

# 7000 HAZMAT Plan

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## 7100 Introduction

This section is intended to meet the Federal Water Pollution Control Act (FWPCA) requirement for hazardous-substance-release contingency planning. Public Law 101-380, which created the Oil Pollution Act of 1990 (OPA 90), also amended the FWPCA (codified as Title 33, USC, Section 1321(j)(1)). Among other things, that amendment requires contingency planning for releases of hazardous substances in the Area Contingency Plan (ACP), and requires response plans for waterfront facilities and vessels handling hazardous substances. The substances designated by the FWPCA as hazardous, and therefore requiring contingency planning in accordance with the FWPCA, are listed in Title 40 CFR 116.4.

While the law requires planning for “hazardous substance (HAZSUB)” releases, the developers of this section have chosen to use the broader term “hazardous materials (HAZMAT)” for plan development. The Coast Guard has authority, jurisdiction, and resources that may be used to assist a HAZMAT incident response even if the substance released is *not* a FWPCA-designated substance, and we should, therefore, plan for assisting a HAZMAT incident response. Essentially, this section addresses response to any undesirable non-oil substance released into the environment.

This section outlines the jurisdictional boundaries of HAZMAT incident response between Federal, State, and local agencies, and identifies some of the potentially available response assets to address a HAZMAT incident.

### 7110 Background

For the purposes of this section, the discussion will be limited to HAZMAT incidents occurring during marine transportation only. This approach has been taken in order to isolate the issues of jurisdiction and response procedures to one clearly defined area. However, the authorities, jurisdictions, and resources identified herein may be useful in any HAZMAT incident impacting waters where CG Sector San Diego has jurisdiction as On Scene Coordinator (OSC).

In accordance with the California Hazardous Materials Incident Contingency Plan (HMICP), response and management of a HAZMAT incident is primarily the responsibility of local government acting as the lead for public health and safety within their jurisdiction. This is especially true when an incident occurs in an inland location. Local fire and police departments and other emergency personnel who have been trained in response procedures for HAZMAT incidents will respond and be the first officials to begin handling the emergency. If other local assistance is required, or, due to the size of an incident, State, or Federal resources are needed, a larger response network is built through the National Incident Management System (NIMS) Incident Command System (ICS) and a Unified Command (UC) representing joint decision-making authority will be developed.

The vast majority of relatively routine HAZMAT incidents are handled in this manner.

However, HAZMAT-incident response in the marine environment offers a unique set of variables that do not lend themselves to be defined along clear jurisdictional lines. Local government personnel may have the resources and training to respond properly to land-based incidents, but do not have expertise in dealing with marine fire fighting or emergency response on water.

Conversely, the CG has the expertise to manage many marine incidents, such as fire, disabled vessel management or rescue.

The method to properly respond is further complicated by the introduction of State and Federal specialized response teams that have the proper training to assist in an incident response, but must be correctly requested and then integrated into the management structure in order to properly aid the Incident Command (IC) team.

Who is in charge of an incident and who actually manages the incident may be two separate entities. Section 311(c)(1) of the CWA, as amended by OPA 90, gives the OSC authority to “direct or monitor all Federal, State, and private actions to remove a discharge” (emphasis added). *(Note: since the authority cited is issued in the CWA, it only creates jurisdiction over discharges of those hazardous substances designated under Section 311((b)(2) of the CWA, and published in Title 40 CFR 116.4. 40 CFR 300.135(d) states that “the OSC’s efforts shall be coordinated with other appropriate Federal, State, local, and private response agencies. OSCs may designate capable persons from Federal, State, or local agencies to act as their on-scene representatives.”*

Thus, a local government may manage a response, and the OSC’s only involvement would be notification and confidence that the local official, serving as the OSC on-scene representative, had the capabilities to conduct a safe and effective response, with OSC assistance as needed.

