Virginia Area Contingency Plan (VACP)

2025.0

Record of Changes

Change Number	Change Description	Section Number	Change Date	Name
1				
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Contents

1000 General and Administrative

1100 Introduction

The Virginia Area Contingency Plan (VACP) describes the strategy for a coordinated federal, state, tribal, and local response to a discharge or substantial threat of discharge of oil, or a release or substantial threat of release of hazardous substance(s), within the boundaries of the Sector Virginia AOR.

This Area Contingency Plan (ACP) shall be used as a framework to evaluate shortfalls and weaknesses in the response structure before an incident and as a guide for reviewing Vessel Response Plans (VRPs) and Facility Response Plans (FRPs) required by the Oil Pollution Act (OPA) of 1990, 33 USC § 2701 *et seq*. VRPs and FRPs should be consistent with this ACP and address, among other things, the economically and environmentally sensitive areas within the geographic area, the response equipment (quantity and type) available within the area (this includes federal, state, and local government and industry owned equipment); response personnel available; equipment and personnel needs compared to those available, and protection strategies. This ACP is written in conjunction with OPA 90, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP, 40 CFR Part 300) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA, 42 USC § 9601 *et seq.*). As such, when implemented in conjunction with other provisions of the NCP, this ACP should be adequate to remove a worst-case discharge under § 300.324, and to mitigate or prevent a substantial threat of such a discharge, from a vessel, offshore facility, or onshore facility operating in or near the area.

**** Note: All specific contacts applicable to this ACP have been combined into one "all inclusive" contact spreadsheet located in** Annex AA.*

1110 Authority

ACPs are required by OPA, 33 U.S.C.1321 (j), to address the development of a national planning and response system. Area Committees have been established for each area of the United States that has been designated by the President. The Area Committees are comprised of personnel from federal and state agencies that coordinate response actions with tribal and local governments and with the private sector. Area Committees, under the coordinated direction of the Federal On-Scene Coordinator (FOSC), are responsible for developing ACPs for their respective designated areas. Area Committees are also required to work with the response community to develop procedures to expedite decisions for the use of alternative response technologies.

1120 Document Organization

The VACP provides guidance for the Area Committee, defines authorities and applicability, outlines plan maintenance and exercise requirements, and describes the overarching strategy for a coordinated multi-agency response to an oil discharge or hazardous substance release. Additionally, the VACP contains an overview of the geographic response strategies (GRSs) in Section 4600, and overview of the Fish and Wildlife and Sensitive Environments Plan in Annex C, which encompasses the Environmental Annex information required by the NCP. Additionally, the VACP Annexes are described in the next section.

1200 Purpose of the ACP

The purpose of this ACP is:

- To provide effective implementation of response actions to protect people, natural resources, and property of the coastal zone covered by this plan from the impacts of an oil discharge, substantial threat of discharge of oil, a release of hazardous substance, or substantial threat of a release of a hazardous substance, including Weapons of Mass Destruction (WMD).
- To promote coordination and strategy for a unified and coordinated federal, state, tribal, local, potential responsible party, response contractor, response cooperative, and community response.
- To provide guidance to all VRP and FRP reviewers and plan holders to ensure consistency with the VACP.
- To provide guidance for responders.

Historically, the users of the ACP have been confronted with incidents that were caused by nature (hurricanes, floods, etc.) or from the unintentional actions of individuals (grounding, collision, etc.). In today's world where terrorism is a greater reality, the intentional discharge of oil, release of a hazardous substance, biological agent or radiation poses unique challenges to those who respond. Federal and state laws and regulations require oil spills, hazardous substance releases or responses to WMDs be managed with a trained and competent response management organization that accommodates a unified command structure in recognition of federal, state, tribal and local jurisdiction.

The VACP is designed to ensure that the initial actions taken in response to a hazardous substance release, oil spill, radiological, or biological incident that occurs within or threatening the designated coastal zone, are effectively managed from the start and incorporate other agency plans and operating procedures as those agencies arrive on-scene. However, incidents are never identical, and once initial actions have been taken, responders will assess the incident and tailor their strategies and tactics to match the reality of the situation. ***As such, notwithstanding any statutory or regulatory requirements, this ACP outlines general response protocols for a notional incident (unknown date, time, location, and variables). This ACP is not intended to be a definitive step-by-step guide on all potential items necessary to mitigate any particular incident.***

The VACP Annexes contain Quick Response Cards (QRCs) checklists, and other necessary job aids and documents to assist emergency management preparedness specialists and response personnel; all items are "grab and go" for ease of use. Tables 1 & 2 listed below provide centralized lists of annexes to support personnel in planning for or responding to an oil discharge or hazardous substance release within the VACP planning area. To maximize efficiency, all annexes are hyperlinked and incorporated by reference into this ACP.

1210 Table of Annexes

In the accompanying tables, you will find annexes developed and maintained by the Virginia Area Committee (VAC). This list can expand or contract as necessary to meet the needs of local planners and responders.

Each annex in the table is hyperlinked to the Sector Virginia site hosted by RRT3 where they are housed. If you encounter trouble using the links provided, it is recommended that you right click on the link, edit hyperlink and copy and paste the Uniform Resource Locator (URL) into your browser to access the website.

Table 1: List of Standard Annexes	
Annex	**Title**
Annex A	Master Hyperlink Index
Annex B	Risk Analysis/Risk Profile Annex
Annex C	Fish and Wildlife Annex
Annex D	Hazardous Substance Response
Annex E	Salvage and Marine Fire Fighting Annex
Annex F	Planning and Response Tools
Annex G	Volunteer Management Annex
Annex H	ESF-10 Annex (under development)
Annex I	Ice Operations – *Not applicable*
Annex J	Space Operations (under development)
Annex K	Air Operations and UAV Support (under development)
Annex L	Unconventional Oil Response – *Not applicable*
Annex M	Tribal Annex
Annex N	Swift Water Response Operations – *Not applicable*
Annex O	International Coordinator and Relationship to International Plans – *Not applicable*

Table 2: List of Area and Regional Annexes	
Annex	**Title**
Annex AA	Contact List
Annex BB	Charters *(Under development)*
Annex CC	Geographical Response Strategies Annex
Annex DD	Eastern Shore Annex
Annex EE	Petroleum Oil Annex
Annex FF	Biological Incident Annex *(Under development)*
Annex GG	Radiological Incident Annex *(Under development)*
Annex HH	Response to Military Munitions Annex
Annex II	Terrorism Incident Annex
Annex JJ	Places of Refuge Annex
Annex KK	Information Management Annex

1300 Area Committee Management and Administration

The Virginia Area Committee (VAC) is a spill preparedness and planning body made up of federal, state, tribal, and local agency members, and with industry, and non-governmental organization representation. The VAC, under the direction of the USCG Sector Virginia Captain of the Port (COTP), is responsible for developing an ACP. The VAC is also responsible for working with state and local officials to plan for joint response efforts, including appropriate procedures for mechanical recovery, dispersant use, shoreline cleanup, protection of sensitive environmental areas, and protection, rescue, and rehabilitation of fisheries and wildlife. The VAC is also required to work with state and local officials to expedite decisions for the use of dispersants and other alternative response technologies.

The geographical boundaries of this plan are defined in Part 2000 of this document.

1310 Area Committee Organization

The VAC is comprised of representatives from federal, state, and local governments as ***appointed members*** and ***members-at-large*** from non-governmental agencies such as the maritime industry, wildlife rehabilitation organizations, and academia, as advisors. The VAC is managed by the Executive Committee and includes multiple subcommittees, as laid out below.

1320 Charter

The mission of the VAC is to ensure the highest state of readiness of the spill response community. The VAC will strive to accomplish this by developing a comprehensive and useful ACP, preparing the response community through training and exercises, developing coordination mechanisms to facilitate effective responses, and educating our stakeholders and the public. The VAC will function as an efficient organization for ensuring effective response to environmental threats in our area. The VAC will collaborate, sharing information and resources to produce the best possible plans and creative solutions to problems. The VAC will employ best available research and technology in both problem solving and decision-making. The VAC will learn from responses and activities, improve processes, and develop as individuals and as an organization. VAC Charters are included in Annex BB (under development).

1321 Committee Chair and Vice-Chair

The USCG Sector Virginia COTP, as predesignated Federal On-Scene Coordinator (FOSC), shall Chair the Area Committee (AC). There are two state lead agencies for oil and hazardous substance incidents in Virginia: Virginia Department of Environmental Quality (DEQ) and Virginia Department of Emergency Management (VDEM). A representative from DEQ shall serve as the Vice-Chair.

1322 Executive Committee (EXCOM)

The Chair and Co-chairs and Executive Committee will guide the Area Committee (AC) to include setting strategic guidance, providing oversight to exercise the ACP, implementing community outreach programs, and assisting with community involvement and understanding. In addition, they shall develop and prioritize work lists and establish and task workgroups in writing as necessary.

The Area Executive Committee is comprised of five representatives from the following agencies:

- U.S. Coast Guard Sector Virginia
- Virginia Department of Environmental Quality (DEQ)
- Virginia Department of Emergency Management (VDEM)
- National Oceanic and Atmospheric Administration (NOAA) Scientific Support Coordinator (SSC)
- Environmental Protection Agency (EPA) Inland FOSC
- Virginia Institute of Marine Science (VIMS)

The list of EXCOM members can be found in Table 3 below.

Table 3: Executive Committee		
Personnel from the following entities serve on the EXCOM:		
1.	Federal	USCG Sector Virginia
		Environmental Protection Agency (EPA)
		National Oceanic and Atmospheric Administration (NOAA)
2.	State	Virginia Department of Environmental Quality (DEQ)
		Virginia Department of Emergency Management (VDEM)
		Virginia Institute of Marine Science (VIMS)
3.	Executive Secretary	USCG Sector Virginia Emergency Management and Force Readiness (EMFR)

1323 Executive Secretary / Coordinator

The AC Coordinator from USCG Sector Virginia will coordinate with the EXCOM to prepare meeting agendas, schedules, and meeting notifications. The USCG will record, draft, and publish meeting summaries and attendance roster and coordinate remote participation access for meeting attendance. The AC Coordinator will send an email to the membership with the meeting minutes.

1324 Members and Members-at-Large

A list of VAC members can be found on Table 4, and members-at-large on Table 5 below. These lists will be maintained by the AC Coordinator.

Table 4: Area Committee Members		
Below is list of *appointed* Area Committee Members:		
1.	Federal	U.S. Army Corps of Engineers (USACE)
		U.S. Department of Commerce (DOC), National Oceanic and Atmospheric Administration (NOAA) - Scientific Support Coordinator (SSC)
		U.S. Department of the Interior (DOI), Bureau of Safety and Environmental Enforcement (BSEE)
		U.S. Department of the Interior (DOI), U.S. Fish and Wildlife Service (USFWS)
		U.S. Environmental Protection Agency (EPA), Region 3
		National Weather Service (NWS)
		U.S. Coast Guard (USCG)
		U. S. Navy (USN)
		U. S. Maritime Administration (MARAD)

Table 4: Area Committee Members		
Below is list of *appointed* Area Committee Members:		
2.	State	Virginia Department of Environmental Quality (DEQ)
		Virginia Department of Emergency Management (VDEM)
		Virginia Institute of Marine Science (VIMS)
		Virginia Marine Resources Commission (VMRC)
		Virginia Department of Historic Resources (DHR), State Historic Preservation Office (SHPO)
		Virginia Department of Wildlife Resources (DWR)
		Port of Virginia
3.	Local	City of Chesapeake City of Newport News City of Norfolk City of Virginia Beach City of Portsmouth City of Norfolk
4.	Tribal	Nansemond Indian Nation

Table 5: Area Committee Members-at-Large		
Below is a list of Area Committee *Members-at-Large:*		
1.	Consulting	Center for Toxicology and Environmental Health (CTEH)
		Gallagher Marine Systems
		Witt O'Brien's
2.	Maritime	Virginia Maritime Association
		Virginia Pilot's Association
		Maryland Pilot's Association
3.	Wildlife Care Organization	Tri-state Bird Rescue
4.	Salvage Companies	T&T Marine Donjon-SMIT
5.	OSROs	Clean Harbors
		Marine Spill Response Corporation (MSRC)
		National Response Corporation (NRC)
		US Ecology
		HEPACO
		Accurate Marine Environmental Response
6.	Other	Verizon
		Key Shipping
		Dominion Energy – Coastal Virginia Offshore Wind (CVOW)

1325 Subcommittees

Subcommittees are established to work on functional items pertaining to the AC. They are specifically tasked to complete assigned projects, tasks, and goals that are developed by the EXCOM. Working Groups may be assigned under a functional subcommittee to complete tasks or large projects as necessary. The four functional subcommittees, under which tasks are assigned, are:

- Training and Exercises
- GRS
- Eastern Shore
- High Hazard
- ACP Re-Write

Note: Specific subcommittee tasks/priorities and projects will be maintained by the AC Coordinator. The above subcommittees are governed by charters, which are located in Annex BB (under development).

1330 Meetings

AC meetings are open meetings and shall be held at least semi-annually. The USCG FOSC Chair shall attend/lead each meeting and provide an opportunity for participation by each regulatory member, each non-regulatory participant, and any public attendees; ensure adherence to the agenda; maintain order; and review recommendations submitted to the EXCOM. In the absence of the FOSC, these duties shall be performed by the Sector Virginia Deputy Sector Commander, who serves as the Alternate FOSC.

1331 Meeting Frequency

AC meetings shall be held at least semi-annually. The VAC strives to hold meetings at least three times a year and will rotate the locations throughout the area. The VAC should hold a meeting on the Eastern Shore at least once every other calendar year. Meetings of the Area Executive Committee typically occur 6-8 weeks prior to scheduled AC meetings. Additional periodic teleconferences may be held throughout the year.

1332 Remote Access Attendance

The USCG will provide remote access availability to AC members, and participants who are unable to attend meetings in person to maximize stakeholder participation and communication. USCG Sector Virginia currently utilizes Microsoft Teams to provide remote access.

1340 FOSC Annual Report

Sector Virginia shall submit an FOSC Annual Report emphasizing activities and best practices for the previous calendar year NLT 1 May of the following year to USCG Fifth District (dx) for review and endorsement. USCG Fifth District will review and route AC Annual Reports through USCG Atlantic Area to USCG Headquarters Office of Marine Environmental Response Policy (CG-MER) for final approval and compilation of nation-wide lessons learned and best practices.

1400 ACP Validation and Testing

1410 ACP Annual Update, Review, and Approval Process

As living documents, ACPs must be regularly reviewed, validated, and updated to ensure their accuracy and utility for oil and hazardous substance planning and preparedness. The FOSC must ensure, at a minimum, that the annual validation and update process address the following:

a. Validation of contact information;
b. Incorporation of lessons learned from exercises or incidents;
c. Validation of Geographic Response Strategies (GRS) data, as needed;
d. Validate that worst case discharge (WCD) scenarios are up to date and remain relevant;
e. Validation of threatened and endangered species lists;
f. Identification of any gaps;
g. Document any changes via Record of Change page (FOSC signature required). The record of change must be reset each time a 5-year District approval is attained. The record of change must not be overly generic but provide ample detail to identify substantive change to the ACP over the 5-year cycle.
h. Ensure ACP revision year and change (YYYY.X) is correct. The revision year is the year in which the ACP was reviewed by the National Review Panel and version number is the change since the national review.
i. Post the most recent ACP, with record of changes, on the RRT3 Website at https://nrt.org/VA_ACP). The FOSC must notify Commandant (CG-MER), their respective Area, District, National Strike Force Coordination Center (NSFCC), and servicing NSF Strike Team once completed; and
j. Ensure ACP Plan data is entered/updated in the Plans Module of the Contingency Preparedness System.

The VAC will review the ACP and document any changes or updates in the Record of Changes page. Additionally, and at a minimum, the AC will update the ACP version number and contact information; confirm phone numbers, addresses, links, and notification procedures; and incorporate lessons learned as a result of real-world events and/or exercises. Annual updates will continue to be managed locally between USCG Sector Virginia, Vice-Chair, and AC and be completed by 1 May. In coordination with the Chair, Vice-Chair, and other members of the AC, USCG Fifth District formally reviews and approves coastal ACPs every five years. After approval, USCG Fifth District submits the ACP for national review by the Coast Guard National Review Panel (CGNRP). The CGNRP, comprised of CG-MER, USCG Atlantic and Pacific Areas, National Strike Force Coordination Center, and District representatives, convene annually to review selected ACPs nation-wide. Nationwide, each coastal ACP is on a 5-year CGNRP review schedule.

Additional CGNRP information and requirements, including specific scheduling and expectations will be coordinated from USCG Fifth District to USCG field units.

1420 Geographic Response Strategies (GRS) Validation

GRSs are found in Section 4600 and Annex CC and contain a set of planned site-specific response strategies that are designed to give responders information to minimize damage to sensitive resources in the first few hours following a spill. Design and information included within GRSs/s

are typically developed using neutral weather conditions and mean-average tidal data and assume a specific location and equipment use.

Once adopted and implemented into the VACP, the minimum level of GRS validation has been met, however, it is recommended that the VAC determine additional validation methodologies as appropriate, to determine GRS accuracy and applicability over time. The GRS Subcommittee is responsible for validating the GRS.

A tiered methodology for GRS validation from the lowest level to the highest includes: desktop evaluation by Subject Matter Experts (SMEs), on-site visual inspection by SMEs, computer simulations, equipment deployment, Full-Scale Exercises (FSE), and Real-World Events (RWEs). The tier levels located below are from the Marine Environmental Response and Preparedness (MERP), COMDTINST 16000.14B.

Validation Level	Type	Description	Requirements
I	Desktop	Evaluation of GRS data by subject matter experts (i.e., natural resource trustees) in an office or workshop setting	All data must attain Level I validation. Level I validation must be revised as response environment dictates.
II-a	Visual Confirmation	Deployment of subject matter experts to specified geographic area. Visual inspection of operational environment and verification of tactical strategies. No equipment deployment.	Targeted for moderate to high-risk areas where a degree of uncertainty exists.
II-b	Visual and Computer Simulation	All elements of II-a supplemented/augmented with computer simulations.	Targeted for moderate to high-risk areas where a degree of uncertainty exists.
III	Equipment Deployment	Deployment of identified equipment to verify its performance in the specified operating environment.	Targeted for inconclusive Level II validation strategies. Performed in high-risk areas where rapid and efficient response is critical.
IV	Full-Scale Exercise	Deployment of all appropriate response personnel and equipment under an area full-scale exercise setting.	As dictated by the area exercise design/objectives.

V	Incident	Deployment of all appropriate response personnel and equipment for an actual incident.	Real-world event.

1430 Area Exercises

Per the National Preparedness for Response Exercise Program (PREP) Guidelines, which provides the framework for an effective oil spill and hazardous substance response exercise program, the VAC shall hold three Incident Management Team Discussion-based Exercises and one Operations-based Exercise per 4-year period.

1432 Documentation

Additional PREP-related exercise requirements, including development of Concept of Exercise (COE), After Action Report (AAR), Corrective Actions (CAs), and Real-World Event (RWE) credit requests will be coordinated from USCG Fifth District to USCG field units. In accordance with the Marine Environmental Response and Preparedness Manual, the FOSC may submit a memo to the District to request PREP credit for a real-world event. The request must include the following:

- Explanation of how the ACP was used in the response;
- Documentation showing the response involved the entire response community in a Unified Command structure (e.g., Incident Command System (ICS) Organizational Chart ICS-207);
- List of the Area functional/full-scale exercise objectives that were met as outlined in the PREP Guidelines;
- Documentation the response was evaluated and inclusion of the After-Action Report and Lessons Learned that were developed and submitted within the Coast Guard's CPS;
- Documentation of the type and amount of product spilled/released and recovered; and
- Names of all OSROs and Salvage and Marine Firefighting (SMFF) providers activated, including a list of all equipment deployed, submission of an Incident Action Plan ((IAP) – development of an IAP is required to request functional/full-scale exercise credit), and a summary of spill abatement procedures used.

