United States Department of the Interior

NATIONAL PARK SERVICE
P.O. BOX 37127
WASHINGTON, D.C. 20013-7127

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:

D18(774)

31 JAN 1991

Memorandum

To: All Regional Directors

From: Associate Director, Planning and Development

Subject: Servicewide Oil Spill Contingency Plan

In an effort to increase National Park Service preparedness for pollution events the Environmental Quality Division has developed a Draft Servicewide Oil Spill Contingency Plan (SCP).

This plan is meant to serve as a bridge and a guideline between the National Oil and Hazardous Substance Pollution Contingency Plan and the park specific plans necessary to address such pollution events. In addition, the Environmental Quality Division has developed a training course on this subject which will take place the week of June 9, 1991.

Please note that the Appendices are not being provided at this time, and only a cover sheet representing each appendix is attached. We are interested in your comments, and suggestions. Please send your comments to the Environmental Quality Division (774) by March 15, 1991. If you have any questions please contact: Jacob Hoogland (FTS) 268-6164, or John Donahue (FTS) 268- 4274.

James M. Ellwood FOR
Denis P. Galvin

Attachments

DRAFT SERVICEWIDE OIL SPILL CONTINGENCY PLAN

NATIONAL PARK SERVICE

ASSEMBLED BY:
ENVIRONMENTAL QUALITY DIVISION WASO

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*This section will not be written until the new NCP regulation requiring Fish and Wildlife plans is published. It will be added as a supplement to this document at a later date.

NATIONAL PARK SERVICE

OIL SPILL CONTINGENCY PLAN

INTRODUCTION

The management of oil spill contingency planning and emergency response is complex and involves the jurisdiction of numerous agencies. Recent events have demonstrated the need for oil spill contingency planning in National Park units. The increased frequency of incidents also demonstrates the urgency inherent in this situation.

National Parks in coastal areas have continued to be passive receptors of toxic materials generated by external sources. Changes in the global community including the increased volume and speed of transportation, communication, and trade have effectively diminished or destroyed the buffer of isolation enjoyed by many National Park areas in the past.

Most National Parks are no longer insulated from the problems of the world by distance nor are they surrounded by large areas of pristine adjacent lands, and untraveled waters. The parks need to be prepared for the threats generated by external influences. The most effective method of dealing with the environmental disaster associated with an oil spill is comprehensive advanced planning.

The patchwork quilt of laws and regulations that provide guidance during an oil spill incident are intricate and sometimes difficult to implement. The National Contingency Plan (NCP) was published in its most recent version in the Federal Register March 8, 1990. Under the NCP, the United States Coast Guard (USCG) has the responsibility for overseeing oil spill cleanups in coastal waters and the Great Lakes. The Environmental Protection Agency (EPA) has responsibility for hazardous material spills on land.

Agencies functioning within the processes established by the NCP have not always distinguished National Parks from other natural resources in their planning and in their actions. The history of recent oil spill incidents in areas such as the waters off Olympic National Park and Prince William sound in Alaska has demonstrated the need for a more active involvement by National Park Service personnel.

In the past, there have been conflicts between the actions deemed necessary by the On Site Commander (OSC), and the NPS mandate to protect sensitive resources and wilderness areas. The amount of damage likely to result from cleanup activities must often be weighed against the damage from the spilled oil. It may be necessary to prevent heavy equipment from being used on a wilderness beach for example. There have also been occasional problems with National Park Service participation in cleanup and natural resource damage assessment activities.

The solution to the problems of the past is the comprehensive and meticulous establishment of oil spill contingency planning in advance of any incident. The plans developed by the NPS must be integrated into the planning activities of the other agencies, particularly the agencies with lead responsibility.

It is essential that all individuals involved in planning and emergency response to incidents of this nature understand the established National Response System (NRS) and our role, as an agency, within that system. The NCP and the NRS are managed by the National Response Team (NRT). The NRT is made up of the representatives of each of the trustees. The National Park Service is not a trustee. The Department of the Interior is a trustee and is a member of the NRT.

As an agency in the Department of the Interior, the NPS is represented on the NRT and the RRT by Departmental representatives. In order to be fully effective in our contingency planning and our mobilization of emergency response, we must be cognizant of our symbiotic relationship with the Department. We must make our concerns available to the U.S. Coast Guard and or the EPA OSC through the established response system.

The best way to have our concerns integrated into the planning of the Regional Response Teams (RRT), is to establish credibility with the other agencies by comprehensive advance planning. After an incident has occurred, and a response is under way there is very little time for any new concerns to be included in the decision process. We are obligated by law and necessity to work closely with the other agencies involved in response and natural resource damage assessment. It is only logical that we interact as efficiently and cooperatively as possible with the lead agencies in these situations.

Examination of the plans already written for National Park Service sites and regions has demonstrated that a great deal of thought and work has been invested in this situation in the past. It is also apparent from studying the plans in existence that several different levels of planning are necessary for our agency needs.

The Servicewide plan will be a first level of planning available to all personnel. The Servicewide plan will include information which it is not necessary to duplicate in park or regional plans. Personnel involved in planning and response to oil spills can refer to this document for a variety of background information which is important, but not necessary at the time of an actual incident. Some information found in this document which will not be found in park documents include the sections on authorities, detailed discussion of the NCP, the NRT, Spill Prevention Control and Countermeasure Plans (SPCC), and advance inventory and monitoring. The Servicewide Contingency Plan (SCP) will serve as both a source of background material, contacts, and as a model for the plans developed in the Regions and parks.

The amount of detail necessary at the regional level will be determined at the discretion of the Regional Director. Certainly the regional contingency plan will contain information regarding the local and state contact people for the area within the region. At this level a great deal of the interaction and communication with the other agencies, responders, and the OSC is likely to take place. The standard operating procedures for both the regional personnel and the park personnel will be detailed in the regional contingency plan (RCP).

The Park Contingency Plan (PCP) should have no superfluous information. The PCP should be a simple detailed explanation of the standard operating procedures for an oil spill event. The PCP should have contact people and phone numbers listed on page 1 and page 2. It should be extremely clear what the areas of responsibility are at the park level and who will have that responsibility. The ideal situation will be for every employee responsible for oil spill events to have a copy of the Servicewide Contingency Plan (SCP), the Regional Contingency Plan (RCP), and the Park Contingency Plan (PCP).

The SCP will provide all of the information necessary on the authorities, the laws, the regulations, the policies, details for the NRT and NCP as well as the authority and limitations of NPS involvement . The RCP will have more detailed information and include the contacts and phone numbers relevant to the specific state and Federal representatives stationed in the area. The PCP will be extremely specific to the park and the local area including the County and Township contacts, and the specific areas of concern in the park.

The completion of planning at all three levels and the integration of our plans and concerns into the established response mechanisms at all three levels will create the greatest amount of protection that we can provide for our resources from these external threats.

We may not be able to rely on the isolation of our parks to protect them any longer. We may not be able to prevent the threat to our natural and cultural resources from external sources. We can, however, extend the greatest amount of protection possible to these resources by advance planning.

The advance planning we complete must be comprehensive and it must be integrated into the established systems for response. It will be to the betterment of the Service and provide the most efficient and effective protection of the resources in question if we are able to successfully plan and cooperatively interact with the other agencies involved in this area. A great deal of effort has been put forth on this issue by a relatively small number of individuals in the NPS over the years. The knowledge that they have developed and the contacts that they have established and the plans that they have written have aided the authors in the completion of this plan.

Planning efforts of this kind are never completed, nor are they the work of any small group of individuals. Planning efforts such as this one need to be continuously re-examined and updated. Hopefully this plan will be helpful to the individual in the parks with resources at risk from oil spills, and they will make many changes and additions to this plan in the years to come.

The recently signed " Oil Pollution Act Of 1990," has added many new elements to the National Response System. The new legislation has directed the development of a new NCP and the promulgation of new "Natural Resource Damage Assessment Regulations." As a result of this new flurry of activity in the oil spill response and planning arena, it is likely that this plan and any new plan that it generates will be subject to continuous evolution over the next decade.

One of the encouraging aspects of the new bill is the requirement for new Area plans. The area is a presently undefined geographical unit which is smaller than a Region. Every National Park unit will have the opportunity to participate in the establishment of these new area plans. These area plans will present an ideal opportunity for specific concerns of any park unit to be integrated directly into the presently established response system. As a result of a variety of circumstances, this is an excellent time for the National Park Service to be embarking on an oil spill contingency planning effort.

LIST OF ACRONYMS

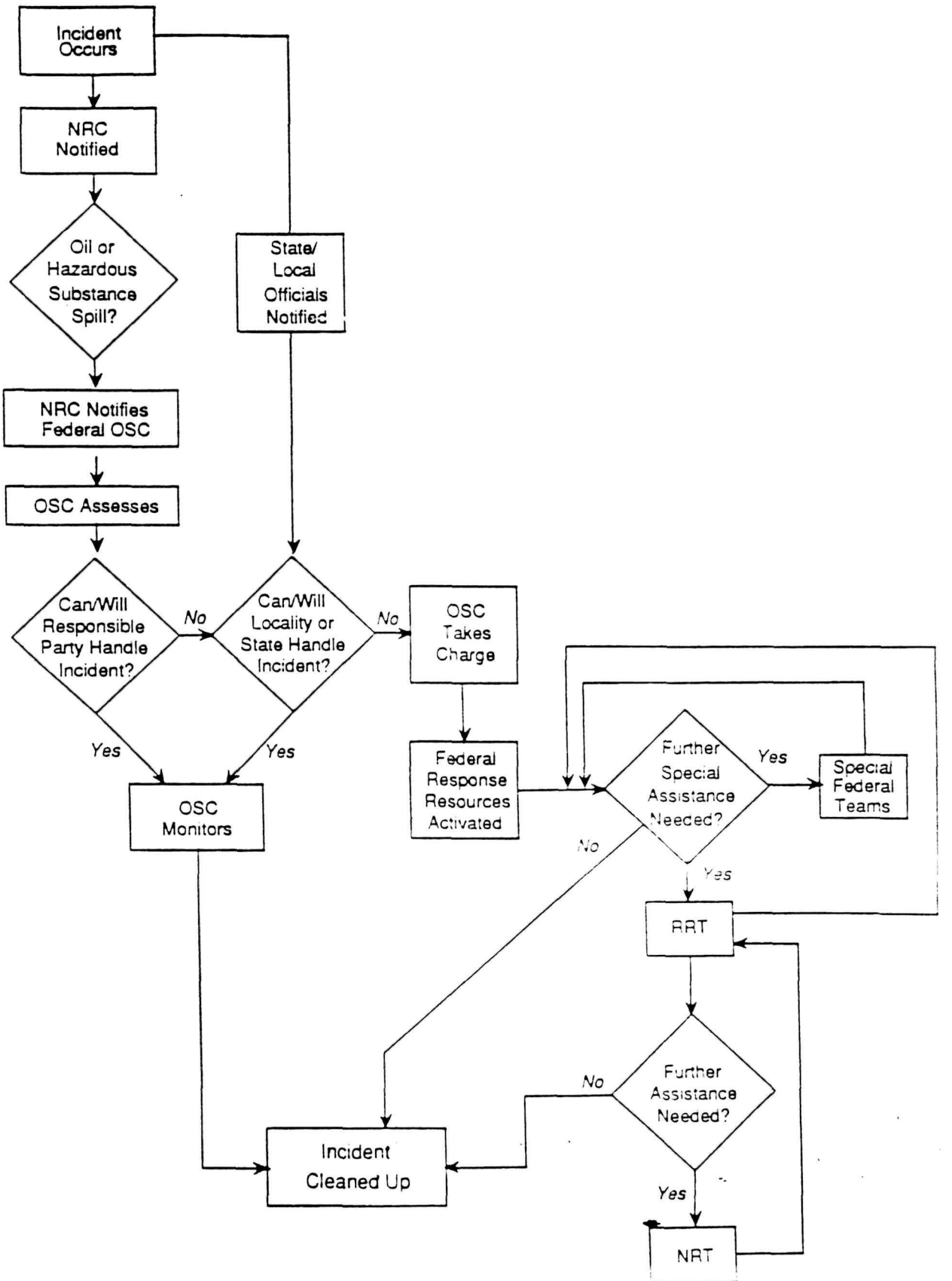
LIST OF ACRONYMS

CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
COTP	Captain of the Port
CRA	Critical Resource Areas
CWA	Clean Water Act
DOC	Department of Commerce
DOI	Department of the Interior
EPA	Environmental Protection Agency
ERT	Emergency Response Team
ESCAP	Emergency Spill Contingency Action Plan
IAG	Interagency Agreement
MEP	Marine Environmental Protection Branch U. S. Coast Guard
MOU	Memorandum of Understanding
NCP	National Contingency Plan
NMFS	National Maritime Fisheries Service, NOAA
NOAA	National Oceanic Atmospheric Administration
NPL	National Priorities List
NRC	National Response Center
NRT	National Response Team
NSF	National Strike Force
OSC	On Site Commander
PA	Public Affairs Office
PIAT	Public Information Assistance Team