The method by which an emergency is managed is contingent upon two variables: the incident’s location and size. If at a dock, where local responders can have direct access to a site, local government will start out in the lead. If the incident is on an anchored vessel or at sea, the CG will likely begin as the incident commander. Initial response to marine HAZMAT emergencies will involve local government responders, the CG, and appropriate State agencies, but if the incident grows and there is need for specialized personnel and resources increase, the ICS structure will expand and the UC will be formed with the responsible decision makers. Given the specifics of a particular incident, the lead authority in the UC team would likely be the local government or the CG, with potential involvement by the responsible party (spiller) and the state.

Communication and coordination will be paramount in any hazmat incident in order to ensure a proper response structure and clear lines of authority exist.

## **7120 Governmental Policy and Response**

### **7120.1 Introduction**

The response system for the governmental agencies has been standardized under [Homeland Security Presidential Directive/HSPD-5](#). Each level of government has its own unique capabilities, responsibilities, response strengths, jurisdictions, and authorities. The following sections describe the response actions and systems for the Federal, State, and local agencies as viewed by the agencies themselves.

### **7120.2 Federal Policy and Response**

Under the NCP, the Federal OSC is the senior official for all response efforts. These responsibilities are shared between the CG and the EPA. The CG provides the OSC for oil discharges and HAZMAT releases into or threatening the coastal zone. EPA provides OSCs for oil discharges and HAZMAT releases into or threatening the inland zone. The CG OSC has additional responsibility for spills, releases, and threatened spills and releases from vessels and CG-regulated marine-transportation-related facilities. The boundaries between the CG and EPA zones can be found in this Plan, [Section 1400](#) or 40 C.F.R. 300.120.

The role of OSC is radically different depending on the material(s) involved in a release or threatening to impact navigable waters. In incidents involving oil, the CG OSC takes a very active role in the response. The OSC serves as the senior member of the UC and directs the response activities. For HAZMAT releases or threatened releases, the OSC looks after federal interests and provides support to the local, county, or State responding agency. The OSC would assume an active role only under specific circumstances, such as when an incident exceeds response capabilities of local agencies. The OSC would assist the State and local agencies with any technical advice, obtaining specialized assistance, and monitoring of the response.

There are seven areas of CG action in the event of a HAZMAT release:

(1) Conduct local contingency planning for response to hazardous chemical releases. The CG is not itself a response organization. It is not our intent to create a contingency plan for HAZMAT response organizations. This section will identify the resources and authorities held by the Sector San Diego COTP that may assist in a HAZMAT incident response.

(2) Conduct traditional COTP responsibilities such as restricting access to the affected area and controlling marine traffic; notify facilities operating vulnerable water intakes of the release; coordinate with State and local emergency responders; and assist as CG resources and capabilities permit.

USCG COTPs serve as the designated OSCs for the coastal zone. Therefore, Sector Commander San Diego is the OSC for the San Diego Area coastal zone. See [Section 1200](#) of this Plan for the description of the San Diego Area coastal zone.

The Sector Commander is designated by the Commandant of the USCG as the COTP for the purpose of giving immediate direction to CG law enforcement within the assigned AOR. Note that the AOR for the Coast Guard COTP Sector San Diego authority is not the same as the AOR for the Coast Guard OSC authority.

The COTP can control access to an area by establishment of a safety zone. That safety zone can include waterfront facilities, vessels, and areas of water or land, or both.

The COTP can enlist the aid of Federal, State, county, municipal, and private agencies to assist in the enforcement of access control. This authority also allows use of CG resources for transportation of HAZMAT incident responders, both government agencies and commercial.

The COTP can control marine traffic by directing vessel movements in a specified area.

The COTP can create a COTP order directing a specific vessel's operation, including anchoring, for, among other things, "temporary hazardous conditions". The COTP can prohibit entry into U.S. waters for multiple reasons, including discharges of oil or hazardous materials.

The COTP can request personnel and resources from the National Strike Force Coordination Center (NSF-CC). The PST is the only West coast HAZMAT response organization directly controlled by the CG.

The COTP can have other CG units make marine band radio broadcasts for both informational purposes and to assist enforcement actions.