1500 ACP relationship/alignment with other plans under the National Response System (NRS)

The National Response System (NRS) is a three-tiered response and preparedness mechanism that supports the predesignated FOSC in coordinating national, regional, and local government agencies, industry, and the responsible party during response operations. The NRS was developed to coordinate all government agencies with the responsibility for environmental protection, in a focused response strategy for the immediate and effective clean-up of an oil discharge or a hazardous substance release.

The NRS is designed to support the FOSC and facilitate responses to a discharge or substantial threat of discharge of oil or a release or substantial threat of release of a hazardous substance. The NRS supports the responsibilities of the FOSC, under the direction of the Clean Water Act (CWA) as amended by OPA. When appropriate, the NRS is designed to incorporate a "unified command and control support mechanism" (Unified Command) consisting of the FOSC, the State On-Scene Coordinator (SOSC), and the Responsible Party's Incident Commander (IC). The UC structure is further described under Sub-section 5410 of this ACP. Within an established UC, the FOSC plans and coordinates response strategy on scene, using the support of the National Response Team (NRT), Regional Response Team (RRT), Area Committees, and responsible parties, as necessary, to supply trained personnel, equipment, and scientific support to complete an effective response to any oil discharge or hazardous substance release.

There are three levels of contingency plans under the NRS: The National Contingency Plan (NCP), Regional Contingency Plans (RCP), and Area Contingency Plans (ACPs). The NCP addresses the national response structure and identifies requirements for regional and area preparedness development. RCPs provide the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, or contaminants by the Regional Response Team (RRT). Coastal ACPs are developed under the leadership of the USCG FOSC, following guidelines within the NCP and RCP, as applicable. Composed of federal, state, and local governmental representatives, the Area Committee develops an ACP for responses to oil discharges and hazardous substance releases within their geographic area.

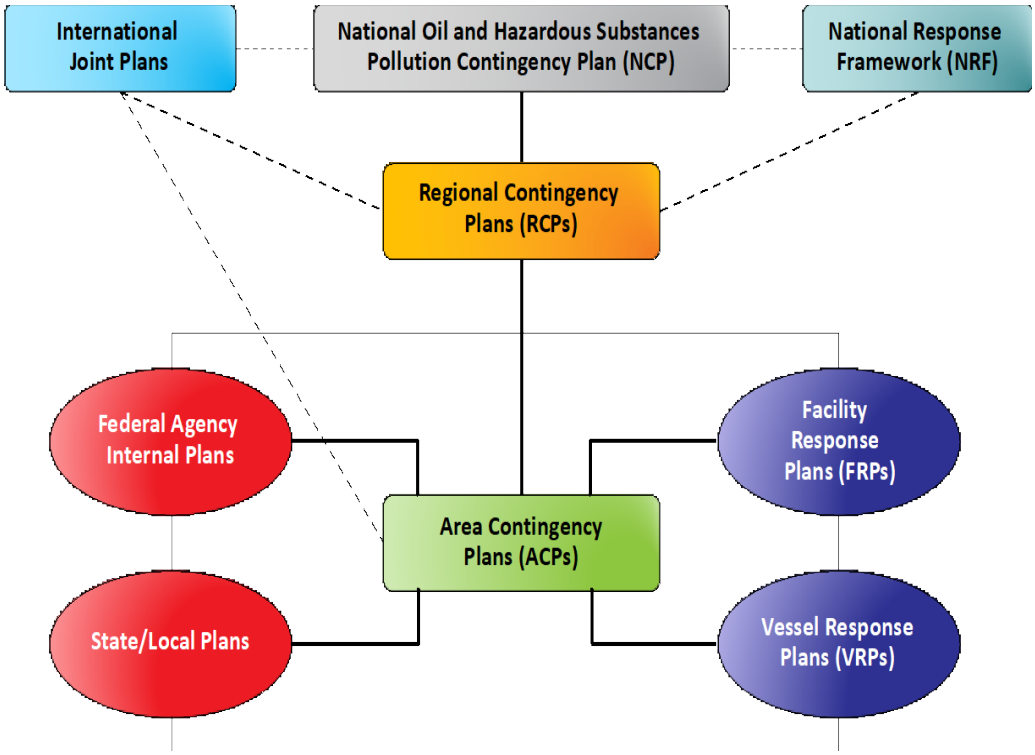


Figure 1: Relationship of Plans

1510 Vessel Response Plans

This plan provides guidance for all Vessel Response Plan (VRP) writers, holders, and reviewers. Plan writers, holders, and reviewers should ensure VRPs are consistent with the VACP. Tank vessel response and non-tank vessel plan regulations, including plan requirements for the Coastal Zone are located in 33 C.F.R. 155.

1520 Facility Response Plans

This plan provides guidance for all Facility Response Plan (FRP) writers, holders, and reviewers. Plan writers, holders, and reviewers should ensure FRPs are consistent with the VACP. Facility response plan regulations for the inland zone are located in 40 C.F.R. 112. Complex facilities are facilities that are regulated by both the USCG and the EPA. Therefore, they would have a facility response plan meeting the requirements of 33 C.F.R. 154 and 40 C.F.R 112, or an Integrated Contingency Plan (ICP), capturing both federal agencies' requirements in one plan.

1530 Local Plans

Local Emergency Planning Committees (LEPCs) are responsible for the development and maintenance of local emergency response plans in accordance with the Emergency Planning and Community Right-to-Know Act (EPCRA), Sections 301 to 303. LEPC membership includes various representatives from local governmental agencies, emergency responders, environmental groups, and local industry. These emergency plans include, among other things, the identity and location of hazardous materials, procedures for immediate response to a chemical accident, ways to notify members of the public of actions to take in the event of a discharge or release, names of coordinators at plants, and schedules for testing the plan. The local emergency response plan is reviewed by the State Emergency Response Commission (SERC). This responsibility in Virginia

lies with DEQ. RRTs may review these plans and provide assistance if the SERC or LEPC makes such a request. Federal contingency plans provide for coordination with local governments.

1540 State Plans

The Commonwealth of Virginia's Emergency Operations Plan (COVEOP) describes Virginia's approach to all-hazards response and the concepts of response and recovery operations. The basic plan and hazard-specific annexes (HSA)s are maintained by Virginia Department of Emergency Management and state agencies with emergency management duties and responsibilities. The following ESF and HSAs are relevant to oil and hazmat response:

- ESF #5 - Emergency Management
- ESF #10 - Oil & Hazardous Materials Response
- Hazard-Specific Annex #1 - Radiological Emergency Response
- Hazard Specific Annex #2 - Terrorism Consequence Management (SECURE)
- Hazard Specific Annex #5 - Hazardous Materials Response
- Hazard Specific Annex #6 - Technological Hazards Response (SECURE)

The referenced plan applies to all state, regional, and local government agencies responding to oil and hazardous materials incidents, environmental crimes and actual, threatened, or suspected acts of terrorism. The plan incorporates and integrates elements of the National Response Framework, the National Oil and Hazardous Substances Pollution Contingency Plan, the Strategic National Stockpile Program, and the Emergency Planning and Community Right-to- Know Act. The Emergency Planning and Community Right-to-Know Act (EPCRA), authorized by Title III of the Superfund Amendments and Reauthorization Act (SARA Title III), was passed in 1986 in response to concerns regarding the environmental and safety hazards posed by the storage and handling of toxic chemicals. The COVEOP can be viewed on VDEM's website (2021-coveop-final-approved-102021-1.pdf (vaemergency.gov) Oil and hazardous materials incidents may be associated with fixed facilities or one or more of the various transportation modes. These events may or may not be accidental. Consequently, the COVEOP is designed to provide a framework to address incidents or events that involve hazardous materials that may initially be categorized as being accidental or naturally occurring but may evolve into criminal acts or acts of terrorism as information is developed during or following the response to the event(s). This requires constant adjustments to the response organization, plans and procedures, protective actions, and resource needs as the incident develops. The plan is designed to address each type of hazard, as well as the evolution of the categorization of the incident from accidental to criminal to intentional that may occur in the response.

This plan is structured to quickly adapt to and meet the challenges of these situations by adopting the NIMS consistent and flexible framework within which government and private entities at all levels can work in a coordinated manner to manage incidents. This framework facilitates adjusting, tailoring, and transitioning response operations to effectively address a broad spectrum of situations.

The plan incorporates and integrates elements of the National Response Framework, the National Oil and Hazardous Substances Pollution Contingency Plan, the Strategic National Stockpile Program, and the Emergency Planning and Community Right-to-Know Act (SARA Title III).

These plans, programs and legislation were precipitated by events that determined their focus. However, each of these plans builds on and complements the initiatives of the other and together provide a comprehensive, multi-agency, tiered approach to events that involve hazardous materials that may or may not rise to the level of Incidents of National Significance.

1550 Tribal Plans

There are seven federally recognized Tribes within the Sector Virginia area of responsibility. However, only one Tribe, the Nansemond Indian Nation has land within the coastal zone. Tribal representatives should be contacted in the event of oil spills, especially if there is shoreline impact and ground disturbance because of the spill and response (See Annex M). Tribal representatives can provide knowledge, expertise, and guidance in areas that affect cultural resources and sacred places. There are several Acts which help preserve the heritage and cultural resources of the Tribes. Tribal representatives will help ensure compliance with these Acts:

- Archaeological Resources Protection Act
- National Historic Preservation Act
- National Environmental Policy Act
- Native American Graves Protection & Repatriation Act

1560 Regional Contingency Plans

Sector Virginia's Area of Responsibility is located in entirely within Region III. The Regional Contingency Plan, MOUs, MOAs, interagency agreements, plans and guides, figures and boundary maps can be found at the following website.

- Regional Response Team III: Site Profile - 3.1 RRT3 Regional Contingency Plan (RCP) - NRT

1570 International Plans

Not applicable.

1600 ACP Relationship to the National Response Framework (NRF)

The National Response Framework (NRF) is a guide which provides foundational emergency management doctrine for how the nation responds to many types of incidents, including pollution incidents. The NRF is often activated in anticipation of, or following, a storm event (tropical storm or hurricane) or other natural disaster (flooding event, tornados, etc.). The structures, roles, and responsibilities described in the NRF can be partially or fully implemented in the context of a threat or hazard, in anticipation of a significant event, or in response to an incident. Implementation of NRF structure and procedures allows for a scaled response, delivery of specific resources and capabilities, and a level of coordination appropriate to each incident. Pollution response, under the umbrella of the NRF is possible using plans, capabilities, and partnerships forged in accordance with the NCP, combined with the effective use of the ICS.

Other useful natural disaster response resources include the National Response Team Abandoned Vessel Authorities and Best Practices Guidance and the NRF's Emergency Support Function (ESF) #10 – Oil and Hazardous Materials Response Annex. For information and guidance pertaining specifically to the Virginia coastal zone, please refer to Annex H, ESF-10 (under development).

1610 Nuclear/Radiological Incident Annex

The Nuclear/Radiological Incident Annex (NRIA) to the NRF describes the policies, situations, concepts of operations, and responsibilities of the federal departments and agencies governing immediate response and short-term recovery activities for releases of radioactive materials. These incidents may occur on federally-owned or licensed facilities, privately owned property, urban centers, or other areas and may vary in severity from the small to the catastrophic. The incidents may result from inadvertent or deliberate acts. The NRIA applies to incidents where the nature and scope of the incident requires federal response to supplement the state, tribal, and/or local incident response.

Note: The Dominion Surry Power Station is a nuclear power station on the south side of the James River. Norfolk Naval Shipyard, Huntington Ingalls Shipyard, and Naval Station Norfolk have nuclear powered vessels moored or in dry dock at these facilities. Any releases from these facilities would impact the Virginia Coastal Area.

1700 ACP Relationship to the National Incident Management System (NIMS)

The National Incident Management System (NIMS) guides all levels of government, nongovernmental organizations and the private sector to work together to prevent, protect against, mitigate, respond to and recover from incidents.

NIMS provides stakeholders across the whole community with the shared vocabulary, systems and processes to successfully deliver the capabilities described in the National Preparedness System.

NIMS defines operational systems that guide how personnel work together during incidents. More specifics on using NIMS ICS for command and coordination in an oil spill or hazardous substance release will be discussed in Section 5400.

1800 Relationship to other Marine Transportation System (MTS) Focused Response Plans Managed by the Coast Guard

Depending on the size and complexity of an oil spill discharge or hazardous substance release, the following contingency plans developed for the Sector Virginia Captain of the Port (COTP) Zone may be activated to minimize disruption of the Marine Transportation System (MTS):

- The MTS Recovery Plan* provides planning and coordination to facilitate the recovery of the MTS following any man-made or natural disaster.
- The Salvage Response Plan* provides planning and coordination to facilitate salvage operations in conjunction with Annex E, the Marine Fire Fighting Plan (MFF).

*Please contact the Sector Virginia Port Security Specialist to obtain these plans.

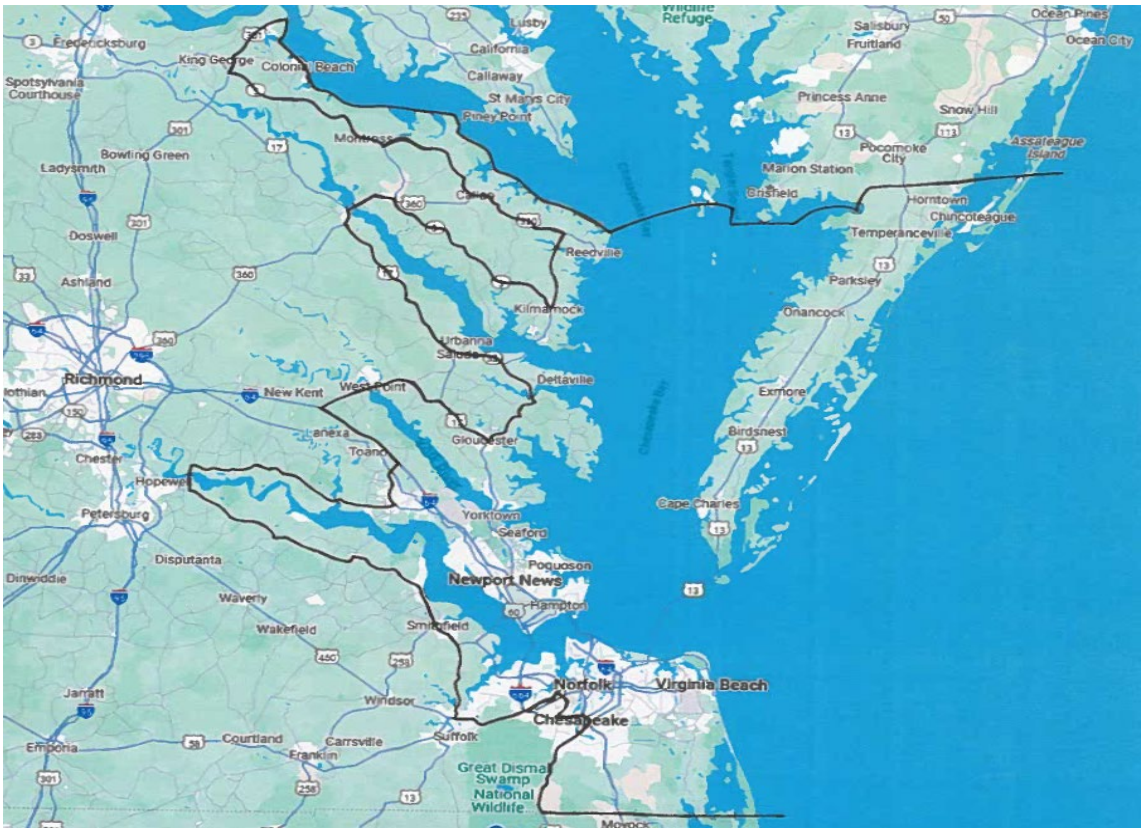
2000 Geographic Scope and Jurisdictional Boundaries

2100 Description of Coast Guard Coastal Zone/EPA Inland Zone Boundary (Line of Demarcation)

The jurisdictional boundaries of coastal Area Contingency Plans are limited to the coastal zone area for which the USCG has federal responsibility for response action. Coastal zones as defined for the purpose of the NCP means 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. This is the area covered by each coastal ACP.

EPA has federal responsibility for response actions in the inland zone, which are covered by the respective inland Area Contingency Plans. Inland zone 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.

ERMA- EPA Region 3 / USCG District 5 Jurisdictional Boundary Area (USCG)



2200 Copy of Current USCG/EPA MOU

The Memorandum of Understanding describing the Coastal and Inland boundaries for Regional Response Team 3 are located in Annex CC. Figures 2 and 3 below respectively show RRT areas and Coast Guard Area and District areas. The most current Memorandum is identified below.

- Region 3 Memorandum of Agreement (MOA) dated January 2010.

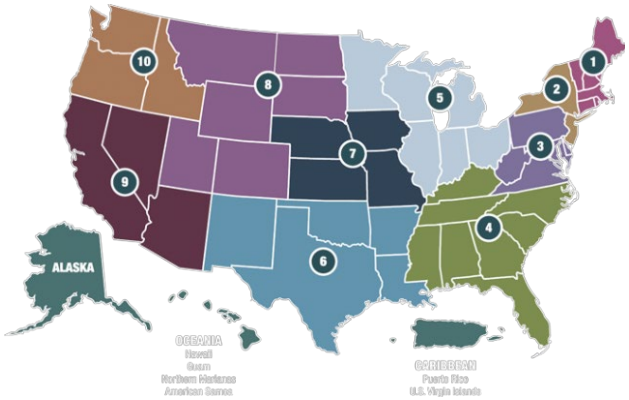


Figure 2: RRT Areas

Figure 3: U.S. Coast Guard Districts

2300 Geographic Boundaries/coordinates (COTP Boundary)

The Sector Virginia COTP Zone is defined in 33 CFR 3.25-10 and depicted in Figure 4 below. Within this COTP Zone, the USCG COTP/FOSC area of responsibility for the VACP planning area is the Coastal Zone (see sub-section 2120 below). The precise inland zone and coastal zone response boundary is agreed upon between the U.S. Coast Guard Fifth District and Regional Response Team 3 and is documented in the Memorandum of Agreement (MOA) dated 1/6/10.

2400 Graphics depicting Geographic Area covered by ACP

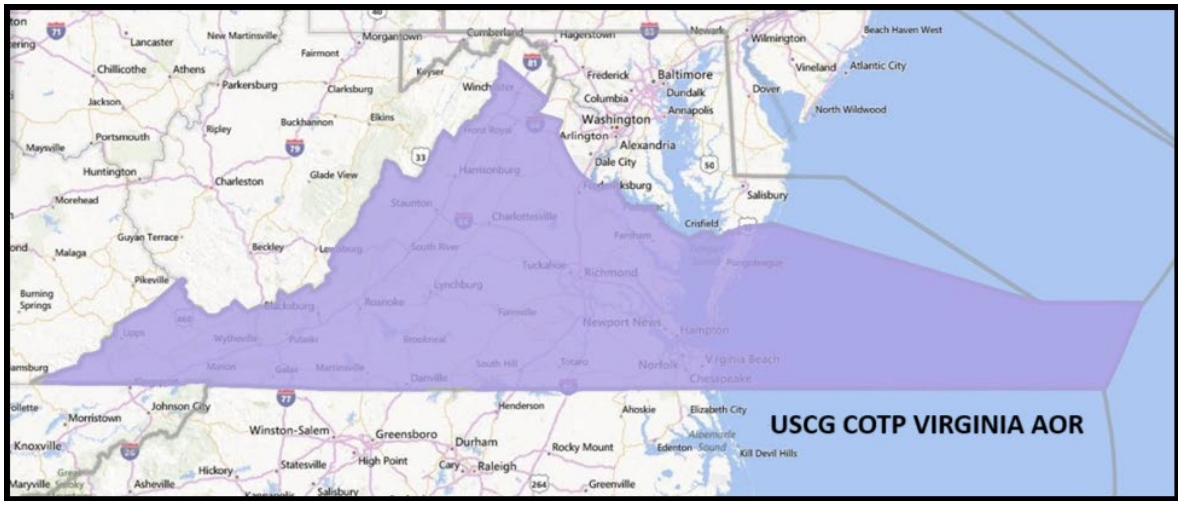


Figure 4: Map of Sector Virginia COTP Zone

Figure 5: USCG/EPA Boundary

2500 Sub-geographic Areas

The coastal zone counties and independent cities covered in the VACP planning area are shown in Figure 6 and listed in Table 6.

