



# 2014 LA-LB AREA

(Revised January 2016)

# CONTINGENCY

# PLAN

**SECTION 1000  
INTRODUCTION**

## **ABSTRACT**

*Each Area Committee is responsible for developing an Area Contingency Plan (ACP) which shall be adequate to remove a worst case discharge of oil or a hazardous substance from a vessel, offshore facility, or onshore facility operating in or near the geographic area*

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## **1000 INTRODUCTION**

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### **1100 Introduction / Authority**

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Section 4202 of the Oil Pollution Act of 1990 (OPA 90) amended Subsection (j) of Section 311 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1321 (j)) to address the development of a National Planning and Response System. As part of this system, Area Committees have been established for each area designated by the President. These Area Committees are comprised of qualified personnel from Federal, State, and local agencies.

Each Area Committee, under the direction of the Federal On-Scene Coordinator (FOSC) for the area, is responsible for developing an Area Contingency Plan (ACP) which, when implemented in conjunction with the National Contingency Plan (NCP), shall be adequate to remove a worst case discharge of oil or a hazardous substance, and to mitigate or prevent a substantial threat of such a discharge, from a vessel, offshore facility, or onshore facility operating in or near the geographic area. Each Area Committee is also responsible for working with State and local officials to pre-plan for joint response efforts, including appropriate procedures for mechanical recovery, dispersal, shoreline cleanup, protection of sensitive environmental areas, and protection, rescue, and rehabilitation of fisheries and wildlife. The Area Committee is also required to work with State and local officials to expedite decisions for the use of dispersants and other mitigating substances and devices.

The functions of designating areas, appointing Area Committee members, determining the information to be included in Area Contingency Plans, and reviewing and approving Area Contingency Plans have been delegated by Executive Order 12777 of 22 October 1991, to the Commandant of the U.S. Coast Guard (through the Secretary of Transportation) for the coastal zone, and to the Administrator of the Environmental Protection Agency for the inland zone. The term "coastal zone" is defined in the current NCP (40 CFR 300.5) to mean all United States waters subject to the tide, United States waters of the Great Lakes, specified ports and harbors on inland rivers, and the waters of the Exclusive Economic Zone (EEZ). The Coast Guard has designated as areas, those portions of the Captain of the Port (COTP) zones, which are within the coastal zone, for which Area Committees will prepare Area Contingency Plans. The COTP zones are described in Coast Guard regulations (33 CFR Part 3).

#### **1110 Pollution Investigation Authority**

Several federal, state, and local agencies have a direct role in the enforcement of applicable laws and regulations associated with a discharge, or substantial threat of a discharge, of oil into the navigable waters of the U.S. The investigation into alleged violations of the many applicable laws and regulations require a coordinated effort among the many agencies involved. As a preliminary step to enhance the effectiveness of investigative activities and limit the potential negative impact of these activities upon the cleanup and removal actions associated with an incident, the following agencies have been identified as having a direct, field-oriented role in the initial stages of these events.

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discharge, of oil into the navigable waters of the U.S. The investigation into alleged violations of the many applicable laws and regulations require a coordinated effort among the many agencies involved. As a preliminary step to enhance the effectiveness of investigative activities and limit the potential negative impact of these activities upon the cleanup and removal actions associated with an incident, the following agencies have been identified as having a direct, field-oriented role in the initial stages of these events.

## **1120 Involved Agencies**

### **1120.10 United States Coast Guard (USCG)**

The U.S. Coast Guard has enforcement and investigative authority for a significant array of potential violations of federal laws and regulations, as well as enforcement actions under applicable international treaties. The principle, though not exclusive, federal laws and regulations associated with a discharge or a substantial threat of a discharge of oil include applicable components of the Clean Water Act as amended; the Oil Pollution Act of 1990; the Ports and Waterways Act; The Port and Tanker Safety Act; The Act to Prevent Pollution from Ships (1980), as amended; and, Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78). In addition, authorities pursuant to 46 USC 7701 and 46 USC 6101 relate to personnel actions (licensed mariners), and marine casualties, respectively. The federal regulations associated with potential investigative or enforcement interest under these circumstances include, though are not limited to, applicable sections of 46 CFR with particular attention to Parts 4, 5, 16; 33 CFR Parts 126, 130, 151, 153-160; and 40 CFR Parts 116, and 117. Potential federal enforcement actions associated with a pollution discharge may include but are not limited to: collection of statements and evidence to determine the causes of the associated marine casualty, mandatory chemical testing of involved licensed personnel, and the collection of oil samples in the water and on suspect vessels.

