



Chapter 1000

Introduction

Northwest Area Committee Expectations:

- Northwest Area Committee members are aware of all interagency partners that may or should be involved in an oil/hazardous materials incident.

Critical Elements of Chapter 1000:

- Identifies United States Environmental Protection Agency and United States Coast Guard Federal On-Scene Coordinators Jurisdictional Boundary
- Outlines response authorities and policy for Northwest Area Committee members.
- Provides information on interagency response partners and what may trigger their involvement in an oil/hazardous materials incident.

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°F	degrees Fahrenheit
ACP	Area Contingency Plan
ADV	abandoned and derelict vessel
ALOHA	Aerial Locations of Hazardous Atmospheres
AM	amplitude modulation
APCO	Associated Public Safety Communications Officers
API	American Petroleum Institute
ARES	Amateur Radio Emergency Services
ASTM	American Society for Testing and Materials
ATV	all terrain vehicle
BC	British Columbia
BLS	basic life support
BNSF	BNSF Railway
CAMEO	Computer-Aided Management of Emergency Operations
CANUSPAC	Joint Canada-United States Marine Pollution Contingency Plan Pacific
CANUSWEST	Canada-United States Joint Inland Pollution Contingency Plan
CCGD13	Commander, United States Coast Guard District Thirteen
CDO	Command Duty Officer
CEMNET	Comprehensive Emergency Management Network
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulation
cm	centimeters
CO ₂	carbon dioxide
Coastal JRT	Joint Coastal Pollution Response Team
COTP	Captain of the Port
CWA	Clean Water Act
DEQ	Oregon Department of Environmental Quality
DHS	United States Department of Homeland Security
DLI	Washington State Department of Labor and Industries
DNR	Washington State Department of Natural Resources
DOC	United States Department of Commerce
DOD	United States Department of Defense
DOE	United States Department of Energy
DOI	United States Department of the Interior
DOI	United States Department of the Interior
Ecology	Washington State Department of Ecology

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EMD	Washington State Emergency Management Division
EMP	Emergency Management Program
EMS	Emergency Medical Services
EOC	Emergency Operations Center
EPA	United States Environmental Protection Agency
EPCRA	Emergency Planning and Community Right to Know Act
ERTV	emergency response towing vessel
ESA	Endangered Species Act
ESA MOA	<i>Inter-agency Memorandum of Agreement Regarding Oil Spill Planning and Response Activities under the Federal Water Pollution Control Act's National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act</i>
ESI	Environmental Sensitivity Index
EU	Environmental Unit
EUL	Environmental Unit Leader
FBI	Federal Bureau of Investigation
FCC	Federal Communications Commission
FDA	Food and Drug Administration
FEMA	Federal Emergency Management Agency
FLAT	Federal Lead Administrative Trustee
FM	frequency modulation
FOSC	Federal On-Scene Coordinator
FOSCR	Federal On-Scene Coordinator's Representative
F-PAAC	Fire Protection Agency Advisory Council
fsw	feet seawater
ft ²	square feet
FWPCA	Federal Water Pollution Control Act
g/cm ³	grams per cubic centimeter
GETS	Government Emergency Telecommunications Service
gpm	gallons per minute
GPS	global positioning system
GRP	Geographic Response Plan
HAZWOPER	Hazardous Waste Operations and Emergency Response
HCRTS	Historical/Cultural Resources Technical Specialist
HEEDS	Helicopter Emergency Egress Device System
HF	high frequency
HPS	Historic Properties Specialist
HSIN	Homeland Security Information Network
HSRAF	Hazardous Substance Remedial Action Fund

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IAG	Interagency Agreement
IAP	Incident Action Plan
IC/UC	Incident Commander/Unified Command
ICS	Incident Command System
IOEM	Idaho Office of Emergency Management
ID	identifier
IMAAC	Interagency Modeling and Atmospheric Assessment Center
IMO	International Maritime Organization
IO	Information Officer
JIC	Joint Information Center
km	kilometer
LEPC	Local Emergency Planning Committee
LOC	Level of Concern
MARPLOT	Mapping Application for Response, Planning and Local Operational Tasks
MFSA	Maritime Fire & Safety Association
MHz	megahertz
mm	millimeters
MMPA	Marine Mammal Protection Act
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MSDS	Material Safety Data Sheet
MSRC	Marine Spill Response Corporation
MTS	Marine Transportation System
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NEBA	Net Environmental Benefit Analysis
NHPA	National Historic Preservation Act
NIMS	National Incident Management System
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NPFC	National Pollution Fund Center
NRC	National Response Center
NRDA	Natural Resource Damage Assessment
NRF	National Response Framework
NRS	National Response System
NRT	National Response Team
NS/EP	National Security and Emergency Preparedness
NSF	National Strike Force
NVIC 01-05	Navigation and Inspection Circular 01-05

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NWAC	Northwest Area Committee
NWACP	Northwest Area Contingency Plan
OAR	Oregon Administrative Rules
ODOT	Oregon Department of Transportation
OEM	Oregon Emergency Management
OERS	Oregon Emergency Response System
°F	degrees Fahrenheit
OPA	Oil Pollution Act of 1990
ORS	Oregon Revised Statutes
OSC	On-Scene Coordinator
OSHA	Occupational Safety and Health Administration
OSLTF	Oil Spill Liability Trust Fund
OSRA	Oil Spill Response Account
PA	Programmatic Agreement on Protection of Historic Properties During Emergency Response Under the National Oil and Hazardous Substance Pollution Contingency Plan
PBX	power branch exchange
PCB	polychlorinated biphenyl
PIO	Public Information Officer
PL	Private Line
PM 10	particulate matter up to 10 microns in diameter
PM 2.5	particulate matter up to 2.5 microns in diameter
POLREP	Pollution Report
POSSE	Program of Ship Salvage Engineering
PPE	personal protective equipment
ppm	parts per million
PREP	National Preparedness for Response Exercise Program
PRFA	Pollution Removal Funding Authorization
PRS	Petroleum Radio Service
psi	pounds per square inch
PSTN	Public Switched Telephone Network
Q&A	question and answer
QRC	quick response card
RACES	Radio Amateur Civil Emergency Service
Rad	Radiation
RAR	Resources at Risk
RCP	Regional Contingency Plan
RCRA	Resource Conservation and Recovery Act
RCW	Revised Code of Washington
REO	Regional Environmental Officer

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ROV	remotely operated vehicle
RP	Responsible Party
RPIC	Responsible Party Incident Commander
RRT 10	Region 10 Regional Response Team
RRT	Regional Response Team
SAR	Search and Rescue
SARA	Superfund Amendments and Reauthorization Act
SCAT	Shoreline Cleanup Assessment Technique
SERC	State Emergency Response Commission
Services	United States Department of the Interior, Fish and Wildlife Service and National Oceanic and Atmospheric Administration, National Marine Fisheries Service
SHPO	State Historic Preservation Office
SIP	Seafood Inspection Program
SMART	Special Monitoring of Applied Response Technologies
SOFR	Safety Officer
SOSC	State On-scene Coordinator
SSB	single-sideband
SSC	Scientific Support Coordinator
SUPSALV	Office of the Director of Ocean Engineering Supervisor of Salvage and Diving
TCC	Transportable Communications Center
TERC	Tribal Emergency Response Commissions
THPO	Tribal Historic Preservation Office
TIC	Toxic Industrial Chemicals
TOSC	Tribal On-Scene Coordinator
U&A	Usual and Accustomed Area
UHF	ultra high frequency
USC	United States Code
USCG	United States Coast Guard
USFWS	United States Fish and Wildlife Service
VHF	very high frequency
VIP	very important person
VRP	vessel response plan
WAC	Washington Administrative Code
WDFW	Washington Department of Fish and Wildlife
WDOH	Washington State Department of Health
WISHA	Washington Industrial Safety and Health Administration
WP&RC	Washington State Parks and Recreation Commission
WSP	Washington State Patrol.

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Glossary of Terms Used in all Chapters of the NWACP

Area Committee, as provided for by Clean Water Act sections 311(a)(18) and (j)(4), means the entity appointed by the President consisting of members from qualified personnel of federal, state, and local agencies with responsibilities that include preparing an Area Contingency Plan for an area designated by the President.

Area Contingency Plan (ACP), as provided for by Clean Water Act sections 311(a)(19) and (j)(4), means the plan prepared by an Area Committee that is developed to be implemented in conjunction with the National Contingency Plan and Regional Contingency Plan, in part to address removal of a worst case discharge and to mitigate or prevent a substantial threat of such a discharge from a vessel, offshore facility, or onshore facility operating in or near an area designated by the President.

Average Most Probable Discharge means a discharge of 1 percent of the volume of the worst case discharge.

Bioremediation agents are microbiological cultures, enzyme additives, or nutrient additives that are deliberately introduced into an oil discharge and that will significantly increase the rate of biodegradation to mitigate the effects of the discharge.

CERCLA is the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986.

Claim for purposes of a release under CERCLA, means a demand in writing for a sum certain; for purposes of a discharge under the Clean Water Act, it means a request, made in writing for a sum certain, for compensation for damages or removal costs resulting from an incident.

Consist means the list of what each rail car is carrying. The engineer has this document.

Dispersants are chemical agents that emulsify, disperse, or solubilize oil into the water column or promote the surface spreading of oil slicks to facilitate dispersal of the oil into the water column.

Federal On-Scene Coordinator means the federal official predesignated by the United States Environmental Protection Agency or the United States Coast Guard 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 National Contingency Plan. This person represents the federal government in Unified Command.

First Federal Official means the first federal representative of a participating agency of the National Response Team to arrive at the scene of a discharge or a release. This official coordinates activities under the National Contingency Plan and may initiate, in consultation with the On-Scene Coordinator, any necessary actions until the arrival of the predestinated On-Scene Coordinator. A state with primary jurisdiction over a site covered by a cooperative agreement will act in the stead of the first federal official for any incident at the site.

Fund or Trust Fund means the Hazardous Substance Superfund established by section 9507 of the Internal Revenue Code of 1986.

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<p><i>Lead Agency</i> means the agency that provides the On-Scene Coordinator/Remedial Project Manager to plan and implement response actions under the National Contingency Plan. The United States Environmental Protection Agency (EPA), the United States Coast Guard (USCG), another federal agency, or a state (or political subdivision of a state) operating pursuant to a contract or cooperative agreement executed pursuant to section 104(d)(1) of CERCLA, or designated pursuant to a Superfund Memorandum of Agreement entered into pursuant to subpart F of the National Contingency Plan or other agreements may be the lead agency for a response action. In the case of a release of a hazardous substance, pollutant, or contaminant, where the release is on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody, or control of Department of Defense (DOD) or Department of Energy (DOE), then DOD or DOE will be the lead agency. Where the release is on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody, or control of a federal agency other than EPA, the USCG, DOD, or DOE, then that agency will be the lead agency for remedial actions and removal actions other than emergencies. The federal agency maintains its lead agency responsibilities whether the remedy is selected by the federal agency for non-National Priority List sites or by EPA and the federal agency or by EPA alone under CERCLA section 120. The lead agency will consult with the support agency, if one exists, throughout the response process.</p>	
<p><i>Higher Volume Port Areas</i> include the Strait of Juan de Fuca at Port Angeles, Washington (including any water area within 50 nautical miles seaward); Puget Sound to the Strait of Juan de Fuca at Cape Flattery, Washington (including any water area within 50 nautical miles seaward); and Puget Sound.</p>	
<p><i>Management of Migration</i> means actions that are taken to minimize and mitigate the migration of hazardous substances or pollutants or contaminants and the effects of such migration. Measures may include, but are not limited to, management of a plume of contamination, restoration of a drinking water aquifer, or surface water restoration.</p>	
<p><i>Manifest Train</i> is a train in which each car is not carrying the same commodity.</p>	
<p><i>Maximum Most Probable Discharge</i> is a discharge of the lesser of 1,200 barrels or 10 percent of the volume of a worst case discharge.</p>	
<p><i>National Pollution Funds Center</i> is the entity established by the Secretary of Transportation whose function is the administration of the Oil Spill Liability Trust Fund (OSLTF). The center's duties include providing appropriate access to the OSLTF for federal agencies and states for removal actions and for federal trustees to initiate the assessment of natural resource damages; providing appropriate access to the OSLTF for claims; and coordinating cost recovery efforts.</p>	
<p><i>National Strike Force Coordination Center</i> is defined by sections 311(a)(23) and (j)(2) of the Clean Water Act, as amended by the Oil Pollution Act of 1990 and refers to the entity established by the secretary of the department in which the United States Coast Guard is operating at Elizabeth City, North Carolina. Its responsibilities include providing a variety of technical assistance and other resources to a Federal On-Scene Coordinator, and administration of the United States Coast Guard Strike Teams established under the National Contingency Plan.</p>	