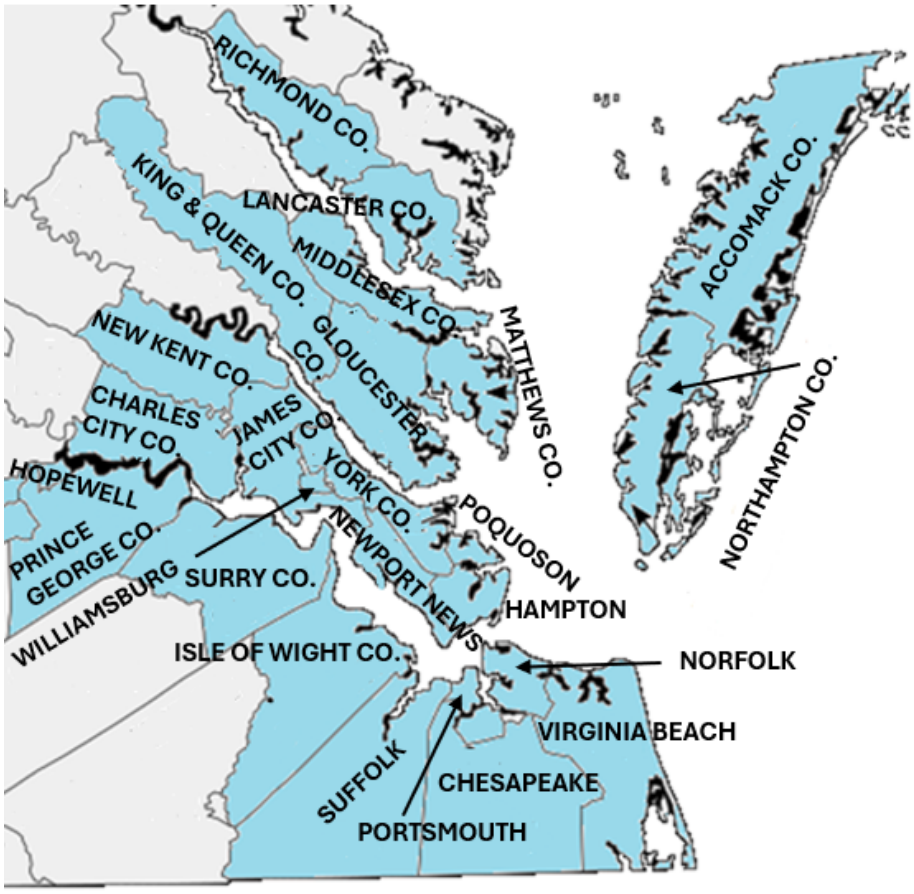


Figure 6: Area Counties and Independent Cities

Table 6a: Area Counties	
Accomack	Middlesex
Charles City	New Kent
Gloucester	Northampton
Isle of Wight	Prince George
James City	Richmond
King and Queen	Surry
Matthews	

Table 6b: Independent Cities	
Chesapeake	Poquoson
Hampton	Portsmouth
Hopewell	Suffolk
Newport News	Virginia Beach
Norfolk	Williamsburg

3000 Roles and Responsibilities

3100 General Roles and Responsibilities

Nationally, the U.S. Coast Guard (USCG) has designated its coastal Captains of the Port (COTP) as the predesignated Federal On-Scene Coordinator (FOSC) within the coastal zone. As such, the USCG FOSC is the Chair of the respective Area Committee (AC) and oversees the development, maintenance, and implementation of the Area Contingency Plan (ACP) for their COTP zone.

3110 Responsible Party/Industry Plan Holder

A responsible party, under the Oil Pollution Act, is one who is found accountable for the discharge or substantial threat of discharge of oil from a vessel or facility into navigable waters, exclusive economic zones, or the shorelines of such covered waters. It is expected that the responsible party will cover the costs for removing the oil in addition to any damages linked to the discharge, at least up to the minimum cost limits recommended in the Oil Pollution Act.

3120 Local Government

Local governments are responsible for minimizing the occurrence of releases/discharges or threats of releases/discharges by enforcement of State and local regulations and permits; and for developing the capability to respond promptly in cases of releases/discharges from facilities, vehicles, and vessels they operate, supervise, or govern.

Local governments will develop contingency plans as a hazard specific annex to their emergency operations plans for responses that are consistent with this plan.

Local governments are responsible for ensuring its normal emergency response personnel (police, fire, rescue, etc.) are aware of this plan and local plans for oil and hazardous materials response. Local governments must assure that responsible personnel have Standard Operating Procedures (SOPs) on initial evaluation or assessment of an oil or hazardous materials pollution or contaminant problem, and are knowledgeable of the requirements and procedures for reporting on initial evaluation and assessment of hazardous substances identified in the jurisdiction through the reporting requirements of the Superfund Amendments and Reauthorization Act, Title III of 1986 (SARA Title III).

Local government must identify any generator, treatment, storage, or disposal facilities in or near its jurisdiction and, if one exists, ensure it has prepared a facility contingency plan in accordance with VA DEQ/EPA requirements. Copies of such plans should be reviewed and kept on file by the local emergency response personnel.

Local governments shall ensure that local agencies which have responsibilities for emergency response to a hazardous substance incident maintain proper representation on the LEPC established under the authority of SARA Title III.

3130 State Government

3131 Virginia Department of Environmental Quality (DEQ)

DEQ administers and enforces federal and state laws and regulations for air quality, water quality, water supply and waste management. Through its central office and six regions, DEQ issues permits, conducts inspections and monitoring, and enforces laws, regulations and permits.

DEQ's Pollution Response Program (PREP) responds to air, water, and waste pollution incidents to protect human health and the environment. The regional PREP Coordinators often assist local emergency responders, other state agencies, federal agencies, and responsible parties, as needed, to manage pollution incidents. Oil spill remediation and hazardous materials spill remediation are examples of incidents that may involve the DEQ's PREP Program.

3132 Virginia Division of Emergency Management (VDEM)

VDEM protects the lives and property of Virginia's citizens from emergencies and disasters by coordinating the state's emergency preparedness, mitigation, response and recovery efforts. VDEM works with local government, state and federal agencies and voluntary organizations to provide resources and expertise in four major areas: preparedness, response, recovery, and mitigation. Reporting directly to the Secretary of Public Safety and the Governor of Virginia, VDEM works under the broad authority of the Commonwealth of Virginia Emergency Services and Disaster Law of 2000, as amended.

Under Va. Code §44-146.34, the Virginia Department of Emergency Management (VDEM) is responsible for the administration of a statewide hazardous material emergency response program to protect human health and the environment and ensure the safety of emergency responders from the effects of hazardous materials incidents. The Virginia Hazardous Materials Emergency Response Program exists to provide the citizens of the Commonwealth of Virginia with enhanced, state-of-the-art technical response capabilities and an extensive, multi-level, broad-based planning and training program. It is a proactive, comprehensive, and integrated program that coordinates the efforts of the Commonwealth of Virginia Hazardous Materials Officers, Regional Hazardous Materials Response Teams, and Local Emergency Planning Committees. It supports the efforts of local government, fire, rescue, and police, as well as other state and federal agencies and private industries, in planning for and responding to the full spectrum of hazardous and radiological materials incidents.

3133 Virginia Department of Health (VDH)

Virginia Department of Health (VDH) – VDH is made up of a statewide Central Office in Richmond and local health districts. These entities work together to promote healthy lifestyle choices that can combat chronic disease, to educate the public about emergency preparedness and threats to their health, and to track disease outbreaks in Virginia. Through VDH's Emergency Preparedness and Response Programs, they effectively respond to any emergency impacting public health through preparation, collaboration, education and rapid intervention. The Emergency Preparedness and Response Programs involve state, regional and local emergency response partners working together to enhance readiness to respond to bioterrorism, infectious disease outbreaks and other public health emergencies. VDH also houses the following offices:

- Shellfish Safety
- Air Quality
- Waterborne Hazards Control
- Emergency Preparedness

3134 Virginia Institute of Marine Science (VIMS), Virginia Department of Wildlife Resources (VDWR), and Virginia Marine Resource Commission (VRMC)

Virginia Institute of Marine Science (VIMS)
VIMS provides information regarding resources at risk, damages, and other marine environmental information, similar to that of the NOAA SSC, but at a higher spatial and temporal resolution. The VIMS Office of Research and Advisory Services is available to provide scientific input to spill response and recovery efforts. A VIMS representative can be inserted into an Environmental Unit or consulted as needed as a technical expert. VIMS scientists work closely with other federal and state agencies and can also provide input regarding who may have information pertaining to a specific incident (scientifically and access/hazards). VIMS knowledge and data extend to all tidal areas in Virginia.

Virginia Department of Wildlife Resources (VDWR), and Virginia Marine Resource Commission (VMRC)
These agencies may provide assistance in cases involving damage to aquatic resources and conducting emergency sampling analysis of unknown products.

3140 Tribal Government

The Nansemond Indian Nation is the only federally recognized tribe in the coastal zone. The Chickahominy Indian Tribe, the Chickahominy Indian Tribe Eastern Division, the Pamunkey Indian Tribe, and the Mattaponi Tribe are located landward, but in close proximity to the line of demarcation. Contact information for the tribes are in Annex M of this Plan. One should also consult the Housing and Urban Development's Tribal Directory Assessment Tool (TDAT): https://egis.hud.gov/TDAT/ to identify all the tribes that need to be contacted during a response.

3150 Regional Response Team (RRT3)

The functional role of RRTs in each federal region has two principal components. One component is the standing team whose duties involve communication systems and procedures, planning, coordination, training, evaluation, preparedness, and related matters within each RRT's respective region. The second component of the RRT is an incident-specific team that may be assembled, as determined by the operational requirements of a response to a specific discharge or release. The RRT has responsibility for developing an RCP and for assisting the FOSC when guidance, coordination, or resources are needed to provide an adequate response to an incident. The RRT includes a representative from each state within the federal region, and representatives from 15 federal agencies and federally recognized tribal representatives available to provide assistance or resources during such a response. EPA and the USCG co-chair the RRT, which does not respond directly to the scene, but instead responds to developments and requests from the FOSC in

accordance with the VACP. RRT3 normally holds semiannual meetings in the spring and fall of each year.

Refer to the RRT3 Region III Regional Oil and Hazardous Substances Pollution Contingency Plan (R3RCP) and the NRT website for a list of federal agencies and their roles and responsibilities related to ACP planning, preparedness and response.

3200 Natural Resources Trustees

CERCLA and OPA authorize the United States, individual States, and Indian Tribes to act on behalf of the public as Natural Resource Trustees for natural resources (Natural Resource Trustees or Trustees) under their respective trusteeships (CERCLA §107(f)(1); OPA §1006(c)). OPA also authorizes foreign governments to act as Trustees (OPA §1006 [b][5]). Information on federal, state, and tribal trustees are found in 40 CFR Part 300 Subpart G, and responsibilities for trustees are outlined here.

3210 Local

The focus of local responders is usually directed toward abating immediate public safety threats. The degree of local response will depend upon the training and capabilities of local responders relative to the needs of the specific emergency.

In some cases, the need may be identifying the nature and scope of the hazard. This information is then passed on to state and federal responders who are activated to address the situation with specific expertise and/or capabilities.

Often, local agencies take mitigating actions of a defensive nature to contain the incident and protect the public. In many instances, responsible parties or local agencies are capable of an aggressive response and quick abatement of immediate hazards. In these cases, local authorities usually rely on state and federal responders to ensure that cleanup is complete, and remediation is sufficient.

A major role of local organizations during all emergency incidents is to provide security for all on-scene forces and equipment. For large incidents, help is often requested through the state emergency management agencies. Activities include establishing local liaison with hospital, emergency services, and police personnel, as well as restricting entrance to hazardous areas to all but essential personnel.

Coordination with the local governmental organizations of counties, cities, or towns is especially important for traffic control, land access, and disposal of oil or hazardous materials removed during response operations.

Landowners are also encouraged to participate in planning and response. Landowners are a valuable resource due to their local knowledge. The landowner, to the extent practical and based on the FOSC's judgment, may be included in the planning and response activities, under direction of the FOSC.

Landowners who provide access to or are affected by a discharge or release have jurisdiction over their lands and warrant special consideration by the responding agency or Unified Command. In the event an incident poses, or has the potential to pose, an imminent threat to human health or the environment, it is in the best interest of the landowner to provide access to an on-scene coordinator.

3220 State

Appendix 1 of the R3RCP lists the Secretary of Natural and Historic Resources as the land trustee in the Commonwealth of Virginia. The Secretary of Natural and Historic Resources advises the Governor on natural resources issues and works to advance the Governor's top environmental priorities. The Secretary oversees five agencies that protect and restore the Commonwealth's natural and historic resources: Department of Conservation and Recreation, Department of Environmental Quality, Department of Wildlife Resources, Department of Historic Resources, and the Marine Resources Commission.

3230 Tribal

The tribal chairmen (or heads of the governing bodies) of Indian tribes, as defined in § 300.5, or a person designated by the tribal officials, shall act on behalf of the Indian tribes as trustees for the natural resources, including their supporting ecosystems, belonging to, managed by, controlled by, or appertaining to such Indian tribe, or held in trust for the benefit of such Indian tribe, or belonging to a member of such Indian tribe, if such resources are subject to a trust restriction on alienation. When the tribal chairman or head of the tribal governing body designates another person as trustee, the tribal chairman or head of the tribal governing body shall notify the President of such designation. Such officials are authorized to act when there is injury to, destruction of, loss of, or threat to natural resources, including their supporting ecosystems as a result of a release of a hazardous substance.

3240 Federal

Generally, the Department of the Interior, Fish and Wildlife Service, and National Oceanic and Atmospheric Administration will represent the federal government. The following individuals shall be the designated trustee(s) for general categories of natural resources, including their supporting ecosystems. They are authorized to act pursuant to section 107(f) of CERCLA, section 311(f)(5) of the CWA, or section 1006 of the OPA when there is injury to, destruction of, loss of, or threat to natural resources, including their supporting ecosystems, as a result of a release of a hazardous substance or a discharge of oil. Notwithstanding the other designations in this section, the Secretaries of Commerce and the Interior shall act as trustees of those resources subject to their respective management or control.

3241 Secretary of Commerce

The Secretary of Commerce shall act as trustee for natural resources managed or controlled by DOC and for natural resources managed or controlled by other federal agencies and 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. However, before the Secretary takes an action with respect to an affected resource under the management or control of another federal agency, he shall, whenever practicable, seek to obtain the concurrence

of that other federal agency. Examples of the Secretary's trusteeship include the following natural resources and their supporting ecosystems: marine fishery resources; anadromous fish; endangered species and marine mammals; and the resources of National Marine Sanctuaries and National Estuarine Research Reserves.

3242 Secretary of the Interior

The Secretary of the Interior shall act as trustee for natural resources managed or controlled by the DOI. Examples of the Secretary's trusteeship include the following natural resources and their supporting ecosystems: migratory birds; anadromous fish; endangered species and marine mammals; federally owned minerals; and certain federally managed water resources. The Secretary of the Interior shall also be trustee for those natural resources for which an Indian tribe would otherwise act as trustee in those cases where the United States acts on behalf of the Indian tribe.

3243 Secretary for the land managing agency

For natural resources located on, over, or under land administered by the United States, the trustee shall be the head of the department in which the land managing agency is found. The trustees for the principal federal land managing agencies are the Secretaries of DOI, USDA, DOD, and DOE.

3244 Head of authorized agencies.

For natural resources located in the United States but not otherwise described in this section, the trustee shall be the head of the federal agency or agencies authorized to manage or control those resources.

3300 Support Available to the FOSC

Various sources of technical/scientific and administrative support are available to the Federal On-Scene Coordinator (FOSC) either through telephone contact, virtual means, or actual dispatch of teams to the field. Support agencies and groups available to the FOSC include the following:

3310 Federal Agency Scientific/Technical Support

3311 U.S. Coast Guard (USCG)

3311.1 The National Strike Force Coordination Center (NSFCC)

The NSFCC manages the NSF which is authorized as the National Response Unit required under OPA, with responsibility for administering the USCG Strike Teams, and maintaining response equipment inventories and logistical networks. The NSFCC offers the technical assistance and equipment for spill response, assistance in coordinating resources during oil discharge response, Area Contingency Plan (ACP) or Regional Contingency Plan (RCP) review, coordination of spill response resources information, and inspection of Oil Spill Removal Organization (OSRO) response equipment. Strike Teams provide trained personnel and specialized equipment to assist the FOSC in training for spill response, stabilizing and containing the spill, and monitoring or directing response actions of the responsible parties (RPs) and/or contractors.

3311.2 The USCG National Strike Force (NSF)

The NSF's mission is to provide highly trained, experienced personnel and specialized equipment to the Coast Guard and other federal agencies to facilitate preparedness and response to oil and hazardous substance pollution incidents in order to protect public health and the environment. The NSF's area of responsibility (AOR) covers all Coast Guard Districts and Federal Regions.

3311.3 USCG Strike Teams (Atlantic, Gulf, and Pacific)

The three USCG Strike Teams are available 24 hours a day. If the Strike Team contacted is already committed, another Strike Team will be deployed. Each Strike Team maintains trained personnel and specialized equipment to assist with training in responding to spills, stabilizing and containing spills, and monitoring and/or directing response actions of the RPs and/or contractors. The Atlantic Area Strike Team, based in Lakehurst, New Jersey, provides response coverage to Virginia.

3311.4 Public Information Assist Team (PIAT)

PIAT is an element of the NSFCC staff available to assist the FOSC to meet the demands for public information during a response or exercise. PIAT provides interagency crisis communication team(s) and technical expertise to assist ICs and FOSCs with meeting their objectives of truth and transparency of operations for the public. PIAT provides emergency risk communication support to ICs and FOSCs during incidents such as oil spills, hazardous substance releases, hurricanes, floods, or other disasters. Its use is encouraged any time the FOSC requires outside public affairs support. Requests for PIAT assistance may be made through the NSFCC or National Response Center (NRC). See the Spill of National Significance (SONS) Public Affairs Reference for more information.

3311.5 Incident Management Assistance Team (IMAT)

The IMAT was developed by the USCG to supply a ready-made team of highly trained individuals to assist the local Incident Command (IC) in dealing with a major incident. The IMAT is located

in Norfolk, VA. The team is trained for initial quick response to a regionally or nationally significant event. The team consists of Incident Command Systems (ICS) process experts that can quickly set-up and assist in transitioning from the initial emergency phase to a more sustained planning process. The IMAT deploys with a limited amount of equipment to ensure ICS functionality within an Incident Command Post (ICP).

3311.6 National Pollution Funds Center (NPFC)

NPFC is responsible for implementing those portions of OPA Title I delegated to the Secretary of the Department in which the USCG is operating. NPFC is responsible for addressing funding issues arising from actual and potential discharges of oil. Responsibilities of the NPFC include: (1) issuing Certificates of Financial Responsibility (COFRs) to owners and operators of vessels to pay for costs and damages incurred by their vessels as a result of oil discharges, (2) providing funding to various response organizations for timely abatement and removal actions related to oil discharges, (3) providing equitable compensation to claimants who sustain costs and damages from oil discharges when the RP fails to do so, (4) recovering monies from persons liable for costs and damages resulting from oil discharges to the full extent of liability under the law, and (5) providing funds to initiate Natural Resource Damage Assessment (NRDA) activities.

