1000 Introduction

1000 Introduction 1
1100 Introduction/Authority 1-2
1110 Pollution Investigation Authority 1-2
1120 Involved Agencies 1-3
1200 Geographic Boundaries 1-5
1210 Area of Responsibility 1-5
1220 Southern Sector – Los Angeles & Orange Counties 1-6
1300 Area Committee 1-6
1310 Purpose 1-6
1320 Organization 1-6
1330 Area Committee Charter Members 1-7
1400 National Response System 1-8
1410 National Response Structure 1-8
1420 RRT Structure 1-8
1430 Area Response Structure (SONS) 1-8
1440 Incident Command System 1-8
1450 Area Exercise Mechanism 1-8
1460 National Response Plan 1-8
1470 Federal Radiological Response Plan 1-8
1500 State/Local Response System 1-8
1600 National Policy and Doctrine 1-8
1610 Public vs. Private Resource Utilization 1-8
1620 Best Response Concept 1-8
1630 Cleanup Assessment Protocol (How Clean is Clean?) 1-8
1640 Dispersant Pre-Approval/Monitoring/Decision Protocol 1-8
1650 Insitu Burn Approval/Monitoring/Decision Protocol 1-9
1660 Bioremediation Approval/Monitoring/Decision Protocol 1-9
1670 Fish and Wildlife Acts Compliance 1-9
1680 Protection of Historic Properties (NHPA) 1-9
1690 Alternative Response Technology Evaluation System (ARTES) 1-9
16100 Specialized Monitoring of Applied Response Technologies (SMART) 1-9

1100 Introduction/Authority

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.

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.

1120 Involved Agencies

The United States Coast Guard. 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.

The State of California, Department of Fish and Game, Office of Oil 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.

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.

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.

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 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.

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.

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.

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.

1200 Geographic Boundaries

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 primarily 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 zone 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.

Southern Sector – Los Angeles and Orange Counties

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

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.

1220 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.

1300 Area Committee

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

1310 Purpose

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

1320 Organization

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.

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.

Chair Co-Chair

U. S. Coast GuardCalifornia Department of Fish and Game 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

1400 National Response System

Refer to Section 1002.01 of the REGIONAL CONTINGENCY PLAN.

1410 National Response Structure

Refer to Section 1002.01 of the REGIONAL CONTINGENCY PLAN.

1420 RRT Structure

Refer to Section 1004.02 of the REGIONAL CONTINGENCY PLAN.

1430 Area Response Structure (SONS)

Refer to Section 1004.11 of the REGIONAL CONTINGENCY PLAN.

1440 Incident Command System

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 Plan

The National Response Plan.

For additional information refer to Section 1003.02 of the REGIONAL CONTINGENCY PLAN.

1470 Federal Radiological Response Plan

Refer to Section 1003.02.1 of the REGIONAL CONTINGENCY PLAN.

1500 State/Local Response System

Refer to Section 1002.03 of the REGIONAL CONTINGENCY PLAN.

1600 National Policy and Doctrine

Refer to Section 1002 of the REGIONAL CONTINGENCY PLAN.

1610 Public vs. Private Resource Utilization

Refer to Section 1002.04 of the REGIONAL CONTINGENCY PLAN.

1620 Best Response Concept

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

1630 Cleanup Assessment Protocol (How Clean is Clean?)

Refer to Section 1002.05 of the REGIONAL CONTINGENCY PLAN.

1640 Dispersant Pre-Approval/Monitoring/Decision Protocol

Refer to Sections 1007.05 and 4007.05 of the REGIONAL CONTINGENCY PLAN.

1650 Insitu Burn Approval/Monitoring/Decision Protocol

Refer to Sections 1007.06 and 4007.06 of the REGIONAL CONTINGENCY PLAN.

1660 Bioremediation Approval/Monitoring/Decision Protocol

Refer to Section 1007.08 of the REGIONAL CONTINGENCY PLAN.

1670 Fish and Wildlife Acts Compliance

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

1680 Protection of Historic Properties (NHPA)

Refer to Section 1002.02.3 of the REGIONAL CONTINGENCY PLAN.

1690 Alternative Response Technology Evaluation System (ARTES)

Refer to Section 1007.10 of the REGIONAL CONTINGENCY PLAN.

16100 Specialized Monitoring of Applied Response Technologies (SMART)

Refer to Section 1007.09 of the REGIONAL CONTINGENCY PLAN.