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<i>Natural Resources</i> are land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the exclusive economic zone defined by the Magnuson Fishery Conservation and Management Act of 1976), any state or local government, any foreign government, any Indian tribe, or, if such resources are subject to a trust restriction on alienation, any member of an Indian tribe.	
<i>Navigable Waters</i>	
(7) Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with the United States Environmental Protection Agency. As defined in 40 CFR §230.3.	
<i>Non-persistent or Group 1 Oil</i> means a petroleum-based oil that, at the time of shipment, consists of hydrocarbon fractions.	
(1) At least 50 percent of which by volume, distill at a temperature of 340 degrees Celsius (645 degrees Fahrenheit); and	
(2) At least 95 percent of which by volume, distill at a temperature of 370 degrees Celsius (700 degrees Fahrenheit).	
<i>Offshore Facility</i> as defined by section 101(17) of CERCLA and section 311(a)(11) of the Clean Water Act, means any facility of any kind located in, on, or under any of the navigable waters of the United States, and any facility of any kind that is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel.	
<i>Oil</i> as defined by section 311(a)(1) of the Clean Water Act, means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil, as defined by section 1001 of the Oil Pollution Act means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, but does not include petroleum, including crude oil or any fraction thereof, that is specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of section 101(14) of CERCLA and that is subject to the provisions of that Act.	
<i>Oil Spill Liability Trust Fund</i> means the fund established under section 9509 of the Internal Revenue Code of 1986 (26 United States Code 9509).	
<i>Regional Hazardous Materials Response Team</i> means a team of local emergency responders trained, equipped, and organized to respond to oil and hazardous materials incidents in a given geographic area.	
<i>Radiation Emergency Response Team</i> is a group composed of individuals that will respond to any radioactive materials incident.	

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<i>Onshore Facility</i> means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under any land within the United States other than submerged land.	
<i>Persistent Oil</i> means a petroleum-based oil that does not meet the distillation criteria for a non-persistent oil. For the purposes of this subpart, persistent oils are further classified based on specific gravity as follows: <ol style="list-style-type: none">(1) Group II - specific gravity of less than .85.(2) Group III - specific gravity equal to or greater than .85 and less than .95.(3) Group IV - specific gravity equal to or greater than .95 and less than or equal to 1.0.(4) Group V - specific gravity greater than 1.0.	
<i>Preliminary Assessment</i> under CERCLA means review of existing information and an off-site reconnaissance, if appropriate, to determine if a release may require additional investigation or action. A Preliminary Assessment may include an on-site reconnaissance, if appropriate.	
<i>Primary Dispersant Staging Site</i> means a site designated within a Captain of the Port zone that has been identified as a forward staging area for dispersant application platforms and the loading of dispersant stockpiles. Primary staging sites are typically the planned locations where platforms load or reload dispersants before departing for application at the site of the discharge and may not be the locations where dispersant stockpiles are stored or application platforms are home-based.	
<i>Rail Car Owners</i> are the car owners who are responsible for keeping the tank car in compliance with the Hazardous Materials Regulations (inspections/repairs etc.). Rail car owners often lease the cars to the shipper for use.	
<i>Rail Commodity Owner</i> means the owner of the product being shipped by rail. In Washington State, the owner of the oil being shipped has responsibility to respond to incidents involving that oil. The owner of the oil may be the shipper, consignee, or a beneficial owner. The shipper would be contacted through the submitted emergency response contact listed on the shipping papers. It would be the shipper's responsibility to contact the owner of the oil. If using Chemtrec or another service provider, the papers must identify the person (by name or contract number) who has a contractual agreement with the service provider (49 Code of Federal Regulations 172.201 (d)).	
<i>Rail Consignee</i> is the company receiving the rail shipment at the destination.	
<i>Rail Shipper</i> is the party that certifies and offers the hazardous material package for transportation. The hazardous material must be properly classified and packaged by the shipper. The shipper will then submit shipping instructions and hazardous material information to the transporter (carrier). The shippers are also required to provide and maintain emergency response information.	

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<p><i>Rail Trackage Agreements</i> means a type of agreement that allow carriers to operate on lines owned by other companies. Regardless of whose trains are operating on the line, the track owner is responsible for the Emergency Response phase of the incident. Once the emergency is over, cleanup or other monitoring work may be transferred to the transporter. Where trackage rights do not exist, the shipment continues to destination after transferring the material at an “Interchange Point.” At this “Interchange Point” the responsibility shifts to the new line owner.</p>	
<p><i>Rail Transporter (carrier)</i> is the company required by federal law to transport from origin to destination hazardous materials that meet the United States Department of Transportation requirements and as certified by the “shipper.” Carriers are responsible for materials that are in transport on their system. Carriers usually operate on their own lines but often have trackage agreements in areas where they don’t own the lines.</p>	
<p><i>Release</i>, as defined by section 101(22) of CERCLA, means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes any release that results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons; emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of this act, or, for the purposes of section 104 of CERCLA or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under section 102(a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 United States Code. 7901 et seq.); and the normal application of fertilizer. For purposes of the National Contingency Plan, release also means threat of release.</p>	
<p><i>Remove or Removal</i>, as defined by section 311(a)(8) of the Clean Water Act, refers to containment and removal of oil or hazardous substances from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare of the United States (including, but not limited to, fish, shellfish, wildlife, public and private property, and shorelines and beaches) or to the environment. For the purpose of the National Contingency Plan, the term also includes monitoring of action to remove a discharge. As defined by section 101(23) of CERCLA, remove or removal means the cleanup or removal of released hazardous substances from the environment; such actions as may be necessary taken in the event of the threat of release of hazardous substances into the environment; such actions as may be necessary to monitor, assess, and evaluate the release or threat of release of hazardous substances; the disposal of removed material; or the taking of such other actions as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare of the United States or to the environment, which may otherwise result from a release or threat of release. The term includes, in addition, without being limited to, security fencing or other</p>	

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measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not otherwise provided for, action taken under section 104(b) of CERCLA, post-removal site control, where appropriate, and any emergency assistance that may be provided under the Disaster Relief Act of 1974. For the purpose of the National Contingency Plan, the term also includes enforcement activities related thereto.	
<i>Response Community</i> is any person who has a role in spill response.	
<i>Responsible Party Incident Commander</i> means the representative designated by the spiller to coordinate and direct the spillers' assets and actions. This person represents the spiller in Unified Command. They do not use the title On-Scene Coordinator, because that term is for those with regulatory authority for spill response.	
<i>Spill Management Team</i> refers to the personnel identified to staff the organizational structure identified in a response plan to manage response plan implementation.	
<i>State On-Scene Coordinator</i> means the representative designated by the State to coordinate and direct state assets and authorities during an oil or hazardous materials response. This person represents the state in Unified Command.	
<i>State</i> means the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction. For purposes of the National Contingency Plan (NCP), the term includes Indian tribes as defined in the NCP, except where specifically noted. Section 126 of CERCLA provides that the governing body of an Indian tribe shall be afforded substantially the same treatment as a state with respect to certain provisions of CERCLA. Section 300.515(b) of the NCP describes the requirements pertaining to Indian tribes that wish to be treated as states under CERCLA.	
<i>Sinking Agents</i> are additives applied to oil discharges to sink floating pollutants below the water surface.	
<i>Site</i> refers to the area covered by the extent of contamination and all suitable areas in very close proximity to the contamination necessary for implementation of a response action.	
<i>State Emergency Response Commission</i> is a group of officials appointed by governors to implement the provisions of Title III the Superfund Amendments and Reauthorization Act of 1986.	
<i>Substantial Threat</i> of a discharge means any incident or condition involving a facility that may create a risk of discharge of oil. Such incidents include, but are not limited to, storage tank or piping failures, aboveground or underground leaks, fires, explosions, flooding, spills contained within the facility, or other similar occurrences.	
<i>Superfund</i> . See CERCLA.	
<i>Surface Collecting Agents</i> are chemical agents that form a surface film to control the layer thickness of oil.	

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Tank vessel as defined by section 1001 of the Oil Pollution Act means a vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that:

- (1) is a vessel of the United States;
- (2) operates on the navigable waters; or
- (3) transfers oil or hazardous material in a place subject to the jurisdiction of the United States.

Tier is the combination of required resources and the times within which the resources must arrive on scene.

Trustee is an official of a federal natural resources management agency designated in subpart G of the National Contingency Plan or a designated state official or Indian tribe or, in the case of discharges covered by the Oil Pollution Act, a foreign government official, who may pursue claims for damages under section 107(f) of CERCLA or section 1006 of the Oil Pollution Act.

Unit Train means a train that is carrying a single commodity in all cars. For example, a unit train of crude oil would be one in which every car being transported by the engines was full of crude oil.

Vessel, as defined by section 101(28) of CERCLA, means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water; and, as defined by section 311(a)(3) of the Clean Water Act, means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel.

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

Introduction

Pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP; 40 Code of Federal Regulations [CFR] Part 300), Area Committees have been established for each area of the United States that has been designated by the President. The Area Committees are composed of personnel from federal and state agencies who coordinate response actions with tribal and local governments and with the private sector. Area committees, under the coordinated direction of Federal On-Scene Coordinators (FOSCs), are responsible for developing Area Contingency Plans (ACPs). Area committees are also required to work with the response community to develop procedures to expedite decisions for the use of alternative response measures.

The NCP also establishes the National Response Team (NRT) and 13 Regional Response Teams (RRTs) who are responsible for national and regional planning and preparedness activities before a response action and support to the FOSC and State On-Scene Coordinator (SOSC) when activated during a response. RRT membership consists of designated representatives from key federal response and support agencies together with affected states.

In the Northwest Area (defined as the coastal and inland zones of Idaho, Oregon, and Washington), these two groups have joined together to accomplish all planning and preparedness activities and jointly publish the Northwest Area Contingency Plan (NWACP). The purpose of the NWACP is:

1. To provide for orderly and effective implementation of response actions to protect the people, natural resources, and property of the coastal and inland zones of the Northwest Area, including the states of Washington, Oregon, and Idaho, from the impacts of a discharge or substantial threat of discharge of oil or a release or substantial threat of a release of a hazardous substance from inland and marine sources.
2. To promote the coordination of and describe the strategy for a unified and coordinated federal, state, tribal, local, potentially responsible party (PRP), response contractor, response cooperative, and community response to a discharge or substantial threat of discharge of oil or a release or substantial threat of a release of a hazardous substance from inland and marine sources.
3. To be consistent with the NCP and to be adopted as the Regional Contingency Plan (RCP) and ACP for the northwest.

4. To provide guidance to all holders and viewers of the Facility and Vessel Response Plan to ensure consistency with the NWACP.

This plan is intended for use as a guideline for coordination of spill response actions and to ensure consistency in response to spills. Federal and state rules require that a responsible party (RP), or spiller, must be able to manage spills with a pre-designated response management organization that accommodates a Unified Command structure in recognition of federal, state, tribal, or local jurisdiction.

If an oil or hazardous material spill happens in the context of a Presidentially Declared Disaster, the response may be conducted under the National Response Framework. See <https://www.fema.gov/media-library/assets/documents/32230>.