RRT	Regional Response Team
RRP	Regional Response Plan
RCRA	Resource Conservation and Recovery Act
RCP	Regional contingency Plan
SCP	Servicewide Contingency Plan
SSC	Scientific Support Coordinator (NOAA)
SCP	Servicewide Contingency Plan
USCG	United States Coast Guard

INCIDENT RESPONSE FLOW CHART

INCIDENT RESPONSE CHART



DEPARTMENT OF THE INTERIOR

REGIONAL ENVIRONMENTAL OFFICERS AND STAFF

ADDRESSES AND PHONE NUMBERS

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Paul D. Gates
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June 1990

NATIONAL PARK SERVICE REGIONAL CONTACTS

REGIONAL RESPONSE CONTACTS
NATIONAL PARK SERVICE

North Atlantic Region	Ginny Rosseau	FTS 223-5070
Mid-Atlantic Region	Pat Bentley	FTS 597-7057
National Capital Region	Mel Poole	FTS 472-7996
South East Region	Rick Dawson	FTS 841-4916
Southwest Region	Jim Walters	FTS 476-6371
Rocky Mountain Region	Dick Powell	FTS 327-2640
Western Region	Bill Cecil	FTS 556-7057
Pacific Northwest Region	Mark Forbes	FTS 399-5670
Alaska Region	Dan Hamson	FTS 257-2688
Mid-West Region	John Townshend	FTS 864-3476

24 HOUR EMERGENCY NUMBERS

NARO	Ginny Rousseau
MARO	Pat Bentley
NCR	Mel Poole
SERO	Rick Dawson
SWR	Jim Walters
RMR	Dick Powell
WRO	Bill Cecil
PNWR	Mark Forbes
ARO	Dan Hamson
MWR	John Townshend

WASO CONTACTS

NATIONAL RESPONSE CENTER PHONE NUMBERS

REGIONAL RESPONSE TEAM REPRESENTATIVES

NATIONAL PARK SERVICE
WASHINGTON OFFICE CONTACTS

IN THE EVENT OF AN EMERGENCY OIL SPILL

Bill Hallanein	FTS 268-6013 (202) 208-6013
Jacob Hoogland	FTS 268-2163 (202) 208-4274
John Donahue	FTS 268-4274 (202) 208-4274

During off duty hours (evenings, weekends, and holidays) incident reports may be telephoned to the following people in descending order:

1) Bill Halainen	703-522-4756
2) Richard Martin	
3) Walt Dabney	703-481-1424
4) ~~Jim Loach~~ TONY SISTO	703-830-0184
5) ~~Butch Farabee~~ JIM LEE	~~703-435-6221~~
6) ~~Mike Healy~~ JACK SCHAMP	~~301-257-5063~~
7) U.S. Park Police	~~202-426-6680~~ 202-426-6680
National Response center	(800) 424-8802

Department of the Interior Regional Environmental Officers: Listed by Region, numbers, names, and addresses found on following page. If you are not familiar with Regions see attached map.

DEPARTMENT OF THE INTERIOR

Regional Response Team Representatives

Regions I, II (NY)

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Regions II (NJ), III

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Alaska

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FTS (907) 271-5011

CURRENT CO-CHAIRS OF REGIONAL RESPONSE TEAMS

REGION	EPA	USCG
I	Edward Conley	Capt. David Folsom
II	Richard Salkie	Capt. David Folsom
III	Dennis Carney	Capt. Kurt Martin
IV	Bob Jourdan	Capt. David Whitten
V	Mary Gade	Capt. L.A. Murdock
VI	Russell Rhodes	Capt. Keith Pensom
VII	Ron Ritter	Capt. L.J. Balok
VIII	Robert Duprey	Capt. L.J. Balok
IX	Kathleen Shimmin	Capt. George Casimir
X	James Everts	Capt. D.A. Anderson
Alaska	Al Ewing	Capt. Glenn Haines
Caribbean	Richard Salkie	Capt. David Whitten
Oceania	Kathleen Shimmin	Capt. A.E. Tanos

CURRENT NATIONAL RESPONSE TEAM MEMBERS

Department of Agriculture	Mr. Bill Opfer
Department of Commerce (NOAA)	Mr. George Kinter
Department of Defense	Mr. Brian Higgins
Department of Energy	Mr. Richard Dailey
Environmental Protection Agency	Mr. Jim Makris, Chair
Federal Emergency Management Agency	Mr. Richard Krimm
Department of Health and Human Services (ATSDR)	Ms. Georgi Jones
Department of the Interior	Mr. Jonathan Deason
Department of Justice	Ms. Shiela Jones
Department of Labor (OSHA)	Mr. Frank Chalmers
Department of State	Mr. Bob Blumberg
Department of Transportation (U.S. Coast Guard)	Capt. Richard Larabee Vice-Chair
Department of Transportation (Research and special programs)	Mr. Alan Roberts
Nuclear Regulatory Commission	Mr. Bernard Weiss

NRT COMMITTEE CHAIRS

Management	Ms. Cecil Hoffman
Preparedness	Mr. Richard Krimm
Training	Mr. Jim Makris
Computer Applications	Mr. Frank Chalmers

COMMUNICATIONS

COMMUNICATIONS DURING AN OIL SPILL EVENT

One of the most common problems associated with response to oil spills is the difficulty in creating an effective communications network. The personnel from various agencies that are likely to respond may have little or no communications equipment upon arrival. The equipment that is available may not be compatible. The effectiveness of any coordinated response to a catastrophic spill is dependent upon the ability of the Federal On Scene coordinator to direct the forces at hand in the most efficacious manner.

In the interest of preventing a minor spill from escalating into a catastrophic event, and in limiting the damage resulting from any major spill, communications protocol should be adopted during the planning phase. The communications scenario is an ideal example of the kind of preparation that can take place at the new area level of planning.

As the area level plans are developed each of the agencies (local, State, and Federal) can determine what resources are available for the coordinated effort of response. A predetermined radio frequency which has been cleared with all of the proper regulatory procedures as well as with all of the participating responders can have a tremendous value.

The variety of communications equipment available today adds to the potential of proper communications being possible. The decisions regarding how communications protocol will be handled need to be made in advance. This will provide each separate entity with the opportunity to include this information in their plans when they purchase equipment and when they drill for emergency response.

