/ESF | Federal Response Plan/Emergency Support Function                               |
| FS      | Feasibility Study  |
| FSIS    | Food Safety and Inspection Service   |
| FWPCA   | Federal Water Pollution Control Act  |
| GLACIER | Great Lakes Area Computerized Inventory for Emergency Response                 |
| GLC     | Great Lakes Commission   |
| GLERL   | Great Lakes Environmental Research Laboratory                                  |
| GLIFWC  | Great Lakes Indian Fish and Wildlife Commission                                |
| GSA     | General Services Administration  |
| HAZMAT  | hazardous material(s)  |
| HHS     | Department of Health and Human Services  |
| HMIX    | Hazardous Materials Information Exchange                                       |
| IAG     | Interagency Agreement  |
| IAPC    | Inland Area Planning Committee   |
| IC      | Incident Commander   |
| ICP     | Incident Command Plan  |
| ICS     | Incident Command System  |
| IDEM    | Indiana Department of Environmental Management                                 |
| IDPH    | Indiana Department of Public Health  |
| IEMA    | Illinois Emergency Management Agency   |
| IEPA    | Illinois Environmental Protection Agency                                       |
| IJC     | International Joint Commission   |

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| INDOT   | Indiana Department of Transportation  |
| ISDH    | Indiana State Department of Health  |
| ISP     | Indiana State Police  |
| LAT     | Lead Administrative Trustee   |
| LEPC    | Local Emergency Planning Committee  |
| MASS    | Modeling and Simulation Studies   |
| MDA     | Michigan Department of Agriculture  |
| MDEQ    | Michigan Department of Environmental Quality                                      |
| MDPH    | Michigan Department of Public Health  |
| MERC    | Michigan Emergency Response Commission  |
| MLC     | Marine Logistics Command  |
| MMS     | Mines and Minerals Service  |
| MOU     | Memorandum of Understanding   |
| MPCA    | Minnesota Pollution Control Agency  |
| MSDS    | Material Safety Data Sheet  |
| MSO     | Marine Safety Office  |
| MSP     | Michigan State Police   |
| NCP     | National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR Part 300 |
| NFA     | National Fire Academy   |
| NIH     | National Institutes of Health   |
| NIIMS   | National Interagency Incident Management System                                   |
| NIOSH   | National Institute for Occupational Safety and Health                             |
| NMFS    | National Marine Fisheries Service   |
| NPFC    | National Pollution Fund Center  |
| NOAA    | National Oceanic and Atmospheric Administration                                   |
| NPS     | National Park Service   |
| NRC     | National Response Center or Nuclear Regulatory Commission                         |
| NRDA    | Natural Resources Damage Assessment   |
| NRT     | National Response Team  |
| NSF     | National Strike Force   |
| NSFCC   | National Strike Force Coordination Center   |
| NWS     | National Weather Service  |
| OEPA    | Ohio Environmental Protection Agency  |
| OEPC    | Office of Environmental Policy and Compliance                                     |
| OISC    | Office of the Indiana State Chemist   |
| OPA     | Oil Pollution Act of 1990, 33 U.S.C. Section 2701                                 |
| OPS     | Office of Pipeline Safety   |
| ORIA    | Office of Radiation and Indoor Air  |
| ORSANCO | Ohio River Valley Water Sanitation Commission                                     |
| OSC     | On-Scene Coordinator  |
| OSFM    | Office of the State Fire Marshall   |
| OSHA    | Occupational Safety and Health Administration                                     |