1100 Authority

The Federal Water Pollution Control Act (33 United States Code [USC] 1321 et seq.) and the Comprehensive Emergency Response Compensation and Liability Act of 1980 (CERCLA or Superfund) address development of a National Planning and Response System. As part of this system, in conjunction with the NCP, ACPs address responses to worst-case discharges of oil or hazardous substances, and mitigation or prevention of a substantial threat of discharge from a vessel, offshore facility, or onshore facility. The Area Committee is given the responsibility for working with the response community to plan for joint response efforts, including spill containment, mechanical recovery, use of dispersants, in-situ burning, shoreline cleanup, protection of sensitive areas, and protection, rescue, and rehabilitation of fish and wildlife.

1110 Federal

Designating areas, appointing Area Committee members, determining information to be included in, and review of ACPs, has been delegated by Executive Order 12777 of 22 October 1991, to the Commandant of the United States Coast Guard (USCG) (through the Department of Homeland Security) for the coastal zone, and to the Administrator of the United States Environmental Protection Agency (EPA) for the inland zone. The coastal zone and inland zone are defined in the NCP (40 CFR 300.5). The EPA has NCP response authority for incidents in all areas inland of the coastal zone. The USCG has designated as Areas those portions of the Captain of the Port (COTP) zones that are within the coastal zone and for which Area Committees will prepare area contingency plans. COTP zones are described in Coast Guard regulations (33 CFR Part 3). This is the ACP for Coast Guard COTP Zones Puget Sound and Columbia River; the states of Washington, Oregon, and Idaho; and EPA's Inland Region 10, excluding Alaska.

1120 Washington State

The Northwest Area Contingency Plan. The NWACP has been adopted as the state's Oil and Hazardous Substance Spill Prevention and Response Plan, as required by statute (see Chapter 90.56.060 Revised Code of Washington [RCW]). This plan applies to the activities of all state and local agencies involved in

managing oil and hazardous substance spills where federal, state, and local agencies respond to a spill or potential spill of oil or hazardous substances.

Lead Agency. The Washington State Department of Ecology (Ecology) is designated (see Chapter 90.56.020 RCW) as the state’s lead agency “to oversee prevention, abatement, response, containment, and cleanup efforts with regard to an oil or hazardous substance spill to waters of the state. The director is the head of the state Incident Command System (ICS) in response to a spill of oil or hazardous substances and shall coordinate the response efforts of all state agencies and local emergency response personnel.” The Ecology Incident Commander will coordinate with other state agencies and be the principal state spokesperson in the incident command as an advocate for all state interests.

If an RP fails to respond in a manner deemed reasonably consistent with this policy and the NWACP, the FOSC or Ecology may assume the lead for all or a portion of the response. Ecology will closely coordinate with other members of the Unified Command prior to taking such action.

Cooperation with Other Government Entities. It is the policy of the State of Washington that it will co-manage spills of oil or hazardous substances in close cooperation with federal, local, and tribal officials as provided in this plan. A coordinated approach is the best means to provide the best protection of the state’s public health and safety, natural resources, and private property.

1130 Oregon State

The NWACP has been adopted as the state’s Oil and Hazardous Materials Response Plan in the State of Oregon Emergency Management Plan (Emergency Support Function 10 – Oil and Hazardous Materials Response). The NWACP replaces the Oil and Hazardous Materials Spill Contingency Plan for the Oregon Coast, Columbia River and Willamette River to Willamette Falls (Volume II), which is required under Oregon Revised Statutes (ORS) 468B.495-500 and 466.620. This plan also satisfies ORS 401, 453.347 (Hazardous Material Emergency Response System), and 466.605 to 469.680 (Spill Response and Cleanup of Hazardous Materials). The Oregon State Department of Environmental Quality (DEQ) is the lead state agency on the Area Committee and provides the lead for oil and hazardous substance spill prevention efforts, contingency planning, and cleanup oversight for spills affecting state air, water, or land resources.

1140 Idaho State

The Idaho Hazardous Materials/Weapons of Mass Destruction Incident Command and Response Support Plan, in conjunction with this plan, supports the Idaho Emergency Operations Plan (IDEOP). These plans may be activated independent of the IDEOP. The primary purpose of these plans is to provide effective, coordinated emergency response support to local government by federal, state, and private agencies for incidents involving the release or potential release of oil and hazardous substances in Idaho. The Idaho Hazardous Materials/Weapons of

Mass Destruction Incident Command and Response Support Plan defines the support role of specific state agencies. The NWACP focuses specifically on how federal and state agencies will work together during cleanup operations. These plans can be initiated at the request of local governments when their capabilities have been exceeded. Authority for implementation of the IDEOP and The Idaho Hazardous Materials/Weapons of Mass Destruction Incident Command and Response Support Plan is derived from Executive Order 96-01; the Idaho Environmental Protection and Health Act (Idaho Code §39-101 et seq.); the Hazardous Waste Management Act (Idaho Title 39 Chapter 44); the Idaho Hazardous Substance Emergency Response Act (Idaho Title 39, Chapter 71); and the Disaster Preparedness Act (Idaho Title 46, Chapter 10).

<https://ioem.idaho.gov/Pages/HazardousMaterials/Plan.aspx>

1200 Area Planning Structure and Process

1210 Regional Response Team and Northwest Area Committee Membership

The RRT and the Northwest Area Committee (NWAC) are a consolidated body composed of federal, tribal, and state representatives with jurisdiction over oil and hazardous materials response and planning efforts in Washington, Oregon, and Idaho. This group includes two coastal and one inland Area Committees and the Region 10 RRT. While each Area Committee and the RRT retain jurisdiction over and legal responsibility for its area, the RRT/NWAC meets and functions as a unified organization addressing spill preparedness and planning in the Pacific Northwest. To facilitate decision making within this consolidated effort, an Executive Committee is formed and is composed of a representative from each agency, including:

- USCG, District 13;
- EPA, Region 10;
- USCG, Sector Columbia River;
- USCG Sector Puget Sound; Department of Agriculture (United States Forest Service);
- United States Department of Commerce (DOC) (National Oceanic and Atmospheric Administration [NOAA]);
- United States Department of Defense (DOD) (United States Army Corps of Engineers);
- United States Department of Energy (DOE);
- United States Department of Health and Human Services;
- United States Department of the Interior (DOI);
- United States Department of Justice;
- United States Department of Labor (Occupational Safety and Health Administration);
- United States Department of Transportation;
- Federal Emergency Management Agency (Department of Homeland Security);

- General Services Administration State of Idaho, Bureau of Homeland Security;
- State of Oregon, Department of Environmental Quality; and
- Ecology.

The RRT also retains its incident specific functions to support the On-Scene Coordinator (OSC) and Unified Command. The RRT/NWAC solicits advice, guidance, and expertise from all appropriate sources and establishes workgroups as necessary to accomplish preparedness and planning tasks. The RRT/NWAC directs development and maintenance of the NWACP.

[See Section 9101](#), “Regional Response Team 10 and Northwest Area Committee Charter.”

1220 Area Committee Organization

The NWAC is jointly chaired by the COTP for Puget Sound and Portland and EPA’s Emergency Response Program Manager. Washington, Oregon, and Idaho lead response agency representatives serve as co-vice chairs. Members have voice and vote at all Area Committee proceedings. Robert’s Rules of Order govern all meetings. Motions are carried by a simple majority of votes cast by member agencies, but most decisions are arrived at by consensus. The Area Committee meets as determined by the membership but at least semiannually. The Area Committee does not constitute a formal Federal Advisory Committee; therefore, each agency is responsible for funding its own participation.

1221 Area Committee Membership

The NWAC includes member-representatives from the following:

- USCG Sector Puget Sound;
- USCG Sector Columbia River;
- EPA Region 10;
- Washington State Department of Ecology;
- Oregon DEQ;
- Idaho Office of Emergency Management;
- DOC (NOAA);
- DOI;
- Other federal agencies, including the United States Fish and Wildlife Service, United States Navy, United States Food and Drug Administration;
- Other state agencies, including the Oregon State Public Health Officer, Oregon State Fire Marshal, Washington Department of Health, Washington Military Department Division of Emergency Management, Idaho Department of Environmental Quality, and Idaho Department of Health and Welfare;
- Local government agencies;

- Tribes;
- Nongovernmental organizations;
- Industry; and
- Response contractors.

Participation in NWAC meetings includes tribal representatives, members of the public, and other members of the spill response community.

1222 Steering Committee

The Steering Committee is responsible for ensuring that the NWACP/RCP remains a valuable response tool for local, state, and federal responders in the Northwest area. At the direction of the RRT and NWAC, the Steering Committee shall undertake efforts to review and improve the NWACP/RCP, conduct outreach activities to increase the general understanding of the NWACP/RCP, and make recommendations to the RRT and Area Committee regarding planning and preparedness activities. The Steering Committee is also responsible for coordination of task forces and ensuring assigned tasks are carried out. The following is a list of the primary duties the Steering Committee is responsible for in coordinating the workgroups:

- Work with the RRT/NWAC Executive members to identify work priorities and a schedule for completion;
- Assign projects and track task force progress;
- Review task force charters and work plans to assure they reflect Steering Committee priorities and are kept up to date;
- Assure each task force has an appointed contact on the Steering Committee; and
- Coordinate the development of new task forces as needed and as directed.

The Steering Committee includes members from EPA; USCG (District 13, Sector Puget Sound, and Sector Columbia River); the States of Idaho, Oregon, and Washington; NOAA; DOI; and the Makah Tribe. EPA and USCG District 13 currently co-chair the Steering Committee.

1223 Task Forces

Task forces are formed for short-term projects addressing specific issues. They may be formed at the direction of the Executive Session members or the Steering Committee as needed. The NWAC/RRT Executive Committee sponsor one NWACP Summit each year in which Area Committee members gather and determine which planning priorities should be addressed for the upcoming NWACP update. A task force is formed for each planning priority. After a specified planning issue has been addressed, the task force is disbanded. The Steering Committee coordinates all task force work.

1230 Regional Response Team

The NCP (40 CFR Part 300) states that regional planning and coordination of preparedness and response actions shall be accomplished through the RRT. The NCP also outlines the concept of two components of the RRT: the standing RRT and an incident-specific RRT. The standing RRT is co-chaired by EPA and USCG District 13. The role of the standing RRT includes evaluation of communication systems and procedures, planning, coordination, training, evaluation, preparedness, and related matters on a region-wide basis. In the Northwest Area, these activities are conducted concurrently with the Area Committee. As evidence of this, the NWACP/RCP has been adopted by both the RRT and the Area Committee as the spill contingency plan for the Northwest Area. The NWACP/RCP is essentially a Memorandum of Understanding by which all RRT and Area Committee member agencies will conduct responses to releases of hazardous substances and oil discharges.

Further, Subpart J (40 CFR §300.900; Use of Dispersants and Other Chemicals) outlines specific roles and responsibilities of the RRT and Area Committee, or certain RRT representatives, with respect to the use of particular response technologies. Section 300.910 states that RRTs and Area Committees shall address, through the planning process, the appropriate use of dispersants, surface washing agents, surface collecting agents, bioremediation agents, or other miscellaneous oil spill control agents listed on the NCP Product Schedule and the appropriate use of burning agents. The NCP allows RRTs and Area Committees to develop preauthorization or expedited approval plans for the use of the substances listed above. The NCP also states that the EPA RRT representative, the affected state(s), DOI, and DOC must approve all preauthorization plans. For situations not addressed by preauthorization plans, the EPA RRT representative may authorize the use of products listed on the NCP Product Schedule or burning agents. As appropriate, this authorization should be given with the concurrence of the affected state(s) and in consultation with DOI and DOC. It should be noted that an FOSC may authorize the use of an NCP Product Schedule substance without the concurrence of the EPA RRT representative when the use of the product is necessary to prevent or substantially reduce a hazard to human life. An incident-specific RRT can be deactivated when the RRT chair determines that the FOSC no longer requires RRT assistance.