3311.7 USCG District Response Group (DRG)

DRGs assist the FOSC by providing technical assistance, personnel, and equipment. Each DRG consists of the combined USCG personnel and equipment, including marine firefighting equipment, of each port in the district and a district response advisory team. Specifically, the USCG's Fifth District Response Advisory Team (DRAT) and the Incident Management and Preparedness Advisor (IMPA) provide pollution planning, preparedness, and response policy guidance and assistance to an FOSC and staff on a regular basis.

3312 U.S. Environmental Protection Agency (EPA)

3312.1 Environmental Response Team (ERT)

In the event of a continuing release or discharge, the FOSC has access to EPA's ERT, stationed in Edison, New Jersey; Cincinnati, Ohio; Erlanger, Kentucky; Las Vegas, Nevada; and Research Triangle Park, North Carolina. The ERT provides Scientific Support Coordinators (SSC) with expertise in treatment technology, biology, chemistry, hydrology, geology, and engineering. The ERT also has access to special decontamination equipment and can provide advice on a wide range of issues such as a multimedia sampling and analysis program, on-site safety (including development and implementation plans), cleanup techniques and priorities, water supply decontamination and protection, application of dispersants, environmental assessment, degree of cleanup required, and disposal of contaminated material. The FOSC may designate an SSC as principal advisor on scientific issues who also communicates with the scientific community and assists in requests to state and federal agencies.

3312.2 Chemical, Biological, Radiological, and Nuclear (CBRN) Consequence Management Advisory Team (CMAT)

The CBRN CMAT, present at five geographic locations, provides 24/7 scientific and technical expertise to the FOSC or response customer for all phases of consequence management. With a focus on operational preparedness, CBRN CMAT facilitates the transition of the latest science and technology to the field response community in order to provide tactical options for screening,

sampling, monitoring, decontamination, clearance, waste management, and toxicological/exposure assessment during decontamination of buildings or other structures following an incident involving releases of radiological, biological, or chemical contaminants. CBRN CMAT maintains critical partnerships with: (1) EPA's National Homeland Security Research Center and the EPA's special teams; (2) other federal partners including the U.S. Department of Homeland Security (DHS), Federal Bureau of Investigation (FBI), DoD, and Centers for Disease Control and Prevention (CDC)/ Department of Health and Human Services (HHS); and (3) international partners. Contact information is located in Annex AA and in the link above.

3312.3 Radiological Emergency Response Team (RERT)

RERTs have been established by EPA's Office of Radiation Programs (ORP) to provide response and support during incidents or at sites containing radiological hazards. Expertise is available in radiation monitoring, radionuclide analysis, radiation health physics, and risk assessment. RERTs can provide on-site support including mobile monitoring laboratories for field analysis of samples as well as fixed laboratories for radiochemical sampling and analyses. Request for support may be made 24 hours a day via the NRC or directly to the EPA Radiological Response Coordinator in the ORP. Contact information is located in Annex AA and in the link above.

3313 National Oceanic and Atmospheric Administration (NOAA)

NOAA provides scientific support for responses and contingency planning in coastal and marine areas, including assessments of the hazards that may be involved, predictions of movement and dispersion of oil and hazardous substances through trajectory modeling, and information on the sensitivity of coastal environments to oil or hazardous substances. NOAA provides scientific expertise on living marine resources it manages and protects. It also provides information on actual and predicted meteorological, hydrologic, ice, and oceanographic conditions for marine, coastal, and inland waters, as well as, tide and circulation data. The Secretary of the U.S. Department of Commerce (DOC), through NOAA, also acts as trustee for natural resources managed or controlled by DOC, including their supporting ecosystems.

3313.1 Scientific Support Coordinators (SSC)

The SSC, in accordance with the National Contingency Plan (NCP), will provide the FOSC scientific advice with regard to the best course of action during a spill response. The SSC will help facilitate consensus from the federal natural resource management agencies and provide spill trajectory analysis data, information on the resources at risk, weather information, tidal and current information, etc. The SSC will be the point of contact for the Scientific Support Team from NOAA's Hazardous Material Response and Assessment Division. The FOSC's Guide to NOAA Scientific Support outlines all of the products and services the NOAA SSC can provide for planning and response activities.

The NOAA SSC can provide training and technical expertise with Shoreline Cleanup Assessment Technique (SCAT). The Shoreline Assessment Manual, updated August 2013 by NOAA/HAZMAT, outlines methods for conducting shoreline assessment after an oil spill.

3313.2 National Weather Service (NWS)

NWS, a federal organization within NOAA, can provide various types of support to an Incident Command (IC)/Unified Command (UC) operating in the southeast Virginia area through the Wakefield Office. The IC/UC will be provided with a direct number to the lead forecaster's desk,

through which continuous information on wind speeds, temperatures, and other atmospheric data can be obtained.

3313.3 Environmental Response Management Application (ERMA)

ERMA is the designated COP for Coast Guard pollution responses. ERMA support is available through the SSC.

3314 U.S. Department of the Interior (DOI)

DOI has jurisdiction over the National Park System, National Wildlife Refuges, fish hatcheries, and public lands. The Regional Environmental Officer (REO) manages the department's response programs for oil and hazardous substance spills and oversees the department's responsibilities as a trustee for natural resources. The DOI may become involved in spill response once contacted through the REO who is a designated member of RRT3. The REO for RRT3 is located in Philadelphia, Pennsylvania.

3314.1 U.S. Fish and Wildlife Service (USFWS)

The Secretary of the Interior acts as trustee for resources managed or protected by DOI Bureaus, including USFWS and Bureau of Reclamation (USBR). USFWS, an office within DOI, is responsible for the management of migratory birds, federally listed endangered and threatened species, and interjurisdictional fishes within VACP planning area. Some larger tracks of land owned and managed by the USFWS in/near the ACP planning area include:

- Eastern Shore National Wildlife Refuge (Northampton County)
- Back Bay National Wildlife Refuge (Virginia Beach area)
- Plum Tree Island National Wildlife Refuge (Poquoson area)
- Fisherman Island National Wildlife Refuge (Kiptopeke Area)
- Rappahannock River Valley (Warsaw Area)
- Chincoteague National Wildlife Refuge (Chincoteague Area)
- Assawoman Island (Chincoteague Area)
- Wallops Island National Wildlife Refuge (Chincoteague Area)
- James River National Wildlife Refuge (Prince George County)
- Nansemond National Wildlife Refuge (Suffolk Area)

When a spill occurs, the appropriate USFWS office(s) will provide timely advice on measures necessary to protect wildlife from exposure, as well as priority and timing of such measures. Protective measures may include preventing the oil from reaching areas where migratory birds and other wildlife are located or deterring birds or other wildlife from entering areas by using wildlife hazing devices or other methods.

If exposure of birds and other wildlife to oil or hazardous substances cannot be prevented, an immediate decision will be made regarding rescue and rehabilitation of "oiled" birds and other wildlife. Decisions to rescue and rehabilitate "oiled" wildlife must be made in conjunction with other federal and state natural resource management agencies. Wildlife rehabilitators will need federal and state permits to collect, possess, and band migratory birds and threatened/endangered species.

For more information see Annex C Fish and Wildlife Annex, Annex CC, Geographic Response Strategies, Annex DD, Eastern Shore Annex, and the RRT3 Environmental Consultation Guidance and form for USCG Fifth District Coastal Zone.

3314.2 U.S. Geological Survey (USGS)

USGS maintains expertise in water quality characterization, oil fingerprinting, submerged oil and oil-particle formation, transport and resuspension of oil in fresh waters, riverine two-dimensional (2D) particle transport/hydrodynamic simulations, ecotoxicology, time-of-travel studies for freshwater systems, and geospatial data collection of visible spill plumes applicable to spill response events in freshwater environments. In addition, USGS can provide biological survey assistance for natural resources and contaminants and contribute distribution information about sensitive species (e.g., birds, invertebrates). USGS also provides extensive expertise and information for natural resource damage assessments (NRDAs) (e.g., aerial surveys, abundance estimation, remote sensing, etc.).

3314.3 Bureau of Safety and Environmental Enforcement (BSEE)

BSEE works to promote safety, protect the environment, and conserve resources offshore through vigorous regulatory oversight and enforcement. BSEE's renewable energy operations are underway along the Atlantic Coast, which is managed by BSEE's Renewable Energy Operations team in Sterling, Virginia. In the event of an offshore facility response, and upon request from the FOSC, BSEE may provide a Source Control Support Coordinator (SCSC) and other engineering, technical, scientific, and public affairs expertise to assist the FOSC during responses to oil discharges from offshore facilities. Additionally, BSEE can also provide Oil Spill Preparedness Division (OSPD) staff with technical expertise in response equipment and offshore spill planning to assist the FOSC within the Planning or Operations Sections and the Joint Information Center at the ICP for an offshore incident. Please see the BSEE/USCG MOU for more information.

3315 U.S. Department of Health and Human Services (HHS)

HHS, through the Agency for Toxic Substances and Disease Registry (ATSDR), serves the public by using the best science, taking responsive public health actions, and providing trusted health information to prevent harmful exposures and disease related to toxic substances. The ATSDR is directed by Congressional mandate to perform specific functions concerning the effects on public health of ***hazardous substances*** in the environment. These functions include public health assessments of waste sites, health consultations concerning specific hazardous substances, health surveillance and registries, response to emergency release of hazardous substances, applied research in support of public health assessments, information development and dissemination, and education and training concerning hazardous substances.

3315.1 The National Institute for Occupational Safety and Health (NIOSH)

NIOSH provides national and world leadership to prevent work-related illness, injury, disability, and death by gathering information, conducting scientific research, and translating the knowledge gained into products and services, including scientific information products, training videos, and recommendations for improving safety and health in the workplace.

In response to requests from workers (or their representatives), employers, and other government agencies, NIOSH Health Hazard Evaluation scientists conduct workplace assessments to determine if workers are exposed to hazardous materials or harmful conditions and whether these exposures are affecting worker health. NIOSH evaluates the workplace environment and health of

employees by reviewing records and conducting on-site environmental sampling, epidemiologic surveys, and medical testing.

See the NIOSH Pocket Guide for more information.

3316 U.S. Department of Agriculture (USDA)
USDA has scientific and technical capability to measure, evaluate, and monitor, either on the ground or by use of aircraft, situations where natural resources including soil, water, wildlife, and vegetation have been impacted by hazardous substances and other natural or man-made emergencies. The USDA may be contacted through the U.S. Forest Service emergency staff officers who are the designated members of the RRT.

USDA maintains trusteeship of national forest, wilderness areas, and wildlife within USDA-controlled forests, archaeological sites, range and farm lands, fisheries, and lands enrolled in the Wetlands Reserve Program. Additionally, the USDA plays a key role in the closing and re-opening of fisheries before, during, and after clean-up operations.

3317 U.S. Department of Energy (DOE)
The Secretary of Energy has trusteeship over natural resources under its jurisdiction, custody, or control. DOE's landholdings include national research and development laboratories, facilities, and offices.

3318 U.S. Department of Transportation (DOT)
DOT provides response expertise pertaining to transportation of oil or hazardous materials by all modes of transportation. Through the Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT-PHMSA offers expertise in the requirements for packaging, handling, and transporting regulated hazardous materials.

3319 U.S. Department of Defense (DoD)

3319.1 U.S. Army Corps of Engineers (USACE)
The Secretary of the DoD has trusteeship over the natural resources on all lands owned by DoD or the Army (including lands and facilities managed by the USACE, Navy, Air Force, and Defense Logistics Agency). These lands include military bases and training facilities, research and development facilities, and munitions plants. USACE has trusteeship over natural resources under its jurisdiction, custody, or control. USACE landholdings include national research and development laboratories, facilities, and offices.

3319.2 U.S. Navy Supervisor of Salvage (SUPSALV)
SUPSALV has an extensive salvage/search and recovery equipment inventory, and the requisite knowledge and expertise to support these operations including specialized salvage, firefighting, and petroleum, oil, and lubricants offloading capability even in open sea response incidents. SUPSALV can also provide equipment for training exercises in support of national and regional contingency planning objectives. The FOSC may request assistance directly from SUPSALV. Formal requests are routed through the Chief of Naval Operations.

3319.3 National Guard Civil Support Teams (CSTs)
CSTs were created in 1999 to respond to terrorist incidents involving WMD, as well as other disasters and catastrophic events, both natural and man-made. There are 57 CSTs located throughout the United States, with at least one in each state and territory. The mission of a CST is

to support civil authorities at a domestic CBRNE (Chemical, Biological, Radiological, Nuclear, and high-yield Explosives) incident site with responsibilities such as identification and assessment of hazards, advising civil authorities, and facilitating the arrival of follow-on military forces during emergencies and incidents. CSTs normally operate as a State asset, under the command and control of the State Governor, but upon deployment, the unit provides direct support to the IC. CSTs support local emergency responders (Fire, Police, and EMS), as well as state and federal agencies such as the DOE, FBI, EPA and FEMA. The Virginia 34th CST is located at Fort Barfoot in Blackstone, VA.

3320 Nongovernmental Organization Technical Support

3321 Nongovernmental Organization (NGO), Academia, and Other Technical Support

3321.1 Science and Technology Advisors (S&T Advisors)

S&T Advisors, often members of the scientific community or academia, provide specialized technical and scientific knowledge to support and enhance the capabilities of the Incident Management Team (IMT). Their expertise complements the IMT's existing skill set, enabling more informed decision-making. The advisory capability may consist of individuals or institutions and may be identified during the preparedness phase or by incident-specific needs. The relationship may be as informal as a list of names and contact information in a directory, or a more formal pre-spill relationship defined through letter of agreement.

In Virginia, VIMS serves as a state SSC. See section 3134 and the Contact Spreadsheet, Annex AA for more information.

3321.2 Volunteers

In times of crisis or trouble, many citizens feel compelled to help or lend their assistance and expertise to the response effort. This help can be welcome if the demands of an incident exceed the available resources or if a particular set of skills are in short supply. Volunteers can support response efforts in any number of ways such as conducting beach surveillance, providing logistical support, or assisting in the treatment of impacted wildlife. The decision to employ volunteers will take into account the benefits that might be gained weighed against safety and liability realities. The UC, in the early stages of the event, will make the decision whether volunteers will be employed and in which capacities they can serve. For more details about the use of volunteers, please refer to Annex G Volunteer Management Annex, and the National Response Team's Use of Volunteers Guidelines for Oil Spills. It is recommended to use affiliated volunteers whenever available.

3321.3 Certified Marine Chemist (CMC)

The United States Coast Guard and the Occupational Safety and Health Administration (OSHA) require that a certificate issued by a marine chemist be obtained before hot-work or fire producing operations can be carried out in certain spaces aboard a marine vessel.

In complying with both the U.S. Coast Guard and OSHA regulations, the CMC applies the requirements contained in National Fire Protection Association Standard 306. NFPA 306, Control of Gas Hazards on Vessels, describes conditions that must exist aboard a marine vessel. A survey by the marine chemist ensures that these conditions are satisfied. In addition, a CMC is able to perform similar evaluations on other than marine vessels where an unsafe environment exists for workers, or hot work is contemplated on a system that might contain residual flammable or combustible products or materials.

3321.4 Water Sampling Technical Specialist

The Water Sampling Technical Specialist is an advisor responsible for helping to create the water sampling and analysis plans, including the Initial Incident Characterization Sampling and Analysis Plan, and any needed updates throughout the response based on the sampling results. The Water Sampling Technical Specialist is responsible for monitoring the progress of sample analysis at the designated laboratory and making arrangements for receipt of data.

3330 Environmental Unit

The following agencies have participated in PREP exercises as the Environmental Unit: Department of the Interior (DOI), U.S. Fish & Wildlife Service (USFWS), Virginia Institute of Marine Science (VIMS), Virginia Aquarium, Tri-State Bird, National Weather Service (NWS), Virginia Department of Environmental Quality (DEQ), Virginia Department of Wildlife Resources, Virginia Department of Health Division of Shellfish Safety (VDH-DSS), Virginia Marine Resources Commission, and the Nature Conservancy (TNC). These agencies should be called upon in the event of a discharge or release.

3400 Federal Agency Legal and Investigative Support

3410 U.S. Department of Justice (DOJ)

DOJ can provide expert legal advice on complicated legal questions arising from discharges or releases and federal agency responses. The DOJ represents the federal government, including its agencies, in litigation relating to discharges.

3410.1 Federal Bureau of Investigation (FBI)

The FBI, under the DOJ, is the lead federal agency for responding to threats from weapons of mass destruction (WMD). The Bureau investigates and collects intelligence on WMD-related threats and incidents to prevent attacks and respond to them when they occur. WMD Directorate (WMDD) is part of the FBI's National Security Branch. The WMDD leads the FBI's efforts to mitigate threats from chemical, biological, radiological, nuclear, or explosive weapons. The WMDD provides leadership and expertise to domestic and foreign law enforcement, academia, and industry partners on WMD issues. The FBI approaches these issues through four major areas: preparedness, countermeasures, investigations/operations, and intelligence.

3420 U.S. EPA Criminal Investigations Division (EPA CID)

The EPA CID investigates allegations of criminal wrongdoing prohibited by various environmental statutes. Such investigations involve, but are not limited to, the illegal disposal of hazardous waste; the export of hazardous waste without the permission of the receiving country; the illegal discharge of pollutants to a water of the United States; the removal and disposal of regulated asbestos containing materials in a manner inconsistent with the law and regulations; the illegal importation of certain restricted or regulated chemicals into the United States; tampering with a drinking water supply; mail fraud, wire fraud, conspiracy and money laundering relating to

environmental criminal activities. CID Special Agents are sworn federal law enforcement officers with statutory authority to conduct investigations, to make arrests for any federal crime, and to execute and serve any warrant.

3430 U.S. Coast Guard Legal

The Fifth Coast Guard District has a legal staff that is available to provide support to the USCG FOSC. Additionally, and as needed, USCG Atlantic Area and headquarters can provide legal assistance to the USCG FOSC.

3440 U.S. Coast Guard Investigative Service (CGIS)

CGIS agents are available to investigate criminal violations of environmental laws enforced by the Coast Guard. CGIS should be notified and consulted regarding all cases that may be referred to the Department of Justice for criminal prosecution. CGIS agents are trained criminal investigators who are familiar with the legal issues associated with prosecution of a criminal case. Additionally, CGIS agents regularly work with agents of other federal, state, and local law enforcement agencies and frequently become aware of violations of environmental laws and ongoing criminal investigations through these sources.

Unless expressly directed by the Chief of CGIS or higher authority, CGIS will not conduct an environmental crime investigation in a COTP zone without first notifying and, thereafter, coordinating with the COTP. Likewise, the COTP should avoid committing the Coast Guard to participate in criminal investigations, either solely or in coordination with other enforcement agencies, without first consulting the District Commander who will ensure appropriate coordination with CGIS. In the event exigent circumstances require the initiation of a criminal investigation before such notification or consultation can occur, the required communication must occur as soon as practical thereafter.

3440 National Transportation Safety Board (NTSB)

In accordance with the USCG/NTSB MOU and 46 CFR 4.40-15(b) the NTSB shall conduct the investigation of certain major marine and public/nonpublic vessel casualties. Except for the preliminary investigation, a separate Coast Guard casualty investigation will not be conducted, nor will parties in interest be designated by the Coast Guard. Although these investigations are conducted by the NTSB in accordance with their procedures, the Coast Guard will participate fully as a party.

4000 Pre-spill Risk Analyses, Consultations, and Response Strategies

This Part of the ACP outlines emergency preparedness efforts within the VACP planning area including identification of worst-case planning scenarios for all transportation modes, pre-spill consultations, the establishment of priority protection areas, and the development of response strategies for consideration in the initial stages of an incident.

4100 Worst Case Planning Scenarios

As per the Clean Water Act, a Worst-Case Discharge (WCD) is defined as, 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. The following tables identify WCDs for oil products and hazardous substances in the VACP planning area.