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| OSHWM   | Office of Solid and Hazardous Waste Management       |
| OSLTF   | Oil Spill Liability Trust Fund                       |
| OSRO    | Oil Spill Removal Organization                       |
| OSSM    | On-Scene Spill Model                                 |
| OSWER   | Office of Solid Waste and Emergency Response         |
| PHS     | Public Health Service                                |
| PIAT    | Public Information Assistance Team                   |
| POLREP  | Pollution Report Message                             |
| PREP    | National Preparedness for Response Exercises Program |
| PRFA    | Pollution Removal Funding Authorization              |
| PRP     | Potentially Responsible Party                        |
| PUCO    | Public Utilities Commission of Ohio                  |
| RCP     | Regional Contingency Plan                            |
| RCRA    | Resource Conservation and Recovery Act               |
| REMM    | Riverine Emergency Management Model                  |
| RERT    | Radiological Emergency Response Team                 |
| RP      | Responsible Party                                    |
| RPM     | Remedial Project Manager                             |
| RQ      | Reportable Quantity                                  |
| RRC     | Regional Response Center                             |
| RROC    | Regional RCRA Off-Site Coordinator                   |
| RRT     | Regional Response Team                               |
| RRT5    | Region 5 Regional Response Team                      |
| RSPA    | Research and Special Programs Administration         |
| SARA    | Superfund Amendments and Reauthorization Act of 1986 |
| SEHO    | Safety and Health Officer                            |
| SEMA    | State Emergency Management Agency                    |
| SEOC    | State Emergency Operations Center                    |
| SERC    | State Emergency Response Commission                  |
| SHPO    | State Historic Preservation Officer                  |
| SLSDC   | St. Lawrence Seaway Development Corporation          |
| SONS    | Spill of National Significance                       |
| SSC     | Scientific Support Coordinator                       |
| START   | Superfund Technical Assessment Team                  |
| SUPSALV | Supervisor of Salvage                                |
| TERC    | Tribal Emergency Response Commission                 |
| TSCA    | Toxic Substances Control Act                         |
| UCS     | Unified Command System                               |
| UMR     | Upper Mississippi River                              |
| UMRBA   | Upper Mississippi River Basin Association            |
| USACE   | United States Army Corps of Engineers                |
| USCG    | United States Coast Guard                            |
| USDA    | United States Department of Agriculture              |

|          |   |
|----------|---|
| U.S. EPA | United States Environmental Protection Agency |
| USFWS    | United States Fish and Wildlife Service       |
| USGS     | United States Geological Survey               |
| WDNR     | Wisconsin Department of Natural Resources     |

**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 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.

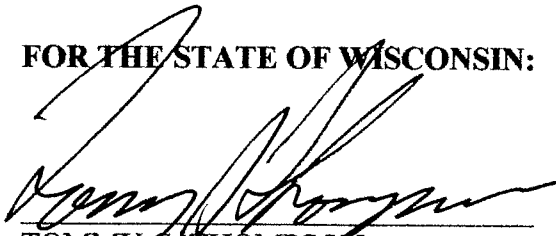


- The local Incident Commander, who will normally be the first government representative on scene for a release, is expected to initiate public safety measures that are necessary to protect public health and welfare.
- Unified Command, when formed, shall include the local Incident Commander. The local 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.

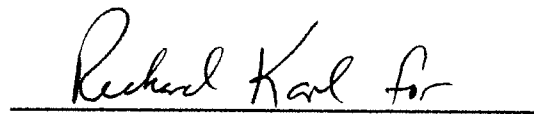
Attachment: Appendix 1 to Region V Regional Contingency Plan

**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 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  
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 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](mailto: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](mailto: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 contract, 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.

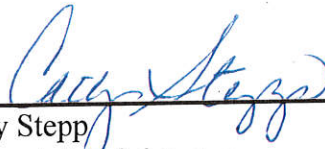
11. MODIFICATION. This agreement may be modified upon the mutual written consent of the parties.