When the RRT is activated for response actions, the chair shall be the member agency providing the OSC/RPM in accordance with 40 CFR 300.115(c). For incident-specific activations, participation by RRT member agencies will relate to the technical nature of the incident and its geographic location. When the RRT is activated, state government representatives have the same status as any federal member of the RRT. [See Section 9105](#), “Incident Specific Regional Response Team 10 Activation – Quick Response Guide” for RRT activation procedures.

1300 Geographic Boundaries

The geographic boundaries of this plan are the states of Washington, Oregon, and Idaho, which include COTP zones for Puget Sound and Columbia River and EPA

Inland Region 10, excluding Alaska. All waterways that mark the boundary between two states (e.g., the Columbia and Snake Rivers) are the joint, shared responsibility of both states. Spills affecting, or with the potential to affect, shared water must be reported to both states, and both states will normally participate in the unified response.

1310 Makah Tribe Lands

Makah Tribe land holdings were settled in the Treaty of Neah Bay in 1855 with the United States government, and more recently various courts have determined the Makah marine Usual and Accustomed Area (U&A) consists of United States waters north of 48°02'15"N latitude (at the Norwegian Memorial), east of 125°44'00"W longitude, and west of 123°42'30"W longitude (at Tongue Point just east of Crescent Bay in the Straits of Juan de Fuca). The seaward boundary of the Makah Tribe approximates the 100-fathom isobath in the southerly direction from the United States/Canada international boundary to a point due west of the mouth of the Copalis River. The Makah are the sole natural resource trustees to the mean lower low water line and co-trustees of the marine resources seaward from this line within this U&A. The Makah U&A encompasses a portion of the Olympic Coast National Marine Sanctuary and the Flattery Rocks and Quileute Needles National Wildlife Refuges.

1320 EPA/USCG Federal On-Scene Coordinator Jurisdictional Boundary

The boundaries between the USCG and EPA areas of responsibility within Region 10 are shown in Table 1000-1 and through a web interface at: <http://staging.gis.rtt10nwac.com/>; they can also be viewed in PDF form: <http://www.rtt10nwac.com/Maps/Default.aspx>.

The geographic area described in this section encompasses the Thirteenth Coast Guard District as defined in 33 CFR Subpart 3.65, specifically, this section addresses jurisdictional boundaries between the coastal and inland zones within the COTP Puget Sound Area of Responsibility, as defined by 33 CFR 3.65-10, and the COTP Columbia River Area of Responsibility, as defined by 33 CFR 3.69-15.

As outlined in the NCP, 40 CFR 300.5, the “coastal zone” is defined as “all United States waters subject to the tie, 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 surfaces or land substrate, and ground waters, and ambient air proximal to those waters.”

The “inland zone” is defined as “the environment inland of the coastal zone excluding specified ports and harbors on inland rivers.”

In areas where precise boundaries are not defined, the boundary will generally default to the high water mark. In locations where navigable waterways feed into the ocean, the boundary will generally default to the high tide mark. This policy

will help to ensure that response is not delayed because EPA and the USCG each believe a spill is located within the boundaries of the other's jurisdiction. In the case of oil and hazardous substance, pollutant or contaminant releases from shoreline facilities and for those releases that threaten or have resulted in sediment, soil, or other shoreline contamination, EPA and USCG phone duty officers will need to consult to determine the appropriate lead agency.

Table 1000-1 Area of Responsibility Boundaries between EPA and USCG for Major Oregon and Washington Waters

River Name/Body of Water	Boundary
Oregon	
Alsea River	Line North from Mouth of Eckham Slough
Chetco River	Route 101 Bridge Brookings to Harbor
Clatskanie River	Spokane, Portland and Seattle Railroad Bridge One Mile North of Clatskanie
Columbia River	Bonneville Dam
Columbia River: Columbia Slough	North Lombard Street Bridge
Columbia River: Lewis & Clark River	Highway 101 Business Bridge
Columbia River: Scappoose Bay	Line East of Milton Creek
Columbia River: Skipanon River	Warrenton - Astoria Highway (East Harbor Drive Bridge in Warrenton)
Columbia River: Youngs River	Highway 101 Business Bridge
Coos Bay: Catching Slough	Permanent bridge on Coos River Road (junction of Coos River and Catching Slough)
Coos Bay: Coalbank Slough	Highway 101 Bridge
Coos Bay: Coos River	First Bridge on Coos River, upriver from Catching Slough
Coos Bay: Haynes Inlet	Mean High Water Mark of Haynes Inlet
Coos Bay: Isthmus Slough	Bascule Bridge at Bunker Hill
Coos Bay: Kentucky Slough	East Bay Drive Bridge
Coos Bay: North Slough	Mean High Water Mark of North Slough
Coos Bay: South Slough	South Slough - Mean High Water Mark on South Slough
Coos Bay: Joe Ney Slough	South Slough - Bridge at Crown Point Road
Coos Bay: Willach Slough	East Bay Drive Bridge
Coquille River	Route 101 Bridge in Bandon

River Name/Body of Water	Boundary
Elk River	Route 101 Bridge
Little Nestucca River	Route 101 Bridge
Multnomah Channel	The entire channel is in USCG jurisdiction
Nehalem River	Highway 101 Bridge
Nestucca River	Pacific Avenue in Pacific City – Bridge
Rogue River	Route 101 Bridge Wedderburn to Gold Beach
Sandy River	Interstate 84 Bridge at Troutdale
Scappoose Bay	McCoy Estates Road, east of Columbia River Highway
Siletz River	Route 101 Bridge Kernville to Gleneden Beach
Siuslaw River	Line South from Cushman
Tillamook Bay	Mean High Water Mark
Tillamook River	Netarts Highway Bridge
Umpqua River	Line North of Scholfield Road/Umpqua Highway intersection
Umpqua River: Smith River	First Bridge Upstream of Confluence with the Umpqua River
Willamette River	Oregon City Falls
Yachats River	Route 101 Bridge
Yaquina Bay	Mean High Water Mark
Yaquina River	Butler Bridge at Toledo
Yaquina River: Depot Slough	Bridge on Old Toledo - Yaquina Road
Yaquina River: King Slough	Mean High Water Mark
Washington	
Big Quilcene River	North Quilcene Avenue Bridge
Chuckanut Creek	Highway 11 Bridge
Chehalis River	Route 107 Bridge South of Montesano
Clallam River	State Highway 112 Bridge
Columbia River	Bonneville Dam
Columbia River: Elochoman Slough (Cathlamet)	USCG Jurisdiction Throughout
Columbia River: Lake River	Bridge at Ridgefield, WA
Columbia River: Vancouver Lake Flushing Channel	Flood control gate at NW Lower River Road, Vancouver, WA
Columbia River: Washougal River	Railroad Bridge at Washougal
Cowlitz River	Route 4 Bridge at Kelso
Deep Creek	State Highway 112 Bridge
Deep River	State Highway 4 Bridge

River Name/Body of Water	Boundary
Deschutes River	4th Avenue Bridge at Olympia
Dosewallips River	Route 101 Bridge
Duckabush River	Route 101 Bridge
Dungeness River	Dungeness Bridge in Sequim
Duwamish River	Pacific Highway South Bridge
East Twin River	State Highway 112 Bridge
Ebey Slough	I-5 Bridge in Everett
Elwha River	State Highway 112
Grays River	Route 4 Bridge at Roseburg
Hama Hama River	Route 101 Bridge
Hoko River	State Highway 112 Bridge
Hoquiam River	Route 101 Bridge
Humptulips River	Route 109 Bridge
Kalama River	Interstate 5 Bridge
Lake Washington Ship Canal (Lake Washington/Lake Union)	Montlake Bridge in Seattle
Lewis River	Interstate 5 Bridge at Woodland
Little Quilcene River	Rogers Street Bridge
Naselle River	Route 101 Bridge
Nisqually River	I-5 Bridge
Nooksack River	Slater Road North of Marietta
North River	Route 105 Bridge
North Nemah River	Route 101 Bridge at Nemah
Palix River	Route 101 Bridge
Puyallup River	I-5 Bridge
Pysht River	Bridge Northwest of Pysht, North of Highway 112
Queets River	Route 101 Bridge at Queets
Quillayute River	Entrance of Dickey River
Quinault River	Quinault River Bridge East of Taholah
Sail River	State Highway 112 Bridge
Salt Creek	Bridge on Camp Hayden Road
Sekiu River	State Highway 112 Bridge
Skagit River, North Fork	Route 511 Bridge Five Miles Southwest of Mount Vernon
Skagit River, South Fork	Bridge at Conway
Skokomish River, South Fork	Route 106 Bridge
Snohomish River	Interstate 5 Bridge
Sooes River	Bridge Approximately 1 Mile South of Mukkaw Bay entrance

River Name/Body of Water	Boundary
Steamboat Slough	I-5 Bridge Near Everett
Stillaguamish River	Great Northern Railroad Bridge at Silvana
Union River	State Highway 300 Bridge
Waatch River	Bridge East of Makah Air Force Station
Whatcom Creek	Holly Avenue Bridge in Bellingham
West Twin River	State Highway 112 Bridge
Willapa Bay: South Fork Willapa River	Highway 101 Bridge
Willapa Bay: Willapa River	Highway 101 Bridge
Wishkah River	Route 12 Bridge at Aberdeen

1321 First Federal Official on Scene

According to Section 300.135(b) of the NCP, the first federal official (FFO) affiliated with an NRT member agency to arrive on the scene of a discharge or release should coordinate activities under the NCP. The FFO is authorized to initiate, in consultation with the pre-designated FOSC and prior to the FOSC's arrival on scene, any necessary actions normally carried out by the FOSC. Arrival of the FFO on scene does not affect the designation of the appropriate FOSC. If the FFO determines that the FOSC should be from the other agency, that FOSC will generally accept the transfer of authority. Once that transfer has occurred, the FOSC will need to coordinate with the National Pollution Fund Center to ensure that only one Federal Project Number remains open for that case, as appropriate.

1322 Releases or Discharges Affecting More than One Zone Determination of Federal On-Scene Coordinator

According to Section 300.140(b) of the NCP, if a discharge or release affects more than one zone, determination of the FOSC should generally be based on the area vulnerable to the greatest threat. If the area vulnerable to the greatest threat cannot be determined, the Unified Command may want to consider establishing an ICS that can adequately provide for effective response in both zones. If transition of the FOSC position from one agency to another is necessary, the transition will generally follow the guidelines outlined in Section 1410, below."

Funding

If a spill occurs across both sides of the EPA-USCG FOSC boundary, and both an EPA FOSC and a USCG FOSC are responding, then two Federal Project Numbers (i.e., one for each FOSC) might be appropriate. If the spill is on the USCG side and the USCG FOSC is responding with EPA assistance, then EPA should be allowed to use the accounting line from the USCG Federal Project to set up a site in the EPA financial system to charge against. In such a circumstance, EPA would likely not need to obtain a Pollution Removal Fund Authorization from the USCG FOSC, but EPA would need a ceiling and a statement of work. Likewise, if the spill is on the EPA side and the USCG is assisting EPA, the USCG should be able to charge against the EPA's Federal

Project accounting line. For further clarification, the National Pollution Fund Center should be consulted, at telephone number (703) 872-6000.

1323 Modifications to Notification Requirements

For incidents that fall within the jurisdictional boundary of one agency and pose a threat of impact to an area within the other agency's jurisdiction, the USCG and EPA expect each agency to be notified. Duty officers and watchstanders making notifications must be informed of the need to notify both agencies for incidents that may impact both jurisdictional boundaries.