4110 WCD for Oil Products in VACP Planning Area

Worst Case Discharges for Sector Virginia Planning Area (all transportation modes)				
FOSC Sector Virginia				
Type	**Owner/Operator Vessel/Facility Name**	**Location**	**Amount**	**Product**
MTR	Plains All American	Yorktown, VA	30,302 bbls 1,272,684 gal	Oil Products
Pipeline	Colonial Pipeline	Virginia	100,000 bbls 4,200,000gal	Oil Products
Pipeline-Breakout Tank				
Vessel	Long Range Oil Tanker	Yorktown, VA	800,000 bbls 33,600,000 gal	Oil Products
Rail	Norfolk Southern	Virginia	unknown	Coal

4120 WCD for Hazardous Substances in VACP Planning Area (under development)

Worst Case Discharges for Hazardous Substances in the VACP Planning Area (all transportation modes)				
FOSC Sector Virginia				
Type	**Owner/Operator or Vessel/Facility Name**	**Location**	**Amount**	**Product**
Facility	TBD	TBD	TBD	TBD
Vessel	TBD	TBD	TBD	TBD
Rail	TBD	TBD	TBD	TBD

4130 Area Planning and Risk Analysis

Additional risk analysis and area specific worst case scenario planning information for VACP is located in Annex B, and is limited to those with password login access.

4200 Pre-Spill Endangered Species Act (ESA) Consultations

In the event of an oil spill or hazardous substance release, the ESA must be considered in the development of federal response activities and actions during an oil spill response. Within the coastal zone, the USCG is the Action Agency, and as such, it is the USCG FOSC's responsibility to address any ESA Section 7 Consultation requirements by engaging the Services (USFWS and NMFS) on the potential affects for ***all*** potential response actions that may be implemented during the emergency response.

- Endangered Species Act (ESA) and Essential Fish Habitat (EFH) Form (for emergency consultations, pre-spill consultations and post-response procedures), RRT3 Environmental Consultation Guidance and Form for USCG Fifth District Coastal Zone. Guide will also be available in Annex F, Response Tools

4210 Preauthorization and Best Management Practices (BMPs)

NOTE: On 12 DEC 2025, the Dispersant Preauthorization will be going away as it is only applicable for COREXIT, which can no longer be used after that date.

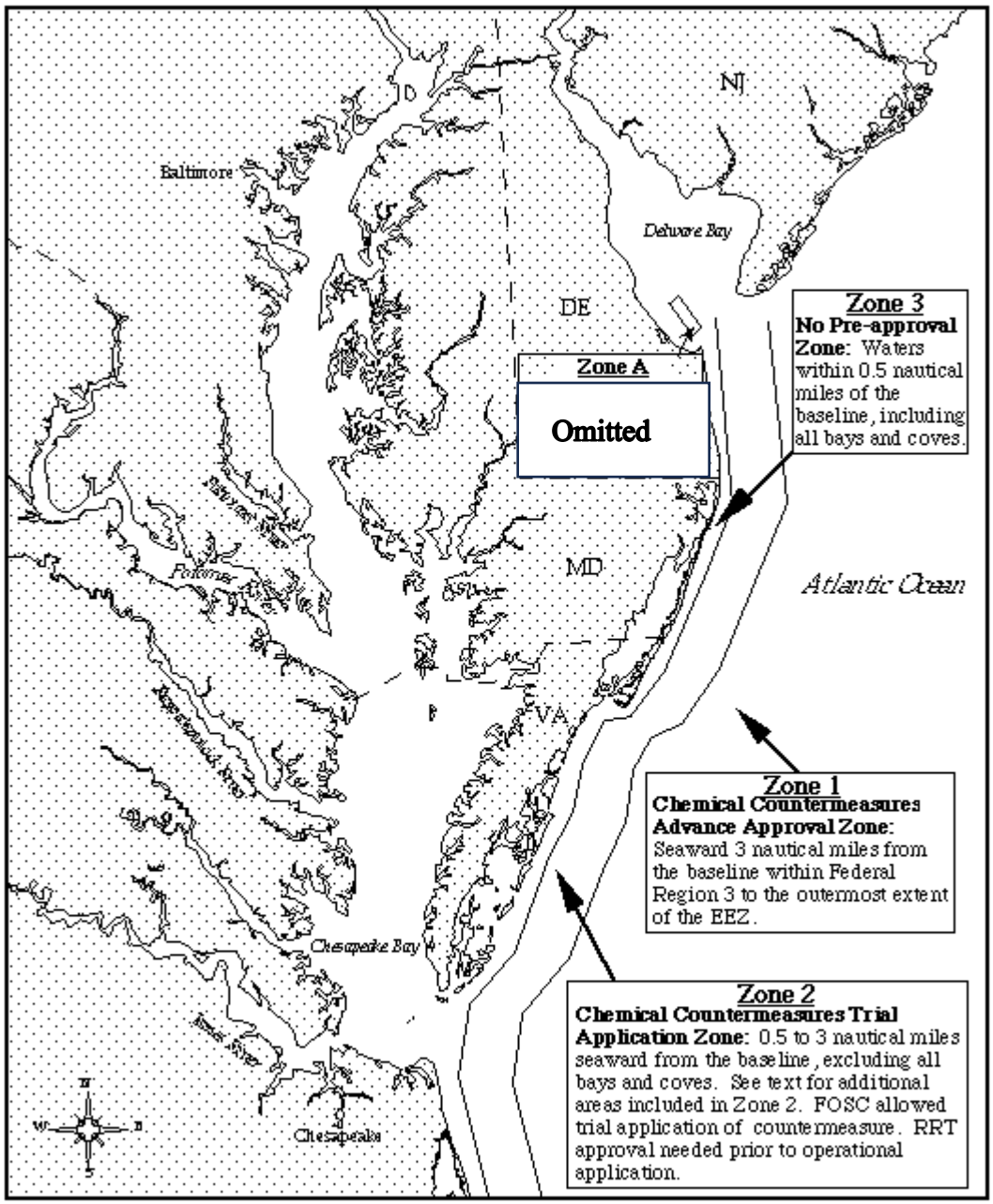
Pre-spill consultations have been completed for the Sector Virginia planning area for dispersant use. Frequently used BMPs can be found in the RRT3 Environmental Best Management Practices (BMPs) for Coastal Zone Oil Spill Response of the R3RCP.
As outlined in RRT3's Dispersant Employment Evaluation Plan (DEEP) and Dispersant Policy Memorandum of Understanding (MOU), RRT3 has provided preauthorization in specific zones and expedited approval procedures in other areas for the use of dispersants. This policy applies to the Federal Region III portion of the designated zones in the geographic areas of responsibility for COTP Sector Virginia. The Region III jurisdiction is divided into four zones (see Figure 1-5):

- Zone A = limited preauthorization
- Zone 1 = advanced preauthorization
- Zone 2 = trial application
- Zone 3 = no use, except in emergency situations

Major aspects of the MOU and the DEEP are summarized in the following matrix:

Chemical Countermeasures Pre-Approval MOU for RRT3 (coastal Delaware, Maryland, Virginia)	
Reference: R3RCP Appendix 6-A1	
Zone A (Omitted)	As of October 28, 2024, the State of Delaware Department of Natural Resources and Environmental Control (DNREC) canceled the MOU "in part", by cancelling Zone A, which previously allowed "limited preauthorization" of dispersants within Big Stone Anchorage. This would cancel the provisions of Zone A contained in Annex I of the MOU, Appendix 6-A and all other provisions of the MOU covering Big Stone Anchorage (Zone A). It is DNREC's understanding and intention that upon cancellation of Zone A, Big Stone Anchorage would fall completely within Zone 3 as indicated in Annex I, Figure 1, which expressly states that Zone 3 includes all bays and coves.
Zone 1	Chemical Countermeasures area approved in advance for any size spill in this zone, which is 3 NM seaward of the shoreline within Federal Region 3 to the outermost of the EEZ. Use MOU-Annex 2 checklist to make the use/non-use decision.
Zone 2	Chemical countermeasures may be approved for trial Application Zone, 0.5 to 3 nm seaward of the shoreline or greater than 40 feet deep, excluding bays and coves (except Zone A). FOSC can only authorize a trial application of countermeasures (only on spills 50 bbls or less, or on portions 50 bbls or less of larger spills, subject to provisions of Annex III), without concurrence. For operational application, FOSC must communicate with MOU signatory representatives; concurrence/non-concurrence decision is limited to within 4 hours after agency communication has been established. Use MOU-Annex 2 checklist to make the use/non-use decision.
Zone 3	No pre-approval is granted on waters within 0.5 nm of shoreline or less than 40 feet deep, include all bays and coves. Case-by-case approval may be obtained if agency concurrence is obtained; concurrence/non-concurrence decision is limited to within 4 hours after agency communication has been established. Trial applications only on spills 50 bbls or less, or on portions 50 bbls or less of larger spills may be authorized subject to Annex III provisions and agency concurrence; concurrence/non-concurrence decision is limited to within 4 hours after agency communication has been established.

Region III Chemical Countermeasures Authorization Zones



NOTE: Map zones not drawn to scale

Figure 1

Memorandum of Understanding concerning Preauthorization of Chemical Countermeasures in federal Region III.

For more information regarding preauthorizations, see the following MOUs.
In-Situ Burn
Oil Solidifier

4220 Threatened and Endangered Species within AOR
The list of Federal and State Threatened and Endangered Species are located in Table 3 of Annex C of the this plan.

4300 National Historic Preservation Act, Section 106

The National Historic Preservation Act, Section 106, among other requirements, requires that "Federal agencies take into account the effects of their undertakings on historic properties and to provide the Advisory Council on Historic Preservation (ACHP) with a reasonable opportunity to comment." Additionally, it requires that the Federal agency involved "consult on the Section 106 process with State Historic Preservation Offices (SHPO)" (36 CFR 800). Programmatic Agreement on Protection of Historic Properties During Emergency Response under the NCP outlines NHPA Section 106 consultation requirements.
Within the coastal zone, the USCG is the Action Agency, and as such, it is the USCG FOSC's responsibility to address any NHPA Section 106 Consultation requirements by engaging the SHPO. See Annex AA for contact information for State Historic Preservation Office (SHPO) points of contact and Annex M for tribal contacts.

4310 Preauthorization and Best Management Practices (BMPs)
Early engagement with SHPOs and Tribal Historic Preservation Officers (THPOs) regarding response activities is extremely important to ensure that NHPA consultation requirements are met. RRT3 developed the Environmental Best Management Practices (BMPs) for Oil Spill Response in the Coastal Zone to include consideration of historic and cultural resources, these can also be found in Annex F.

4400 Environmentally Sensitive Areas

Area Committees (ACs) are directed by OPA and the NCP to identify environmentally, socio-economic, and otherwise sensitive areas within their defined ACP planning area. These areas are often referred to as ***priority protection areas***. ACs have broad latitude to develop specific criteria for identification. Response plans required by federal law or regulation associated with oil exploration, production, transport, or storage, e.g., Oil Spill Response Plans, Vessel Response Plans, and Facility Response Plans must ensure maximum protection of Area Committee identified priority protection areas.

4500 Economically Sensitive Areas

As required by 40 CFR 300.210(c)(3)(i), areas of special economic or environmental importance shall be identified for protection from the impacts of a spill. Considerations include each location's significance, sensitivity to oil, anticipated impacts, and the extent to which potential losses can be recovered, restored, compensated. Potential economically sensitive areas include water intakes, high tourism coastal areas, significant port/industrial facilities, marinas, aquaculture sites, and fishing grounds.

4510 Economically and Environmentally Sensitive Areas
Economically and Environmentally Sensitive areas can be found on ERMA, and Annex DD, Eastern Shore Annex.

4600 Geographic Response Strategies (GRS)

Once priority protection areas are identified and adopted, ACs have the flexibility to provide information that may be useful to ensure appropriate strategies are implemented during any oil removal operation. One methodology is often referred to as Geographic Response Strategies (GRSs). Virginia 's existing GRSs can be viewed on ERMA and is included in Annex CC, Geographic Response Strategy Annex.

Although GRSs are developed and available for use during the planning and response phases, the IC/UC and OSROs must remain flexible and utilize on-scene initiative, experience and competence in determining actual pollution mitigation "tactics" for a particular incident. GRSs are developed using neutral weather conditions and mean-average tidal data and assume an incident response location. The scenarios for a pollution incident are nearly limitless; every spill is different and there are no absolutes. As a result, GRS locations should be reviewed and considered, but with the understanding that incident-specific mitigation tactics will likely be developed and executed on-scene. Factors such as current and projected winds, water currents/flows, tidal cycles, equipment limitations, bottom conditions, seasonal implications, exact incident location, potential hazards, and the type of oil can have a significant effect on any proposed strategy and should be carefully considered. **If applicable, modifications to any preplanned strategies should be expected**.

5000 Response

This Part of the ACP provides information outlined in the NCP, 40 CFR 300.300 Subpart D. Response protocols are guidelines for the response community to ensure success in meeting all legal and statutory requirements before, during, and upon completion of an oil discharge or hazardous substance release incident. The NCP (40 CFR 300.317) lists four broad national response priorities:

- Safety of human life
- Stabilization of the situation
- Use of all necessary containment and removal tactics in a coordinated manner
- Take Actions to minimize adverse impact to the environment that begins as soon as a discharge occurs.

Note: These national priorities do not preclude the consideration of other priorities that may arise on an incident-specific basis. Although removal actions will primarily consist of mechanical means, e.g., boom, skimmers, etc., Subpart J of the NCP (Use of dispersants and other chemicals) provides additional techniques for consideration to mitigate oil discharges. Please see Part 7000 of this ACP for information on specific techniques and processes preauthorized within this ACP planning area.

5100 Initial Reporting, Notifications, and Preliminary Assessment Procedures

When oil is discharged or hazardous substance is released in the VACP planning area, the responsible party is required to notify the following:

- National Response Center (NRC): (800) 424-8802

- Virginia Emergency Operations Center (EOC) Situational Awareness Unit: (804) 674-2400

The NRC is the national communications center for handling activities related to response actions. The NRC acts as the single federal point of contact for all pollution incident reporting. Notice of an oil discharge or release of a hazardous substance in an amount equal to or greater than the harmful or reportable quantity must be made immediately in accordance with the CWA and CERCLA under 33 CFR part 153, Subpart B, and 40 CFR part 302, respectively. All notices of discharges or releases received at the NRC will be relayed immediately to the appropriate predesignated FOSC. Notifying individual state offices does not relieve the responsible party from the requirements to notify the NRC and the Virginia EOC. Refer to the Contact Spreadsheet, Annex AA.
Initial notifications and actions by Sector Virginia can be found in the Sector's Oil Pollution Form (See Annex F).

5110 Preliminary Assessments
The FOSC shall, to the extent practicable, collect pertinent facts about the discharge or release, such as its source and cause; the identification of potentially responsible parties; the nature, amount, and location of discharged or released materials; the probable direction and time of travel of the discharged or released materials; the pathways to human and environmental exposure; the potential impact on human health, welfare, and safety and the environment; the potential impact on natural resources and property that may be affected; priorities for protecting human health and welfare and the environment; and appropriate cost documentation. These efforts shall be coordinated with other appropriate Federal, State, local, and tribal agencies. The FOSC also shall promptly notify the appropriate trustees for natural resources of discharges or releases that are injuring or may injure natural resources under their jurisdiction.

5120 Cleanup Assessment Protocol
When discharged oil contaminates shoreline habitats, responders survey the affected areas to determine the appropriate response. Although general approvals or decision tools for using shoreline cleanup methods can be developed during planning stages, responders' specific cleanup recommendations utilize field data on shoreline habitats, type and degree of shoreline contamination, and spill-specific physical processes. Early establishment of cleanup endpoints through a Unified Command Decision Memo is crucial for selecting efficient cleanup methods that achieve the desired cleanup objectives.

Additional tools to assist responders in establishing cleanup methodologies include:

- Characteristics of Coastal Habitats: Choosing Spill Response Alternatives.
- Characteristics of Response Strategies: A Guide for Spill Response Planning in Marine Environments,
- American Petroleum Institute (API) report on Tidal Inlet Protection Strategies (TIPS) (Note: File is too large to load on USCG network)

Note: These can also be found in Annex F, Planning and Response Tools.

When conducted, shoreline surveys should be done systematically because they are crucial components of effective decision-making. Also, repeated surveys may be needed to monitor the

effectiveness and effects of ongoing treatment methods (changes in shoreline oiling conditions, as well as natural recovery), so that the need for changes in methodology, additional treatment, or constraints can be evaluated.

NOAA's Shoreline Assessment Manual outlines methods that can be used to plan and conduct shoreline assessments after an oil spill. It also provides considerations that should be incorporated into assessing the effectiveness of the UC's shoreline cleanup decisions. The Shoreline Assessment Job Aid is a supplement to the manual. It contains visual examples of many of the terms you would use during shoreline assessments. In addition to these tools, the NOAA SSC also remains a valuable resource to help coordinate shoreline cleanup assessments and establish shoreline cleanup protocols.

5200 Emergency Consultations

5210 Endangered Species Act (ESA), Section 7

Whenever an FOSC makes a determination that federal response actions ***may affect*** ESA-listed (threatened or endangered) species and/or designated Critical Habitat or ***may adversely affect*** Endangered Fish Habitat (EFH), the action agency (USCG within the coastal zone) shall initiate emergency consultation protocols as appropriate. The FOSC initiates this emergency consultation as soon as practicable, via email to the Services, after the response is initiated. The RRT3 Environmental Consultation Guidance and Form for USCG Fifth District Coastal Zone, also available in Annex F, shall be used to document communications with the services.

5220 National Historic Preservation Act (NHPA), Section 106

On October 15th, 1966, Congress instituted a policy to preserve the Nation's cultural and historic heritage by enacting the National Historic Preservation Act (NHPA). Under this ACP, whenever pollution response actions may affect culturally or historically important sites or areas, the FOSC shall initiate emergency consultation protocols as soon as practicable after response actions are initiated.

The NCP does not provide specific guidance for taking historic properties into account during emergency response to an actual or threatened release of a hazardous substance, pollutant, or contaminant, or the discharge of oil or other pollutants (hereafter, a release or spill). Also, emergency provisions contained in the regulations implementing Section 106 of the NHPA do not directly address requirements for such emergency responses.

In carrying out duties under the NCP, including the priorities of protecting public health and safety, the FOSC may have to make emergency response decisions that adversely affect historic properties. By following this reference guide, however, the FOSC will be making an informed decision that takes historic property information into account prior to authorizing actions that might affect such property.

An "emergency" shall be deemed to exist whenever circumstances dictate that a response action to a release or spill must be taken so expeditiously that normal consideration of the Section 106 process is not reasonably practicable. This guide does not address the consultation procedures under Section 106 of the NHPA once that phase of the response action has ended.

"Historic Property" is defined in the NHPA as: "any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register"; such term includes artifacts, records, and remains which are related to such district, site, building, structure, or object (16 U.S.C. §470(w)(5)).

Criteria for listing a property in the National Register of Historic Places are found at 36 CFR Part 60. The statutory definition of historic properties and the established criteria determine whether a historic property needs to be considered during emergency response. A historic property need not be formally listed on the National Register to receive NHPA protection, it need only meet the National Register criteria (i.e., be eligible for listing in the National Register).

NHPA Section 106 consultation requirements are outlined in the Programmatic Agreement on Protection of Historic Properties During Emergency Response under the NCP.

5300 General Hierarchy of Response Priorities

The National Contingency Plan establishes three priority levels for the dedication of emergency oil spill response resources:

- Protection of human health and safety,
- Protection of environmental resources, and
- Protection of economic resources.

Response protocols are also set in place to ensure the established priorities are met during an incident.