MAPS

REGIONAL RESPONSE TEAMS

UNITED STATES COAST GUARD DISTRICTS

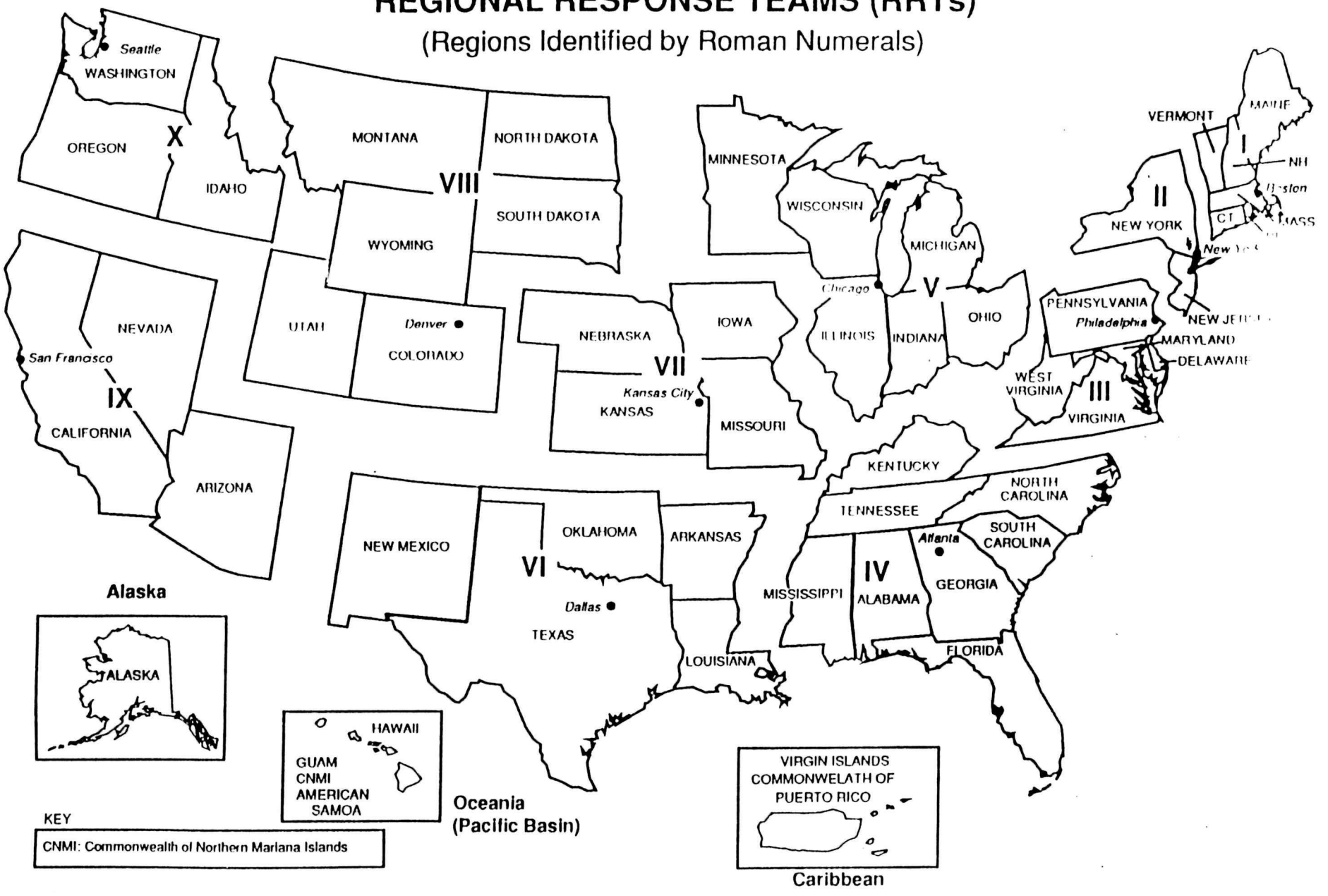
ENVIRONMENTAL PROTECTION AGENCY REGIONS

DEPARTMENT OF THE INTERIOR REGIONS

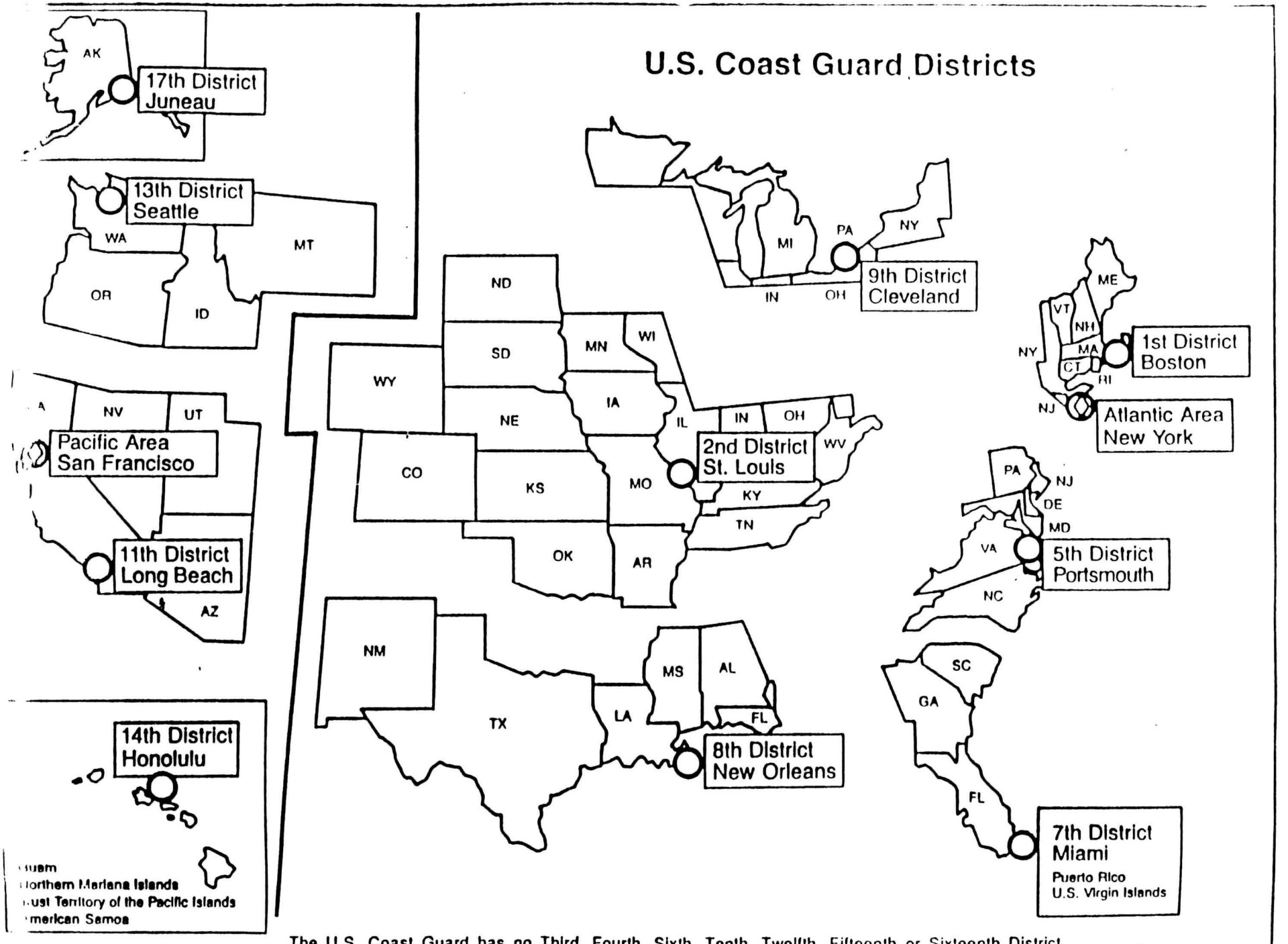
UNITED STATES FISH AND WILDLIFE SERVICE REGIONS

REGIONAL RESPONSE TEAMS (RRTs)

(Regions Identified by Roman Numerals)

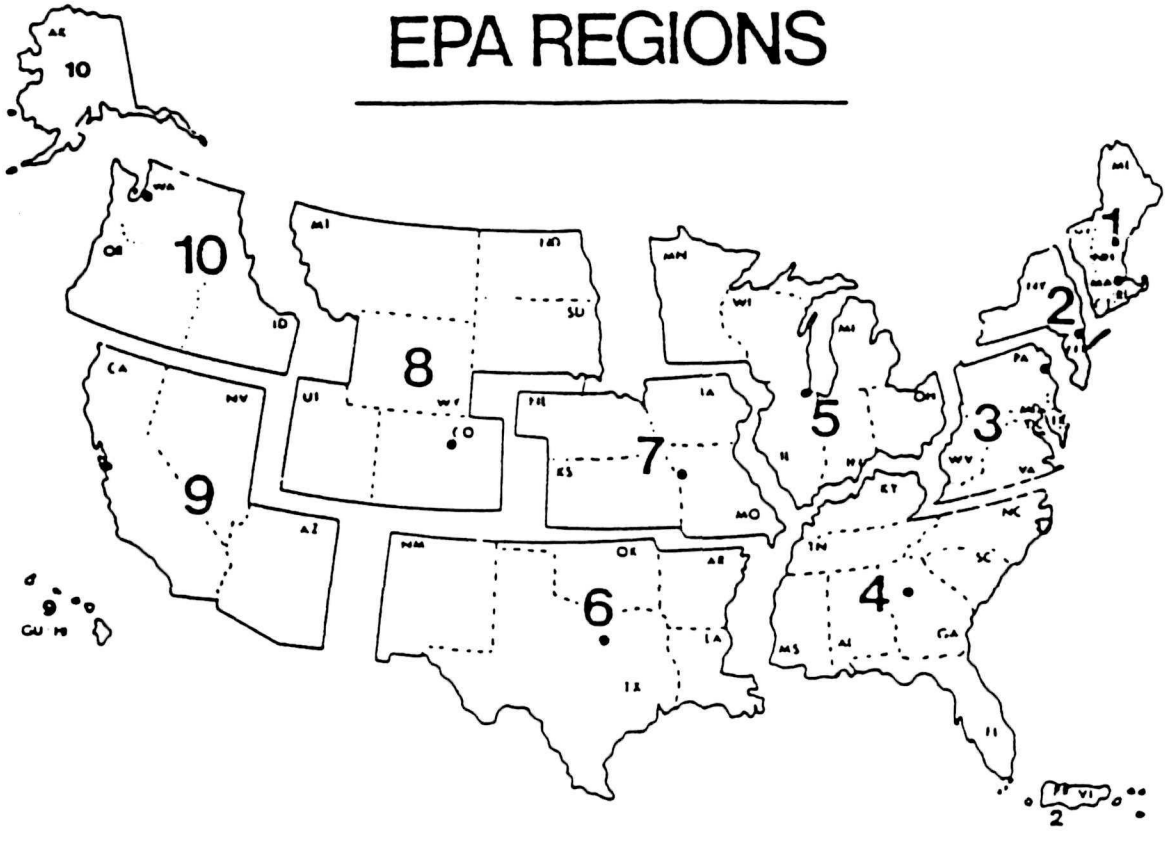


U.S. Coast Guard Districts



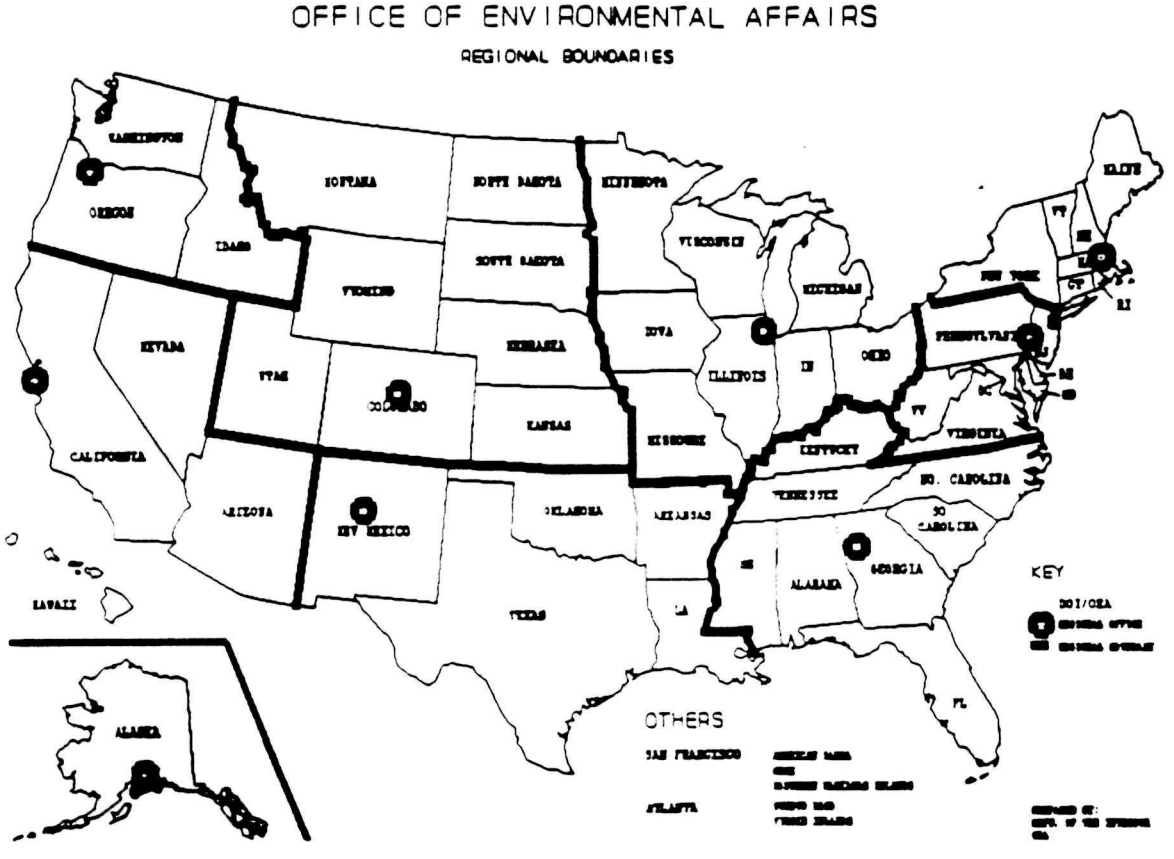
The U.S. Coast Guard has no Third, Fourth, Sixth, Tenth, Twelfth, Fifteenth or Sixteenth District