The Sector Commander Sector San Diego is also the Officer in Charge, Marine Inspection (OCMI). The OCMI, responsibilities include inspection of vessels, shipyard and factory inspections, investigation of marine casualties and accidents, licensing mariners, and enforcement of vessel inspection, navigation, and seamen's laws in general. The OCMI AOR is the same as the COTP AOR above.

(3) Conduct a preliminary assessment of the incident to: (1) evaluate the magnitude of the threat to the public health and welfare and the environment, (2) determine if response action by the RP and/or the State and local government is adequate, (3) establish jurisdiction for a Federal response, and (4) collect the data necessary to formulate a response plan if a Federal response is warranted.

County and municipal agencies may have jurisdiction and responsibility. Their responders may require transportation, and the COTP may arrange it to the site. If the COTP can bring expertise, personnel, or equipment to assist a problem at sea, we do not expect an offer of assistance to be declined. If the incident is at sea, the COTP can also contact Special Forces (including USCG National Strike Force (NSF), EPA Environmental Response Team (ERT), NOAA Scientific Support Coordinator (SSC), EPA Technical Assistance Team (TAT), etc.) for recommendations.

(4) Contact the owner and/or operator of the source of the release, if known, to inform them of their potential liability for government removal costs, to explain the Coast Guard's role as OSC, and to gather information for response and port safety purposes. Administrative orders shall be used when appropriate to direct actions of the responsible party.

The State has various funding sources of their own, and should evaluate appropriate State sources before seeking CERCLA money.

While the COTP can issue an administrative order to a facility under the authority of CERCLA Section 106, the definition of facility under CERCLA section 101(9) does not include vessels. Therefore, the COTP cannot issue administrative orders to vessels. The COTP may, however, be able to use a COTP order to accomplish the same effect.

(5) Based on the findings of the preliminary assessment, carry out first aid mitigation actions if the situation warrants immediate action. First aid mitigation actions are those response actions taken by OSC personnel necessary to address immediate concerns prior to the arrival of cleanup contractors or action by the responsible party.

(6) Monitor cleanup actions of responsible parties or, in the case of Federal removal, provide on-scene supervision of removal activities, ensure the employment of a sound removal strategy. The OSC is not expected to be capable of designing and carrying out a complex removal plan. In certain situations, support from Specialized Forces (E.G. National Strike Force (NSF), EPA Environmental Response Team (ERT), NOAA Scientific Support Coordinator (SSC)) may be necessary to assist in the development or review of a removal strategy. In either case, the OSC shall ensure that guidelines regarding worker safety are adhered to by all parties involved in the response.

To create a site safety plan, COTP may require the assistance of the ship's agent or shipping company to provide the hazardous materials manifest and assistance in creating a removal strategy.

(7) For Federal removal, arrange for the services of contractors and supervise their actions, ensuring that response costs are documented as required by Chapter 86 of the U.S. Coast Guard Marine Safety Manual Vol. IX.

### **7120.3 State Policy and Response**

In California, the State's main role in any HAZMAT incident is to assist local government, and take part in the UC as appropriate. Certain resources exist at the State level, and if requested can be made available to assist Federal and local responders in a marine HAZMAT incident.

A release or threatened release of a HAZMAT within the State of California must be reported. HAZMAT includes any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health or safety or to the environment, if released. There is no minimum reportable quantity. An immediate verbal report of any release or threatened release of hazardous material must be made to (1) the local emergency response agency (such as 911 or the fire or health department, as directed by local laws), then (2) to the Office of Emergency Services (OES) at 800-852-7550. This immediate report should include: location of the release or threatened release; the name(s) of the person(s) reporting; hazardous material involved; estimates of the quantity, and potential hazards presented by the material.

OES will notify other Federal and State agencies and appropriate local government contacts as specified in law. Assistance may be sought from local agencies, other State agencies, of the Federal government for any incident response. Additionally, the notifier or responders may request that OES contact specialized State agencies for additional assistance. In California, the primary State agencies that will assist the incident responders are the following:

Department of Fish and Game (DFG) - The department is the "State agency coordinator" for any off-highway spill. In accordance with HMICP Figure 2.1, there is no pre-designated State IC *except* on-highway, where the California Highway Patrol is the IC. DFG may be actively involved with the transition of an incident from the emergency response phase to the longer-term environmental remediation phase.

