

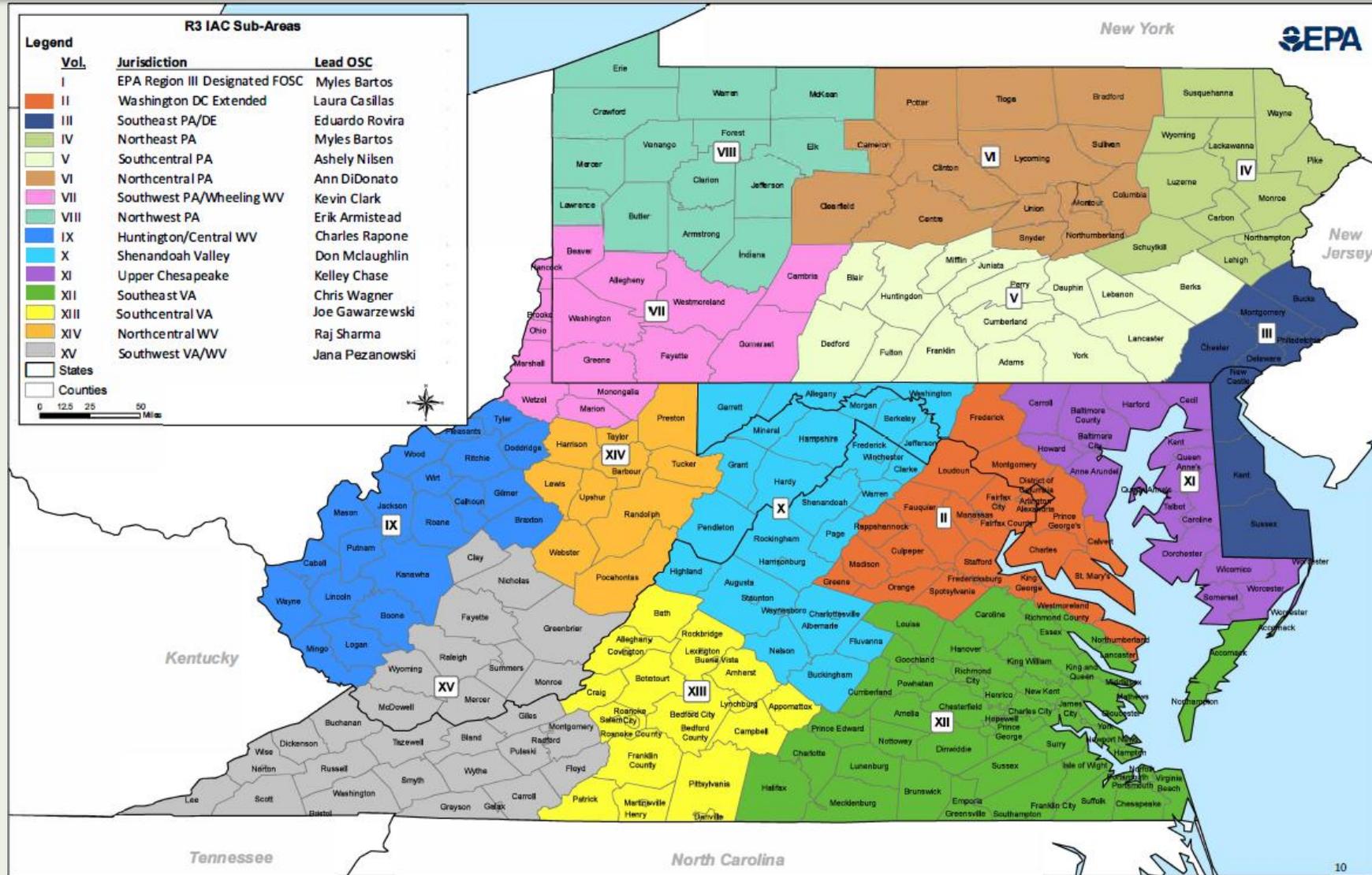
Environmental Protection Agency

Federal On-Scene Coordinators (OSC)

Authorities and Resources



Sub-Areas



Outline

- **OSC Response Authorities**
- **OSC Resources**
- **Resources & Programs for Emergency Planning**
- **EPA Emergency Support Functions under the Stafford Act**

- *On-scene coordinator* (OSC) means the federal official predesignated by EPA or the USCG to coordinate and direct responses under subpart D, or the government official designated by the lead agency to coordinate and direct removal actions under subpart E of the NCP