1324 United States Environmental Protection Agency and United States Coast Guard Overlapping Jurisdiction

There are geographic areas covered by this ACP in which EPA has NCP FOSC authority, but where the USCG has COTP authority. Examples of these overlapping areas include, but are not limited to, the Columbia River above the Bonneville Dam, the Willamette River above Oregon City Falls, and Lake Washington. If an incident occurs in these areas, the EPA FOSC must consult and coordinate with the USCG COTP or COTP's representative to ensure that both agencies are appropriately engaged in the response based on their respective authority. During response in these situations, each agency retains its statutory authorities but must consult with the other throughout the response or incident to ensure that both agencies are appropriately engaged in the response. The nature of response generally does not allow complete separation of the maritime casualty response from the pollution response. In these overlapping areas, the general practice will be to allow the EPA FOSC to determine whether the incident requires an NCP response, after consultation with the COTP or the COTP's representative.

When a spill occurs in an area where it is initially unclear which agency has FOSC authority, USCG and EPA duty officers will immediately consult to ensure that a timely response takes place. Once it is determined which agency, if any, will have FOSC authority, both agencies will continue to consult with each other to ensure that the non-FOSC agency provides adequate and appropriate support to the FOSC agency. Such support could include anything within the non-FOSC agency's statutory authority, such as on-scene observation, maritime technical advice, surface and air resources, and staffing at the Unified Command Post. It is recommended that the position of Operations Section Chief be held by a representative of the agency with the greatest statutory responsibility for the incident risk during the current operational period.

1325 Oil Discharges Originating from Inland Facilities

The authority to respond to releases or threats of a release of oil is derived from the Clean Water Act. The determination of the pre-designated FOSC for oil spills from land shall be determined based on the areas vulnerable to the greatest threat. If the release or threat of a release does not impact or threaten navigable water, neither EPA nor the USCG has the authority to respond.

1326 Hazardous Substances, Pollutant or Contaminant Incidents Originating from Inland Facilities

The authority to respond to releases or threats of a release of hazardous substances, pollutants or contaminants is derived from CERCLA and is not predicated on impacts to navigable water.

1400 National Response System

1410 National Response Structure

The National Response System (NRS) coordinates all government agencies with responsibility for human health and environmental protection in a focused response strategy for the immediate and effective cleanup of an oil or hazardous substance spill. It is a three-tiered federal response and preparedness system that supports the pre-designated FOOSC and SOOSC in coordinating national, regional, state, tribal, and local government agencies, industry, and the RP during a response.

The three tiers are the NRT, RRT, and OSC. The NRS is described in the NCP (40 CFR 300). The NRS does not remove the primary responsibility of initiating and completing a proper response by the RP. The NRS is used for all spills. When appropriate, the NRS is designed to incorporate a Unified Command and control support mechanism consisting of the FOOSC, the SOOSC, the RP's Incident Manager, and, when appropriate, tribal and local representatives.

1420 National Response Team

The NRT consists of 16 federal agencies with responsibilities, interests, and expertise in various aspects of emergency response to pollution incidents. EPA serves as chair and the USCG as vice-chair of the NRT, except when activated for a specific incident, when the lead response agency representative serves as chair. The NRT is primarily a national planning, policy, and coordination body and does not respond directly to incidents. The NRT provides policy guidance prior to an incident, as well as assistance during an incident as requested by an FOOSC via an RRT. NRT assistance usually takes the form of technical advice, access to additional resources/equipment, or coordination with other RRTs.

1430 Regional Response Teams

There are 13 RRTs, one for each of the 10 federal regions and Alaska, the Caribbean, and the Pacific Basin. Each RRT has federal and state representation. EPA and the USCG co-chair the RRTs. RRTs are planning, policy, and coordinating bodies and may be activated during a major incident to assist the FOOSC with resources. The RRT operating in the Northwest Area has agreed to use this ACP as the RCP. They also provide guidance support and approval for pursuing certain response strategies.

The role of an incident-specific RRT is determined by the operational requirements of the response. An incident-specific RRT may be activated when the response exceeds the capabilities of the area where it occurs, transects state boundaries, or may pose a substantial threat to public health or welfare or the

environment. An incident-specific RRT may also be activated upon a request by the FOSC or any RRT representative. Generally, the RRT may be used to assist the FOSC in obtaining additional federal resources. If the assistance requested by an FOSC exceeds an RRT's capability, the RRT may request assistance from the NRT. During an incident, the RRT may either be convened or alerted by telephone. Activation procedures for RRT10 may be found in Section 9105, "Incident Specific RRT 10 Activation – Quick Response Guide." The incident-specific RRT may also monitor and evaluate reports from the FOSC, advise the FOSC on the duration and extent of the response, recommend specific actions related to the response, assist the FOSC in preparing information for the public, and, if necessary, recommend the appointment of a different FOSC for the response.

For situations not addressed by preauthorization plans, the EPA RRT representative may authorize the use of products listed on the NCP Product Schedule or burning agents. As appropriate, this authorization should be given with the concurrence of the affected state(s) and in consultation with DOI and DOC. It should be noted that an FOSC may authorize the use of an NCP Product Schedule substance without the concurrence of the EPA RRT representative when the use of the product is necessary to prevent or substantially reduce a hazard to human life. Section 9101 is the RRT 10 NWAC Charter and further explains the membership and operation of RRT 10.

1440 Area Response Structure

The NWAC member agencies have adopted and will manage spill incidents according to the following principles:

- **Incident Command System (ICS)** . The signatory agencies will use the National Incident Management System (NIMS) model ICS.
- **Unified Incident Command.** When more than one of the signatory agencies arrive on scene to participate in managing a response action, the agencies will utilize a Unified Incident Command structure to jointly manage the spill incident. In the Unified Incident Command, whenever possible, decisions with regard to the response will be made by consensus and documented through a single Incident Action Plan. When a consensus cannot be reached, the FOSC has the ultimate decision-making authority.
- **Unified Area Command.** For very large single incidents or multiple, simultaneous incidents involving a large number of resources and/or impacting a large geographic area, a Unified Area Command may be established. The Unified Area Command has the responsibility to set overall incident-related objectives and priorities, allocate critical resources based on those priorities, ensure the incident/incidents are properly managed, and ensure that incident objectives are met and do not conflict with each other. The Unified Area Command has overall responsibility for setting response priorities and objectives, which are then carried out by field ICS/Unified Command organization(s).

- **Tribal and Local Government On-Scene Coordinators.** The Unified Command may incorporate additional tribal or local government OSCs into the command structure as appropriate.
- **Responsible Party Command Structure.** The person or persons responsible for a spill incident shall utilize an ICS, which is capable of rapidly and readily integrating into the NIMS based ICS/Unified Command organization utilized by the NWACP signatory agencies.
- **Response Plan Approval.** The National Oil and Hazardous Substance Contingency Plan (NCP) 40 CFR 300 requires that vessel and facility response plans be compatible with the applicable Area Plan. Washington and Oregon State laws have similar provisions in RCW 90.56.210 and OAR 340-141-0140(7) and (9). Therefore, it is the policy of the Area Committee that vessel and facility contingency plans be consistent with the NWACP.

The Unified Incident Command structure allows for a coordinated response that takes into account the federal, state, tribal, local and RP concerns and interests when implementing the response strategy. The FOSC has the ultimate authority in a response operation and will exert this authority only if the other members of the Unified Incident Command are not present or are unable to reach consensus quickly.

During responses to oil and hazardous substance spills, local agencies may be involved as part of the Unified Command and may provide agency representatives who interface with the command structure through the Liaison Officer or the SOSC. When a Unified Command is used, an Incident Command Post (ICP) and Joint Information Center (JIC) shall be established. The ICP shall be 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.

1441 Federal On-Scene Coordinators

USCG Sector Puget Sound and Sector Columbia River maintain and manage emergency response teams for response to discharges of oil and hazardous substances in the coastal zone. These teams vary in size based on the nature of the incident. In all cases, they are tasked with assessing the discharge to determine response measures, monitor and supervise pollution countermeasures, deploy pollution control equipment as available and necessary until a contractor arrives, document all phases of the response, conduct investigations, and act for the FOSC until their arrival.

The EPA Emergency Response Program consists of emergency response FOSCs located in the regional office in Seattle and field offices in Boise, Coeur d'Alene, and Portland. Additional FOSCs for EPA Region 10 are located in Anchorage, Alaska, but they may respond to any location throughout the region, or throughout the country, as needed. The FOSCs are responsible for determining the source, cause, and RP, as well as initiating source control and enforcement actions as appropriate. Additional responsibilities include ensuring that containment,

cleanup, and disposal are carried out adequately; notification of all Natural Resources Trustees; and coordination of activities with federal, state, tribal, and local agencies to monitor their performance. EPA also has access to technical assistance contractors who can provide technical oversight and other resources at spills and uncontrolled hazardous waste sites. In some cases, EPA's technical assistance contractor may arrive on scene prior to the FOSC. Prior to arrival of the EPA OSC, the EPA contractor will cooperate with on-site agencies but will take direction through the EPA OSC only. EPA's contractor has technical response personnel and equipment located in Seattle and Portland.

Both EPA and USCG FOSCs have access to all federal response agencies as well as special response teams. EPA can deploy the Environment Response Team or the Radiological Emergency Response Team from Las Vegas, Nevada. The USCG can deploy the Pacific Area Strike Team from Novato, California. For a list of special teams and federal response agencies and their roles during an oil/hazardous materials incident, see 9106: Response Partner Roles and Contact.

1442 Washington Response System

The Washington State Response System is designed to provide coordinated state agency response, in cooperation with federal agencies for effective cleanup of oil or hazardous substance spills. In Washington State, Ecology acts as the state Incident Commander for oil or hazardous substance spills or threatened spills to waters of the state. Ecology provides 24-hour response to oil and hazardous substance spills when any amount of regulated waste or hazardous substance is released to the air, land, or water, or whenever oil is spilled on land or to state waters. As needed, Ecology deploys SOSCs to an incident. The agency maintains spill response teams in Olympia, Seattle, Bellingham, Vancouver, Spokane, and Yakima that provide round-the-clock response service to emergencies that pose an immediate threat to human health and the environment. In addition, Ecology:

- Confirms emergency notifications;
- Determines the source and cause of an incident;
- Identifies the RP for an oil spill or hazardous substance release;
- Assumes responsibility for incident management and cleanup if the RP is unavailable, unresponsive, or unidentified;
- Sets state cleanup standards and ensures that source control, containment, cleanup, and disposal are accomplished;
- Assists in monitoring and ensuring the safety of first responders and other personnel;
- Determines the need for and initiates appropriate enforcement actions;
- Coordinates spill response with other state and federal agencies and tribal and local jurisdictions using NIMS/ICS;
- Establishes a JIC with involved agencies and the RP to provide current and accurate information to the community;
- Conducts on-site inspections of commercial vessels and oil handling facilities.

- Provides maritime expertise, such as advice on salvage operations;
- Leads, activates, and coordinates the Natural Resource Damage Assessment (NRDA) team, which also includes the state departments of Fish and Wildlife, Health, Natural Resources, Community, and Archeology and Historic Preservation, and the state Parks and Recreation Commission;
- Participates in the activities of the Wildlife Branch of the Operations Section of the ICS; and
- Notifies the appropriate resource trustee agency of injury to fish, shellfish, habitat, and other wildlife.

Under the Washington Response System, the Washington State Patrol (WSP) assumes responsibility as Incident Commander and acts as the lead state agency responsible for cleanup activities when oil and hazardous substance spills occur on state highways. The WSP also:

- Assists local jurisdictions with law enforcement and evacuations;
- Represents local jurisdictions as designated Incident Commander;
- Coordinates and maintains liaison with other state agencies involved with an incident;
- Assists in receiving and disseminating warning information;
- Provides communications and technical support to the incident;
- Provides radiological monitoring;
- Provides aerial reconnaissance of the impacted area;
- Coordinates fire resources when an emergency mobilization is authorized for a hazardous substance incident; and
- Provides 24-hour, statewide communications support.

For list of Washington state response agencies and their roles during an oil/hazardous materials incident, [see 9106.3](#): Washington Agency Response Partners: Roles and Contacts.