### **1120.20 State of California, Department of Fish & Wildlife, Office of Spill Prevention and Response (OSPR)**

The Lempert-Keane-Seastrand Oil Spill Prevention and Response Act of 1990 (SB 2040) details the role of the OSPR in spill investigations. OSPR is the lead investigative unit for state and local governments. As the lead agency, OSPR will coordinate the investigative efforts for these government agencies. Government Code Section 8670.7 specifically requires the Administrator of OSPR to determine the cause and the amount of a discharge. The investigative goals of OSPR are: to take samples and secure evidence relevant to the spill; conduct interviews of any person with special knowledge as to the facts of the spill and make arrests, if necessary and appropriate; determine and document the facts related to the cause of the spill; secure evidence relevant to determining the volume of oil spilled and the amount recovered; determine if a responsible party exists and whether or not the responsible party will take financial responsibility for the cleanup and containment of the spill; and, make an initial determination as to whether or not the facts of the investigation indicate a violation of state or local laws or regulations, and if they do, initiate criminal or civil actions through the appropriate legal jurisdiction(s). State authority extends anywhere within the state and out to three miles from the

shoreline. However, "hot pursuit" and other legal principles allow OSPR to operate outside of this narrow area of authority.

#### **1120.30 State of California, State Lands Commission**

The Lempert-Keene-Seastrand Oil Spill and Response Act of 1990 (SB 2040) details the role of the State Lands Commission (SLC) in spill investigations within the jurisdictional boundaries of the State of California. The investigative role of the SLC following a spill will be to assist the OSPR Administrator in determining the cause and amount of the discharge in accordance with California Government Code, Title 2, Chapter 7.4, Article 2, Section 8670.7(e). In addition, the SLC will be assessing the cause of the spill to determine the effectiveness of its regulations and spill prevention programs. The goal will be to change these regulations or programs as necessary to prevent or reduce the risks of similar occurrences in the future. SLC's jurisdiction applies to marine terminals and offshore platforms within three miles of shore. Investigative activities may be necessary onboard a vessel if the circumstances are such that a vessel is involved in a discharge at or involving a marine terminal or offshore platform within 3 miles of shore.

#### **1120.40 State of California, Office of the State Fire Marshal, Pipeline Safety Division**

The goal of this office is to provide pipeline safety within the jurisdictional boundaries of the State of California. California Government Code Sections 40400 - 52999, Chapter 5.5 of the California Pipeline Safety Act of 1981 has given the State Fire Marshal's Office authority to respond to pipeline related offshore oil spills to determine compliance with pipeline safety regulations on construction, maintenance, and operations (normal, abnormal, emergency procedures, and cleanup responses). Sections 51015 and 51018 of the California Government Code specifically address inspections. Sections 51010, 51010.5, and 51010.6 pertain to jurisdictional pipelines, while Sections 51018.6 and 51018.7 provide civil penalties and criminal penalties, respectively by the California State Fire Marshal. For interstate pipeline spills, the California State Fire Marshal's office acts as an agent for the US Department of Transportation, Office of Pipeline Safety (OPS) with enforcement ultimately administered by OPS.

#### **1120.50 Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE)**

The BOEMRE's regulatory authority for accident investigation of offshore oil and gas facilities and related operations is based on the provisions in 30 CFR Part 250.19, Accident Reports (see also the OCS Lands Act Amendments, September 18, 1979, 43 USC 1801, Title II, Sec 208, Sec 22 (d) (1)). The BOEMRE Manual states that the agency's principal objectives in conducting accident investigations are: "...to ensure consistent data collection and investigation of accidents in order to gather the information necessary to determine the cause(s) and to make appropriate recommendations for any corrective action needed. The primary goals are to prevent the recurrence of accidents, to enhance the safety of operations, and to protect the environment." (BOEMRE Manual, Program Series, Part 640, Rules and Operations, Chapter 3, Accident Data Collection and Investigation, August 3, 1992). The BOEMRE manual further states in Chapter 3.3. (A.) that "unless otherwise specifically ordered by the Director, all investigations...shall be fact-finding

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proceedings with no criminal issues and no adverse parties. The purpose of the investigation is to prepare a public report." An August 29, 1989 Memorandum of Understanding (MOU) between BOEMRE (formerly MMS) and USCG provides guidelines for convening accident panels and coordinating accident investigations between the two agencies.

#### **1120.60 Local Enforcement Authorities**

Depending upon in which jurisdiction a discharge occurs, a number of local agencies may have investigative roles. As an example, the Los Angeles-Long Beach port complex maintains local Tariff regulations and enforcement authorities, which are enforced by the ports themselves through their respective law enforcement entities; the Los Angeles Port Police and the Long Beach Harbor Patrol. Other local concerns, such as counties and cities through their respective Harbor Departments or Health Agencies, may be directly involved as the circumstances of the situation dictate.

#### **1120.70 The County District Attorney's Office**

Depending upon the location of the incident, the respective District Attorney's Office may have a direct investigative role. For example, in Los Angeles County, the Environmental Crimes Division of the Los Angeles County District Attorney's Office has jurisdiction over felony (or misdemeanor, in some cases) prosecutions under the California Government Code. This task requires the ability to promptly investigate marine petroleum spills, and to do so without interference from counsel or other representatives of the suspect entity or individual(s). The District Attorney's focus is on criminal investigations, which are distinct from civil natural resources damages actions. The latter are typically brought by the California Attorney General. Natural resource damage investigations are not the subject of this Appendix.