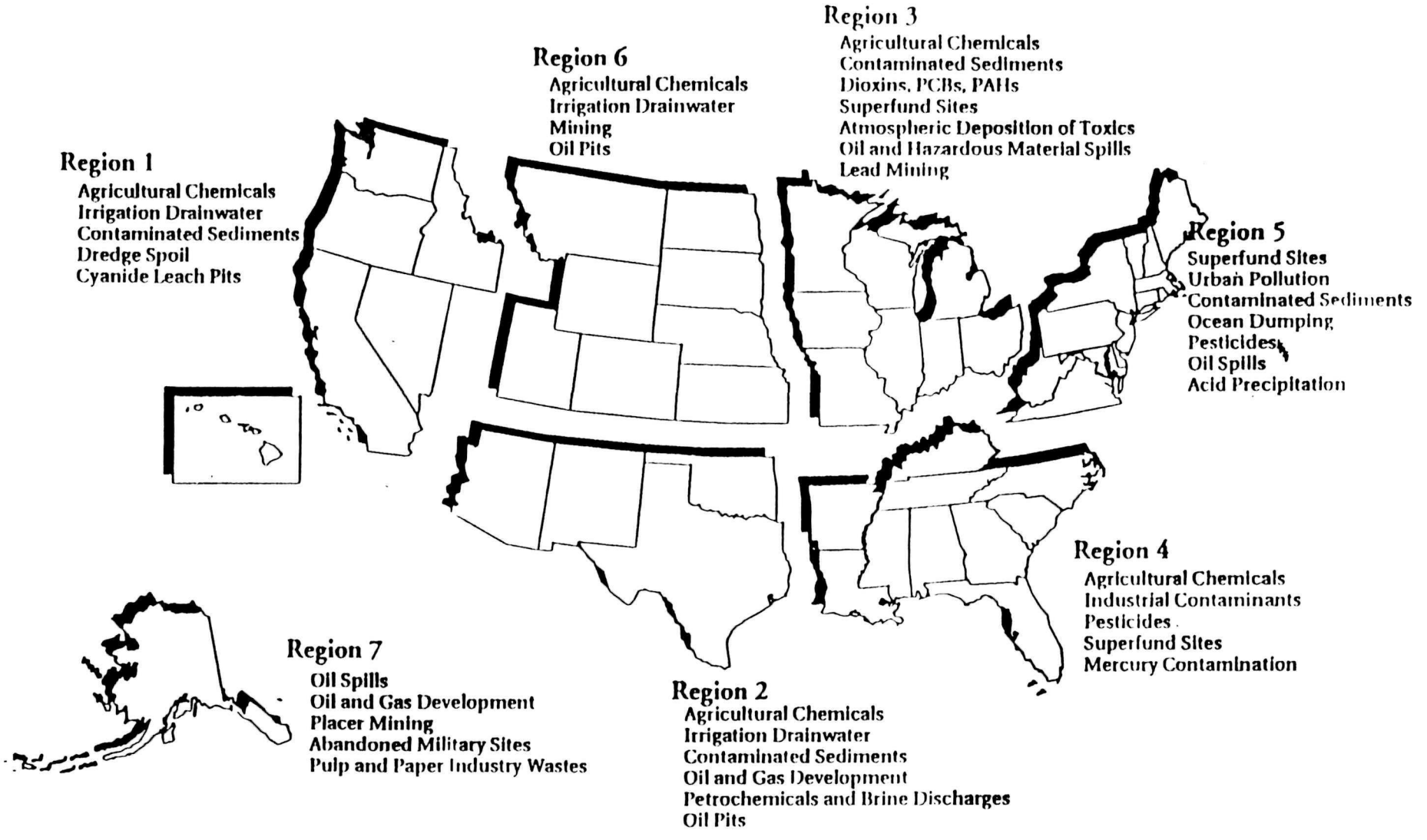
EPA REGIONS



EPA ENVIRONMENTAL RESPONSE TEAM

A regional staff housed in nine regional cities carries out the responsibilities of the Office throughout the Nation. Each regional office is headed by a Regional Environmental Officer who reports to the Director. Locations of the regional offices are illustrated below. Their addresses and phone numbers are found under "Further Information." Each regional office is responsible for all environmental areas found under "Headquarters Divisions" and serves as a Departmental coordinator and an independent source of information and analysis to the Office of the Secretary.





Major environmental contaminant issues within Fish and Widllife Service Regions

AUTHORITIES

AUTHORITY

This Servicewide Oil Spill Contingency Plan (SCP) is consistent with or required by the following legislation, regulations, and contingency plans:

1) Federal Water Pollution control Act (Clean Water Act) (33 U.S.C. 466 et seq.), as amended

2) Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), (42 U.S. C. 4605),as amended

3) Superfund Amendments and Reauthorization Act of 1986 (P.L.94-499, October 17, 1986)

4) National Oil and Hazardous Substances Pollution Contingency Plan 40 CFR part 300 (FR/Volume 55, no. 46/ Thursday, March 8, 1990)

5) Intervention on the High Seas Act of 1974 (IHSA 1974)

6) Organic Act of 1916

7) Oil Spill Liability Bill Of 1990 (HR 1465/ Report 101-653)

8) Damage Assessment For National Parks 1990 (HR 2844/Report 101-328)

ENVIRONMENTAL PROTECTION AGENCY REGIONS

UNITED STATES COAST GUARD DISTRICTS

AND HOW THEY OVERLAP WITH DEPARTMENT OF THE INTERIOR REGIONS

EPA Region I (ME, NH, VT, MA, RI, CT)
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CG 5th District (Atlantic 0- MD, VA, NC)
Anita J. Miller
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Department of the Interior
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FTS: 597-5378
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James H. Lee
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Suite 1034, Richard B. Russell
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FTS: 242-4524
COMM: 404-331-4524
(incidents off NC)

CG 7th District (Atlantic 0 SC, GA, FL; Caribbean - PR, VI; Gulf-FL
James H. Lee
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CG 8th District (Gulf - Western FL, AL, MS, LA, TX)

Raymond P. Churan
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(incidents off LA and TX)

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FTS: 242-4524
COMM: 404-331-4524
(incidents off FL, AL and MS)

CG 9th District (Great Lakes - NY, PA, OH, MI, IN, IL, MN)

Shelia M. Huff
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Anita J. Miller
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502 Custom House
2nd & Chestnut Street
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FTS: 597-5378
COMM: 215-597-5378

William P. Patterson
Regional Environmental Officer
Department of the Interior
1500 Custom House
165 State Street
Boston, MA 02109
FTS 223-5517
COMM: 617-223-5517
(indents of NY)

CG 11th District (Pacific - Southern CA)
Patricia S. Port
Regional Environmental Officer
Department of the Interior
P.O. Box 36098
Room 14444, 450 Golden Gate Avenue
San Francisco, CA 94102
FTS: 556-8200
COMM: 415-556-8200

CG 12th District (Pacific - Northern CA)
Patricia S. Port
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COMM: 415-556-8200

CD 13th District (Pacific - PR, WA)
Charles S. Polityka
Regional Environmental Officer
Department of the Interior
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500 N.E. Multnomah Street
Portland, OR 97232
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COMM: 503-429-6157

CG 14th District (Oceana - HI, AS, CM, GU, TP)
Patricia S. Port
Regional Environmental Officer
Department of the Interior
P.O. Box 36098
Room 14444, 450 Golden Gate Avenue
San Francisco, CA 94102
FTS: 556-8200
COMM: 415-556-8200

CG 17th District (Alaska)
Paul D. Gates
Regional Environmental Officer
Department of the Interior
P.O. Box 120
Room 233, 1675 C Street
Anchorage, AK 99510
FTS: 353-6612
COMM: 312-353-6612

UNITED STATES COAST GUARD DISTRICTS

REGIONAL RESPONSE TEAM CO-CHAIRS

SCIENTIFIC SUPPORT COORDINATORS

CONTACT NAMES
PHONE NUMBERS
ADDRESSES

U.S. COAST GUARD

National Response Center
2100 2nd Street, S.W.
Washington, DC 20593
tel: (800) 424-8802 (toll free outside of Washington, D.C. area)
(202) 267-2675
FTS 267-2675

DISTRICT OFFICES

(OSCs can be reached after duty hours through the appropriate District Office Operations Center if there is no response from their listed tel. no.)

FIRST DISTRICT

District Office and Regional Response Center

Commander (m)
First Coast Guard District
John Foster Williams Coast Guard Building
408 Atlantic Avenue
Boston, MA 02210
tel: (617) 223-8444
FTS 223-8444

Operations Center

tel: (617) 223-8555
FTS 223-8555

On-Scene Coordinator

Commanding Officer
USCG Marine Safety Office
P.O. Box 108
Portland, ME 04112
tel: (207) 780-3251
FTS 833-3251

Commanding Officer
USCG Marine Safety Office
447 Commercial Street
Boston, MA 02109
tel: (617) 565-9000
FTS 835-9000

On-Scene Coordinator

Commanding Officer
USCG Marine Safety Office
John O'Pastore Federal Building
Providence, RI 02903
tel: (401) 528-5335
FTS 838-5335

Captain of the Port, Long Island Sound
c/o U.S. Coast Guard
120 Woodward Avenue
New Haven, CT 06512
tel: (203) 773-2400
FTS 645-2400

Captain of the Port, New York
c/o U.S. Coast Guard Group
Governors Island
New York, NY 10004
tel: (212) 668-7936
FTS 664-7936

SECOND DISTRICT

District Office and Regional Response Center

Commander (m)
Second Coast Guard District
1430 Olive Street
St. Louis, MO 63103
tel: (314) 425-4655
FTS 279-4655

Operations Center

tel: (314) 425-4614
FTS 279-4614

On-Scene Coordinator

Commanding Officer
USCG Marine Safety Office
Suite 700/Kossman Building
Forbes Avenue & Stanwix Streets
Pittsburgh, PA 15222
tel: (412) 644-5808
FTS 722-5808

Supervisor
USCG Marine Safety Detachment
4335 River Road
Cincinnati, OH 45204
tel: (513) 684-3295
FTS 684-3295

Commanding Officer
USCG Marine Safety Office
P.O. Box 2412
Huntington, WV 25725
tel: (304) 529-5524
FTS 924-5524

On-Scene Coordinator

Commanding Officer
USCG Marine Safety Office
600 Federal Place, Room 360
Louisville, KY 40202
tel: (502) 582-5194
FTS 352-5194

Commanding Officer
USCG Marine Safety Office
P.O. Box 7509
Paducah, KY 42001
tel: (502) 442-1621

Commanding Officer
USCG Marine Safety Office
Room A-935
U.S. Courthouse Annex
110 9th Avenue, South
Nashville, TN 37203
tel: (615) 736-5421
FTS 852-5421

Commanding Officer
USCG Marine Safety Office
Suite 1301
200 Jefferson Avenue
Memphis, TN 38103
tel: (901) 521-3941
FTS 222-3941

Supervisor
USCG Marine Safety Detachment
P.O. Box 3428
St. Paul, MN 55165
tel: (612) 725-7452
FTS 725-7452

Commanding Officer
USCG Marine Safety Office
P.O. Box D-17
St. Louis, MO 63101
tel: (314) 425-5091
FTS 279-5091

FIFTH DISTRICT

District Office and Regional Response Center

Commander (m)
Fifth Coast Guard District
Federal Building
431 Crawford Street
Portsmouth, VA 23705
tel: (804) 398-6620
FTS 827-9620

Operations Center

tel: (804) 398-6231
FTS 827-9231

On-Scene Coordinator

Commanding Officer
Marine Safety Office/Group
1 Washington Avenue
Philadelphia, PA 19147
tel: (215) 271-4940
FTS 346-4940

On-Scene Coordinator

Comanding Officer
USCG Marine Safety Office
Customhouse
Baltimore, MD 21202
tel: (301) 962-5100
FTS 922-5100

Commanding Officer
USCG Marine Safety Office
Norfolk Federal Building
200 Granby Mall
Norfolk, VA 23510
tel: (804) 441-3307
FTS 827-3307

Commanding Officer
USCG Marine Safety Office
First Union Bank Building, Suite 500
272 North Front Street
Wilmington, NC 28401
tel: (919) 343-4881
FTS 671-4881

SEVENTH DISTRICT

District Office and Regional Response Center

Commander (m)
Coast Guard District
Brickell Plaza Federal Building
909 S.E. 1st Avenue
Miami, FL 33131
tel: (305) 536-5651
FTS 350-5651

Operations Center

tel: (305) 536-5611
FTS 350-5611

On-Scene Coordinator

Commanding Officer
USCG Marine Safety Office
196 Tradd Street
Charleston, SC 29401
tel: (803) 724-7687
FTS 670-8687

Commanding Officer
USCG Marine Safety Office
P.O. Box 8191
Savannah, GA 31402
tel: (912) 944-4353
FTS 248-4353

SEVENTH DISTRICT (cont.)