The **Washington Military Department's Emergency Management Division** maintains capabilities to make 24-hour notifications to Ecology, WSP, and other appropriate local, tribal, state, and federal agencies. This division also:

- Activates the state Emergency Operations Center (EOC) when required;
- Coordinates state agency response activities within the state EOC, including procurement of state resources, as requested;
- Provides public information officer support to JICs or Incident Command Posts; and
- Provides communication links on an ongoing basis.

Local jurisdictions are usually the first responders to oil and hazardous substance spills and releases. Under the Washington Response System, local jurisdictions

must designate a local Incident Command agency, usually a fire department, or they may delegate that responsibility to WSP. Under the Superfund Amendments and Reauthorization Act of 1986, Title III, Local Emergency Planning Committees may be involved with planning, training, and assisting with interagency coordination. They may also activate their local EOC to support on-scene operations, make notifications, and respond to requests for resources and other assistance.

1443 Oregon State Response System

The NWACP provides a description of Oregon's statewide oil and hazardous materials response system and outlines the responsibilities of all those who may be involved in response to or coordination of an incident. To ensure a reasonable emergency response time to all parts of the state, a system of state funded regional hazardous materials response teams (HAZMAT Teams) has been developed. The teams are equipped and trained by the state and staffed for the most part by individuals from local fire departments and other emergency providers.

The Office of the State Fire Marshal has developed a computerized system that provides data on the location and type of hazardous materials stored in Oregon directly to fire departments and HAZMAT Teams. It also provides technical information on various hazardous materials and guidance on emergency response procedures.

DEQ is the lead agency for oil or hazardous material spills. DEQ has prepared an Incident Response Information System to provide information needed to identify people, as well as natural and economic resources at risk during spill incidents. The system is available 24/7 through DEQ's On-Call Duty Officer.

The Oregon Health Authority (Public Health Division) is the lead state agency for all incidents involving hazards to human beings, communicable disease agents, or radiation emergencies other than transportation accidents. The Oregon Department of Energy is the lead state agency for radioactive materials transportation incidents. The lead state agency will provide an SOS to direct state response and to assist the FOSC. Assistance that may be requested from the State includes guidelines for the disposal of oily waste, identification, and prioritization of vulnerable resources, local geographic and environmental information, counsel on cleanup and restoration standards, medical/toxicological information through State health officials, and identification of unknown pollutants.

For list of Oregon state response agencies and their roles during an oil/hazardous materials incident, [see 9106.4 Oregon Agency Response Partners: Roles and Contacts](#).

1444 Idaho State Response System

Local fire departments and departments of emergency management are the primary response authority for all oil spills and hazardous material releases. It is

the state's intent to supplement local response activity, not supplant it. This plan and the Idaho Hazardous Materials/Weapons of Mass Destruction Incident Command and Response Support Plan are to be implemented when local capabilities have been exceeded by the incident. The ICS, when implemented by local government during initial response, will allow the state to become part of the response network without disrupting local efforts.

1445 Pacific States/British Columbia Oil Spill Task Force

The Pacific States/British Columbia Oil Spill Task Force was established to provide cooperative and coordinated oil spill response and prevention efforts. Since its formation in March 1989, it has grown to include the states of Alaska, Oregon, Washington, Hawaii, and California, and the Province of British Columbia, Canada. The environmental agencies of the five western states and British Columbia have agreed to work together to improve coordinated spill response in the following ways:

- Sharing state resources and assisting SOSCs during major spills if requested;
- Observing state spill drills and response activities;
- Conducting joint spill drills to better coordinate trans-boundary response efforts;
- Debriefing after major spills or drills to determine changes necessary for improving spill prevention or response across state and national boundaries;
- Meeting regularly to share information and coordinate state and provincial policies with federal agencies;
- Coordinating implementation efforts, such as making rules and regulations as consistent as possible; and
- Collaborating on regional initiatives to address such issues as coastwise vessel traffic, spill data collection, and places of refuge.

West Coast Mutual Aid

During major and catastrophic spills on the West Coast, it may be necessary to expedite the cross boundary transfer of additional response capabilities that can only be provided by private contractors. Many of these contractors have signed commitments with facility and/or vessel operators that, if released to another spill, would place them out of compliance with their federal or state/provincial approved spill contingency plan.

The members of the Pacific States/British Columbia Oil Spill Task Force are the primary state and provincial spill prevention and response agencies for Alaska, British Columbia, Washington, Oregon, California, and Hawaii. In an effort to expedite and enhance the response to major West Coast spills, the Pacific States/British Columbia Oil Spill Task Force members pre-approved and signed the 1993 mutual aid agreement, which will be activated by the Unified Command if additional resources are needed. The purpose of the agreement is to set specified conditions whereby contingency plan holders may be allowed to meet

temporarily reduced response standards in order that their response equipment may be available for mutual aid. This agreement thereby ensures that most of the spill response equipment on the West Coast will be available to respond rapidly in the event of a major spill.

Some West Coast states set planning standards (benchmarks) and let the plan holder and response contractors decide how they will be met. All major contractors have commitments under several contingency plans. This makes equipment “cascading” more difficult. To implement this policy of mutual aid, task force members have adopted minimum requirements for resident, non-cascadable response resources. These minimum requirements for resident response systems ensure the continued ability of plan holders to initiate effective response action at their facility/vessel, should a spill occur while a portion of their response capability is out of the region for purposes of mutual aid. See http://www.oilspilltaskforce.org/docs/agreements_resolutions/MutualAid96.pdf

1500 Regional Response Team Standing Membership

A list of all RRT members’ agencies can be found in [Section 9101](#), along with a list of Executive Committee members.

1600 Response Policy

1610 National Response Policy

The National Response Policy is designed to ensure that all applicable laws and regulations are carried out. Those laws and regulations are intended to ensure effective and immediate removal of a discharge, mitigation, or prevention of a substantial threat of a discharge of oil or release of hazardous substances, and overall protection of human health and the environment.

1611 High Seas Policy

The Intervention on the High Seas Act (33 USC 1471 et seq.) is applied as follows. Under authority of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, governments party to the present convention may take such measures on the high seas as may be necessary to prevent, mitigate, or eliminate grave and imminent danger to their coastline or related interests from oil or hazardous substances pollution or threat of pollution. The pollution or threat of pollution may result from a maritime casualty or acts related to such a casualty, which may reasonably be expected to result in major harmful consequences. In the event of a ship collision, stranding, or other incident on board or external to a ship outside United States Territorial waters, which creates a potential threat of pollution by oil or hazardous substances, all available information shall be relayed to the USCG, which will determine whether grave and imminent danger to the coastline or related interests exists. Once that determination is made, the designated FOOSC shall take measures to prevent, mitigate, or eliminate the threat.

1612 Coast Guard Policy

The USCG will respond, consistent with the policy outlined in the NWACP. The USCG may elect not to dispatch representatives to reported discharges where representatives of another cognizant government agency are responding. However, if federal removal is indicated within the Coastal Zone, the USCG will respond. If the RP is conducting proper removal, the USCG On-Scene Coordinator will use best judgment in determining the need for the presence of USCG personnel on scene. General USCG policy for pollution response is provided in the Coast Guard Marine Safety Manual, Volume VI, Chapter 6, Contingency Planning for Emergency Response and Chapter 7, Pollution Response. Thirteenth Coast Guard District policy is provided in the manual's Annex C, Operation, Appendix 21 - Natural Disaster Response Operations, and Annex J, Command Relationships in the Thirteenth District OPLAN 9830-11, as well as in Chapter 3, Operations, Section G, Marine Environmental Protection, and in Chapter 11, Contingency Planning, in the Thirteenth Coast Guard District Standard Operating Procedures.

1613 United States Environmental Protection Agency Policy

By statute, EPA is the FOSC for inland spills of oil or hazardous substances. In most instances, EPA is not the first responder on scene. EPA works in cooperation with other responders but has not delegated its responsibility as FOSC. In all spill situations, it is EPA's intent to contribute to the response by working with the local, state, tribal authorities, general public, and federal agencies to ensure that the information needed to maximize the effectiveness of the response effort is easily accessible. During a response to a release, the PRPs, if known, available, and willing, are generally given the opportunity to adequately respond. The EPA works closely with the PRPs when they are known and willing to take action to ensure that the release reaches an adequate and rapid conclusion with a minimum impact on the environment. In the event of a spill for which the PRP is not identified, does not respond to contain or clean up the spill, or does an inadequate job responding, EPA's responsibilities may include taking over the response or assuming a co-lead role in a Unified Command with state and local responders.

1614 United States Department of Defense and Department of Energy Policies

In the case of the DOD or DOE, when a response to a release or threat of a release of a hazardous substance, pollutant, or contaminant is on, or the sole source of the release is from any facility or vessel under the jurisdiction, custody, or control of DOD or DOE, those agencies shall provide FOSCs responsible for taking all response actions. DOD will be the removal response authority with respect to incidents involving DOD military weapons or munitions, or weapons or munitions under the jurisdiction, custody, or control of DOD. For oil spills on DOD facilities, the USCG or EPA is the pre-designated FOSC, as appropriate.

1615 Tribal Policy

As of June 2016, there are 45 federally recognized Indian tribes in the Northwest Area, as well as additional state-recognized tribes, as listed in the following sections. Tribes are sovereign entities who can potentially be impacted not only when spills or releases occur on or near reservations, but also when their treaty-reserved rights and resources, including habitat or cultural areas, are threatened by a spill/release.

When EPA or USCG responds to an emergency using its FOSC authority, the FOSC will, as soon as practicable, notify and offer emergency coordination to all affected tribes, through appropriate tribal natural or cultural resources or environmental staff, regarding oil spills and chemical releases that could potentially affect tribal interests. Although the FOSC is legally responsible for tribal notification, the U.S. Department of the Interior may provide assistance in the identification of potentially impacted tribes and locating appropriate contact information. On-scene coordination is performed directly with tribal representatives. If a spill impacts tribal land, tribal governments will have authority over the use of volunteers.

For incidents that occur on tribal land or waters or impact usual and accustomed fishing and hunting, tribes are encouraged to send a fully qualified Tribal On-Scene Coordinator (TOSC) to participate in the Unified Command. The TOSC should be empowered to make decisions on behalf the tribe, have jurisdiction over the impacted area, and have a working knowledge of and adequate training in NIMS/ICS. Alternatively, tribes are encouraged to participate as a Coordinating or Assisting Agency or through a Tribal Liaison to ensure their needs are considered by Unified Command.

1615.1 Makah Tribe

Makah Tribe personnel who will be participating in any level of the response are expected to be appropriately trained in any ICS positions they will be staffing, as well as understand how they will best fit into the system during a response. The positions where each member will be assigned will be determined jointly by the Unified Command to best suit the needs of the response.

The Makah Tribe will be represented within the ICS structure by members from various tribal, departments including:

- The Port of Neah Bay/Office of Marine Affairs,
- Makah Fisheries Department,
- Makah Cultural and Research Center,
- Makah Emergency Management Department,
- Neah Bay Police Department, and
- Neah Bay Fire Department.

Makah tribal staff participating in the Unified Command's ICS structure will communicate with the TOSC when arriving on scene, upon check-in, to ensure

that appropriate assignments are made and field operations are coordinated. Once tribal staff are assigned, they will work within the ICS structure, under the direction of the appropriate Section Chief, Unit Leader, or Division/Group Supervisor. This in no way limits their ability to communicate with the TOSC.

Depending on the type and complexity of response, it is generally expected that the Makah Tribe will provide staff and resources in the following areas:

- **Command:** The Office of Marine Affairs Manager will be the TOSC.
- **Information Officer/Joint Information Center:** The Makah Tribe will designate a trained Information Officer as appropriate.
- **Planning Section/EU:** Makah Fisheries personnel will become members of the EU and Planning Section (PS) as appropriate and will be relied upon to provide the best available information about tribal resources that are at risk, provide baseline characterizations, assess and suggest response options, and provide local knowledge to support response operations and help determine treatment endpoints as well as help evaluate response options and waste management issues in concert with other key resource agencies and stakeholders.