#### **1120.80 The City Attorney's Office**

Each city in which an incident occurs, or in which the impact of an incident may be directly felt, may have a direct investigative role. For example, in the City of Los Angeles, the Environmental Protection Unit - Special Operations Division of the Los Angeles City Attorney's Office serves as the legal advisor to all City Departments and Bureaus involved in the investigation of environmental crimes. The City Attorney's Office has the authority to provide legal advice to the aforementioned personnel through the Los Angeles City Charter. The various City Departments and Bureaus also derive their investigative authority from the City Charter and State General Laws, which are also known as police powers. Special Operations attorneys provide advice on search and seizure issues which may arise out of the initial criminal investigation of a local marine petroleum oil spill and which may involve any of the city's law enforcement and regulatory personnel.

Other federal, state, or local agencies may have a direct, field-oriented investigative role concerning a discharge or substantial threat of a discharge of oil, as circumstances dictate.

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## 1200 Geographic Boundaries

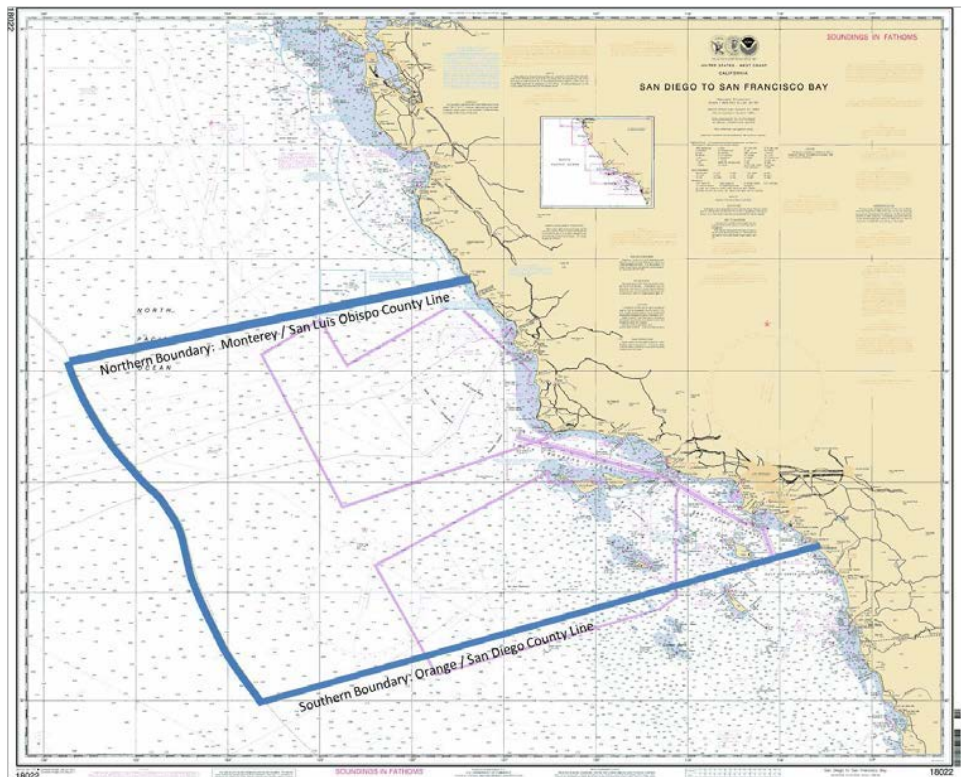
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### 1210 Area of Responsibility

Sector Los Angeles-Long Beach's Captain of the Port (COTP) Area of Responsibility (AOR) is specified in 33 CFR 3.55-10 and comprises the land masses and waters of California from the Monterey-San Luis Obispo County line extending to the Orange-San Diego County line. Under the Oil Pollution Act of 1990, Federal removal authority was extended to include the waters of the exclusive economic zone established by Presidential Proclamation Numbered 5030 dated March 10, 1983.

In general, the Coast Guard COTP is the pre-designated Federal OSC (FOSC) for incidents originating in the coastal zone while the EPA supplies the OSC'S for incidents originating in the inland zone. These boundaries recognize the Coast Guard's primary responsibility over discharges and releases in navigable waters from vessel and waterfront facilities as defined in 33 CFR 126.01. The coastal zone now consists of coastal waters and internal waters as far inland as the Coast Guard-EPA demarcation line. The demarcation line between the coastal-inland zones generally follows the coast highway. The demarcation line deviates from the coast highway (US 1) in most urban areas to other thoroughfares bordering the immediate coastline. The exact Coast Guard/Environmental Protection Agency (CG/EPA) boundary is described below.

The Sector Los Angeles-Long Beach's COTP and FOSC Area of Responsibility has been further divided into two areas for the OPA-90 Area Contingency Plan's Area Committees as described below.



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**1220 Northern Sector – San Luis Obispo, Santa Barbara, & Ventura Counties**

The San Luis Obispo/Santa Barbara/Ventura Area extends from the Northern Los Angeles County border to the Northern San Luis Obispo County border.