Department of Toxic Substances Control (DTSC) - As part of California's Environmental Protection Agency (Cal EPA), DTSC has expertise handling and responding to a incident involving HAZMAT.

Office of Environmental Health Hazard Assessment (OEHHA) - Also part of Cal EPA, OEHHA is concerned with researching and responding to a substance's impact to human health and the environment.

California Highway Patrol (CHP) – The CHP is the State IC for any on-highway incident.

Regional Air and Water Boards – These Boards are both part of Cal EPA and have jurisdiction for air and water quality in their respective areas.

HAZMAT responses will be conducted under the National Incident Management System (NIMS). NIMS defines the principles of the Incident Command System (ICS), incident resources and facilities, and common responsibilities.

Further responsibilities and resources are contained in the California Hazardous Materials Incident Contingency Plan (HMICP), compiled by the State OES. The HMICP contains a listing of

additional Federal, State, and local resources available during a response to a HAZMAT incident. The HMICP also outlines the policy and process that should be followed during a HAZMAT incident in California. The HMICP is currently being rewritten to be consistent with NIMS and other State response programs that the Legislature has created since its last edition.

For most HAZMAT emergencies, local-government responders will be on scene first at an incident within their jurisdiction. If not present on the scene, local-government representatives should be brought into the management of the incident as soon as possible. Generally, in any HAZMAT incident, assisting agencies will respond from three functional areas:

(1) Fire Services - Certain fire departments have established a HAZMAT response team whose organizational structure will provide the necessary supervision and control for the essential functions required at a HAZMAT incident.

(2) Law Enforcement - The local law-enforcement agency will respond to most HAZMAT incidents. Depending on the incident factors, law enforcement may be a partner in the UC of the incident, or may participate as an assisting agency. Some functional responsibilities which may be handled by law enforcement include: isolating the incident area; managing crowd control; traffic control; providing protective public action, such as evacuations or sheltering-in-place; and managing criminal investigations.

(3) Environmental-Health Agencies - In most cases, the local or State environmental health agency will be at the scene and a partner in the UC. Some functional responsibilities which may be handled by environmental health agencies include: determining the nature and identity of the hazardous material; establishing the criteria for cleanup and disposal of the material; declaring the site safe for reentry by the public; providing the medical history of exposed individuals; monitoring the surrounding environment; assisting in the cleanup of the site; and providing technical advice.

These three functional areas will be addressed through local, State, and Federal officials responding to the incident utilizing ICS. The design of the ICS structure and the makeup of the UC will be determined by the specifics of a particular incident.

A system of HAZMAT mutual aid is being developed in California. A specific subset of the master mutual-aid program, it will simplify and organize procedures for responding agencies to share personnel and resources during an incident, however large.

#### **7120.4 Local Government Policy and Response**

Pursuant to the California Health and Safety Code Chapter 6.95, local governments have developed local area plans (which differ from the Federal ACPs) documenting policies and procedures for responding to HAZMAT incidents. These policies and procedures include sections on notification and coordination, communications, utilization of the incident-command system, pre-emergency planning, public safety and information, supplies and equipment, and responsibilities of responding organizations. The main responsibilities of the response agencies are to rescue and treat victims, perform fire suppression, isolate contaminated areas from the general public, control and contain hazardous materials, and facilitate any public evacuations or shelter-in-place operations. The area plan delineates who is responsible for management of the incident. Local area plans may differ on the designee of the incident commander.

Representatives from local police, fire, or offices of emergency services may be the incident commander. Due to the proximity of these public safety agencies to potential HAZMAT sites on

land they can respond quickly and adequately within their jurisdiction. Local contingency plans specify what locations would be covered for response by hazardous materials agencies.