On-Scene Coordinator

Commanding Officer
USCG Marine Safety Office
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Jacksonville, FL 32206
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Commanding Officer
USCG Marine Safety Office
155 Columbia Drive
Tampa, FL 33606
tel: (813) 228-2189
FTS 826-2189

On-Scene Coordinator

Commanding Officer
USCG Marine Safety Office
155 South Miami Avenue
Miami, FL 33130
tel: (305) 536-5694
FTS 350-5694

Commanding Officer
USCG Marine Safety Office
P.O. Box S-3666
Old San Juan, PR 00904
tel: (809) 725-0857
FTS 498-6800

EIGHTH DISTRICT

District Office and Regional Response Center

Commander (m)
Eighth Coast Guard District
Hale Boggs Federal Building
500 Camp Street
New Orleans, LA 70130
tel: (504) 589-6901
FTS 682-6901

Operations Center

tel: (504) 589-6225
FTS 682-6225

On-Scene Coordinator

Commanding Officer
USCG Marine Safety Office
150 North Royal Street
Mobile, AL 36602
tel: (205) 690-2286
FTS 537-2286

On-Scene Coordinator

Captain of the Port, New Orleans
c/o U.S. Coast Guard Group
4640 Urquhart Street
New Orleans, LA 70117
tel: (504) 589-6261
FTS 682-6261

Commanding Officer
USCG Marine Safety Office
800 David Drive
Morgan City, LA 70320
tel: (504) 385-2462
FTS 682-6193

Commanding Officer
USCG Marine Safety Office
Federal Building
2875 75th Street & Highway
Port Arthur, TX 77640
tel: (409) 724-4330
FTS 527-8330

Commanding Officer
USCG Marine Safety Office
Rm 301, P.O. Building
601 Rosenberg Street
Galveston, TX 77550
tel: (409) 766-3687
FTS 527-6687

EIGHTH DISTRICT (cont.)

On-Scene Coordinator

Captain of the Port, Houston
c/o Port Safety Station
P.O. Box 446
Galena Park, TX 77547
tel: (713) 226-2765
FTS 526-5765

On-Scene Coordinator

Commanding Officer
USCG Marine Safety Office
P.O. Box 1621
Corpus Christi, TX 78403
tel: (512) 888-3192
FTS 529-3162

NINTH DISTRICT

District Office and Regional Response Center

Commander (m)
Ninth Coast Guard District
1240 East 9th Street
Cleveland, OH 44199
tel: (216) 522-2399
FTS 942-2399

Operations Center

tel: (216) 522-3984
FTS 942-3984

On-Scene Coordinator

Commanding Officer
USCG Marine Safety Office
Room 1111, Federal Building
111 W. Huron Street
Buffalo, NY 14202
tel: (716) 846-4170
FTS 437-4170

Commanding Officer
USCG Marine Safety Office
1055 East Ninth Street
Cleveland, OH 44114
tel: (216) 522-4404
FTS 942-4404

Commanding Officer
USCG Marine Safety Office
Federal Building, Room 101
234 Summit Street
Toledo, OH 43604
tel: (419) 259-6372
FTS 979-6372

On-Scene Coordinator

Commanding Officer
USCG Marine Safety Office
2660 East Atwater Street
Detroit, MI 48207
tel: (313) 568-9580
FTS 374-9580

Captain of the Port, Sault Ste. Marie
c/o U.S. Coast Guard Group
Sault Ste. Marie, MI 49783
tel: (906) 635-0220
FTS 372-3220

Captain of the Port, Grand Haven
650 Harbor Avenue
Grand Haven, MI 49417
tel: (616) 847-4509

Commanding Officer
USCG Marine Safety Office
610 South Canal Street
Chicago, IL 60607
tel: (312) 353-1226
FTS 353-1226

Commanding Officer
USCG Marine Safety Office
2420 S. Lincoln Memorial Drive
Milwaukee, WI 53207
tel: (414) 291-3788
FTS 362-3788

Commanding Officer
USCG Marine Safety Office
Canal Park
Duluth, MN 55802
tel: (218) 720-5286
FTS 780-5286

ELEVENTH DISTRICT

District Office and Regional Response Center

Commander (m)
Eleventh Coast Guard District
Union Bank Building
400 Oceangate
Long Beach, CA 90822
tel: (213) 499-5330
FTS 984-5330

Operations Center
tel: (213) 499-5380
FTS 984-5380

On-Scene Coordinator

Commanding Officer
USCG Marine Safety Office
Building 14
Coast Guard Island
Alameda, CA 94501
tel: (415) 437-3073
FTS 536-3073

On-Scene Coordinator

Commanding Officer
USCG Marine Safety Office
Los Angeles - Long Beach
165 N. Pico Avenue
Long Beach, CA 90802
tel: (213) 499-5570
FTS 984-5570

Commanding Officer
USCG Marine Safety Office
2710 Harbor Drive
San Diego, CA 92101
tel: (619) 293-5877
FTS 895-5877

THIRTEENTH DISTRICT

District Office and Regional Response Center

Commander (m)
Thirteenth Coast Guard District
Federal Building
915 Second Avenue
Seattle, WA 98174
tel: (206) 442-5078
FTS 399-5078

Operations Center
tel: (206) 442-5886
FTS 399-5886

On-Scene Coordinator

Commanding Officer
USCG Marine Safety Office
1519 Alaskan Way, South
Seattle, WA 98134
tel: (206) 286-5540
FTS 396-5540

Commanding Officer
USCG Marine Safety Office
6767 N. Basin Avenue
Portland, OR 97217
tel: (503) 240-9300
FTS 422-0300

FOURTEENTH DISTRICT

District Office and Regional Response Center

Commander (m)
Fourteenth Coast Guard District
9th Floor
Prince Kalanianaole Federal Building
300 Ala Moana Boulevard
Honolulu, HI 96850
tel: (808) 541-2118
FTS 551-2118

Operations Center
tel: (808) 541-2500
FTS 551-2500

On-Scene Coordinator

Commanding Officer
USCG Marine Safety Office
433 Ala Moana Boulevard, Room 1
Honolulu, HI 96813
tel: (808) 541-2068
FTS 551-2068

SEVENTEENTH DISTRICT

District Office and Regional Response Center

Commander (m)
Seventeenth Coast Guard District
2760 Sherwood Lane, Suite 2A
Juneau, AK 99802
tel: (907) 586-7195
FTS (907) 586-7195

Operations Center

tel: (907) 586-7340
FTS (907) 586-7340

On-Scene Coordinator

Commanding Officer
USCG Marine Safety Office
2760 Sherwood Lane, Suite A
Juneau, AK 99802
tel: (907) 586-7344
FTS (907) 586-7344

On-Scene Coordinator

Commanding Officer
USCG Marine Safety Office
P.O. Box 486
Valdez, AK 99686
tel: (907) 835-4791
FTS (907) 835-4791

Commanding Officer
USCG Marine Safety Office
Federal Bldg/U.S. Court House
701 C Street, Box 17
Anchorage, AK 99513
tel: (907) 271-5137
FTS (907) 271-5137

The U.S. Coast Guard has no Third, Fourth, Sixth, Tenth, Twelfth, Fifteenth or Sixteenth District

REGIONAL RESPONSE TEAM CO-CHAIRS

Environmental Protection Agency	U.S. Coast Guard
Region I	
Mr. Edward Conley Environmental Services Division Environmental Protection Agency Room 2203, JFK Federal Building Boston, MA 02203 tel: (617) 860-4300 FTS 860-4300	Capt. David Folsom First Coast Guard District 408 Atlantic Avenue Boston, MA 02210 tel: (617) 223-8444 FTS 223-8444
Region II	
Mr. Richard Salkie Emergency and Remedial Response Environmental Protection Agency Room 900 26 Federal Plaza New York, NY 10278 tel: (212) 264-1918 FTS 264-1918	Capt. David Folsom First Coast Guard District 408 Atlantic Avenue Boston, MA 02210 tel: (617) 223-8444 FTS 223-8444
Region III	
Mr. Dennis Carney Superfund Branch (3HW20) Environmental Protection Agency 841 Chestnut Building Philadelphia, PA 19107 tel: (215) 597-0992 FTS 597-0992	Capt. Curt Martin Fifth Coast Guard District Federal Building 431 Crawford Street Portsmouth, VA 23705 tel: (804) 398-6372 FTS 827-9372
Region IV	
Mr. Bob Jourdan Emergency Response and Control Section Environmental Protection Agency 345 Courtland Street, N.E. Atlanta, GA 30365 tel: (404) 347-3931 FTS 257-3931	Capt. David Whitten Seventh Coast Guard District Federal Building 909 S.E. 1st Avenue Miami, FL 33131 tel: (305) 350-5651 FTS 350-5651

Region V

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FTS 886-7570

Capt. Larry Murdock
Ninth Coast Guard District
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FTS 942-3994

Region VI

Mr. Russell Rhodes
Environmental Services Division
Environmental Protection Agency
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Dallas, TX 75202
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FTS 655-2210

Capt. Keith Pensom
Eighth Coast Guard District
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New Orleans, LA 70130
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FTS 682-6271

Region VII

Mr. Ron Ritter
Environmental Services Division
Environmental Protection Agency
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Kansas City, KS 66115
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Capt. Larry Balok
Second Coast Guard District
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St. Louis, MO 63103
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FTS 279-4655

Region VIII

Mr. Robert Duprey
Waste Management Division
Environmental Protection Agency
999 18th Street, Suite 500
Denver, CO 80202
tel: (303) 293-1720
FTS 564-1720

Capt. Larry Balok
Second Coast Guard District
1430 Olive Street
St. Louis, MO 63103
tel: (314) 425-4655
FTS 279-4655

Region IX

Ms. Kathleen Shimmin
Toxics and Waste Management Division
Environmental Protection Agency
215 Fremont Street
San Francisco, CA 94105
tel: (415) 974-7745
FTS 454-7745

Capt. George Casmir
Eleventh Coast Guard District
Union Bank Building
400 Oceangate
Long Beach, CA 90822
tel: (213) 499-5330
FTS 984-5330

Region X

Mr. James Everts
Emergency Response Team
Environmental Protection Agency
1200 Sixth Avenue
Seattle, WA 98101
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FTS 399-1196