The inland boundary is determined by the CG/EPA boundary. This is defined from the Southern Ventura County line along Highway 1 along the coast to Hueneme Road (Oxnard); west to Ventura Road; north to Channel Islands Blvd.; west to Harbor Blvd.; north to US 101; north along US 101 to Route 225 (Santa Barbara); Route 225 west to US 101; north along US 101 to Gaviota. Within Gaviota State Park shift to Southern Pacific railroad tracks; along the mainline tracks to Black Road (Casmalia); north to Route 1; north to the San Luis Obispo/Monterey County Line.

**1230 Southern Sector – Los Angeles & Orange Counties**

The Los Angeles/Orange Area extends from the Southern Orange County border to the Northern Los Angeles County border.

The inland boundary is determined by the CG/EPA boundary. This line begins at the San Diego/Orange county line at I-5 north to Pacific Coast Highway (Route 1); Route 1 north to Jamboree Road (Newport Beach); north to Bristol Street; west to Irvine Avenue; south to 17th Street; west to Route 55; south to Route 1; Route 1 north to Golden West Street (Huntington Beach); and north to Warner Avenue; west to Bolsa Chica; north to Westminster Avenue. This line then extends west along Westminster Blvd. and begins right before the intersection with the Pacific Coast Highway (Highway 1); north to 7th Street; north and west to Ximeno Avenue; south to Livingston Drive; west to Ocean Blvd.; west along Ocean Blvd. to the intersection with Los Angeles River's east bank; north along Los Angeles River east bank to Anaheim Street; west to Alameda Street; south to B Street (Wilmington); west to Gibson Blvd.; south to Harbor Blvd. (San Pedro); south to Crescent Avenue; south to 22nd Street; west to Pacific Avenue; south to Paseo Del Mar; north on Western Avenue; west and north to 25th Street; 25th Street/Palos Verdes Drive around the Palos Verdes Peninsula to Route 1; north to Beryl Street (Redondo Beach); west to Harbor Drive; north along the coast roads through the beach cities to Culver Blvd. (Playa del Rey); and north to Route 1 to the Ventura County line.



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**1300 Area Committee**

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**1310 Purpose**

Pursuant to the National Contingency Plan (NCP; 40 CFR Part 300), an area committee has been established for the Los Angeles – Long Beach COTP zone. The area committee is comprised of personnel from Federal and state agencies who coordinate response actions with tribal and local governments and with the private sector. The area committee, under the coordinated direction of Federal On-Scene Coordinators (FOSC), is responsible for developing the Area Contingency Plans (ACP).

The primary role of an Area Committee is to act as a preparedness and planning body. The primary objective of Area Committees is to develop, maintain and exercise Area Contingency Plans (ACPs – also known as Geographic Response Plans, Sub Area Plans, etc.). These Area Committees provide a forum for bringing together Federal, State and local response stakeholders for the purpose of planning and preparing for responses to major incidents that affect multiple jurisdictions. Major response actions require extraordinary cooperation and coordination among all levels of government including sharing in functional responsibilities of incident management: command, planning, operations, logistics, finance and administration.

Refer to Section 1005.02.1(a) of the [REGIONAL CONTINGENCY PLAN](#).

**1320 Organization**

There are six area committees within California (CGD11). These are: North Coast, San Francisco Bay & Delta, Central Coast, LALB Northern, LALB Southern and San Diego.

The large geographic area and challenging response requirements of the LALB Northern and Southern zones require a creative organization approach. To optimize resources and time, the LALB Area Committee and contingency plan is a consolidation of the legacy northern and southern zones. Functions remain the same however the consolidation will reduce the northern zone to a sub-committee of the LALB Area Committee. The Area Committee is made up of experienced environmental, scientific and technical disciplines from federal, state and local government agencies and tribes with definitive responsibilities for the area's environmental integrity. Each member is empowered by his or her own agency to make decisions on behalf of the agency and to commit the agency to carrying out roles and responsibilities as described in the Area Contingency Plan (ACP). The pre-designated Federal On-scene Coordinator (FOSC) for the area will serve as chairman of the committee.

The FOSC will designate a Coast Guard representative to co-chair the Northern area sub-committee with a representative from the California Department of Fish and Wildlife Office of Spill Prevention and Response (OSPR).

The FOSC should solicit the advice of the Regional Response Team (RRT) to determine appropriate representation from federal and state agencies. The Area Committee is encouraged to solicit advice, guidance, or expertise from all appropriate sources and establish sub-committees as necessary to accomplish the preparedness and planning tasks.

Sub-committee participants may include facility owners/operators, shipping company representatives, cleanup contractors, emergency response officials, marine pilots associations, academia, environmental groups, consultants, response organizations and

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concerned citizens. The FOSC will appoint sub-committee members. The FOSC directs the Area Committee's development and maintenance of the ACP.

For additional information, refer to Section 1005 of the [REGIONAL CONTINGENCY PLAN](#).