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

## **APPENDIX XIII: SUBAREA PLANS**

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## Chicago Planning Area

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- [Greater Chicago Sub-Area Contingency Plan](#)
- [Coast Guard Sector Lake Michigan Area Contingency Plan](#)
- [Will County Initial Incident Action Plan](#)
- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)

## Cincinnati Planning Area

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- [Ohio River - Cincinnati Sub-Area Spill Response Plan](#)
- [Ohio River Valley Umbrella Plan](#)
- [Region 4 Regional Area Contingency Plan \(RACP\)](#)
- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)

## Cleveland/East Lake Erie Planning Area

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- [Sector Lake Michigan Area Contingency Plan](#)
- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)

## Detroit/SE Michigan Planning Area

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- [Northwest Ohio & Southeast Michigan Area Contingency Plan](#)
- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)
- [Joint Contingency Plans between the U.S. and Canada](#)

## Great Black Swamp Inland Planning Area

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- [Northwest Ohio & Southeast Michigan Area Contingency Plan](#)
- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)

## Great Lakes Planning Area

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- [Coast Guard Sector Lake Michigan Area Contingency Plan](#)
- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)



## Great Rivers Planning Area

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- [Great Rivers Sub-Area Contingency Plan](#)
- [Paducah/Metropolis IAP \(DRAFT\)](#)
- [Upper Mississippi River Spill Response Plan & Resource Manual](#)
- [Ohio River Valley Umbrella Plan](#)
- [Region 4 Regional Area Contingency Plan \(RACP\)](#)
- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)
- [Region 6 Regional Contingency Plan](#)
- [Region 7 Regional Integrated Contingency Plan](#)

## Green Bay / Horicon Marsh Planning Area

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- [Coast Guard Sector Lake Michigan Area Contingency Plan](#)
- [Horicon Marsh IAP May 2015](#)
- [Horicon Marsh GRP Response Strategies](#)
- [Horicon Marsh GRP Tables](#)
- [Horicon Marsh Response Strategies Download](#)
- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)

## Milwaukee Planning Area

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- [Sector Lake Michigan Area Contingency Plan; Southeast Wisconsin Sub-Area Plan](#)
- [Coast Guard Sector Lake Michigan Area Contingency Plan](#)
- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)

## Minneapolis / St Paul Planning Area

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- [Inland Zone Sub-Area Contingency Plan \(SACP\) for Minneapolis/St. Paul](#)
- [Minneapolis/St. Paul Inland Zone Sub-Area Incident Action Plan](#)
- [Upper Mississippi River Spill Response Plan & Resource Manual](#)
- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)

## North Lower W. Michigan Planning Area

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- [Western Michigan Sub-Area Plan](#)
- [Coast Guard Sector Lake Michigan Area Contingency Plan](#)
- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)

## North Michigan Planning Area

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- [Northern Michigan Sub-Area Plan](#)
- [Coast Guard Sector Lake Michigan Area Contingency Plan](#)
- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)

## NW Indiana Planning Area

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- [Coast Guard Sector Lake Michigan Area Contingency Plan](#)
- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)

## Ohio River Umbrella Plan Planning Area

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- [Ohio River Response Map](#)
- [Ohio River Valley Umbrella Plan](#)
- [Region 3 RCP](#)
- [Region 4 Regional Area Contingency Plan \(RACP\)](#)
- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)

## Patoka Planning Area

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- [Patoka River National Wildlife Refuge Story Map](#)
- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)

## Quad Cities Planning Area

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- [Quad Cities Sub-Area Contingency Plan](#)
- [Quad Cities Response Strategies](#)
- [Upper Mississippi River Spill Response Plan & Resource Manual](#)

- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)
- [Region 7 Regional Integrated Contingency Plan](#)

## Red River Planning Area

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- [Red River Valley Sub-Area Support Document](#)
- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)
- [Region 8 RCP](#)

## St. Croix National Scenic Riverway Planning Area

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- [NPS St. Croix National Scenic Riverway IAP \(2020\)](#)
- [St. Croix National Scenic Riverway IAP](#)
- [Minneapolis/St. Paul Sub-Area ICP/ACP, St. Croix National Scenic Riverway Annex](#)
- [Response Strategy Tables](#)
- [GRP Download](#)
- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)