Capt. Donald Anderson
Thirteenth Coast Guard District
Federal Building
915 Second Avenue
Seattle, WA 98174
tel: (206) 442-5233
FTS 399-5233

Alaska

Mr. Al Ewing
Alaska Operations Office
Environmental Protection Agency
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Anchorage, AK 99513
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FTS (907) 271-5083

Capt. Glenn Haines
Seventeenth Coast Guard District
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Juneau. AK 99802
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Caribbean

Mr. Richard Salkie
Office of Emergency and Remedial Response
Environmental Protection Agency
26 Federal Plaza, Room 900
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Capt. David Whitten
Seventh Coast Guard District
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909 S.E. 1st Avenue
Miami, FL 33131
tel: (305) 350-5651
FTS 350-5651

Oceania

Ms. Kathleen Shimmin
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FTS 454-7745

Capt. Sandy Tanos
Fourteenth Coast Guard District
9th Floor
Prince Kalanianaole Federal Building
300 Ala Moana Boulevard
Honolulu, HI 96850
tel: (808) 546-7510
FTS 546-7510

REGIONAL SCIENTIFIC SUPPORT COORDINATORS

(By U.S. Coast Guard Districts)

District 1
(ME, NH, MA, RI)

Mr. Gary Ott
NOAA/SSC
c/o Commander
1st Coast Guard District (mer)
408 Atlantic Avenue
Boston, MA 02210
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FTS 223-8016

District 1 and 5
(CT, NY, NJ, PA, DE)

Mr. Edward Levine
NOAA/SSC
Building 110, Box 2
Governor's Island
New York, NY 10004
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FTS 664-6428

District 5
(VA, MD, NC)

Ms. Ann Hayward Walker
Scientific and Environmental Associates
P.O. Box 11250
Alexandria, VA 22312
tel: (703) 354-5450

District 7
(Including the Caribbean)

LT Gary D. Petrae
NOAA/SSC
1600 Port Boulevard
Miami, FL 33132
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FTS 350-6658

District 8

LCDR Chris Nelson
NOAA/SSC
c/o Commander (m)
Eighth Coast Guard District
Hale Boggs Federal Building
500 Camp Street
New Orleans, LA 70130
tel: (504) 589-6901
FTS 682-6901

District 9

Mr. Jay Rodstein
NOAA/SSC
2875 Northwind Drive, Suite 116
East Lansing, MI 48823
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FTS 374-6710

District 11

LT Joseph Talbot
NOAA/SSC
c/o Commander (m)
Eleventh Coast Guard District
Union Bank Building, Room 709
400 Oceangate Boulevard
Long Beach, CA 90822
tel: (213) 499-5475
FTS 984-5475

District 13 and 14

Mr. David Kennedy
Applied Environmental Services
3211 Oak Lane Drive
Friday Harbor, WA 98250
tel: (206) 378-5322

District 17

Mr. John Whitney
NOAA/OAD - Alaska Office
Module G, Room 1180
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Anchorage, AK 99513
tel: (907) 271-3593
FTS 271-3593

Alternate for all Regions

CDR Larry Keister
NOAA/OMA34
7600 Sand Point Way, N.E.
Seattle, WA 98115
tel: (206) 526-6317
FTS 392-6317

2/24/89

FEDERAL RESPONSE STATUTES AND REGULATIONS

FEDERAL RESPONSE STATUTES AND REGULATIONS

All Federal agencies involved in oil spill response and planning activities are both mandated and limited by the legislation which authorizes these activities. The Federal Water Pollution Control Act (FWPCA 1972, as amended) established a $35 million pollution fund (section 311 (k)). The pollution fund is administered by the United States Coast Guard (USCG), but is equally available to the Environmental Protection Agency (EPA).

The fund may be used to finance activities in response to an incident involving oil or any one of 297 listed chemicals. It may also be used for responses if :

a) the spill enters or threatens to enter navigable/tributary waters
b) the spiller is unwilling to undertake the cleanup, unable to conduct the cleanup adequately, or unknown. Funds collected as reimbursement for these activities are returned to the fund.

Superfund monies, reauthorized at a level of $9 billion dollars by Superfund Reauthorization Act (SARA 1986), are excluded from use for oil spill activities, however, they may be used for events involving spilled chemicals.

A third statue which involves oil spills is the Intervention on the High Seas Act. The IHSA authorizes the USCG Commandant to assume physical control of any non-military ship, regardless of flag, which poses a substantial environmental threat to the resources of the United States.

As a result of the FWPCA a National Contingency Plan (NCP) has been promulgated as regulation to plan for prevention and response to oil spill events. The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) has been codified and appears as a federal regulation in 40 CFR Part 300. The NCP established the National Response Team. The NCP, the NRT participating agencies list, and the names of NRT members are attached in an appendix. The NRT is chaired by the EPA and vice-chaired by the USCG.

The plan also established the National Response Center (NRC) which is a twenty four hour report processing and response coordinating center. The NRC is staffed by the USCG. The response to an oil spill is the responsibility of the Principal Responsible Party (PRP), with oversight being provided by the On Scene Coordinator (OSC). Generally if the spill occurs on land the OSC will be provided by the EPA and if the spill is on water the OSC will be provided by the USCG. The exact areas of responsibility are defined by negotiation between the two lead agencies.

The OSC is a predesignated federal official who ensures that proper pollution response and enforcement rules are followed. In some instances the PRP may not be willing or competent to manage the spill, and in that case the OSC has the authority to Federalize the response. This plan is structured to provide guidance for spills associated with coastal areas and therefore most activities covered herein will be overseen by the USCG.

The USCG is an agency of the Department of Transportation (DOT). The Secretary of Transportation has delegated authority for FWPCA, CERCLA, And IHSA to the USCG. The USCG is divided in ten districts which do not coincide with the NRT districts (a map of the USCG districts is included in this document). Each district is supervised by a District Commander who has the authority for FWPCA, and CERCLA, but not for IHSA.

The next position in the line of command is the Captain of the Port (COTP). The Captain of the Port also generally serves as the Commanding Officer of the local Marine Safety Office (MSO), and is also usually the OSC for the area. There are 48 MSO''s in the United States at this time. In many ways the EPA structure parallels this organizational structure. The EPA, however, has a National and a Regional structure only, while the USCG also has a local response entity as well. This may change soon as a result of the Oil Pollution Act (OPA) requirement for the establishment of "Area Committee. "

The individual responsible for all activities involving the use of Federal funds is the OSC. The new " Fund "created by the OPA replaces the 311K fund, but at this time no regulations regarding the use of this fund have been promulgated. At the local level, however, the majority of cleanup response is carried out through pre-negotiated contracts with private sector contractors. There are also additional forces that the OSC can call upon if the necessity arises.

The OSC has four special Federal groups at his or her disposal. These four groups are:
1) the Emergency Response Team (ERT),
2) The Scientific support coordinator (SSC),
3) the Public Information Assist Team (PIAT),
4) the National Strike force (NSF).

The ERT is a group of scientists and engineers, funded by the EPA, and based in either Edison , New Jersey, or Cincinnati, Ohio. The ERT specialize in areas including: sampling and analysis, contamination monitoring, cleanup and hazard evaluation. The PIAT are a public information group able to respond rapidly to the scene of an incident and to deal effectively with the information flow for the press and public.

The SSC is a scientific and technical advisor funded by National Oceanic and Atmospheric Administration (NOAA), who assists the OSC in the evaluation of data as it becomes available. The SSC has capabilities including: trajectory forecasting, risk analysis, contingency planning and communications. NOAA prepares the maps for the Regional Response Team (RRT) which are used for the Regional Contingency Plan (RCP).

It is generally important to understand the function of each of the agencies within the National Response System (NRS), in order to make the most effective use of available resources in the planning stages. As National Park Regional Offices and individual park units identify critical resource areas (CRA), and attempt to prioritize areas for protection, it is most essential to integrate that knowledge into the planning efforts of these other agencies.

The Oil Pollution Act of 1990 supersedes the previous laws governing response to an oil spill. The fund established by the act dwarfs the 311K fund and will increase the accessibility of the monies to responders. At this time none of the regulations have been written to implement the provisions of the new law. All of the laws and regulations previously in effect will continue in effect until such time as the new regulations are adopted. A new section defining the impacts of the new law will be distributed as soon as the regulations have been adopted.

RESPONSE PHASES

RESPONSE PHASES

Any response to an incident involving an oil spill can be described in four different phases. The first phase is discovery and notification. At this stage, the information is received in the NRC and the proper OSC is notified. In the second phase the OSC conducts a preliminary assessment. The information that the OSC must determine immediately includes: the magnitude and severity of the spill, the identity of the PRP and whether that PRP can and will respond to the cleanup needs. If the PRP is unknown or unable to deal effectively with the incident then the OSC can Federalize the cleanup and bill the PRP up to the amount that legal liability will allow.

Once the OSC has determined if the spill is in a coastal or inland zone, the OSC notifies any land management agencies with trustee responsibility in the area affected. The appropriate contact names and phone numbers are maintained in the local contingency plan. If the OSC determines that additional assistance will be required then the Regional Response Team will be activated.

The activation of the RRT increases the resources available to the OSC in a large way. The enormous forces of the Federal and State Governments will now be in a position to assist with equipment, manpower, and scientific and engineering advice. The NRT can be activated if the response involves more than one region or crosses international boundaries. the NRT may also be activated if the magnitude of the response is beyond the capability of the RRT involved. The National Strike force, the Emergency Response Team, and the Public Information Assist Team can be brought into the response if deemed necessary by the OSC.

The third phase is the containment and cleanup activities required to gain control of the spill and limit the environmental damage. The fourth and final stage of the response is the litigation phase. Whenever federal funds are used to support a cleanup effort, an attempt to recover those funds from the PRP must be made. The recovered funds will go directly to the fund used for the cleanup. The success of the recovery will depend on the quality of the documentation compiled by the EPA and the USCG. Anyone involved in response and natural resource damage assessment must be fully informed of the documentation procedures outlined in:

1) The OSC Documentation Guidelines
2) The Pollution Incident Investigation Guidelines.

Both of these doucuments are included herein.

PHASE I DISCOVERY AND NOTIFICATION:

A discharge may be discovered through: (1) a report submitted by the discharger in accordance with statutory requirements: (2) deliberate search by vessel or aircraft patrol; (3) random or incidental observation by government agencies or the public.

A discharge should be reported to the National Response Center, and all local and regional plans will require reporting to the NRC as well as to the designated State agency. Reports of medium and major discharges will be expeditiously relayed by the EPA or the USCG to the appropriate members of the RRT as specified by the Regional contingency Plan. Methods for estimating the size of an oil spill and the definition of the spill categories are included in this document.

PHASE II EVALUATION AND INITIATION:

The On Scene Coordinator will ensure that any report of a discharge is immediately investigated. The OSC shall: (1) determine the magnitude and severity of the discharge or threat; (2) determine the feasibility of removal; (3) assess the effectiveness of removal actions.

When there is a need the OSC will inform the RRT of any further Federal action that might be necessary. The scope of actions may range from simple oversight of the PRP;s response activities to an activation of the NRT and an actual Federalization of the spill response.

PHASE III CONTAINMENT AND CLEANUP:

Containment of the oil or hazardous material is the first major activity in any pollution incident. The two important facets of response are source control and containment. The National Park Service will continue to rely on the EPA, United States Coast Guard, and relevant State agencies to perform containment and cleanup activities in any major oil spill event. These other agencies are better equipped to deal with these incidents both in terms of equipment and manpower.