Incident Area Command is an organization established to oversee the management of a very large incident that has multiple Incident Command Response Organizations assigned to it. If the incidents is under the authority of the Incident Area Command are multi-jurisdictional, a Unified Incident Area Command should be established. This allows each jurisdiction to have representation in the Area Command. Representatives to the Incident Area Command would typically be at the highest executive levels within a responding organization such as a state governor or direct representative, and CEO or President of the affected commercial entity.

For the incidents under its authority, Incident Area Command has the responsibility to:

- a. Set the overall incident related strategic priorities.
- b. Allocate critical resources based on those priorities.
- c. Ensure that the incident is properly managed.
- d. Ensure that incident objectives are met, and do not conflict with each other or with agency policy.

When an Incident Area Command is established, Incident Commanders (FOSCs), will report to the Incident Area Commander. The Incident Area Commander is accountable to the Commandant.

Although the general concept for a nationally significant response involves an oil spill, major natural disasters such as earthquakes, floods, or hurricanes create a large number of incidents affecting multi-jurisdictional areas. Due to their size and potential impact, these incidents provide an environment for the use of Incident Area Command as deemed appropriate by the lead federal agency.

In situations where multiple incidents are occurring, the use of an Incident Area Command makes the jobs of FOSCs more manageable for the following reasons:

- a. Much of the inter-incident coordination normally required of each FOSC will be accomplished at the Incident Area Command level. Using an Incident Area Command organization allows the FOSCs and their response organization to focus their attention on their assigned incident.
- b. Incident Area Command sets priorities between competing FOSC objectives and resource needs.
- c. Incident Area Command ensures that established agency policies, priorities, constraints, and guidance are made known to the respective Incident Commanders.

It is important to remember that Incident Area Command does not replace the Incident Command level ICS organization or functions.

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Incident Commanders under the designated Incident Area Commander are responsible to and should be considered as part of, the overall Incident Area Command organization. They must be provided adequate and clear delegation of authority.

**1330 Area Committee Charter Members**

For additional information, refer to Section 1005.02 of the [REGIONAL CONTINGENCY PLAN](#).

Co-Chairs

U.S. Coast Guard

California Department of Fish and Wildlife, Office of Spill Prevention and Response

Charter Members

U. S. Department of Energy

US. Department of Agriculture

U. S. Environmental Protection Agency

U. S. Department of the Interior

U. S. Department of Justice

U. S. Nuclear Regulatory Commission

U. S. Department of Commerce – National Oceanic Atmospheric Administration U. S.

Department of Homeland Security - Federal Emergency Management Agency U. S.

Department of Defense

U. S. Department of Labor

U. S. Department of Transportation

U. S. Department of State

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## 1400 Response Structure

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The National Response System (NRS) was developed to coordinate all government agencies with responsibility for environmental protection, and to provide a focused response strategy for the immediate and effective mitigation of an oil or hazardous substance discharge.

Refer to Section 1002.01 of the [REGIONAL CONTINGENCY PLAN](#).

### 1410 National Response Structure

It is a three tiered response and preparedness mechanism that supports the Federal On-Scene Coordinator FOSC in coordinating national, regional and local government agencies, private industry, and the responsible party during response.

The NRS supports the responsibilities of the FOSC, under the direction of both OPA and CERCLA removal authorities. The FOSC plans and coordinates response strategy on scene, using the support of the National Response Team (NRT), Regional Response Team (RRT), States' Representatives, Area Committees, Special Teams, Regional incident management teams, contractor resources and responsible parties as necessary, to supply the needed trained personnel, equipment, and scientific support to complete an immediate and effective response to any oil or hazardous substance discharge.

Refer to Section 1002.01 of the [REGIONAL CONTINGENCY PLAN](#).

### 1420 RRT Structure

The principal components of the RRT are a standing RRT and incident-specific RRTs. The standing RRT consists of designated representatives from each participating Federal agency listed in the Region 9 Regional Contingency Plan (A list of the current members of the Region 9 standing RRT is provided in Appendix II-B of the RCP). Each incident-specific RRT is formed from the standing team when the RRT is activated for a response, and consists of representatives of appropriate Local governments, State agencies, and Federal agencies.

Refer to Section 1004 of the [REGIONAL CONTINGENCY PLAN](#).

### 1430 Area Response Structure

Incident Area **Command** is an organization established to oversee the management of a very large incident that has multiple Incident Command Response Organizations assigned to it. If a multi-jurisdictional incident is under the authority of the Incident Area Command, a Unified Incident Area Command should be established. This allows each jurisdiction to have representation in the Area Command. Representatives to the Incident Area Command would typically be at the highest executive levels within a responding organization such as a state governor or direct representative, and CEO or President of the affected commercial entity.

For the incidents under its authority, Incident Area Command has the responsibility to:

- a. Set the overall incident related strategic priorities.
- b. Allocate critical resources based on those priorities.
- c. Ensure that the incident is properly managed.

- d. Ensure that incident objectives are met, and do not conflict with each other or with agency policy.