Operations Section: Port of Neah Bay personnel may be requested to facilitate the deployment of boats, equipment and personnel; and may staff other Operations roles as assigned.

1620 State Response Policy

1621 Washington State Policy

Washington State law has established Ecology as the pre-designated SOSOC for all oil and hazardous substance spills in state waters. As such, Ecology is also responsible for supporting federal response actions. In this role, Ecology effectively represents all Washington State agencies and the interests of the state and its citizens. Ecology will respond to any significant discharge or threatened discharge. Ecology will provide local geographic and environmental information; identify and prioritize vulnerable resources in consultation with other resource agencies through the Environmental Unit; fund orphan oil spills through the Oil Spill Recovery Act; and coordinate with other state agencies. The State of Washington has devised parallel statutes on water pollution and marine transportation safety that meet, or in some cases exceed, the standards set forth in federal legislation. Chapter 90.48 of the RCW has made it unlawful to cause or permit the discharge by any means, of polluting matter into the waters of Washington State. Additionally, this act designates the State of Washington as a participant in the federal permit program. It is the policy of the state to use the Unified Command system (as described in Section 2000, "Command") during response to significant spills or threatened spills.

1622 Oregon State Policy

- **Abandoned Chemicals.** The Oil and Hazardous Materials Fund may be used by DEQ to contract for emergency removals of materials presenting public health and environmental risk if the owner, property owner, or RP

is unable to act. This assistance may be provided on a cost reimbursement basis.

- **Drug Lab Chemicals.** Requests for use of DEQ's Drug Lab Cleanup Fund must come through a law enforcement agency.
- **Financial Reimbursement.** Available through the State Fire Marshal's Office for HAZMAT Team response within the terms of the response contract.
- **State Response Contractor.** DEQ maintains a contract with local emergency response contractors that can be utilized by other state and local agencies.

1623 Idaho State Response Policy

Idaho uses a collaborative system in responding to hazardous materials incidents. A single phone call to the state provides immediate access to virtually any resource needed at a hazardous materials incident. The state plays a key role in facilitating and fostering the collaborative efforts, and the Bureau of Homeland Security is responsible for ensuring that emergency response is timely and effective. Local, state, and federal responses are expected to be coordinated and support of local efforts.

Unified Command and NIMS is the standard method of operation. The state's representative to command under emergency or disaster conditions is designated by the Idaho Adjutant General. It is policy in Idaho that responders operate only within the scope of their training and the state has set clear training guideline in the Idaho Hazardous Materials/Weapons of Mass Destruction Incident Command and Response Support Plan. The Idaho Department of Environmental Quality directs long-term site remediation efforts with the cooperation and support of other state and federal agencies.

1630 Multinational Policy

The geographic area covered by the NWACP includes shared marine and inland borders with Canada: in particular, the northern terrestrial boundaries of Washington and Idaho abut the Canadian border, and the marine boundary between the U.S. and Canada transects the Strait of Juan de Fuca and the Georgia and Haro Straits waterbodies. For oil spills and other hazardous material releases, or potential releases that occur at or in the adjacent transboundary area it is required that Federal and State/Provincial response leadership in both United States and Canada will coordinate their respective responses on their sides of the border. Two particular documents outline how the Unified Command members on each side of the border will coordinate spill response in the transboundary region: the CANUSPAC Annex of the Canada-United States Joint Marine Pollution Contingency for spills of oil and other harmful substances <http://www.rrt10nwac.com/Files/FactSheets/141021044455.pdf> for marine spill responses; and the Canada-United States Joint Inland Pollution Contingency Plan (CANUSWEST) (www.canuswest.com) for inland spill response.

Any pollution incident in one country that poses a substantial threat to the other country shall be reported immediately to the Canadian National Environmental Emergencies Center (1-819-997-3742) or the United States National Response Center (1-800-424-8802), depending on the incident location. In addition, for spills threatening the marine zone, the 13th U.S. Coast Guard District will immediately notify the Canadian Coast Guard Western Region emergency number and vice versa, in the event of an incident with cross-border threats or impacts.

The NWACP guides spill responses conducted on the U.S. side of the transboundary region, while the CANUSPAC Annex and CANUSWEST Joint Contingency Plan identify how the two nations will coordinate their individual response actions on their side of the border. These plans are designed to be complementary and promote effective international coordination. In addition to updating the cross border plans, periodic meetings and exercises involving both US and Canadian response personnel are held to maintain relationships and ensure the plans can be enacted.

1640 Responsible Party Policy

Responsible Party Conformance with the Northwest Area Contingency Plan

The NCP requires that response plan holders “prepare and submit a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of oil or a hazardous substance. These response plans are required to be consistent with applicable Area Contingency Plans.”

The requirement for facility and vessel response plans to be consistent with the NWACP applies to:

- Vessel and Facility Contingency Plan: content, review, and approval;
- The execution and evaluation of spill drills and exercises; and
- The management of spill response actions.

Failure to adequately conform to the NWACP may result in rejection of a spill contingency/response plan; non-credit for a drill; or federal and/or state agencies assuming direct control of a spill response action. However, it is also the policy of the NWAC that the Unified Command will encourage the party responsible for a spill incident to maintain the primary responsibility for managing the response action so long as they:

- Actively and cooperatively participate in the Unified Command structure;
- Provide an organization which is compatible with NIMS/ICS;
- Provide regular communication and documentation that ensures adequate response resources are being rapidly mobilized in proportion to the size of the incident as discussed in the following section; and

- Follow their approved spill contingency/response plan (if applicable) unless otherwise directed, or a deviation is agreed to, by the Unified Command.

Requirement for a Full and Rapid Response

Adequate response resources must be rapidly mobilized if initial source control, containment, and cleanup efforts are to be successful. Experience in the Northwest has found that it is much more cost-effective and far less damaging to natural resources to contain an oil spill rather than remove it from the water and beaches.

Therefore, it is the policy of the NWAC that the response to a spill incident should be promptly “ramped-up” to provide adequate equipment and trained personnel to effectively respond to the highest quantity of product that is most likely to be released. If it is determined that excessive response resources are ordered or mustered they may be canceled or demobilized to help control the cost of the response action to the RP and responding agencies.

The emergency response towing vessel (ERTV) stationed at Neah Bay is an important safety net to prevent disabled ships and barges from grounding in the western Strait of Juan de Fuca or off the outer coast. Funding for the ERTV is provided by private maritime industry financed and managed operations. The maritime shipping industry established an ERTV contract (vessel under charter to the Washington State Maritime Cooperative) to maintain an industry funded standby towing capability at Neah Bay. In the event that the ERTV is needed to assist a vessel, the ERTV would follow the Washington State Maritime Cooperative (WSMC) contract for standby service and be contracted directly by the vessel owner/operator for emergency services. As required by Washington statute, the USCG and Ecology may separately contract for the services of the ERTV stationed at Neah Bay to respond to an emerging maritime casualty, or as a precautionary measure.

If an RP fails to respond in a manner deemed reasonably consistent with this policy and NWACP, the FOSC or SOSC may assume the lead for all or a portion of the spill. The agency proposing to lead the cleanup will closely coordinate with other members of the Unified Command prior to taking such action.

Another reason that rapid response and containment is important is that, while the Northwest Area has one of the best spill response systems in the world, there are certain weaknesses in the response community’s ability to mount a fully effective response. These weaknesses are:

- **Coastal Response.** During certain times of the year, it is very difficult to mount an effective response action for spills in the outer coastal environment. This difficulty is due to the long transit distance from the major Columbia River and Puget Sound equipment stores to the outer coast. Once equipment arrives on scene in the coastal environment, sea state and meteorological conditions (such as fog, wind, and rain) may

dramatically limit or terminate effective oil booming and on-water oil recovery efforts.

- **Response in Shallow Marine Embayments.** Diversion and containment booming and intertidal shoreline clean-up are very difficult in many of the Northwest's environmentally sensitive shallow marine estuaries such as the Columbia River, Padilla Bay, and Nisqually Delta. Once oil enters these intertidal areas, extensive environmental damage is likely and recovery technology has minimal effectiveness. In these environments, conventional shoreline clean-up activities themselves can cause extensive damage and are therefore seldom used.
- **Response to Catastrophic Oil Spills.**¹ Should a catastrophic oil spill occur, it is likely that there will not be adequate response resources in the Northwest Area to manage and clean up the spill. Therefore, the Northwest Area will rely in part on mutual aid from other West Coast and other jurisdictions to provide much of the necessary response resources. In order to expedite decision-making on West Coast mutual aid, the Pacific States/British Columbia Oil Spill Task Force adopted a Mutual Aid Plan.

Significant weather factors for Washington's northern outer coast

There are significant weather factors for Vessel Response Plan holders to consider when evaluating the operability of response equipment from the Hoh River north along the outer coast of Washington State to the entrance of the Strait of Juan de Fuca. This is Washington's northern outer coast.

Reference: Appendix B to Part 33 CFR 155 – Determining and Evaluating Required Response Resources for Vessel Response Plan
33 CFR 155, 2.5

A vessel owner or operator must refer to the applicable ACP to determine if ice, debris, and weather-related visibility are significant factors in evaluating the operability of equipment.

Weather Factors to Consider When Planning Oil Spill Response Tactics and Evaluating Safety Plans

Fog

Fog can curtail or reduce the effectiveness of:

- Spill reconnaissance/monitoring, either by boat or by air,
- On-water recovery, and
- In-situ burn or dispersant activities.

Fog can create a boating safety hazard. This can be true anywhere in Washington's marine waters, but is a special problem on the northern outer coast,

¹ Note: Where a catastrophic onshore oil discharge or hazardous material release may impact or potentially impact a navigable waterway, it may be that both the USCG and EPA, upon consultation, provide Unified Command representation during the initial phases of an incident.

especially if vessels are operating close to shore where there are numerous rocks and reefs.

Fog can also be a major factor affecting where and when crews can be deployed. On Washington's northern outer coast, dense summer fogs can materialize very quickly. This presents a special challenge because many sites on this remote stretch of coastline are not accessible via boat or land trail and thus require a helicopter to insert/extract personnel, such as:

- Response contractors tasked with deploying or maintaining booming strategies;
- Shoreline Cleanup Assessment Technique/sampling/NRDA teams; and/or
- Oiled wildlife search and collection crews.

Any response planning that considers inserting personnel on remote beaches using helicopters will need to include provisions for intensive weather monitoring and ensuring that sufficient helicopters are available to accomplish the safe extraction of beach personnel within a very short time frame. Only the rarest of these sites is accessible via boat and very few can be accessed by trail. A good guideline is that no more people should be transported to an isolated beach site than can be retrieved within one hour or less with available helicopter assets.

Small craft operating in near shore waters along the northern Washington Coast (from Point Grenville north to Cape Flattery) should also implement safety procedures to address the possibility of fog. It is highly recommended that such vessels maintain a continuous global positioning system (GPS) track line that will allow them to retrace their route back to safe waters in case fog develops before they have a chance to clear near shore hazards such as reefs, kelp beds, rocks, and islands.

Wind/Waves

All mechanical equipment used in oil-spill cleanup, including oil spill recovery vessels, have operating limits. Alternate technologies for spill cleanup such as dispersant application and in situ burning also have operating limits. These limits can cause recovery operations to be halted, making response situations dependent on weather, fog, or daylight.

There are many operating limits that can shut down recovery operations. Generally, when winds reach a Beaufort Wind Scale of 6 and seas are in excess of 8 feet, mechanical skimming is no longer viable. There are instances when the limits can be pushed, such as when seas have long period swells. Conversely, there are other instances when operations are no longer safe and effective, even at lower wind speeds, such as when seas are short and choppy. At Beaufort 5 and above, it is necessary to take into account skimming vessel safety, equipment integrity, and the physics of a vessel working in waves.

The specific gravity of recoverable black oil and water are close in magnitude. The oil will float on a calm day; however, when energy from the wind and waves

is introduced, the oil will roil with the sea and be naturally dispersed under the surface. There, it can attach to small debris and sink or wash up on a beach or resurface as emulsified oil. In these high energy states, the oil is not at the surface and available for skimmer collection.