The experience of recent pollution events, however, has increased the awareness of areas in the response effort where the NPS may take a more active role in order to best protect the land and water under our stewardship. The majority of these areas revolve around advance planning and integration of our knowledge about the resources into the existing response system.

In order to facilitate the activities of the USCG, the EPA, or private contractor working on behalf of the PRP, we must have identified in advance the information that will make containment efforts as efficient and efficacious as possible. This is the point at which the contingency plan in the park will become an essential document.

It is critical for responders from outside the park, from other agencies, and private entities to be able to identify the chain of command in the park response structure. It is important during an oil spill event of major proportions to have a consistent roster of individuals who will represent the NPS. It will be important for those individuals to have the authority to make decisions on appropriate response techniques and priority areas for protection.

The authority for those decisions should be drawn directly form the park contingency plan. The most important element of any PCP aside from the chain of command and the designation of duties will be the identification of critical resources to be protected. Any contingency plan must identify not only the areas to be protected, but also prioritize those areas. It is not an easy duty to prioritize resources especially for an agency that recognizes all resources as being equally important.

In a real time pollution event, however, resources will have to be deployed and the manager is very likely to have to choose between protecting an ocean beach and a salt marsh with the limited equipment available at the moment. We must recognize the fact that some resources can be cleaned and the damage can be mitigated, but in other areas any oil spilled is likely to remain permanently with the only mitigation being time.

In addition, practical concerns must be added to the equation. For example, can the response team reach the marsh with the necessary equipment before the oil does. What roads are available to reach the critical resources that we have identified ? If no roads are available, we must plan where can roads be cut or other ways that these resources can be reached. If no equipment will be allowed in a wilderness area, that must be understood by responders in advance.

A typical contingency plan will identify various areas where a spill might be contained. The identification of those areas must also include the routes and times necessary to reach the projected containment sites. The scenario for each site must include the time necessary to contact the personnel, time for the personnel to reach the equipment site, and also the time necessary to reach the containment site and to deploy containment equipment. This information will make it possible to select the most appropriate site for containment and not to waste time and effort on sites where the oil has already entered and passed.

The Servicewide Contingency Plan (SCP) contains forms for the collection of the essential information for reporting any incident to the appropriate park, State, Regional and Federal agencies. Every park needs to identify:

1) park personnel and their roles
2) local responders and available equipment
3) appropriate State and Federal agencies(contacts)
4) critical resources and priorities
5) routes and time necessary to reach those areas
6) threatened and endangered species and their habitats
7) areas where response techniques are limited by legislation or policy
8) relevant data relating to weather, water temperature, currents, and any information specific to the area in question
9) potential sources of pollution events such as refineries, storage facilities, and transportation corridors.

Incorporating the essential elements into a PCP and integrating the information and concerns into the local, area wide, and regional plans will serve to facilitate the most efficient and effective response at the time of any catastrophic event.

PHASE IV DOCUMENTATION AND LITIGATION:

Documentation for reimbursement and litigation can and should begin as soon as a pollution event is discovered. The SCP contains copies of the On Scene Coordinator's documentation guidelines. These guidelines must be followed in order for any agency to receive reimbursement. In addition a copy of the evidence collection guidelines taken from the Marine Safety Manual are included. it is anticipated that new guidelines relating to these subjects will be issued in the future as a result of the Oil Pollution Liability Act of 1990. There may also be additional guidelines from the Department of the Interior and the NPS on reimbursement. It is advisable to delineate specific evidence collection techniques for these events in advance with the park and Regional law enforcement specialists.

In conclusion, there is a system in place to respond to oil spill incidents and to document damages and recover funds dispersed for cleanup purposes. It is the purpose of this document to assist National Park managers in their efforts to plan comprehensively, and in advance for the best actions to take during such a crisis. The most effective planning will not prevent a park from being a passive receptor of oil spill pollution. Contingency planning will, however, provide parks with the opportunity to make the most effective use of the elements of the system that are available to every federal agency. In addition, effective planning will provide us with the means to integrate our concerns into the local, regional, and national response systems. We stand a much greater chance of protecting the resources that we are charged with administering if the OSC knows what our concerns are before he begins making critical response decisions.

REGIONAL TRAINING CONTACTS

REGIONAL SUPERFUND TRAINING CONTACTS

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POLLUTION REPORT FORM

POLLUTION REPORT FORM

Date:_____ Time:_____ Reporter:_____

Received By:_____ Agency:_____

Location:_____

_____

_____

Quantity or size: _____

Category (major, minor, medium):_____

Substance (if known, or best estimate):_____

Cause (if known):_____

_____

ResponsibleParty:_____

_____

Weather Conditions:_____

_____

_____

Habitat Type/Types:_____

_____

Wildlife Species:_____

_____

_____

_____

Threatened or Endangered Species At Risk:_____

_____

Parks/ Refuges/ or Other Important Areas At Risk:_____

_____

_____

_____

Other Contacts Already Informed:_____

_____

_____

Actions Already In Progress:_____

_____

_____

ON SITE POLLUTION RESPONSE CHECKLIST

FOR NATIONAL PARK SERVICE FEDERAL RESPONSE COORDINATOR

Phase 1 notification

1) Has the NPS notified the USCG and/or the EPA (yes or no)
   Name of person notified:_____
   Agency:_____

2) Have appropriate local and State agencies been notified: (yes or no)

A) Name of person notified:_____
   Agency:_____ Position:_____
   By whom:_____

B) Name:_____ Position:_____
   Agency:_____ By whom:_____

C) Name:_____ Position:_____
   Agency:_____ By whom:_____

3) Has the Federal Response coordinator (FRC) been notified: (yes or no)

4) Has the Regional Response coordinator (RRC) been notified: (yes or no)

5) Have volunteer groups and/or potential facility donors notified: (yes or no)

Phase 2-evaluation and initiation of action

6) Has the FRC reported to the OSC : Date/Time:_____
   Name of OSC:_____ Agency:_____

7) Has the RRC reported to the OSC: Date/Time:_____
   Name of OSC:_____ Date/Time:_____

8) Are marine mammals involved:_____

9) Are migratory waterfowl involved:_____

10) Are Endangered species involved:_____

11) Are other National Parks at risk:_____

12) Are Federal Refuges involved:_____

13) Are State Refuges/Parks involved:_____

14) Are private refuges involved:_____

15) Has control number been received form OSC:_____

16) Is additional manpower required:_____

17) Does the Incident Command System need to be activated:_____

18) Are State wildlife agents notified/on scene:_____

19) Are other Federal agencies notified/on scene:_____

20) Is the DOI REO notified/on scene:_____

Phase 3 Response

21) Have news releases been cleared/released:_____
22) Are workers assigned to the following tasks:
    a. reconnaissance/surveillance_____
    b. communications_____
    c. park protection_____
    d. collection of oiled wildlife_____
    e. care of oiled wildlife_____
    f. documentation of impacts_____
    g. acquisition of supplies_____
    h. control of access roads_____
    i. worker safety_____

Phase 4 Damage Assessment

23) a. list of witnesses

24) b. damage assessment
    c. photographs
    d. diagrams
    e. samples
    f. analysis
    g. chronology of events

ESTIMATING OIL SPILL SIZE

OIL SPILL CATEGORIES

ESTIMATING THE SIZE OF OIL SPILLS

1) Estimate the length and width of the slick by comparing it with known distances such as ships or piers.

2) Assume the thickness of oil as follows:
   a) heavy oil close to 0.1 to 0.001
   b) light oil close to 0.001 to o.0001

3) convert all estimates to inches

4) calculate the volume of oil in cubic feet (length x width x thickness)

5) To convert the volume in cubic inches to cubic feet use the formula: 1728 cubic inches/cubic foot.

6) Calculate the volume of oil spilled by using 7.5 gallons/cu. ft.

Example:

oil slick estimated to be 22 ft wide by 700 feet long and thickness assumed to be 0.1 inch.

1. 200 x 12 = 2400 inches
2. 700 x 12 = 8400 inches
3. volume in inches: 2400 x 8400 x 0.1 = 2, 016,000 cubic inches.
4. convert to cubic ft.: 2,016,000/1728 =1186 cubic feet.
5. calculate gallons: 1186 x 7.5 = 8895 gallons.

OIL SPILL CATEGORIES

The size classes of an oil discharge are provided in the National Contingency Plan (NCP) in order to provide guidance to the OSC. This guidance serves as a criteria to assist the OSC in selecting response actions that are delineated in subpart D of the NCP. These size classes are not meant to imply any associated degree of hazard or risk to the public health and welfare. Any oil discharge that poses a serious threat to the public health and welfare, the environment, or causes significant public concern shall be considered a major discharge regardless of the quantity of oil involved (NCP, 40 CFR 300).

Under normal circumstances discharges are categorized by quantity in the following manner:

1) minor discharge means a discharge to inland water of less than 1,000 gallons or a discharge in coastal waters of less than 10,000 gallons of oil.

2) medium discharge means a discharge of 1,000 to 10,000 gallons of oil in inland waters or a discharge of 10,000 to 100,000 gallons of oil in coastal waters.

3) major discharge means a discharge of more than 10,000 gallons to inland waters or a discharge of more than 100,000 gallons of oil in coastal waters.

CONTINGENCY PLANNING NEEDS FOR PARKS

CONTINGENCY PLANNING NEEDS

The Marine Safety Manual outlines the suggested format for local contingency plans. The requirements for an adequate Spill Prevention Control and Countermeasure Plan are outlined in 40 CFR part 112. These documents in combination with the contingency plans developed by numerous State and Federal agencies have provided the basis for this section. Some of the elements normally considered as standard parts of a plan are deleted here. The deleted parts are included in the Servicewide Contingency Plan (SCP), and therefore would be redundant in any Regional or park plan that has not been previously assembled.

It is recommended that the park and or regional oil spill coordinator conduct the following actions as part of any pre-emergency planning activities:

1) Inventory the type and quantities of oil and hazardous materials located within or adjacent to the park boundary. Contact the facility managers and request notification of an impending or actual incident. It would also be beneficial to participate in any drills staged by the facility.

2) Ensure that adequate SPCC plans (40CFR 112) are prepared and maintained for any facilities under NPS jurisdiction.

3) Inventory transportation and traffic corridors for oil and hazardous substances passing through or adjacent to park boundaries.

4) Develop historical data on incidents in the local area involving oil or hazardous substance spills.

5) Inventory and list equipment, materials, and manpower that are available locally to assist in containment, cleanup, and disposal of oil and hazardous substances.

6) Identify organizations that are willing and competent to participate in wildlife rehabilitation, and dispersal activities.

7) Identify facilities that can be used for command centers, staging areas, training areas, wildlife rehabilitation areas, and control sites for public affairs activities.

8) Identify all environmentally sensitive areas and attempt to prioritize the importance of those areas when possible. Integrate this information into the Regional and Area Contingency Plans.

9) Identify wilderness areas or other lands and waters where response activity may be more damaging than the incident itself.

10) Identify endangered and threatened species/habitat within the park boundaries.

11) Identify access routes and/or permissible areas for creating new access routes if necessary for response.

12) Identify cultural resources within the park that are likely to be affected by an oil spill.