OSC Response Authorities



OSC Response Authorities

U.S. EPA On-Scene Coordinators (OSC) derive their response authority from:

1. National Contingency Plan (**NCP**) [40 CFR Part 300]
2. Comprehensive Environmental Response, Compensation, and Liability Act (**CERCLA**) [U.S.C. Sections 9601 - 9675]
3. Oil Pollution Act [33 U.S.C. 2701-2761] amendment of the Clean Water Act (**CWA**) [section 311] [33 U.S.C. § 1321]
4. The Emergency Planning and Community Right-to-Know Act (**EPCRA**), The **Stafford Act** under FEMA ESFs 3&10, Homeland Security Presidential Directives (**HSPD**), Resource Conservation and Recovery Act (**RCRA**), and others.



OSC Response Authorities cont.

- Using authorities under the NCP, CERCLA, and CWA, the OSC may respond to releases of hazardous substances or discharges of oil.
- Executive orders (12580, 12777, and others) have delegated to the OSCs the ability to respond, coordinate, and direct all private, local, and state emergency responses and removals.
- Pursuant to 300.135 of the NCP, the OSC shall direct response efforts and coordinate all efforts at the scene of a release of a discharge or a release.



Using Delegated Authorities EPA OSC's Can Provide

- Environmental Assessments
- Environmental Cleanup
- Training / Exercises
- Technical Assistance
 - Access to other programs, agencies, resources, and expertise
- Pathway to funding and reimbursement

How we can get involved

- Citizen complaint
- Locality request
- State request
- Federal request
- NRC reports
- **1-800-424-8802**
- **215-814-3255**



National Response Center

OSC Sites and Evaluations



Oil Spill Response

40 CFR 300.300

Phase I: Discovery or Notification

OSC receives report and shall ensure state receives report.

40 CFR 300.305

Phase II: Preliminary assessment and initiation of action.

Should work under a unified command system with State and RP where the OSC maintains authority.

The OSC must direct a response to a discharge that may pose a substantial threat to the public health or welfare.

The OSC may allow the Responsible Party to voluntarily and promptly perform removal actions, the OSC shall ensure adequate surveillance over whatever actions are initiated. If the responsible party does not respond properly the OSC shall take appropriate response actions.

Oil Spill Response

40 CFR 300.310

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

Defensive actions shall begin as soon as possible to prevent, minimize, or mitigate threat(s) to the public health or welfare of the United States or the environment

Dispersants and other products under subpart J must be approved by the RRT in advance.

40 CFR 300.315

Phase IV: Documentation and cost recovery.

Documentation of the response will be available to natural resource trustees, NRT, and RRT where appropriate.

Cost recovery and funds distribution is through the Oil Spill Liability Trust Fund (OSLTF).

CERCLA Removal Site Evaluations

40 CFR 300.410

Removal Site Evaluation (RSE)

- Removal Preliminary Assessment
 - “A removal site evaluation of a release identified for possible CERCLA response pursuant to § 300.415 **shall**, as appropriate, be undertaken by the lead agency as promptly as possible” ... “in response to petitions submitted by a person who is, or may be, affected by a release of a hazardous substance, pollutant, or contaminant...”
 - Source identification, Evaluation of threat to public health, Evaluation of magnitude of threat, evaluation of factors necessary to determine whether removal is necessary, and determination of whether a nonfederal party is undertaking proper response.

CERCLA Removal Site Evaluations continued

40 CFR 300.410

(f) A removal site evaluation shall be terminated when the OSC or lead agency determines:

1. There is no release;
2. The source is neither a vessel nor a facility as defined in § 300.5 of the NCP;
3. The release involves neither a hazardous substance, nor a pollutant or contaminant that may present an imminent and substantial danger to public health or welfare of the United States;
4. The release consists of a situation specified in § 300.400(b)(1) through (3) subject to limitations on response;
5. The amount, quantity, or concentration released does not warrant federal response;
6. A party responsible for the release, or any other person, is providing appropriate response, and on-scene monitoring by the government is not required; or
7. The removal site evaluation is completed.

(i) If the removal site evaluation indicates that removal action under § 300.415 is not required, but that remedial action under § 300.430 may be necessary, the lead agency shall, as appropriate, initiate a remedial site evaluation pursuant to § 300.420.