5310 Safety

USCG employees, other government employees, and contract personnel involved in response activities ***must comply*** with all applicable worker health and safety laws and regulations. The primary federal regulations are the Occupational Safety and Health Administration (OSHA) standards for hazardous waste operations and emergency response found in 29 CFR 1910.12043. This rule regulates the safety and health of employees involved in cleanup operations at uncontrolled hazardous waste sites being cleaned up under government mandate and in certain hazardous waste treatment, storage, and disposal operations conducted under the Resource Conservation and Releases Recovery Act of 1976 (RCRA). The regulations also apply to both emergency response and post-emergency cleanup of hazardous substances. The definition of hazardous substance used in these regulations is much broader than CERCLA, encompassing all CERCLA hazardous substances, RCRA hazardous waste, and all Department of Transportation (DOT) hazardous materials listed in 49 CFR Part 172. Thus, most oil and hazmat responses are covered by these regulations. The rules cover employee protection during initial site characterization analysis, monitoring activities, materials handling activities, training, and emergency response.

5320 Priority Identification and Protection Strategies
Environmental resources at risk are identified in Part 4000 of this document, Environmentally and Economically Sensitive Areas, and in Annex C, the Fish and Wildlife Annex.

5330 Risk Assessment for Sensitive Area Prioritization
The initial response is focused on minimizing impacts through the strategic objectives of:

- Securing the Source
- Containment
- Cleanup
- Recovery, and
- Protection of Sensitive Areas.

In a pollution event, sensitive area protection prioritization should be determined by three considerations: (1) which sites are at risk (how soon the oil product will get to each sensitive site); (2) the predefined hierarchy of protection priorities; and (3) the time and response resources available to implement a specified protection strategy. Responders should not assume that sensitive locations equidistant from the source of a spill are at equal risk from the oil.

For the purpose of prioritization, "risk" is defined as "the probability of discharged oil reaching the vicinity of a sensitive site of concern." This means that the urgency to protect key resources is first determined by the likelihood that it will be impacted in the near future and mobilization time for requisite response staff and equipment. If the sites are too numerous to protect with the response resources available within projected times of impact, then triage of protection follows as the prescribed general hierarchy as identified for a specific area in the Geographic Response Strategies (GRSs).

5340 Environmentally Sensitive Areas
During a response, all of the appropriate environmentally sensitive areas will be referenced, and a determination will be made as to which areas will be directly affected, which areas could potentially be affected, and which areas have no threat of being affected. The previously referenced GRS in Section 4600 can be used for guidance, taking into account any special response considerations that will need to be addressed. Additionally, when threatened and endangered species, designated critical habitats, or historical/cultural properties may be affected by response actions, consultations with the appropriate agencies must be initiated. Specific guidelines and requirements for environmentally and economically sensitive resources, to include wildlife rescue and recovery, can be found in Annex C of this plan and within the Environmental Best Management Practices

5350 Wildlife Rescue & Recovery
The protection, rescue, and recovery of impacted wildlife during a response requires close coordination with those individuals and entities which have the expertise, authority, and equipment to safely and successfully execute it. This complex and high visibility operation is conducted by the Wildlife Branch within a Unified Command structure. Tri-State Bird Rescue is the primary organization for wildlife rescue and recovery in the Sector Viriginia Area of Responsibility. Contact information for Tri-State Bird Rescue is in Annex C and Annex AA.

5360 Aligning Natural Resource Damage Assessment (NRDA) with Response

Under OPA and CERCLA and various state statutes, Responsible Parties (RPs) are liable for damages for injury to, destruction of, loss of, or loss of use of, natural resources from a hazardous substance release or oil discharge as well as damages from the response to the release or discharge (or substantial threat of discharge/release). The measure of damages includes the cost to restore, rehabilitate, replace, or acquire the equivalent of the injured natural resource; the decline in value of resources pending restoration; and the reasonable cost of assessing the damages. Designated federal, state, and tribal natural resource trustees are responsible for assessing damages through the Natural Resource Damage Assessment (NRDA) process.

Following a hazardous substance release or oil discharge, Natural Resource Trustees have responsibilities for assessing resulting injury to the environment. Natural Resource Damage Assessment and Restoration (NRDAR) is the process by which trustees collect, compile, and evaluate data to determine the extent of injury to natural resources. The information gathered is used to assess damages, determine the restoration required to compensate for the injured natural resources and lost use of resources, and seek recovery of those damages from the responsible party. NRDAs are typically initiated concurrent with response activities. Initiation of a NRDAR usually involves acquiring data both during and after a spill to document:

- (1) oil or hazardous substances in water, sediments, soil, and organisms:
- (2) effects on fish, wildlife, and/or their habitat(s);
- (3) exposure pathways; and
- (4) measures taken to prevent or reduce immediate migration of oil or hazardous substances onto or into a trust resource.

To avoid duplication of response activities specified in a NRDAR with other response activities, all sampling and field work by Natural Resource Trustees should be coordinated with the lead response agency. If natural resources are injured by a discharge or release of a mixture of oil and hazardous substances, DOI/USFWS regulations apply. NOAA regulations apply only in assessing damages that may result from discharges of oil. Trustees often have information and technical expertise about the biological effects of hazardous substances, as well as locations of sensitive species and habitats, that can assist in characterizing the nature and extent of site-related contamination and impacts. Coordination at the investigation and planning stages provides the Trustees early access to information they need to assess injury to natural resources.

As described by the U.S. Coast Guard Incident Management Handbook (2014) (IMH), NRDA activities generally do not occur within the structure, processes, and control of the Incident Command System (ICS). However, given that NRDA activities usually overlap with those of the response, a plan for coordination and cooperation between the two efforts is necessary.

5400 National Incident Management System (NIMS)

The VAC will manage spill incidents in accordance with the NIMS version of the Incident Command System (ICS). The Coast Guard Incident Management Handbook (IMH) is designed to assist Coast Guard personnel in the use of the NIMS ICS during response operations and planned events. This handbook outlines specific details related to NIMS ICS, including position job aids, forms, and other information to guide responders during an event. Brief discussion of a few NIMS ICS concepts are included below, and a link to the handbook may be found in Annex F, Planning and Response Tools.

5410 Unified Command (UC)

When appropriate, a UC shall be established consisting of, at a minimum, the FOSC, the SOSC, and the RP's Incident Commander (IC). The UC can be established "virtually" as deemed necessary. The UC structure allows for a coordinated response effort, which takes into account the federal, state, local, and RP concerns and interests when implementing the response strategy. A UC establishes a forum for open, frank discussions on problems that must be addressed by the parties with primary responsibility for response operations. **Note:** NIMS ICS also provides for local and/or tribal representation within the UC. As such and at a minimum, consideration should be given to expand the UC to accommodate local and/or tribal interest during a particular response.

5420 FOSC Decision Authority

The FOSC has the authority and responsibility in accordance with the NCP to contain, control, and carry out response activities for the removal of a discharge where a substantial threat to public health or welfare, or where natural resources are endangered. The FOSC may consider using Coast Guard, Department of Defense (DOD), or Oil Spill Cooperative resources in such instances when the spill has been federalized and/or private sector resources cannot respond to the incident in a timely manner, or there are certain specific resources not available from the private sector. At the direction and discretion of the FOSC and the Unified Command, when the responsible party executes a suitable response, any government equipment deployed should be withdrawn as commercial equipment becomes available and is placed into service. The FOSC has the ultimate authority in a response operation and will only exert this authority, consistent with the NCP, if the other members of the unified command are not present or are unable to reach consensus quickly.

5430 Responsible Party

Under OPA 90, the responsible party has primary responsibility for cleanup of a discharge. The response shall be conducted in accordance with their applicable response plan. Section 4201(a) of OPA 90 states that an owner or operator of a tank vessel or facility participating in removal efforts shall act in accordance with the NCP and the applicable response plans as required. Section 4202 of OPA 90 states that these response plans shall be consistent with the requirements of the NCP and ACPs. Each owner or operator of a tank vessel or facility required by OPA 90 to submit a response plan shall do so in accordance with applicable regulations.

Facility and tank vessel response plan regulations, including plan requirements, are in 33 CFR Parts 154 and 155, respectively.

As defined in OPA 90, each responsible party for a vessel or a facility from which oil is discharged, or which poses a substantial threat of a discharge into or upon the navigable waters or adjoining shorelines or the Exclusive Economic Zone is liable for the removal costs and damages specified in Subsection (b) of Section 1002 of OPA 90. Any removal activity undertaken by a RP must be

consistent with the provisions of the NCP, RCP, ACP, and the applicable response plan required by OPA 90. Each RP for a vessel or facility from which a hazardous substance is released, or which poses a substantial threat of a release is liable for removal costs as specified in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C.§§9601 *et seq*.) The Commonwealth of Virginia requirements are, as follows:
The State Water Control Law [Va. Code Chapter 3.1., Article 11 (Discharge of Oil Into Waters), §§62.1-44.34.14 through 62.1-44.34.23) also requires each facility owner and vessel operator to prepare an Oil Discharge Contingency Plan.

5440 Common Operating Picture (COP)

The COP provides visual up-to-date response information so the UC can make informed decisions on the effectiveness of response strategies and future operations. The Coast Guard has adopted NOAA's Environmental Response Management Application (ERMA) as the platform to display a COP during a response. ERMA is a viewer that pulls real-time and static data to display a single interactive map. Generally speaking, RPs will provide their own COP, but ERMA can be used in conjunction with other platforms to make it easy for users to visualize an active environmental situation or long-term incident assessment. **Note**: Internet Explorer is not compatible with ERMA; please use Google Chrome or Microsoft Edge.

An electronic COP can provide a great deal of information during a response. However, early in the incident, VAC recommends that hard copy displays be created in the ICP for the response organization, and for the UC in their meeting space. Once more electronic display expertise arrives, the Incident Management Team can rely more on electronic displays and attempt to display the same COP in multiple locations.

5450 Incident Command Post

When a UC is established to manage a multi-day response, an Incident Command Post (ICP) shall be established as near as practicable to the spill site. All responders (federal, state, tribal, local, and private) should be incorporated into the response organization at the appropriate level. A list of potential pre-identified ICPs can be found in the Contact Spreadsheet, Annex AA.

5460 Public Information

Considering the high level of environmental awareness in many communities, any pollution incident is likely to generate interest from the public and the media. The public's perception of a response's success or failure is often determined early on in the response; this makes the need to provide the public with timely, and accurate information. For smaller responses, these efforts can be managed by a Public Information Officer or appropriate Branch Chief; however, large, more complex events will require the establishment of a Joint Information Center (JIC) to manage information access and flow. For more information, please refer to the National Response Team's (NRT) Joint Information Center Model.

5500 Oil Spill Containment, Recovery and Cleanup

The goal of most oil containment and recovery strategies is to collect the spilled oil from the water and prevent it from reaching sensitive resources. Unfortunately, this is not always possible and sensitive resources do get oiled in spite of response efforts, especially during large oil spills. In those cases, the goal will be to minimize environmental impacts using a variety of booming, containment, and recovery techniques.

5510 Containment

To recover spilled oil, it first must be contained in an area accessible to the recovery devices. Generally, oil is contained using boom. Boom forms a barrier in and above the water surface. Boom skirting provides an underwater containment wall that can become subject to rapid currents. Boom dimensions will be dependent on weather, substrate, material spilled, current and water conditions. For example, in the case of open water, it may be necessary to utilize a boom that is several feet tall. While in shallow areas like a brackish marsh, boom that is a few inches tall may be appropriate and cause the least harm.

There are limitations on the effectiveness of any boom. Oil will be lost if the conditions created are such that there is splash-over from breaking waves. Oil will also be carried under the boom skirt (entrainment) if it is deployed in such a way that currents cause the oil to impact the boom with a velocity perpendicular to the boom of greater than 0.7 knots. Once a boom has been deployed, it may be necessary to reposition it due to changing tides and currents. It is desirable to have personnel available to readjust the boom as required. In all cases of boom deployment, consideration must be given to protecting the safety of those involved in the activity.

Various booming strategies are used to prevent spreading and to concentrate the oil so it can be skimmed or vacuumed. Factors that need to be considered are type and size of boom required for weather, winds, tides, and currents in the vicinity of potential spill areas; the type of deployment vessel needed; the amount of boom needed for effective containment; and available skimming capabilities. Fixed or natural anchor points should be selected.

Sorbent booming is useful when the amount of oil is minimal, when tides and currents are light, or when shorelines require protection. Heavier oil can be recovered using adsorbent snare (oil “sticks” to the boom) and lighter fuels generally are recovered using absorbents (sausage, sweep, or pads). Sorbent booming can also be used as a backup for other types of boom to recover product that may have entrained past the primary barrier.

When oil escapes containment, it becomes increasingly difficult to recover. Additional measures must be included to deal with escaping oil. This is particularly necessary where oil booming is subjected to winds, waves, and strong currents; oil entrains or is splashed over boom. To counter oil escaping the boom, deployments should include pre-planning to anticipate where it may happen and measures to prevent it.

5520 Shoreline Protection Options

The VACP planning area is home to a large expanse of mud flat and marsh systems. These areas are particularly difficult to protectively boom, and every effort should be made to contain and recover the oil before it approaches any of these areas. If the on-water recovery operations are not entirely effective and oil still threatens the marsh areas, intertidal barrier boom may be used to protect the mud flats.

A recommended deployment strategy is as follows: Place intertidal boom along the entire front of the mud flat, with the boom being anchored just offshore of the low –low tide line. In areas where wave entrainment of the boom at high tide is considered to be a problem, place a line of boom across the upper mud flat near enough to the marsh to be away from the threat of wave entrainment. The boom positioned on the mud flat would rest on the flat at low tide and be of the type of construction that would prohibit oil from passing under it on the rising tide. The boom would eventually lift up off the tidal flat surface as the tide continues to rise.

Deployment of this type of boom and its supporting arrangement is extremely labor intensive. It should only be implemented if there is a high probability that oil will reach the marsh areas. It is envisioned that these resources would not be available until equipment began to cascade into the area sometime after the initial response. Other factors to consider for this type of booming are:

- Water body type
- Water current velocity
- Water depth
- Wave height, and
- Shoreline type

Generally, sediment berms, dikes and dams will most often be used to protect small coastal inlets or perhaps tidal channels serving wetlands and marshes when these channels are accessible. The purpose of berms, dikes and dams is to keep oil outside an inlet because there are often abundant natural resources and economically significant areas that use the sheltered waters within.

Occasionally, dikes and dams have been used across a channel to contain the oil within a portion of marsh in order to prevent widespread contamination of other resources. Dikes and dams are not practical when currents are great, waters are deep, or waves are large. Also, beaches with abundant sand are generally the most suitable for building dikes and dams. Berms can be built above the active beach face to prevent oil contamination of high beach during spring tides. Alternative strategies should be prepared and the necessary supplies and equipment in place should a berm, dike, or dam fail.

5530 On-Water Recovery

5531 Open Water

Oil removal and recovery in open water is accomplished through the use of skimming devices once the oil has been contained. Skimmers can be freestanding, in which the skimmer is a separate piece of equipment which pumps the oil-water mixture from the contained surface into tanks on a vessel. These skimmers are usually driven by hydraulic units on board a vessel. Self-propelled skimmers

have a skimmer as an integral part of the vessel. The skimming vessel positions itself at the head of a concentrated or contained pool of oil and recovers the oil into tanks on board the vessel. There is also a type of skimmer in which the weir or collection zone of the skimmer is an integral part of the boom which is close to the skimmer.

Vessels of Opportunity (VOO), such as fishing vessels, may be used to deploy or tow boom and, depending on the size of the vessel, may be equipped with skimming equipment. VOOs need to have adequate deck space and lifting cranes to carry the necessary equipment.

5532 Near-shore/Shallow Water

Oil recovery techniques and equipment are different in near shore/shallow water locations than in open water locations. Shallow draft vessels and smaller boom and skimmers are used in these situations. These vessels can maneuver into tight places behind and under wharfs or in sloughs and can skim next to shore in many near-shore locations.

Strategies for near-shore cleanup can differ depending on the depth of the water and the location. Near-shore operations, within a bay or inlet, will also require shallow draft vessels, workboats, and skimmers. However, the vessels may only be operable at high tide. At or near low tide, the operation may evolve into a shoreline cleanup operation. Any boom towing boats or skimmers must be able to withstand going aground without sustaining major damage.

5540 Non-floating Oil Recovery and Protection

Non-floating oil that is spilled and transported subsurface either remains suspended in the water column or is deposited on the seabed, usually after interaction with suspended sediments or sand. Different strategies for containing these oils can depend on the location of the oil.

The recovery of sunken oil has proven to be very difficult and expensive because the oil is usually widely dispersed. Several of the most widely used recovery methods are manual removal, pump and vacuum systems, nets and trawls, dredging, and onshore recovery.

5550 Shore-side Recovery and Natural Collection Points

There are predictable locations where recovery efforts can be optimized at shorelines. There are two situations where oil collection should be vigorously attempted at the shoreline:

- Places where oil naturally collects at the shoreline because of winds and currents
- Diversion and capture of oil as it flows past or along the shoreline to locations with low environmental sensitivity

Oil is a substance that spreads primarily in two dimensions on the water's surface while water moves in three dimensions; oil will spread thin, but it will also accumulate at predictable locations; it will accumulate wherever water has downward currents: such as tide rips along mud flats, and at windward coves. Responders are encouraged to also consider barge staging areas in the vicinity of a response for collection/pocketing of oil.

5560 Shoreline Cleanup

Sandy Beaches: The most efficient method of cleaning sandy beaches contaminated with oil is with motor graders and elevating scrapers working together, however, there are some drawbacks. Rubber-tired earth moving equipment can easily lose traction or become immobilized on beaches

that have a low bearing capacity; these beaches are classified as having poor traffic ability. Earth moving equipment normally used in cleaning oil-contaminated beaches should be able to operate with only occasional difficulty. If traffic ability problem should occur, the following measures should be tried in the following order:

- Pressure in all tires should be lowered to 20 PSI.
- All regular tires on the equipment should be replaced with flotation tires.

On some occasions, the rear area of a beach may not have sufficient traffic ability to allow heavy equipment to cross the firmer intertidal area. In this situation, a gravel or rock roadway can be quickly constructed (using several truckloads of material) across the soft rear area to the inter- tidal zone. When the cleanup operation is complete, the gravel/rock roadway can be removed and the rear area restored to its original condition.

Gravel and Cobble Beaches: Generally, gravel and cobble beaches can be worked with rubber-tired equipment, although tracked equipment may be required if traffic ability is poor.
Regardless of the size of beach material, front end loaders and angle blade equipment (bulldozers or motor-graders) can be used to remove oil-contaminated materials from gravel and cobble beaches. The angle-bladed equipment casts a windrow that a front-end loader can pick up and load into a truck for disposal.

Special caution should be taken before removing material from cobble beaches located at the base of cliffs or bluffs. Often times cobble beaches serve to protect the shore by absorbing energy from incoming waves. If a substantial amount of material is removed, waves can roll up the beach and break against the base of the cliff or bluff causing it to erode. If removal of contaminated material is necessary, it should be replaced with cobbles or coarse sediments of approximately the same size and volume.

If the oil forms a thick “asphalt pavement” over the cobbles or gravel, the optimum cleanup procedure may be to break up the pavement as much as possible to allow natural movement of the sediment. This movement would tend to break up the oil further, significantly increasing the natural degradation rate.

Salt Marshes: All salt marshes prevalent on the Eastern Shore and others which are not already badly contaminated should be considered biologically sensitive. Much of each marsh is above sea level, and oil contamination would most likely be limited to the sea or lagoon frontage, tidal channels, and adjacent banks. Any oil spill cleanup in these areas should be undertaken with extreme care.

Several techniques can be used to clean oil-contaminated salt marshes. The method to be used in a given instance depends on the degree of contamination, the kind of oil involved, and the availability of cleanup equipment. Low-pressure hose flushing and use of an oleophilic endless-rope skimmer (CSI oil mop) are the methods preferred most often for cleaning oil-contaminated marshes. When sorbents are used, it should be remembered that winds and currents tend to scatter them and make them difficult to recover.