## Greater St. Louis Planning Area

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- [Greater St. Louis Sub-Area Contingency Plan](#)
- [St. Louis Geographic Response Plan and Response Strategies](#)
- [Upper Mississippi River Spill Response Plan & Resource Manual](#)
- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)
- [Region 7 Regional Integrated Contingency Plan](#)

## Siouxland Planning Area

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- [Siouxland Sub-Area Contingency Plan](#)
- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)
- [Region 7 Regional Integrated Contingency Plan](#)
- [Region 8 RCP](#)

## South Lower W. Michigan Planning Area

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- [Western Michigan Sub-Area Plan](#)
- [Coast Guard Sector Lake Michigan Area Contingency Plan](#)
- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)

## SE Ohio/Huntington River Planning Area

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- [Huntington/Ohio River Sub-Area Contingency Plan \(DRAFT\)](#)
- [Ohio River Valley Umbrella Plan](#)
- [Region 3 RCP](#)
- [Region 4 Regional Area Contingency Plan \(RACP\)](#)
- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)

## SE Ohio/Upper Ohio River Planning Area

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- [SE Ohio Sub-Area Spill Response Place](#)
- [Ohio River Valley Umbrella Plan](#)
- [Region 3 RCP](#)
- [Region 4 Regional Area Contingency Plan \(RACP\)](#)
- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)

## Upper Mississippi River Planning Area

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- [Upper Mississippi River Spill Response Plan & Resource Manual](#)
- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)
- [Region 7 Regional Integrated Contingency Plan](#)

## Upper Mississippi River (Pools) Planning Area

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- |  |  |
|--|--|
| Pools 5, 5a, and 6                           | • <a href="#">Geographic Response Plan (GRP)</a> |
| • <a href="#">Overview</a>                   | <a href="#">Download</a>                         |
| • <a href="#">Incident Action Plan (IAP)</a> | • <a href="#">GRP Tables</a>                     |

**Pool 7**

- [Overview](#)
- [IAP](#)
- [GRP Download](#)
- [GRP Tables](#)

**Pool 8**

- [Overview](#)
- [Initial IAP](#)
- [GRP Download](#)
- [GRP Tables](#)

**Pool 9**

- [Overview](#)
- [Initial IAP](#)
- [GRP Download](#)
- [GRP Tables](#)

**Pool 10**

- [Overview](#)
- [Initial IAP](#)
- [GRP Download](#)

**Additional Area Plans**

- [Horicon Marsh Response Strategies Download](#)
- [Upper Mississippi River Spill Response Plan & Resource Manual](#)
- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)
- [Region 7 Regional Integrated Contingency Plan](#)

**Pools 11 and 12**

- [Overview](#)
- [Initial IAP](#)
- [GRP Download](#)
- [GRP Tables](#)

**Pool 13**

- [Overview](#)
- [Initial IAP](#)
- [GRP Download](#)
- [GRP Tables](#)

**Pools 14 - 16**

- [Response Strategies, Quad Cities](#)

**Pool 19**

- [Overview](#)
- [IAP](#)
- [GRP Download](#)

**St. Louis**

- [Overview](#)
- [St. Louis Response Strategies Download](#)

## Western Lake Superior Planning Area

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- [MSU Duluth/Western Lake Superior Area Contingency Plan \(ACP\)](#)

A link to the MSU Duluth/Western Lake Superior Area Contingency Plan (ACP) above can be found in the Safety and Security section as ‘Western Lake Superior Area Contingency Plan (ACP).’

- [Strategic Protection Plan Response Considerations: Isle Royale National Park](#)
- [Isle Royale Protection Strategies](#)
- [Sector Lake Michigan Area Contingency Plan](#)
- [Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)

## White River Planning Area

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[Region 5 Regional Contingency Plan / Inland Area Contingency Plan](#)