CERCLA Removal Actions

40 CFR 300.415

40 CFR 300.415(a)(1) “...the lead agency shall first review the removal site evaluation... and the current site conditions, to determine if removal action is appropriate.”

(b)(2) “The following factors shall be considered...”:

(i) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;

(ii) Actual or potential contamination of drinking water supplies or sensitive ecosystems;

(iii) Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release;

(iv) High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate;

(v) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;

(vi) Threat of fire or explosion;(vii) The availability of other appropriate federal or state response mechanisms to respond to the release; and

(viii) Other situations or factors that may pose threats to public health or welfare of the United States or the environment.

Limitations and special considerations

CERCLA:

- » Haz Substances vs. Pollutants or Contaminants.
 - › Listed and unlisted hazardous substances. 40 CFR 302.4
 - › Pollutants or Contaminants. 40 CFR 300.5; CERCLA 101(33)
 - For purposes of the NCP, the term pollutant or contaminant means any pollutant or contaminant that may present an **imminent and substantial danger to public health or welfare of the United States**. 40 CFR 300.5; CERCLA §9604
 - Restricted cost recovery, endangerment determination made by management.
- » No permits applicable on-site
- » Applicable Rules and Regulations should be obtained and evaluated.
- » Responses are based on risk criteria, not permits or discharge requirements.
- » EPA has the right to enter and access a property to conduct a response. But an order must be issued if consent is not granted. 300.400(d)
- » Cannot be used for oil, or natural gas. (can be used for some mixtures).
- » Cannot address naturally occurring substances in its unaltered form
- » Cannot address structural haz substances with no outside exposures (lead pipes, asbestos insulation).
- » Radiological Releases, NRC has authority to respond to release of licensed sources. 300.175(b)(14)

Limitations and special considerations

OPA:

- » Limited to removal of the discharge or threat of discharge of oil to waters of the US (WOTUS).
- » Administered through the Oil Spill Liability Trust Fund
- » EPA can work with state and local governments to issue Pollution Removal Funding Authorizations (PRFAs) and a wide variety of costs are eligible for reimbursement.

OSC Resources



OSC Resources

- Contractor support
- EPA Speciality Teams
- USCG Atlantic Strike Team
- Coordination with other Federal Partners



OSC Resources: Contractor Support

- EPA Region 3 maintains two response contractors at the ready on a 24/7 basis.
- EPA Superfund Technical Assessment Response Team (**START**)
 - » Technical contractor capable of deploying air monitoring and sampling efforts to assess a release of hazardous substances.
- EPA Emergency and Rapid Response Services (**ERRS**)
 - » Emergency cleanup contractor, capable of responding to and remediating chemical and oil spills



OSC Resources: Speciality Teams

- EPA **ERT** – Environmental Response Team (ERT) National Team with a focus on Chemical and Oil responses. Includes mobile labs, specialized air monitoring, and technical experts.
- EPA **CMAT** – Consequence Management Advisory Team (CMAT). Provides advice on chemical, biological, radiological, and nuclear incidents. Maintains the Portable High-throughput Integrated Laboratory Identification System (PHILIS).
- EPA **RERT** and **NCRFO** – Radiological Emergency Response Team and National Center for Radiological Field Operations.
- EPA **NCERT** – National Criminal Enforcement Response Team. Provides evidence collection through the Criminal Investigation Division.
- Other teams: Scientific Support Coordinators (NOAA and EPA), Navy Supervisor of Salvage, BSEE Source Control Support Coordinator, Natural Resource Trustees.

Laboratory Support

- **NELAP Certified Mobile Laboratories.**

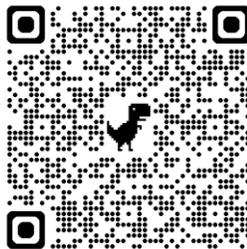
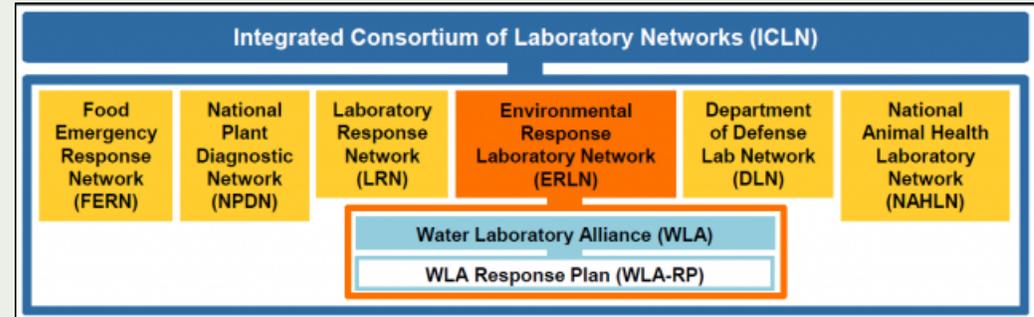
- » Portable High-Throughput Integrated Laboratory Identification System (**PHILIS**)
- » Trace Atmospheric Gas Analyzer (**TAGA**)