Burning and/or removing marsh vegetation and oil should be considered only if there is potential for recontamination or direct threat to wildlife or habitat. Burning is preferable if the contaminated marsh is an annual type and if it is possible to obtain a burning permit through air pollution regulatory agencies. In cases where a contaminated marsh is almost submerged by high tides, an effective technique is to boom the marsh edge and trap oil flushed from the marsh by the tide action. RRT3 must provide concurrence if burning is to proceed. See the RRT3 Guidelines for In-Situ Burning of Wetlands for more information.

5570 Decontamination

Personnel

Decontamination is not an automatic or inevitable response to an incident. Whether or not to initiate decontamination procedures will depend on the assessment of the nature of the incident by first responders. A first responder, who does not properly decontaminate him/herself, may potentially contaminate his/her co-workers and family.

Once the decision to decontaminate has been made, the general principle is that all casualties, whether injured or not, who are suspected of being contaminated will receive decontamination at the scene. Although this will reduce the number of people self-referring to medical centers, people will still self-present for decontamination off-site. Medical centers and hospitals should prepare for this.

If decontamination procedures are initiated, the first objective is to remove the contaminated person from the area of greatest contamination. Usually this will be to the open air and upwind of the incident. It should be remembered that potential witnesses or suspects might be among those being decontaminated.

The careful removal of contaminated clothing will reduce the level of contamination and should, therefore, be a priority. Wherever possible the removal of clothing should be from head to foot, to limit the risk of inhalation of any contaminant. Special care should be taken to ensure there is no spread of contamination from any clothing to exposed skin.

Equipment

Equipment decontamination may be necessary to prevent the spread of oil from contaminated areas to uncontaminated areas, such as the movement of a vessel from a work site to a marina to moor up. Decontamination will also be necessary as vessels and other equipment are demobilized. The OSC shall ensure that decontamination is addressed, and a plan is developed and implemented if necessary. If contaminated vessels call upon the COTP zone and Annex EE, Petroleum Oil Annex.

5580 Waste Management and Disposal

The Disposal Group is responsible for coordinating the on-site activities of personnel engaged in collecting, storing, transporting, monitoring, temporary storage, recycling, and disposal of all response waste.

It is the responsibility of the FOSC to ensure that any recovered oil or hazardous substance is disposed of properly once cleanup has occurred. The Resource, Conservation and Recovery Act

(RCRA) and its implementing regulations contained in Title 40 of the Code of Federal Regulations, and as adopted by the Commonwealth of Virginia through the Administrative Code and the Virginia Waste Management Board - 9VAC20-60, Virginia Hazardous Waste Management Regulations, and 9VAC20-81, Solid Waste Management Regulations - are quite specific in defining what hazardous waste is and how it should be handled and disposed. Also, state authorizations for disposal of any solid waste must be granted prior to removal from collection points. 40 CFR Part 261, Subpart C lists the characteristics a substance must exhibit to be considered hazardous. See also 9VAC20-81 *et seq*. for limits on land disposal of total petroleum hydrocarbons, BTEX (benzene, toluene, ethylbenzene and xylene), and PCBs (man-made organic chemicals consisting of carbon, hydrogen and chlorine atoms).

See also RRT3 Guidance for Disposal of Contact Water, and RRT3 Guidance for the Decanting of Contact Water for further guidance.

5590 Terminating Cleanup Operations

When to terminate specific oil spill cleanup actions can be a difficult decision: how clean is clean? The increasing cost of the cleanup and the damage to the environment caused by cleanup activities must be weighed against the ecological and economic effects of leaving the remaining oil in place. The decision to terminate cleanup operations is site-specific. Cleanup usually cannot be terminated while one of the following conditions exist:

- Recoverable quantities of oil remain on water or shores
- Contamination of shore by fresh oil continues
- Oil remaining on shore is mobile and may be refloated to contaminate adjacent areas and near shore waters

Cleanup may normally be terminated when the following conditions exist:

- The environmental damage caused by the cleanup effort is greater than the damage caused by leaving the remaining oil or residue in place
- The cost of cleanup operations significantly outweighs the environmental or economic benefits of continued cleanup
- The FOSC, after consultation with the members of the Unified Command, determines that the cleanup should be terminated

Note: Per 40 CFR 300.320(a)(5)(b), removal shall be considered complete when so determined by the FOSC in consultation with the Governor(s) of the affected state(s).

5595 Non-Standard/Unconventional Emergency Removal Action Scenarios

Under development.

5600 Oil Spill Response Funding and Cost Recovery

The Oil Spill Liability Trust Fund (OSLTF) is available to the FOSC for the payment of removal costs determined by the FOSC to be consistent with the National Contingency Plan as a result of, and damages resulting from, a discharge, or substantial threat of a discharge of oil impacting the navigable waters of the United States. The OSLTF was established by Section 311(k) of the Federal Water Pollution Control Act (FWPCA) and is administered by the U.S. Coast Guard's National Pollution Funds Center (NPFC). In the event of an oil spill, an FOSC, state, claimant, or trustee can obtain access to these federal funds through the processes outlined in the following sections.

5610 FOSC Access to OSLTF

When federal actions are authorized by the Clean Water Act or CERCLA, the OSLTF or the Superfund, respectively, may be accessed to fund them. A USCG FOSC uses the NPFC's Ceiling and Number Assignment Processing System (CANAPS) to establish and manage a Federal Project Number (FPN) for an oil spill or a CERCLA Project Number (CPN) for a Hazardous Substance incident. CANAPS interfaces with the Coast Guard's Financial System Modernization Solution (FSMS) to create a POET to provide funding support to the FOSC. For specific guidance regarding the administration of a FPN or a CPN, refer to the "Procedures for Accessing the Funds" as well as the "CANAPS User Guide" in the NPFC User Reference Guide.

5620 Funding Authorizations for Other Agencies (MIPRs, PRFAs, WAFs)

Federal, state, local, and tribal governments assisting the FOSC during a response may receive reimbursable funding through a Pollution Removal Funding Authorization (PRFA). The NPFC can be consulted regarding PRFAs, but authorization to establish and use this funding source is provided by the FOSC. The decision to use another agency to help in the response must be documented in writing (to include what is required and why it is needed) and must be signed by the FOSC. After the PRFA has been approved by the FOSC, the other agency is required to follow the same cost documentation procedures used by the FOSC. If additional or an increase in funding is required, the request must be made to the FOSC. For more information about PRFAs please refer to NPFC User Reference Guide.

When an FOSC makes the determination that a DoD asset or DoD resources are necessary to conduct a response (i.e., US Navy SUPSALV), a Military Interdepartmental Purchase Request (MIPR), vice a PRFA, must be established. For more information about establishing a MIPR please refer to NPFC Technical Operating Procedures - Chap 5 (MIPR).

5630 Trustee Agency Access to the OSLTF

OPA provides access to the OSLTF by Trustees for the purpose of conducting a Natural Resource Damage Assessment (NRDA). Executive Order 12777 introduced the concept of a Federal Lead Administrative Trustee (FLAT) in an effort to provide a focal point for addressing natural resource issues associated with a specific incident. The NPFC will only accept requests for initiation of a NRDA from, and normally work directly with, the designated FLAT. For purposes of requests for initial funding for a NRDA, State and Tribal Trustees must work through a FLAT. When a request for a NRDA has been made, the NPFC Natural Resource Damage Claims Division will then assign a claims manager to coordinate the approval process. Together, the NPFC Natural Resource

Damage Claims Manager and the FLAT will execute a request and authorization for obligation of funds through an Interagency Agreement (IAA). For more information about the process of initiating a Natural Resource Damage Assessment (NRDA) and for the regulations and procedures for making a Natural Resource Damage (NRD) claim please refer to NPFC Natural Resource Damage Claims.

OPA allows state Governors to request payment of up to $250,000 from the OSLTF for removal costs required for the immediate removal of a discharge of oil, or prevention of a substantial threat of a discharge of oil. Requests are made directly to the FOSC who will determine eligibility. If a state anticipates the need to access the OSLTF, they must submit a request which shall include the person's name, title, address, telephone number, and the capacity in which they are employed. FOSCs will provide initial coordination of the request and subsequent coordination and oversight. For more information about a state's access to the OSLTF please refer to Technical Operating Procedures for State Access to the OSLTF.

5700 Hazardous Substance Spill Response

5710 Introduction

This segment of the ACP provides general guidelines for initial response actions necessary to abate, contain, control and remove the released substance and describes some of the unique issues associated with a hazardous substance release. Hazardous substance response is outlined within Subpart E of the NCP. 40 CFR Part 300 Subpart E establishes methods and criteria for determining the appropriate extent of response authorized by CERCLA and CWA Section 311(c). These include:

- When there is a release of a hazardous substance into the environment; or
- When there is a release into the environment of any pollutant or contaminate that may present an imminent and substantial danger to the public of the United States.

The release of hazardous substances is unique compared to an oil spill in that hazardous substances have a greater potential to impact human health. In general, oil spills are of great concern due to their potential to cause long-term damage to the environment. However, oil spills do not routinely pose an immediate threat to human life. On the contrary, hazardous substance releases can pose an immediate danger to humans when released in even the smallest quantities.

The definition of a Hazardous Substance is: Any substance designated as such by the administrator of the EPA pursuant to CERCLA (40 CFR Part 302), regulated pursuant to Section 311(c) of the federal CWA (40 CFR Part 117 et seq.), or designated by the Virginia Department of Emergency Management (VDEM).

The definition of harmful quantity is: A quantity of a hazardous substance the release of which is determined to be harmful to the environment or public health or welfare or may reasonably be anticipated to present an imminent and substantial danger to the public health or welfare by the Administrator of the EPA pursuant to federal law or designated by the VDEM.

More information on area specific Hazardous Substance response can be found in Annex D.

5720 Environmental Support to the FOSC

In the event of a Spill of National Significance or pollution incident which poses a threat to public health, local, state, and national health, public officials shall be notified. For more information about environmental support available to the FOSC, please refer to Section 3300.

5730 State Policy

In accordance with the Code of Virginia, Title 44, Chapter 3.5, the Department of Emergency Management (VDEM) serves as the lead state agency for hazardous materials emergency response. VDEM is responsible for coordinating the development and implementation of hazardous materials training programs and emergency response plans in collaboration with state and local government agencies. The agency administers the Virginia Hazardous Materials Emergency Response Program to ensure a coordinated and effective response to hazardous materials incidents across the Commonwealth.

VDEM may enter into agreements with political subdivisions to provide hazardous materials emergency response within specific geographical areas on a cost-sharing basis. These agreements facilitate the provision of specialized hazmat teams and resources to supplement local capabilities during incidents that exceed local response capacities.

Cleanup and restoration standards for hazardous materials incidents are established by the Virginia Department of Environmental Quality (DEQ) under the Virginia Hazardous Waste Management Regulations (9VAC20-60) and the Solid Waste Management Regulations (9VAC20-81). These regulations define hazardous waste and outline the procedures for its proper handling, treatment, and disposal to protect human health and the environment.

In the event of a hazardous materials release, responsible parties are liable for the costs associated with response and cleanup activities. The Commonwealth may seek recovery of expenditures incurred during response operations, including costs for scientific studies, legal services, and remediation efforts, as authorized under applicable state and federal laws

5800 Hazardous Substance Spill Response Funding and Cost Recovery

5810 FOSC Access to CERCLA Funding

An MOU between the USCG and Environmental Protection Agency (EPA) authorizes the USCG to access the Hazardous Substance Trust Fund (Superfund) when it undertakes response activities pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). A USCG FOSC has the authority to approve the expenditure of these funds to prevent or mitigate immediate and significant harm to human life or health or to the environment from the release or potential release of hazardous substances. The process through which a USCG FOSC accesses these funds is through CANAPS, as discussed in section 5610. The NPFC is responsible for the administration of the USCG's portion of the Superfund, while the EPA retains overall responsibility for the fund's general administration.

5820 Funding Authorizations for other Agencies (MIPRs, PRFAs, WAFs)
Federal, state, local, and tribal governments assisting the FOSC during a response may receive reimbursable funding through a Pollution Removal Funding Authorization (PRFA). The NPFC can be consulted regarding PRFAs, but authorization to establish and use this funding source is provided by the FOSC. The decision to use another agency to help in the response must be documented in writing (to include what is required and why it is needed) and must be signed by the FOSC. After the PRFA has been approved by the FOSC, the other agency is required to follow the same cost documentation procedures used by the FOSC. If additional or increased in funding is required, the request must be made to the FOSC. For more information about PRFAs please refer to NPFC User Reference Guide.

When an FOSC makes the determination that a DoD asset or DoD resources are necessary to conduct a response (i.e., SUPSALV), a Military Interdepartmental Purchase Request (MIPR), vice a PRFA, must be established. A MIPR is an order issued by one military service to another to procure services, supplies, or equipment for the requiring service.
The MIPR (DD Form 448) may be accepted on a direct citation or reimbursable basis.

5830 Trustee Agency Access to CERCLA
Local and federally recognized tribal governments may request reimbursement of cost to carry out temporary measures to protect human health and the environment without a contract or cooperative agreement. All costs for which local governments are seeking reimbursement must be consistent with the NCP and Federal cost principles outlined by the Office of Management and Budget. Reimbursements are limited to $25,000 per hazardous substance response. In addition, reimbursement must not supplement local government funds normally provided for emergency response. States are not eligible for reimbursement from the Superfund and no state may request reimbursement on behalf of political subdivisions within the state.

The EPA will make all decisions regarding recovery of expenditures from the Superfund. All agencies expending Superfund money must submit an itemized account of all funds expended in accordance with provisions of contracts, Interagency Agreements (IAA), or Cooperative Agreements with EPA. These agreements must be in place prior to the expenditure of funds. For more information on the Local Government Reimbursement (LGR) program please refer to EPA Local Government Reimbursement Program.

5900 Response Documentation Requirements

The NCP outlines broad documentation and cost recovery requirements and can be found in 40 CFR 300.315. During significant and protracted pollution responses, the FOSC is encouraged to mobilize one of the USCG's Type 1 Documentation Unit Leaders to oversee all facets of incident-related documentation.

5910 Incident Action Plans (IAPs)
The Documentation Unit Leader is responsible to save digital and/or hard copies of IAPs.

5920 Consultation Documentation and other Decision Memos
Consultation and decision memos need to be saved. The Documentation Unit Leader should consider having scribes in meetings to ensure key decisions and documents are appropriately documented.

5930 Cost Recovery Documentation and Claims

Costs generated against the fund during a response will be paid by the NPFC through the line of accounting established by the FPN or CPN. Upon completion of the response, the NPFC will seek to recover those costs from the RP. Only through careful documentation of those costs and expenditures is cost recovery possible; this makes maintaining a detailed cost documentation process a critical part of any response. For specific information on cost documentation requirements and cost recovery procedures, please refer to the NPFC Technical Operating Procedures for Incident and Cost Documentation.

The NPFC User Reference Guide is designed to serve as a reference tool during an oil discharge or hazardous substance release when the Federal On-Scene Coordinator (FOSC) is providing oversight or conducting response operations under the NCP. This guide includes all relevant Federal regulations, technical operating procedures (TOPs), forms and sample letters, and other documentation designed to make funding of recovery operations and the recovery of Federal expenditures as efficient and easy as possible. This guide is available to all interested parties and can be found at: NPFC User Reference Guide.

Maintaining a thorough and complete record of response actions and expenditures is a critical element to any successful response. Keeping thorough records aids in the recovery of costs and can be used to generate best management practices and lessons learned as well as support the restoration of natural resource injuries.

Persons and government agencies that incur damages due to discharges or substantial threats of discharges of oil are entitled to compensation, and OPA90 provides for a mechanism to expedite this process. The RP is primarily liable for satisfying legitimate claims expeditiously. If the RP is either unknown, or is unable or unwilling to meet this obligation, or the claim is denied or remains unpaid for 90 days, the NPFC is authorized to evaluate and pay the claim from the OSLTF. This applies to both uncompensated removal costs and uncompensated damages resulting from the discharge. Section 1002 of OPA90 describes damages as including natural resources, real or personal property, subsistence use, revenues, profits and earning capacity, and public services. The RP, as designated by the FOSC, is required to advertise, in a manner directed by the NPFC, the name, address, telephone number, office hours, and workdays of the person or persons to whom claims are to be presented and from whom claim information can be obtained. If the RP denies responsibility, proves unwilling or unable to deal with claims, or refuses to advertise, the NPFC will assume the role of responsible party for the purpose of receiving and paying claims. As such, the NPFC will advertise as described above, listing either their offices at Coast Guard Headquarters/DHS St. Elizabeth's Compound Arlington, VA, or a locally established claims office, as deemed appropriate by the FOSC and NPFC for the case.

If parties have been adversely affected by an oil spill, they may be able to receive compensation. OPA90 defines the conditions under which they may recover costs and damages. To submit a claim, they must:

Show that the spill meets all OPA requirements. ***Their claims manager cannot process the rest of their claims package until they have proven that the spill meets these requirements.*** (The OPA Claims Requirements checklist provides a step-by-step guide to help you decide if a spill qualifies.)

Document their costs and damages from the spill. (See the Types of Claims table below and NPFC website for a list of the kind of claims they can submit.) Forward their claims package to the National Pollution Funds Center, the Coast Guard office responsible for evaluating and approving OPA claims.

Types of Claims

Claim Type	**Description**	**Who Can Submit**
Natural Resource Damages (NRD)	Costs for: Assessing an area's natural resource damages, Restoring the natural resources, and Compensating the public for the lost use of the affected resources.	Only specially designated natural resource trustees
Removal Costs	Costs to prevent, minimize, mitigate, or clean up an oil spill. (The costs of cleaning up your own property fall under the category of property damage, not removal costs.)	Clean-up contractors, called Oil Spill Recovery Organizations (OSROs), Federal, State, and local government entities. The responsible party. Anyone who helped clean up the spill.
Property Damage	Injury to or economic loss resulting from destruction of real property (land or buildings) or other personal property. Does not include personal injury.	People or entities who own or lease the damaged property.
Boat Damage	Injury to or economic loss resulting from damage to a boat (a subset of property damage).	People or entities who own or lease the damaged boat
Loss of Subsistence Use of Natural Resources	Loss of subsistence use claim if natural resources you depend on for subsistence use purposes have been injured, destroyed, or lost by an oil spill incident.	Anyone who, for subsistence use, depends on natural resources that have been injured, destroyed, or lost (You do not have to own or manage the natural resource to submit a claim under this category.)
Loss of Government Revenue	Net loss of taxes, royalties, rents, fees, or net profit shares due to the injury, destruction, or loss of real property, personal property, or natural resources	Federal agencies. States. Local governments.

Increased Public Services	Net costs of providing increased or additional public services during or after removal activities, including protection from fire, safety, or health hazards, caused by a discharge of oil or directly attributable to response to the oil spill incident	States. Local governments.

For general claims inquiries, please contact 800-280-7118 or hqs-smb-npfc-claimsinfo@uscg.mil.

5931 Claims to the OSLTF

Claimants (individuals, corporations, and government entities) can submit claims for uncompensated removal costs or certain damages caused by an oil spill (as listed below) to the OSLTF, administrated by the NPFC, if the Responsible Party for the discharge does not satisfy their claim. The NPFC adjudicates claims and pays those with merit.

The Responsible Party can submit claims to the NPFC provided that:
The total of all response costs and damage claims exceeds the Responsible Party's statutory limit of liability; or the spill was solely caused by a third party, an Act of God, or an Act of War.

The categories of uncompensated losses covered by the OSLTF are:

- Removal costs,
- Real or personal property damages,
- Loss of profits or earning capacity,
- Loss of subsistence,
- Loss of government revenues,
- Cost of increases to public services, and
- Damages to natural resources.

Generally, claims for all costs and damages resulting from an oil pollution incident must be presented first to the Responsible Party or its guarantor. For more information about the claims process, please refer to the NPFC Claimant Guide.