When an Incident Area Command is established, Incident Commanders (FOSCs), will report to the Incident Area Commander. The Incident Area Commander is accountable to the Commandant.

Although the general concept for a nationally significant response involves an oil spill, major natural disasters such as earthquakes, floods, or hurricanes create a large number of incidents affecting multi-jurisdictional areas. Due to their size and potential impact, these incidents provide an environment for the use of Incident Area Command as deemed appropriate by the lead federal agency.

In situations where multiple incidents are occurring, the use of an Incident Area Command makes the jobs of FOSCs more manageable for the following reasons:

- a. Much of the inter-incident coordination normally required of each FOSC will be accomplished at the Incident Area Command level. Using an Incident Area Command organization allows the FOSCs and their response organization to focus their attention on their assigned incident.
- b. Incident Area Command sets priorities between competing FOSC objectives and resource needs.
- c. Incident Area Command ensures that established agency policies, priorities, constraints, and guidance are made known to the respective Incident Commanders.

It is important to remember that Incident Area Command does not replace the Incident Command level ICS organization or functions.

Incident Commanders under the designated Incident Area Commander are responsible to and should be considered as part of, the overall Incident Area Command organization. They must be provided adequate and clear delegation of authority.

Refer to Section 1004.11 of the [REGIONAL CONTINGENCY PLAN](#).

#### **1440 Incident Command System**

In accordance with Homeland Security Presidential Directive-5 (HSPD-5), the Department of Homeland Security developed the National Incident Management System (NIMS) Incident Command System. The NIMS was effective on March 1, 2004 and is the current standard with which emergency management organizations nationwide must demonstrate compliance. Additionally, the NIMS is a measure by which regulatory agency plan reviewers, drill evaluators & spill responders will gauge adequacy of response actions.

The NIMS incorporates the best incident management practices from previous systems such as the 1970's FIRESCOPE (Firefighting Resources of California Organized for Potential Emergencies) ICS and the 1982 NIIMS (National Interagency Incident Management System). To provide a system of interoperability and compatibility, the NIMS is based on a balance between operational flexibility and functional standardization. The NIMS provides a core set of doctrine, principles and terminology, a collaborative planning process that delineates key management position responsibilities, common use of forms for documentation and reporting, essential Incident Action Plan

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elements, an effective feedback and communication system that channels information from field operations to the ICP, a process for continuous incorporation of lessons learned as activities progress, and response personnel and equipment resource tracking methods.

The NIMS placed an emphasis on multi-jurisdictional preparedness activities that bring together Federal, State and local stakeholders for the purpose of pre-planning response operations for major incidents that could overwhelm local resources and require mobilization of State and Federal assets. The successful use of NIMS ICS and Unified Command depended on this critical interface through joint pre-planning and exercises. It has five standardized functions: command, operations, planning, logistics, finance and administration. And also incorporates a sixth functional area which covers the intelligence function which could be established for gathering, sharing and securing intelligence which could include national security or classified information.

Refer to Section 1002.01.1 of the [REGIONAL CONTINGENCY PLAN](#).

#### **1450 Area Exercise Mechanism**

Refer to Section 1003.02 of the [REGIONAL CONTINGENCY PLAN](#).

Example of an Area Exercise Mechanism would be the OPA 90 PREP program.

#### **1460 National Response Framework**

##### [The National Response Framework.](#)

The National Response Framework (NRF) is an essential component of the National Preparedness System mandated in Presidential Policy Directive (PPD) 8: National Preparedness. PPD-8 defines five mission areas—Prevention, Protection, Mitigation, Response, and Recovery—and mandates the development of a series of policy and planning documents to explain and guide the Nation’s collective approach to ensuring and enhancing national preparedness

- a. **Prevention:** The capabilities necessary to avoid, prevent, or stop a threatened or actual act of terrorism. As defined by PPD-8, the term “prevention” refers to preventing imminent threats.
- b. **Protection:** The capabilities necessary to secure the homeland against acts of terrorism and manmade or natural disasters.
- c. **Mitigation:** The capabilities necessary to reduce loss of life and property by lessening the impact of disasters.
- d. **Response:** The capabilities necessary to save lives, protect property and the environment, and meet basic human needs after an incident has occurred.
- e. **Recovery:** The capabilities necessary to assist communities affected by an incident to recover effectively.

The NRF describes doctrine for managing any type of disaster or emergency regardless of scale, scope, and complexity. This Framework explains common response disciplines and processes that have been developed at all levels of government (local, state, tribal, territorial, insular area, and Federal) and have matured over time.

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To support the Goal, the objectives of the NRF are to:

- a. Describe scalable, flexible, and adaptable coordinating structures, as well as key roles and responsibilities for integrating capabilities across the whole community,<sup>5</sup> to support the efforts of local, state, tribal, territorial, insular area, and Federal governments in responding to actual and potential incidents
- b. Describe, across the whole community, the steps needed to prepare for delivering the response core capabilities
- c. Foster integration and coordination of activities within the Response mission area
- d. Outline how the Response mission area relates to the other mission areas, as well as the relationship between the Response core capabilities and the core capabilities in other mission areas
- e. Provide guidance through doctrine and establish the foundation for the development of the supplemental Response Federal Interagency Operational Plan (FIOP).