- **Drinking Water And Wastewater Laboratory Networks.**

- » Emergency Response Laboratory Network **ERLN**.
- » Water Laboratory Alliance **WLA**

- **Emergency Response for Drinking Water and Wastewater Utilities**

- » <https://www.epa.gov/waterutilityresponse>
- » Exercises, WARN (Mutual Aid) network, Plans
- » Patti Kay Wisniewski



Instruments



Emergency Support Functions under the Stafford Act



EPA

United States
Environmental Protection
Agency

Emergency Support Functions (ESFs)

- An organization of multiple agencies that coordinate to provide a specific type of emergency response support
- Originally created to organize federal support for Stafford Act responses led by FEMA
- Under the National Response Framework, can also be activated to assist Lead Federal Agency for non-Stafford Act responses, but different funding source would be needed



ESF #10 : Oil and Hazardous Materials Response



EPA:

- Is the ESF #10 Coordinator (Unit Leader)
- Is the Primary Agency for incidents involving inland areas.



USCG

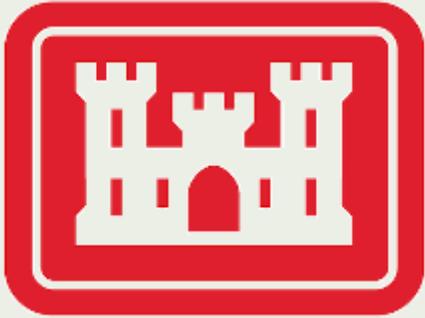
- Is the Primary Agency for incidents involving coastal areas.

ESF #10 – Introduction

- Addresses environmental cleanup; other ESFs address other aspects of oil/hazmat incident if needed.
- FEMA can authorize EPA to perform actions not covered under CERCLA



ESF #3: Public Works and Engineering



US Army Corps of Engineers:

- ◆ Is the ESF #3 Coordinator
- ◆ Is a Primary Agency (along with FEMA)



EPA

- ◆ Is a Support Agency to USACE
- ◆ Mission assignments usually involve both agencies

ESF #3 – EPA Leadership and Support

Water Infrastructure

- ◆ EPA Regional Water Emergency Teams
- ◆ Determine operating status of Drinking Water and Wastewater facilities, in coordination with other agencies Mobile labs for testing
- ◆ Sampling assistance
- ◆ Determine DW/WW needs
- ◆ Subject Matter Expert assistance



Debris Support

- ◆ Air monitoring of debris piles/landfills
- ◆ Landfill monitors
- ◆ Technical advice on debris disposal/management
- ◆ Check debris piles for oil/HazMat contamination
- ◆ Recover hazmat from debris piles
- ◆ Review USACE/state/local debris management plans & permits

Why Are Mission Assignments Issued?

- **To fulfill:**
 - » State's or Tribe's request for Federal assistance to meet unmet emergency needs
 - » Federal request to support disaster operations



Responses



EPA

United States
Environmental Protection
Agency

Site Photos





Resources and Programs for Emergency Planning



Hazardous Materials Training

- EPA prepares and creates training for our responders and partners
 - Air monitoring courses, hazardous materials sampling, hazmat tech, etc.



Response Funding For State and Local Governments

- **Local Government Reimbursement Program**
 - » Up to \$25,000 for response efforts related to a CERCLA hazardous substance cleanup.
 - » Not eligible for states- county/local only.
- **Oil Spill Liability Trust Fund Reimbursement**
 - » Reimbursement for damages from oil spills. Available to impacted persons, responders, and businesses.
 - » Pollution Removal Funding Authorization (PRFAs). EPA grants funding and contracting ability to local and state governments to conduct the response.

QUESTIONS

Kevin Clark
Federal On-Scene
Coordinator
Clark.kevin@epa.gov
304-231-7501