5932 NOAA Damage Assessment Procedures

NOAA published a final rule to guide Trustees in assessing damages to natural resources from discharges of oil. The rule provides a blueprint that enables Natural Resource Trustees to focus on significant environmental injuries, to plan and implement efficient and effective restoration of the injured natural resources and services, and to encourage public and responsible party involvement in the restoration process.

Under the rule, the NRDA process is divided into three phases:

Pre-assessment: The trustees evaluate injury and determine whether they have the authority to pursue restoration and if it is appropriate to do so;
Restoration Planning: The trustees evaluate and quantify potential injuries and use that information to determine the appropriate type and scale of restoration actions; and

Restoration Implementation: The trustees and/or responsible parties implement restoration, including monitoring and corrective actions.

This process is designed to rapidly restore injured natural resources and services to the condition that would have existed had the spill not occurred and to compensate the public for the losses experienced from the date of the spill until the affected natural resources and services have been recovered. For more information about this process please refer to NOAA NRDA Process.

5950 Post-spill Consultations

For actions not covered by a pre-spill consultation that are used, or are considered for use during an emergency response, the FOSC must follow ESA and/or EFH emergency response procedures and complete ESA and/or EFH consultations in collaboration with the Services once the emergency phase of the response has ended. To the extent applicable, post-spill NHPA Section 106 consultations with the SHPO (and possibly others) would also need to be completed if not initiated or completed during the emergency phase.

The RRT3 Environmental Consultation Guidance and Form for USCG Fifth District Coastal Zone should be utilized for conducting post-spill consultation.

6000 Response Resources

The Oil Pollution Act of 1990 (OPA) amended the Federal Water Pollution Control Act (FWPCA) to require the preparation and submission of response plans by the owners or operators of certain oil-handling facilities and for certain oil-carrying tank and non-tank vessels (referred to here as plan holders). These plan holders are required to submit response plans which identify and ensure either by contract or other approved means (i.e., Letter of Intent), the availability of response resources (i.e., personnel and equipment) necessary to remove a worst-case discharge (WCD), including a discharge resulting from fire or explosion, and to mitigate or prevent a substantial threat of such a discharge. Additional response resources for marine firefighting and salvage are identified in Annex E.

6100 Oil Spill Removal Organizations (OSROs) and Equipment

6110 OSRO Classification Program

The Oil Pollution Act of 1990 mandated the creation of a national database of response resources that would be maintained by the Coast Guard National Strike Force Coordination Center. This voluntary equipment locator system, known as the Response Resource Inventory, was expanded in 1995 to accommodate the needs of the Oil Spill Removal Organization (OSRO) Classification initiative.

The RRI includes data received from companies that wish to have their equipment listed in a publicly accessible system, as well as data generated from the OSRO classification program. Participation by private industry is voluntary except for classified OSROs, whose participation becomes mandatory when they apply for a classification. The RRI can be accessed by OSRO companies that have been granted access to the system. RRI reports may also be requested through USCG Sector Virginia.

Coast Guard members can access the RRI through MISLE by selecting "administration" from the menu at the bottom left of the screen will display a list of all the available administration navigation sections. Selecting Local Resource from the Navigation tab directs the user to a system generated workflow, which automatically displays in the Workflow navigation tab.

The RRI Report for the AOR provides a snapshot of all the Classified OSROs and response equipment that is within reach in a reasonably short period of time. It is important to remember that the RRI changes daily. Therefore, an RRI report should be run through MISLE for the most up-to-date information.

Within the RRI Reports, the highlighted OSROs are those that have a Basic Ordering Agreement (BOA) with the federal government. A BOA is a written agreement between a buyer (i.e., the USCG) and a seller. This agreement states the terms for the procurement of the specified items for a stated period. The BOA is an instrument of understanding, negotiated between an agency, contracting activity, or contracting office and a contractor, that contains terms and clauses applying to future contracts between the parties during its term, a description, as specific as practicable, of supplies or services to be provided, and methods for pricing, issuing, and delivering future orders under the BOA. However, a BOA itself is not a contract.

6120 Response Resource Inventory (RRI) database

As part of maintaining their classification, OSROs must provide detailed lists of their response resources to the Response Resource Inventory (RRI) database. The National Strike Force Coordination Center (NSFCC) administers this database, along with the OSRO classification program. The RRI database is the backbone of the classification program and its capabilities are two-fold: a classification element and an inventory function. The classification element of the RRI database complements the Facility Response Plan and Vessel Response Plan development and review processes by systematically classifying OSROs' response capabilities to meet the plan holders' response capability requirements. An OSRO's classification levels (Maximum Most Probable Discharge and Worst-Case Discharge Tiers 1, 2 & 3) are based on its ability to meet time delivery requirements for containment boom, temporary storage capacity and skimmer capacity. Once entered into the system by the OSRO, the RRI database translates the information into an estimated daily recovery capacity (EDRC) that determines an OSRO's level of classification for each of the six various operating areas (Rivers/Canals, Great Lakes, Inland, Nearshore, Offshore, and Open Ocean) in a particular COTP zone.

The inventory function of the RRI database makes a great deal of information available to response and contingency planning personnel; it not only outlines the locations and amount of "core equipment" (boom, skimmers, temporary storage), but includes other important support equipment including vessels, dispersant application platforms, aerial oil tracking capabilities and personnel. In order to access the inventory functions of the RRI database, administrator login privileges are required. These privileges are issued by the NSFCC and are limited to members of the U.S. Coast Guard and those OSRO members designated by their company to maintain the equipment inventory. To make a request for administrative login privileges, contact the NSFCC at: Contact NSFCC for RRI Administrative Access.

6130 Classified OSRO listings for the Sector Virginia COTP Zone
The NSFCC maintains a portion of the RRI database that allows all interested parties (no administrative access required) open access to reports about a company's Mechanical, Dispersant, Marine Fighting and Salvage and Non-Floating Oil classifications. This site also provides a point of contact report (listed by name/company number) for all the OSROs in the United States. The mechanical classification reports can be viewed by company name, by USCG District, or by COTP zone and outline which operating environments the classification has been granted (Rivers/Canals, Nearshore, Open Ocean, Inland, etc.) and for which volume of discharge. To see which OSROs are classified within the Sector Virginia COTP zone, please refer to: RRI Classification and POC Reports site.

6131 Basic Ordering Agreements (BOAs)
The U.S. Coast Guard's Commander, Operational Logistics Command (LOG), Contracting Office (LOG-9) Contingency and Emergency Support Branch (LOG-92) maintains a list (USCG access only) of pre-established emergency response contracts known as BOAs. These contracts are established with OSROs around the country and are available for use at any time by a USCG Federal On-Scene Coordinator (FOSC). LOG-92 negotiates the terms and rates of these contracts ahead of time, enabling an OSRO to be quickly hired to provide pollution response services when the FOSC needs to conduct oil removal or hazardous substance response operations under the National Contingency Plan. While an FOSC always has the option to exercise a BOA contract, this does not preclude the hiring or contracting of a non-BOA pollution response service provider should the FOSC deem it necessary. LOG-92 contracting officers are available 24/7 to support the FOSC.

6140 Oil Spill Response Cooperatives and Consortiums
There are numerous industry-funded major oil spill response cooperatives and consortiums in the United States today. Unlike a classified OSRO which is hired by a single plan holder to ensure compliance with statutory requirements, these organizations are formed to provide pollution response services to companies from the oil and gas industry which elect to become members and pay for the coverage or service. Each consortium or cooperative makes the decision about the type and quantity of equipment they offer to their member clients. Currently there are no cooperatives or consortiums within the Sector Virginia COTP Zone.

6200 Hazardous Substance Response

6210 Hazardous Substance Response Resources and Technical Expertise
See Annex D (currently under development)

6300 Salvage and Marine Firefighting Resources

6310 Salvage and Marine Firefighting Equipment and Technical Expertise
See Annex E.

7000 Response Technologies

7100 Response Technologies for Oil Spill Response

While mechanical recovery (e.g., booms, skimmers, etc.) will typically be the most widely used response option, there are several other tools available to mitigate oil spills. The NCP directs that Regional Response Teams (RRTs) and Area Committees address, as part of their planning

activities, the desirability of using certain alternative response technologies when removing or controlling oil discharges. RRT3 has developed several policy documents to address the approval and use of these chemical countermeasures. Links to these policy documents, which are all located on the RRT3 homepage, can be found in this section.

7110 Dispersant Use

Dispersants are chemical agents (similar to soaps and detergents) that help break up an oil slick into very small droplets, sending them from the surface down into the water column. These agents are typically sprayed onto discharged oil by specially outfitted boats or aircraft. While dispersants don't remove the spilled material, they do allow the smaller dispersed particles of oil to be more easily biodegraded by the water's naturally occurring microbes. The application of this chemical countermeasure can be a critical element in preventing significant oiling of sensitive habitats during an oil spill response. Before a dispersant can be used, it must first be listed on the NCP Product Schedule (see Sub-section 7120 of this document). Within RRT3, the use of dispersants within the offshore environment has been preauthorized.

In some instances, oil discharges do not originate from sources on the surface, but rather from oil exploration, production, and/or transmission facilities located hundreds, and often thousands, of feet below them. These discharges can result from any number of casualties including loss of well control or loss of a pipeline's integrity. In cases such as these, dispersants can be injected directly into the flow at the oil discharge's source using the technique known as Subsea Dispersant Injection (SSDI). By reducing oil droplet size at the source, SSDI reduces the amount of oil reaching the sea surface. This in turn, lowers the potential for oil to impact wildlife on the surface or to impact environmentally sensitive areas on the shore.

Note: Use of SSDI is not preauthorized and would require RRT3 approval prior to operational use.

In the event of an oil spill requiring the use of dispersants, OSRO will submit a dispersant implementation plan for USCG approval. The OSRO's plans are tailored to incident-specific data and do not follow a one-size-fits-all template due to the varying factors involved. This plan will be specific to the incident, detailing the dispersant requirements based on vessel or aircraft use, intended area coverage, and dispersant quantity requirements. Prior to using preauthorized dispersants, the FOSC must complete the required documentation, planning, and operational monitoring requirements. Advance coordination with the respective RRT is essential.

If operational use of dispersants is being considered by the FOSC, they must request stand up of an Incident Specific Regional Response Team and complete the RRT3 Critical Decision Making Data - Dispersant Use Form for review by the Incident Specific RRT.

****NOTE: RRT3 dispersant preauthorization will no longer be valid after 12 December 2025 due to removal of COREXIT from the NCP Product Schedule.*****

7120 NCP Product Schedule

Subpart J of the NCP directs the EPA to prepare a schedule of spill mitigating devices and substances that may be used to remove or control oil discharges; this is known as the NCP Product Schedule. The NCP Product Schedule lists the following types of products authorized for use on oil discharges: Dispersants, Surface Washing Agents, Bioremediation Agents, Solidifiers, and

Herding Agents. **Note**: Before any chemical countermeasure may be used, the FOSC must first seek RRT3 approval through the consultation and concurrence process or have its use preauthorized. The only exception to this is when the FOSC uses the provision listed in 40 CFR § 300.910(d). In circumstances to prevent or substantially reduce an imminent threat to human life that cannot be immediately addressed by other procedures or provisions of the NCP, the OSC may authorize the provisional use of any chemical or biological agent, whether it is identified or not on the NCP Product Schedule, without obtaining the concurrence of the EPA RRT representative and, as appropriate, the RRT representatives from the state(s) with jurisdiction over the waters and adjoining shorelines threatened by the release or discharge, and without consultation with the Department of Commerce and the Department of the Interior natural resource trustees.

Per 40 CFR § 300.965, the listing of a product on the NCP Product Schedule does not constitute approval or recommendation of the product. The listing means only that data have been submitted to EPA as required by Subpart J of the NCP. For the most current listing of approved substances for use, please refer to the NCP Product Schedule.

7130 Special Monitoring of Dispersants (SMART Protocols)

The Special Monitoring of Applied Response Technologies (SMART) protocols are a set of cooperatively designed monitoring standards utilized when conducting dispersant operations. SMART establishes a monitoring system for the rapid collection and reporting of real-time, scientifically-based information, in order to assist the Unified Command (UC) with decision-making during dispersant operations. SMART recommends monitoring methods, equipment, personnel training, and command and control procedures that strike a balance between the operational demand for rapid response and the UC's need for feedback from the field.

When making a dispersant application, the UC needs to know whether the operation is effectively dispersing the oil or not. The SMART dispersant protocols are designed to provide the UC with real-time feedback on the efficacy of the dispersant application and consist of three different levels (or tiers) of monitoring. It should be noted that the SMART dispersant protocols may be useful for evaluating the dilution and transport of the dispersed oil, but they do not monitor the fate, effects, or impacts of the dispersed oil.

The three tiers of monitoring are Tier I, Tier II and Tier III:

- **Tier I** consists of visual observation by an observer to provide a general, qualitative assessment of a dispersant's effectiveness. Visual monitoring may also be enhanced by advanced sensing instruments such as infrared thermal imaging or other like devices. However, sometimes a dispersant's effectiveness is difficult to determine by visual observations alone.
- **Tier II** protocols employ a monitoring team to confirm the visual observations by taking water samples and running them through a fluorometric instrument while on-scene.
- **Tier III** follows Tier II procedures, but also collects information on the transport and dispersion of the oil in the water column. This level of monitoring can help to verify that the dispersed oil is diluting toward background levels. Tier III is simply an expanded monitoring role and may include monitoring at multiple depths, the use of a portable water laboratory, and/or additional water sampling. It also can be moved to a sensitive resource

(such as near a coral reef system) as either a protection strategy or to monitor for evidence of exposure.

7140 In-Situ Burn (ISB)

The word "in-situ" is the Latin term for "in-place." An In-Situ Burn (ISB) refers to the initiation of a controlled burn of discharged oil as a means to mitigate the oil's harmful impacts. The fuels to feed an ISB are provided by the vapors from the spilled oil and, for those spills with impacts inshore or on land, any other organic materials with which the oil may have come into contact. Often the source of ignition is insufficient to light the oil and start the burn; in these instances, FOSCs may decide to use burning agents to help start the burn. Burning agents are defined by the NCP as "*…those additives that, through chemical or physical means, improve the combustibility of the materials to which they are applied."* Burning agents are not required to be included on the NCP Product Schedule. Zone A (3NM from the baseline) per the MOU is the only area in RRT3 where there is preauthorization for open-water in-situ burning. There is no preauthorization in waters within 3NM of the baseline and RRT3 approval is needed on a case-by-case basis. The In-Situ Burn MOU includes a Response Decision Matrix for In-Situ Burning, an ISB Evaluation and Response Checklist, as well as ISB Monitoring Protocols. RRT3 also has published Guidelines for In-Situ Burn in Ocean and Coastal Areas and Guidelines for In-Situ Burning Oil Impacted Herbaceous Wetlands.

7150 Special Monitoring of ISB (SMART Protocols)

The Special Monitoring of Applied Response Technologies (SMART) protocols are a set of cooperatively designed monitoring standards utilized when conducting In-Situ Burn. SMART establishes a monitoring system for the rapid collection and reporting of real-time, scientifically based information, in order to assist the Unified Command (UC) with decision-making during In-Situ Burn operations. SMART recommends monitoring methods, equipment, personnel training, and command and control procedures that strike a balance between the operational demand for rapid response and the UC's need for feedback from the field.

Air monitoring is an important component of any ISB operation. These measurements allow the FOSC to continuously evaluate air quality data, ensuring that human health and safety are safeguarded in real-time. Typical by-products from an in-situ burn include carbon dioxide, water vapor, soot (particulate matter), and other gaseous compounds. Of these, the soot, being comprised of very fine, carbon-based materials, is responsible for a smoke plume's dark/black appearance and pose the greatest inhalation hazard.

The SMART protocols for air monitoring are used when there is a concern that the public or response personnel may be exposed to the hazardous components of the burning oil's smoke. These monitoring operations are conducted by one or more teams, depending upon the size of the operation. Each monitoring team uses a real-time particulate monitor capable of detecting the small particulates emitted by the ISB (ten microns in diameter or smaller), a global positioning system, and other equipment required for collecting and documenting the data. Each monitoring instrument provides an instantaneous particulate concentration as well as the time-weighted average over the duration of the data collection. The readings are displayed on the instrument's screen and stored in its data logger. In addition, the SMART protocols direct that particulate concentrations be logged manually every few minutes by the monitoring team in a recorder data log.

Monitoring teams are deployed at designated areas of concern to determine ambient concentrations of particulates before the burn starts. During the burn, if the team's instruments detect high particulate concentrations or if the time weighted averages approach exceed pre-established levels, the information is passed to technical specialists within the UC for further review and possible action (i.e., personnel evacuation, termination of burn, etc.). To review the complete set of SMART protocols for ISB and Dispersant operations, please refer to Special Monitoring of Alternative Response Technologies (SMART).

7160 Surface Washing Agents (SWA)

SWAs are chemicals that are used to enhance oil removal from hard surfaces. They generally contain a mixture of a non-polar solvent and a surfactant. The solvent dissolves into the highly viscous or weathered oil to create a less viscous and somewhat uniform liquid oil or oily mixture. The surfactant reduces the interfacial tension between the liquid oil and the surface the oil has adhered to. Depending on environmental conditions and the combination of solvents and surfactants, the removed oil will either float or disperse. The latter may have a negative environmental impact, making SWAs with the "***lift and float***" characteristics generally preferable. SWAs cannot be used unless they are listed on the NCP Product Schedule (see Section 7120 of this document). RRT3 does not have preauthorization of the use of surface washing agents and their use requires RRT3 approval.

7170 Special Considerations for Non Standard Emergency Removal Action Scenarios

Under development

7180 Alternative Response Tool Evaluation System (ARTES)

While actively mitigating the effects of an oil discharge or, when engaging in the preparedness effort to do so, the FOSC has any number of mechanical or chemical countermeasures' use to consider. These responses or planning efforts can often generate interest within a local community, region, or even the nation. As this interest grows, members of the general public, companies or sectors of industry can feel compelled to approach the FOSC to offer their non-conventional service or idea to help the response or preparedness effort. In these instances, the FOSC may be requested to consider using a non-conventional alternative countermeasure (a method, device, or product that hasn't been or isn't typically used for spill response). To assess whether a proposed countermeasure could be a useful response tool, it's necessary to collect and quickly evaluate information about it.

To assist an FOSC in evaluating the efficacy of a non-conventional alternative countermeasure, a process known as the Alternative Response Tool Evaluation System (ARTES) was developed. The ARTES is designed to evaluate potential response tools on their technical merits against established, consistent criteria either during an actual incident or during pre-spill planning. Using a series of forms which examine a proposed response tool and document its properties, a designated team can rapidly evaluate it and provide feedback to the FOSC with a documented recommendation regarding its use.

Under the ARTES framework, when it has been determined that it would be appropriate for a product to be evaluated, a vendor or supplier will complete and submit the Proposal Worksheet (PWS); this form is designed to capture data about the product and once filled in, is provided to a review team for analysis and evaluation.

Once the vendor has filled out and submitted the PWS, it will then be reviewed by either one of two review teams depending upon whether the request for evaluation was being made during an actual spill response, or during a period of pre-spill planning. The Response Tool Subcommittee (RTS) will conduct the review during a pre-spill planning effort, and the Alternative Response Tool Team (ARTT) does so during an actual incident. To document their review and evaluation of the product and the PWS, the review team will complete a Data Evaluation Worksheet (DEW).

Once the evaluation has been completed and documented on the DEW, the review team then will formulate their recommendation and document it on the Summary Evaluation Worksheet (SEW). The SEW captures the team's recommendation of whether or not the proposed response tool should be used, and is provided to the FOSC as well as to the initiator of the evaluation request (vendor).

It should be noted that that the FOSC need not wait for the ARTES recommendation when deciding whether or not to use a response tool. The ARTES is designed to help assist in the decision-making process but does not limit or prevent an FOSC from using a product they deem necessary. **Note:** Completion of the ARTES evaluation does not mean that a product is pre-approved, recommended, licensed, certified, or authorized for use during an incident.

7200 Response Technologies for Hazardous Substance Response

Under development.