The NRF is composed of a base document, Emergency Support Function (ESF) Annexes, Support Annexes, and Incident Annexes (see Figure 1). The annexes provide detailed information to assist with the implementation of the NRF.

- a. **ESF Annexes** describe the Federal coordinating structures that group resources and capabilities into functional areas that are most frequently needed in a national response.
- b. **Support Annexes** describe the essential supporting processes and considerations that are most common to the majority of incidents.
- c. **Incident Annexes** describe the unique response aspects of incident categories.

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### **1500 State / Local Response System**

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California laws applicable to the prevention, response and management of releases of oil and hazardous materials are numerous. The California Department of Fish and Wildlife, Office of Spill Prevention and Response has the primary responsibility for response to releases of oil in the marine environment and releases of deleterious substances into the waters of the State. The Office of Emergency Services has primary responsibility for off- highway spills that do not affect waters of the State and the California Highway Patrol is responsible for response to on-highway spills.

Refer to Section 1002.03 of the [REGIONAL CONTINGENCY PLAN](#).

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### **1600 National Policy and Doctrine**

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Refer to Section 1002 of the [REGIONAL CONTINGENCY PLAN](#).

### **1610 Public vs. Private Resource Utilization**

The Oil Pollution Act of 1990 (OPA 90) reaffirmed the basic principle that the primary source of an oil spill preparedness and response system in the U.S. should be implemented and maintained by the private sector. It is not, nor should it be, the Coast Guard's intent to compete with the commercial oil and hazardous materials pollution

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response industry. The Coast Guard's pre-positioned response equipment, other publicly owned response equipment, and other initiatives under the Coast Guard's oil spill response program are only intended to supplement the oil and clean-up industry's response program or be used if the commercial industry does not have readily available resources, and only until such time that the Federal On-Scene Coordinator (FOSC) or the Unified Command decides to release the resources.

The FOSC has the authority and responsibility in accordance with the National Contingency Plan to contain, control, and carry out response activities for the removal of a discharge where a substantial threat to public health or welfare, or where natural resources are endangered. At the direction and discretion of the FOSC and the Unified Command, when the responsible party executes a suitable response, any government equipment deployed should be withdrawn as commercial equipment becomes available and is placed into service.

Refer to Section 1002.04 of the [REGIONAL CONTINGENCY PLAN](#).

### **1620 Best Response Concept**

The term "Best Response" means that a response organization will effectively, efficiently, and safely respond to oil spills, minimizing the consequences of pollution incidents and to protect our national environmental and economic interests.



“Best Response” equals a successful response based on achievement of certain key success factors (i.e. the things that a response must accomplish to be considered successful) as follows: Human Health, Natural environment, Public Communication and Stakeholders Support.

Refer to Section 1002.02.8(a) of the [REGIONAL CONTINGENCY PLAN](#).

### **1630 Cleanup Assessment Protocol (How Clean is Clean?)**

When to terminate specific oil spill cleanup actions can be a difficult decision; When is clean, clean enough? The increasing cost of the cleanup and the damage to the environment caused by cleanup activities must be weighed against the ecological and economic effects of leaving the remaining oil in place. The decision to terminate cleanup operations is site-specific.

Cleanup usually cannot be terminated while the following conditions exist:

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

Cleanup may normally be terminated when the following conditions exist:

- The environmental damage caused by the cleanup efforts is greater than the damage caused by leaving the remaining oil or residue in place.
- The cost of cleanup operations significantly outweighs the environmental or economic benefits of continued cleanup.

FOSC, after consultation with the members of the Unified Command, determines that the cleanup should be terminated.

Refer to Section 1002.05 of the [REGIONAL CONTINGENCY PLAN](#).

### **1640 Dispersant Pre-Approval/Monitoring/Decision Protocol**

At the time of an oil spill incident, the FOSC is authorized to evaluate the use of chemical dispersants. Currently, all dispersant use in Region 9 is governed by either the pre-approval process; the preapproval with consultation process; or, the incident-specific RRT approval required process. Detailed information regarding implementation of this processes as well as all applicable checklists are outline in the Dispersant Use Plan in [Appendix XII](#) and information regarding implementation of this processes as well as all applicable policies, procedures and checklists, please refer to Applied Resource Technologies Selection Guide [Appendix X](#).

Refer to Sections 1007.05 and 4007.05 of the [REGIONAL CONTINGENCY PLAN](#).

### **1650 In-situ Burn Approval/Monitoring/Decision Protocol**

The primary objective of oil spill abatement and cleanup is to reduce the adverse effect of spilled oil on the environment. Physical removal and subsequent disposal or recycling/re-use of the spilled oil is preferred. However, mechanical recovery may be limited by equipment capability, weather and sea state, storage and disposal problems, and spill magnitude. Use of in-situ burning should be considered by the FOSC when use of this technique will lessen the environmental impacts of the spill.