These local jurisdictions may include one or more counties, one or more cities, unincorporated areas or any combination thereof. Local jurisdictions may include all areas within city or county limits, which may include adjacent waters. Local plans may or may not discuss jurisdictions and response to the adjacent waters. Many local governments may not consider response to hazardous materials for incidents at docks, adjoining bays or inlets, or in coastal waters. Their response in these waters may not have been considered due to a perception of the role of the CG and the California DFG in spills of oil and other petroleum-related products. Additionally the local government's ability to respond to waterborne incidents may be limited.

In the coastal zone the CG is the Federal OSC. However, the on-scene management of the incident may be performed by the appropriate local government agency responder.

Local agencies may have a number of limitations in responding to a hazardous materials incident into the water or on a vessel. These include: Access to marine vessels; communications with the master of the vessel; hazardous materials cargo or uses upon vessels; experience with vessel operations; knowledge and access to booming resources; and experience with marine contractors. Therefore, the ability of representatives of local agencies to respond and be the incident commanders for HAZMAT marine incidents may be limited. Local agencies will vary in their ability to respond to incidents which occur in/on navigable waters. The following is a general summary of local agency capabilities:

**Docked Vessels** - Most local agencies should be able to respond and take charge of incidents which occur at docked vessels. They may still require assistance from the CG to control vessel traffic, notify facilities with vulnerable intakes, and conduct booming.

**Vessels at anchor** - Some local agencies may be able to respond to incidents on vessels at anchor in bays or inlets, because they have transportation and communication capabilities to handle the incident. The CG can assist local agencies with adequate transportation, equipment, and communications to respond to a vessel at anchor.

**Vessels Underway** - Few, if any, local agencies will be able to respond to incidents which occur outside of the harbor in Open Ocean. For these incidents, the CG will be the primary response agency.

In all cases where hazmat incidents may impact local jurisdictions, local agencies must be notified. The most expedient method of notifying all local, regional, state, and federal agencies is through the National Response Center at 1-800-424-8802.

## **7200 Weapons of Mass Destruction**

[San Diego Metropolitan Medical Strike Team \(MMST\)](#) is a team of local responders who work together to develop and implement response plans for major urban crises and disasters, including weapons of mass destruction. It includes all of the local San Diego city and county resources: fire, police, sheriff, bomb squads (police and sheriff), SWAT, harbor patrol, HazMat, FBI, paramedics from multiple agencies, county medical emergency services (EMS) and the Metropolitan Medical Response Service.

Also refer to [Appendix XV](#) of the Region 9 Regional Contingency Plan (RCP).



## **7300 Radiological Weapons**

Refer to [Appendix XVI](#) of the Region 9 RCP.

## **7400 Response Assets**

This section identifies response organizations, which include chemical mutual-aid organizations, individual companies with response units, and information sources. Regional and local resources are also listed.

Included with each response unit entry is a FIREScope description of that unit's capability. FIREScope is the Firefighting Resources of California Organized for Potential Emergencies, a mutual-aid organization originally based on fire response, but also involved with NIMS ICS implementation and hazmat response.

### **7410 Regional Resources**

CHEMTREC (Emergency: 1-800-424-9300; Non emergency: 1-800-262-8200) – A 24-hour public service of the Chemical Manufacturers' Association, CHEMTREC can provide:

- 1) Immediate emergency action information for spill, leak, exposure, or fire control measures;
- 2) Precautionary information;
- 3) Assistance in identification of a hazardous substance if the manufacturer is known or if shipping papers are present; and,
- 4) Immediate notification of manufacturers or shippers through their emergency contacts or notification of industry mutual-aid networks.

CHEMTREC can also assist with the following specific actions:

- 1) Operating the National Poison Antidote Center (NPAC) with immediate information of most known poisons and communications to all major hospitals.
- 2) Contacting the chemical manufacturer for detailed technical information, and, in some cases, activation of the manufacturer's response team.
- 3) Contacting carriers for technical information, waybill or cargo manifest printouts, and some carriers can assist with chemical- and wreckage-removal operations.
- 4) Activate the Chlorine Emergency Plan (CHLOREP) when it is organized by the Chlorine Institute.