From northern outer coast weather data, one can roughly extrapolate that the winter months do not favor open-water containment and mechanical recovery or the use of alternate technologies. In weather conditions such as these, the marshaling of resources would be better aimed at shoreline protection and cleaning versus open water operations.

Severe weather also impacts in situ burning and air-assisted dispersant operations. In the case of situ burning, severe weather creates difficulties getting to and corralling the oil with a boom. In the case of aerial dispersant operations, the dispersant would likely be carried with the wind and either dry out on the way to the surface or not land as targeted.

Other Weather Conditions

Severe wind, surf, and tide conditions can present safety hazards to boat and/or shoreline operations in any area or season, and such conditions are routinely addressed via the Site Safety Plan. Special attention, however, must be paid to situations where personnel are deployed onto beaches from which egress or extraction is limited. Examples include narrow beaches backed by bluffs or cliffs or pocket beaches located between impassible headlands. Such conditions occur throughout the Northwest, but are especially common on the northern Washington coast. Strong onshore winds, because of their amplifying influence on tidal height, can dramatically reduce the available amount of time during which some of these beaches are safe for personnel conducting reconnaissance, beach cleanup, or other response-related tasks. The safety instructions for individual work assignments should emphasize the need for scheduling on-site work such that ample time is provided for safe egress (or extraction via boat or helicopter, if feasible) before crews get trapped.

Mitigating Factors

Vessel plan holders have a number of significant mitigating factors along this northern outer coastal area, including the following.

- The implementation of the ERTV at Neah Bay reduces the potential of drift grounding.
- The International Maritimes Organization Area to be Avoided designation applies to all ships and barges carrying cargoes of oil and hazardous materials, and all ships 1,600 gross tons and above solely in transit. The Area To Be Avoided along the outer coast moves vessel traffic away from the coastline to reduce the risk of a marine causality.
- The response community has been conducting HAZWOPER training for local first responders targeting coastal tribes.

- Both industry and the State of Washington have pre-positioned additional response equipment in the northern outer coast area.
- To address the uncertainties associated with response in remote areas with dynamic weather, the Outer Coast Geographic Response Plan (GRP) incorporates procedures to ensure that response assets are not committed to a remote site until reconnaissance has been performed or real-time information has been obtained regarding conditions at the strategy site.
- Finally, the Oil Pollution Act of 1990 (OPA) regulations have addressed many other mitigating factors, including the required use of double hulled barges and tankers to transport oil.

Umbrella Vessel Contingency Plans

Washington and Oregon require vessel oil spill contingency plans from all tank vessels and cargo and passenger vessels (300 gross tons and over) to be submitted for review and approval. Vessel owners and operators have two options for meeting these vessel contingency plan requirements. The first is to submit a company-specific vessel oil spill contingency plan to the states. The second is to enroll in one of the organizations that operate umbrella vessel contingency plans.

The WSMC and MFSA provide contingency plan coverage, primary response contractors, and a spill management team to enrolled vessels for a per trip fee. These contingency plan services are provided for immediate response coverage, with the intention to transition to the RP within the first 24 hours of the oil spill response. The WSMC provides this coverage in Puget Sound, Strait of Juan de Fuca, and the Washington Coast. The MFSA provides coverage for the Lower Columbia River and Lower Willamette River.

Vessels enrolled with WSMC or MFSA are expected to follow the approved umbrella contingency plan throughout the duration of the spill response. The FOSCs and SOSCs must approve any deviation from the vessel contingency plan. All changes in ICS Command staff to allow enrolled party representatives to participate must be approved by the Unified Command. Where inadequate staff replacements are available to the enrolled party, the regulatory agencies may contract with qualified local persons to fill organizational posts. Representation by an enrolled vessel owner or operator's selected ICS staff and qualified individual is not guaranteed after the removal of the cooperative's preapproved representatives.

1700 Plan Review and Process

1710 Plan Implementation

Agencies signatory to this plan must participate in a training process to ensure familiarity with its contents. Other participating agencies are encouraged to use this plan in all response training. Signatory agencies agree to establish an annual training program within their agencies to ensure that all parties:

- Understand and are fully aware of their respective roles and responsibilities;

- Understand their role in the Unified Command System;
- Understand how they coordinate and communicate with other parties and agencies;
- Understand what and where their assignments will be at a spill scene;
- Understand the overall level of commitment they are to devote to spill response operations; and
- Understand how they will be notified and when to respond to such notification.

Agency spill responders and key personnel are required to read this plan on an annual basis. Each agency is responsible for regular review of this document. The use of open- and closed-book examinations for training purposes is encouraged.

1720 Exercises

The federal and state agencies signatory to the NWACP agree to adopt exercise policy consistent with the national guidance on exercise known as the National Preparedness for Response Exercise Program (PREP). For more information on this program, see

<http://www.navsea.navy.mil/Portals/103/Documents/SUPSALV/Environmental/REP%20Guidelines.pdf>

1721 Exercise Scheduling

Exercise scheduling is vital to the success of a national and regional program, though it requires large sums of money and time, particularly for large exercises. Coordinated scheduling allows key players to be available and budgets to be planned. Exercises will be scheduled in two ways, depending on their frequency. Large triennial or “Area” exercises as PREP calls them will be scheduled through the National Strike Force Coordination Center in coordination with regional agencies and industry. Smaller annual drills will be scheduled through a clearinghouse working within the NWAC. This scheduling function is a task of the Steering Committee, and the area drill schedule is posted at

<https://fortress.wa.gov/ecy/naces/>

1730 Revision/Update Requirements

The NWACP shall be reviewed and updated annually by the NWAC. In addition, the NWAC has established a staggered approach for in-depth review of all NWACP Chapters over a period of five years. Comments on the plan can be submitted to the NWAC at <http://www.rtt10nwac.com/Comment/Default.aspx>.

1731 Plan Review/Update Process

The Steering Committee will receive recommendations for revisions to the NWACP from workgroups, exercises/drills, training, NWACP RRT Co-Chair Guidance, and other interested parties at least two months prior to the update cycle. The preferred method for submitting recommended changes is through the RRT/NWAC website, using the Submit Comments link:

<http://www.rtt10nwac.com/Comment/Default.aspx>. Alternatively, comments and

recommended changes may be submitted the Steering Committee lead for the appropriate chapter. In either case, the Steering Committee lead will:

- Consider the proposed change;
- Make edits and minor changes;
- Submit major changes to the Steering Committee for review and concurrence; and
- Provide feedback to the submitter on the action taken.

1740 Geographic Response Plans

GRPs contain oil spill response strategies for marine and inland waters of Washington, Oregon, and Idaho. Each GRP has two priorities: 1) identification of natural, cultural, and significant economic resources in a specific geographic region, and 2) to describe and prioritize response strategies to minimize damages to these resources during an oil spill. GRPs can be located at

<http://www.rrt10nwac.com/GRP/Default.aspx>

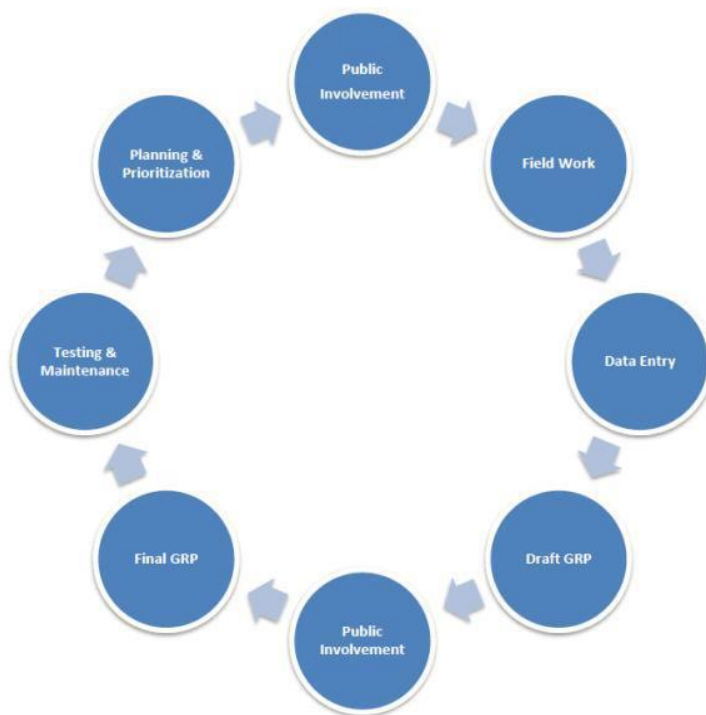
Each GRP has several chapters that contain:

- Introduction to the plan;
- Site descriptions, including physical features, hydrology, climate, risk assessment, and literature references;
- Reference maps and prioritized tactical strategies;
- Resources at risk, including endangered species, and shoreline information; and
- Logistical information for the area.

1741 Process to Develop Geographical Response Plans

Development of GRPs in the Northwest is a collaborative process. GRPs are developed through workshops and field work involving federal, state, and local oil spill emergency response experts, as well as representatives from tribes, local governments, industry, ports, environmental organizations, pilots and response contractors. Workshop participants identify resources, develop operational strategies, help prioritize the strategies, and pinpoint logistical support. It is important to involve local governments and local communities in the GRP development process. Field work is conducted to visit the selected sites, confirm the existence of the resource at risk, and further refine the operational strategies.

Figure 1000-1 – GRP Development and Update Cycle



1742 Agencies Responsible to Develop and Maintain Geographical Response Plans

Key RRT/NWAC agencies have committed resources to manage the development and maintenance of GRPs, as described below.

- Marine GRPs in Washington State are co-managed by Ecology and the USCG.
- Inland GRPs in Washington State are co-managed by Ecology and EPA.
- Marine GRPs in Oregon are co-managed by DEQ and the USCG.
- Inland GRPs in Oregon are co-managed by DEQ and EPA.
- Inland GRPs in Idaho are managed by EPA.

1743 Testing Geographical Response Plans

GRP strategies are tested during drills and spills or during the plan development process. Testing of the strategies is an important priority for the northwest response community. Deployment provides an opportunity for response contractors, plan holders, and agencies to verify the effectiveness of the strategy, deploy equipment, and train personnel to ensure that they are prepared for a real oil spill. GRP strategies are updated based on the results of the drills.

Comments on GRPs and the testing of GRP strategies during deployments can be made through the RRT/NWAC website, using the Submit Comments link the submit comments page: <http://www.rrt10nwac.com/Comment/Default.aspx>

1800 Spill Scenarios

1810 General

An important part of contingency planning is anticipating the effects of a spill and preparing in advance for the response to spills likely to occur in the area. In developing this plan, the NWAC has considered the risk of spills from marine traffic; facility sites, including five oil refineries and numerous oil terminals; highways; and pipeline and railroad corridors that exist in both marine and inland areas of all three states. Beginning in 2012, the Northwest Area has been documenting changes in the transportation of oil products that have the result of changing the risk picture for the plan.

This section outlines responses to three levels of response scenarios: the worst-case discharge (the complete discharge of a vessel's cargo in adverse weather conditions, 35 million gallons); the maximum most probable discharge (the largest historical spill in the area—up to 250,000 gallons); and the most probable discharge (the “average” spill up to 100 gallons) for each of the two areas covered by this plan (Puget Sound Area, Portland Area), as well as a single worst-case discharge scenario for the inland EPA Region 10 Area. Note that scenario discussions are separated by federal jurisdictions. This is because the requirement to develop scenarios is a federal one. These scenarios cover the range of spills likely to occur. At this time, the NWAC is only required to develop these scenarios for oil discharges. The NWAC will address scenario development for releases of hazardous substances in a future release of this plan.

1820 Discharge Scenarios

Information regarding worst case, maximum most probable, and most probable discharge information has been removed from the public version of this document for security concerns. This information is available upon request at <http://www.rrt10nwac.com/Comment/Default.aspx>.