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The FOSC is authorized to evaluate the use of in-situ burning and shall arrive at a decision to use in-situ burning through the information gathering scheme and decision making process, usually accomplished in the Planning Section, as outlined in the in-situ burning policy in [Appendix XIII](#). Approval of in-situ burning within a designated pre- approval zone may be accomplished by the FOSC and without further concurrence or consultation with the RRT as outlined in [Appendix XIII](#), subpart A. All other use of in-situ burning requires the approval of the RRT as outlined in [Appendix XIII](#), subpart B.

Refer to Sections 1007.06 and 4007.06 of the [REGIONAL CONTINGENCY PLAN](#).

#### **1660 Bioremediation Approval/Monitoring/Decision Protocol**

Bioremediation is a treatment technology that enhances existing biological processes to accelerate the decomposition of petroleum hydrocarbons and some hazardous wastes. Bioremediation has been used extensively in waste water treatment of spilled oil. Research suggested that shoreline treatment by nutrient enhancement significantly increased degradation rates of oil when compared to untreated shoreline areas. The benefits of bioremediation, however, have not been adequately demonstrated through field applications. Consequently, this technology should be considered more experimental than an accepted standard for clean-up of oil spills. At present, bioremediation should be viewed as a polishing agent for the final stages of cleanup rather than as a primary response tool - especially considering the slow rates of reaction to degrade the oil.

Refer to Section 1007.08 of the [REGIONAL CONTINGENCY PLAN](#).

#### **1670 Fish and Wildlife Acts Compliance**

Endangered Species Act Section 7 Consultation MOA:

In 2001, members of the United States Coast Guard, Environmental Protection Agency, Department of the Interior's Office of Environmental Policy and Compliance and Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service and National Ocean Service developed a Memorandum of Agreement (MOA) titled *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*.

The MOA and its guidebook can be found in [Appendix XVIII](#). The purpose of the guidebook is to familiarize oil spill responders and resource representatives with: the MOA; other pertinent documents and management plans; the processes through which cooperation should occur before, during, and after an incident; and the roles of each player in the oil spill response process.

Refer to Section 1002.02.4(a) of the [REGIONAL CONTINGENCY PLAN](#).

#### **1680 Protection of Historic Properties (NHPA)**

Congress passed the National Historic Preservation Act in 1966. The law establishes a national policy for the protection of historic and archaeological sites and outlines responsibilities for federal and state governments to preserve our nation's history.

The National Historic Preservation Act (NHPA) was passed to help prevent loss of irreplaceable historic properties. The Act created the Advisory Council on Historic

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Preservation to advise the President and Congress on matters involving historic, archeological and cultural preservation. The Act also authorizes the Secretary of the Interior to maintain a National Register of Historic Places which lists sites, districts, buildings, structures, and objects of significance in American history, architecture, archeology, engineering, and culture.

Regulations for accomplishing this responsibility have been published in the Federal Register as 36 CFR Part 800: Protection of Historic Properties.

Information regarding the Programmatic Agreement on Protection of Historic Properties During Emergency Response Under the National Oil and Hazardous Substances Pollution Contingency Plan may be found in [Appendix XIX](#) or at the following Internet website: <http://www.achp.gov/NCP-PA.html>

Refer to Section 1002.02.3 of the [REGIONAL CONTINGENCY PLAN](#).

### **1690 Alternative Response Technology Evaluation System (ARTES)**

During an oil or chemical spill, the On-Scene Coordinator (OSC), who directs the response, may be asked to consider using alternative countermeasure (a method, device, or product besides mechanical methods). To assess whether a proposed countermeasure could be a useful response tool, it's necessary to quickly collect and evaluate the available information about it.

ARTES is designed to evaluate potential response tools on their technical merits, rather than on economic factors and can also be used to evaluate more conventional countermeasures.

ARTES is designed for two uses:

- To evaluate a product's appropriateness for use during a specific incident, under specific circumstances.
- As a pre-evaluation to identify conditions under which favorable outcomes are anticipated when a product is used.

An advantage of ARTES is that it provides a management system for addressing the numerous proposals submitted by vendors and others during a spill. Refer to Section 1007.10 of the Regional Contingency Plan for more information on material and websites.

Refer to Section 1002.02.3 of the [REGIONAL CONTINGENCY PLAN](#).

### **1691 Specialized Monitoring of Applied Response Technologies (SMART)**

Special Monitoring of Advanced Response Technologies is a cooperatively designed monitoring program for *In-situ* burning and dispersants. SMART relies on small, highly mobile teams that collect real-time data using portable, rugged, and easy-to-use instruments during dispersant and *In-situ* burning operations. Data are channeled to the Unified Command to address critical questions: *Are dispersants effective in dispersing the oil in the water column? Are airborne particulates concentrations at sensitive locations exceeding the level of concern?* Having monitoring data can assist the Unified Command with decision-making for dispersant and *In-situ* burning operations.

Refer to Section 1007.09 of the [REGIONAL CONTINGENCY PLAN](#).