<b>Chemical Companies with Assistance or Information Resources</b>	
CA National Guard 9 <sup>th</sup> Civil Support Team	Will assist with identification, response methods, and safety zone establishment for a HAZMAT/WMD incident. Has the ability to conduct level A entry to a hazardous environment.2 Ops Officer (562) 254-9022 FAX (562) 795-2529 Ops NCO (562) 254-8299
B.A.S.F. WYANDOTTE (734) 558-1072	Will provide information on their products.
DOW CHEMICAL CO. (989) 636-1000	Will assist & provide information on their products, advise available for chlorine incidents.
DU PONT (302) 774-7500	Will assist & provide information on their products, advice & response available for chlorine & hydrogen fluoride incidents on or off site.
NATIONAL AGRICULTURAL CHEMICALS ASSOCIATION (202) 296-1585	Will provide information on pesticides.
Southern California Industrial Mutual Aid Organization (SCIMO) (800) 996-8882	A non-profit member owned corporation combining the fire-fighting, rescue, oil spill and hazardous material response capabilities of the refining, petrochemical and aero space industries in Southern California. Will provide cooperative assistance and expertise for all kinds of emergencies - both natural and man-made.

## 7420 Local Resources

### Hazardous Materials Division (HMD)

The San Diego County [Hazardous Materials Division \(HMD\)](#) is one of the four divisions of the Department of Environmental Health. HMD is the Certified Unified Program Agency (CUPA) for San Diego County responsible for regulating hazardous materials business plans and chemical inventory, hazardous waste and tiered permitting, underground storage tanks, and risk management plans. HMD is also responsible for regulating medical waste.

HMD permits: (858) 505-6661

### Hazardous Materials Incident Response Team (HIRT)

The San Diego Fire-Rescue Department [Hazardous Materials Incident Response Team \(HIRT\)](#) is a highly trained group of firefighters who protect lives and property from incidents involving hazardous materials such as chemical explosions and spills. It is operated by the San Diego County HMD.

HIRT responds as a five-person team to HAZMAT emergencies for all of San Diego County 24 hours a day, 365 days a year. City HIRT members also respond to other cities in the County and some military installations and Indian land. Currently, 55 members of the Fire-Rescue Department are trained and assigned to HIRT.

HAZMAT apparatus and crews are stationed at [Fire Station 44](#), at 1001 Black Mountain Road, San Diego.

### **Metropolitan Medical Strike Team (MMST)**

The San Diego Metropolitan Medical Strike Team (MMST) is a team of local responders who work together to develop and implement response plans for major urban crises and disasters. MMST meets quarterly and drills annually to improve potential response effort. See [Section 7200](#) of this Plan for more information.

### **CUPA Program**

The Unified Program is the consolidation of six State environmental programs into one program under the authority of a Certified Unified Program Agency. The [CUPA Program](#) conducts multi-media inspections that consolidate the six elements of the Unified Program into one inspection. The businesses inspected are in one or more of the following categories:

- Handle hazardous materials
- Generate or treat hazardous wastes
- Generate or treat medical waste
- Operate underground storage tanks

Call (619) 338-2284 for information.

### **Hazardous Materials Business Plan Check AB3205**

The [Hazardous Materials Plan Check \(AB3205\)](#) desk assists new businesses as well as businesses doing tenant improvements in complying with their Hazardous Materials Business Plan requirements.

Assembly Bill 3205 (which is now incorporated into Section 65850.2 of the Government Code) prohibits Building Departments from issuing a final Certificate of Occupancy unless a business that handles hazardous materials has done the following:

- Met the requirements of a Hazardous Materials Business Plan (HMBP) for a release or threatened release of hazardous materials.
- Completed the CalARP screening process for Acutely Hazardous Materials or Regulated Substances that may be handled above minimum threshold quantities.
- Submitted a certified Risk Management Plan (RMP) if required by the Department of Environmental Health, Hazardous Materials Division.

A list of San Diego businesses with Hazardous Materials Business Plans can be accessed at the following website: [http://www.sdcounty.ca.gov/deh/doing\\_business/hazmat\\_search.html](http://www.sdcounty.ca.gov/deh/doing_business/hazmat_search.html)

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