GENERIC OIL SPILL CONTINGENCY PLAN FOR A NATIONAL PARK

A. Immediately Critical Information

1) List of Contacts:
Park personnel
Local emergency services
Regional contacts
Washington office contacts
State contacts
Department of Interior REO
U.S. Coast Gaurd/EPA contact
Volunteer services coordinator
Cleanup contractor

B. Information for FRC and OSC

critical resource areas to be protected
maps of areas
priorities of areas
tide and current information
access routes
manpower available on site
facilities available on site/nearby
equipment available on site/nearby
endangered/threatened species
other species at risk
agreements with other agencies to repsond

C. Pollution Report Form

D. Areas of Special Designation

wilderness areas
wildlife refuges

E. Personnel Safety Considerations

F. Response Cleanup Procedures

personnel responsible for:
cleanup management
liason with OSC, REO etc.
damage assessment
sample collection etc.
wildlife rehabilitation

G. Reimbursement Procedures

H. Inventory and Monitoring Plan

REIMBURSEMENT PROCEDURES

OSC DOCUMENTATION GUIDELINES

REIMBURSEMENT PROCEDURES UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT

The EPA will soon be publishing the latest procedures for reimbursement claims for emergency response actions listed under the Comprehensive Environmental Response and Compensation and Liability Act (CERCLA). Those procedures will be forwarded to each unit when they become available to be included as an appendix to this plan. In the meantime the following procedures are to be followed to insure repayment of funds used during an emergency.

Reimbursements for agency services in the event of an emergency will be outlined in specific Inter-agency Agreements (IAG) developed for that particular incident response. Each Federal Agency Responder will be expected to advise the Federal On Scene Coordinator (OSC) and the EPA of its proposed scope of work and the estimated cost of that work to assist in the establishment of a cost ceiling for the project. The EPA will prepare separate site specific IAGs for each Federal Agency involved as soon as the scope of work and budget estimates are approved.

In order to obtain reimbursement for authorized work, each agency must have its billing certified by the OSC prior to sending them to the EPA with a completed standard Form 1081. In the event that a National Park Service response shall take place in a CERCLA reimbursable situation, then an administrative contact shall be assigned at that time.

Each Agency must maintain detailed records of travel, personnel, and any other costs covered under the IAG. Such documentation may be required by the EPA for cost recovery actions, litigation, or for inspection by the Inspector General.

ON-SCENE COORDINATOR DOCUMENTATION GUIDELINES

1. Documentation - Oil Pollution Fund.

A. Within 60 days after termination of Federal Agency activities in response to a pollution incident, the OSC shall submit a cost certification letter containing an itemized list of all expenditures made in response to the pollution incident. The itemized list shall include all costs chargeable to the responsible parties and all costs which are properly reimbursable from the Oil Pollution Fund. For incidents of an extended duration where payment to contractors or suppliers is desirable prior to termination of Federal response activities, the OSC may submit interim cost certification letters with appropriate documentation for the services rendered.

B. The OSC's cost certification letter shall be submitted to Commander (mep) Seventeenth Coast Guard District, P.O. Box 3-5000, Juneau, AK 99802-1217.

C. Cost Certification Letters and Documentation Papers.

1. The data for the cost certification letter shall be obtained from contractor and vendor invoices, purchase orders, Temporary Assigned Duty and Travel Orders, Contractor and OSC daily worksheets, etc. All letters shall contain the appropriate cost certification paragraph. The following documentation shall be attached to the cost certification letter to support the itemized costs.

a. Certified copy of the contractor's invoice.

b. Contractor's Daily Worksheet, two (2) copies. The worksheet should include receipts and invoices as appropriate.

c. Copies of purchase orders and receipts for supplies, miscellaneous services, equipment rental, etc. obtained in response to the pollution incident.

d. Daily worksheets used by the OSC to record EPA/Federal Agency response activities, two (2) copies.

e. Copies of purchase orders for which direct charges to the Fund were authorized by the Comptroller, Seventeenth Coast Guard District. (These costs shall also be listed on the certification letter.) Orders without local purchase order numbers will not be accepted.

f. Temporary assigned duty, travel orders, etc., for personnel involved in the pollution response.

g. Listing and certification of expenses incurred by the Strike Team and other military, Federal or State agencies providing response assistance, (2) copies.

2. All copies shall be annotated with "Certified to be a True Copy."

3. Any questions involving required documentation or accounting procedures shall be referred to the Marine Environmental Protection Branch (CCGD17(mep)).

4. Government agencies may request these forms by submitting a letter to Commander (mep), Seventeenth Coast Guard District, P. O. Box 3-5000, Juneau, AK 99802-1217.

2. Recoverable Cost Guidelines.

A. General. Certain expenditures made specifically as a result of a Federal removal activity are reimbursable from the Pollution Fund. Expenditures normally funded by other appropriations which would have been incurred during normal operations are, as a general rule, not chargeable to or reimbursable from the Pollution Fund; however, these costs are recoverable from the polluter. For example, whenever a Federal removal activity is declared, Federal personnel salary costs, including the OSC and his staff, are not reimbursable from the Pollution Fund. Federal personnel overtime costs caused by the response and costs of personnel contracted or hired specifically for the removal activity are recoverable from the Pollution Fund. The Federal personnel salary costs, overtime costs and the costs of personnel hired specifically for the removal activity are all recoverable from the polluter.

B. Reimbursement. The Seventeenth Coast Guard District Marine Environmental Protection Branch (CCGD17 (mep)) will determine reimbursable costs from the Cost Certification letters and accompanying documentation submitted by the OSC and will forward these costs to the Accounting Branch for reimbursement to the appropriate Federal agencies. The preferred method of reimbursement is for the Federal agencies to be reimbursed for costs incurred in the pollution incident response. Requests for reimbursement directly to vendors for materials and services rendered, in essence, constitute direct charges to the Pollution Fund. All direct charges to the Pollution Fund must have the prior approval of the Comptroller, Seventeenth Coast Guard District. Unless authorization for direct charges to the Pollution Fund is obtained, reimbursement will be paid to the appropriate Federal agency; it is the agency's responsibility to pay vendors for materials and services rendered.

C. Cost Guidelines. The Decision Logic Table (Tab B) and the following paragraphs provide guidance for determining which costs are chargeable to or recoverable from the pollution fund.

D. Costs chargeable to the Fund. Costs chargeable to the Oil Pollution Fund and recoverable as out-of-pocket costs by the EPA and other responding agencies include the following:

1. Costs incurred by industrial type facilities, including charges for overhead in accordance with the agency's industrial accounting system.

2. Actual costs where an agency is required or authorized to obtain full reimbursement. For example, under certain conditions the Corps of Engineers collects for the cost of equipment, facilities, and services furnished at rates which include charges for overhead and related expenses etc.

3. Out-of-pocket costs specifically and directly incurred as a result of recovery activity. These include, but are not limited to, the following:

a. Travel costs(transportation and per diem) specifically requested by the OSC.

b. Overtime for civilian personnel specifically requested by the OSC.

c. Incremental maintenance costs of vessels, aircraft, vehicles and equipment to the extent that these costs are increased by the hours they are utilized. These include costs for refurbishment of equipment.

d. Fuel expended by vessels, aircraft, vehicles and equipment in connection with the response activity. Summarize giving cost per vehicle.

e. Supplies, materials and minor equipment procured specifically for the recovery activity. Support with copies of procurement documents.

f. Rental or lease costs for equipment obtained specifically for the recovery activity. (The fund is not available for the purchase of large and expensive equipment.)

g. Payment to private contractors (including non-profit organizations) states and political subdivisions thereof for costs incurred as a result of recovery activity.

h. Payment for temporary employment (including call-up of Reservists for other than Active Duty Training).

i. All charges must be fully documented.

E. Costs not chargeable to the Oil Pollution Fund. Certain costs, however, may not be recovered by responding agencies from the Oil Pollution Fund but are still chargeable to the parties responsible for the pollution incident. These costs include the following:

1. Personnel and equipment costs funded by other appropriations which would have been incurred during removal operations.

2. Regular pay and allowance costs for personnel involved in the pollution incident response.

3. Capital depreciation costs of equipment.

4. Overhead costs.

F. The costs listed above are chargeable to the responsible parties and should therefore be documented on worksheet and in the OSC Cost Certification letter. Documentation must be such that it will withstand scrutiny of the courts. Any questions regarding the computation of these charges should be referred to the Marine Environmental Protection Branch, Seventeenth Coast Guard District.

COST DECISION LOGIC TABLE

COSTS Which are defined as	covering	are considered	and are
NORMAL	observation, monitoring, and providing advice and counsel exclusively (Non-Federal)	non-REIMBURSABLE	not RECOVERABLE from the Polluter
OPERATING EXPENSES	Personnel costs (OSC and Staff equipment operators, vessel crews, etc.); depreciation and vessels maintenance of equipment; other specific determinable costs (Phase III & IV Federal Removal Activity)	to Agency providing Service	recoverable from the Polluter
PAYMENTS TO PRIVATE CONTRACTORS OR VENDORS	CHARGEABLE containment, cleanup and disposal (Phase III & IV activity)	RECOVERABLE directly to the Fund to pay contractor vendor	recoverable from the Polluter
OUT OF POCKET EXPENSES	(1) overhead costs of industrial facilities (2) reimbursements required by law (3) Costs specifically and directly as a result of recovery activity, which were not charged directly to the fund; e.g., travel costs, civilian overtime, incremental maintenance costs, fuels, supplies and materials and minor equip-	REIMBURSABLE from the Fund to the Agency incurring expense	recoverable from the Polluter

POLLUTION INCIDENT INVESTIGATION GUIDELINES

PART 74-2—POLLUTION INCIDENT INVESTIGATIONS

▼74-2-1. PURPOSE OF POLLUTION INVESTIGATIONS

The purpose of a pollution incident investigation is to collect information and evidence that will enable the Coast Guard to initiate successful enforcement action against a polluter. This includes the location of the source and the determination of the extent and cause of the discharge, so that a civil penalty may be imposed and liabilities for removal costs incurred by the Federal Government can be fixed.

▼74-2-5. TYPES OF INVESTIGATIONS

74-2-5A. GENERAL

There are two types of pollution incident investigations for enforcement of the FWPCA: one to support a civil penalty action, and the other to support criminal action for non-notification. Notwithstanding marine casualty investigation requirements, a suspension and revocation proceedings investigation shall also be conducted for pollution incidents where U.S. vessels are involved, in every case involving licensed and/or documented personnel. However, these need not be separate and distinct investigations. In each case in which suspension and revocation proceedings is possible, it must be reviewed by an investigating officer designated in accordance with 46 CFR 5.02-20.

All OCMI's shall insure that suspension and revocation investigations are conducted in all pollution incidents involving persons acting under the authority of a license and/or Merchant Mariner's Document.

74-2-5B. INVESTIGATIONS FOR CIVIL PENALTY ACTION

An investigation for civil penalty purposes must be made for all pollution incidents, taking into account the practical factors as discussed in section 74-1-1B of this manual. The investigation must seek factual information concerning all the elements of a violation of section 311(b)(3) of the FWPCA (33 U.S.C. 1321(b)(3)). That section prohibits the discharge of harmful quantities of oil or hazardous substances into or upon the waters of the United States, the adjoining shorelines, or into the waters of the contiguous zone. The contiguous zone extends seaward a distance of nine nautical miles beyond the three-mile limit of U.S. territorial waters. A "harmful quantity" of oil has been defined as any quantity that causes "a visible *film* or *sheen* upon or *discoloration* of the surface of the water or adjoining shorelines or causes a *sludge* or *emulsion* to be deposited beneath the surface of the water or upon adjoining shorelines" or that violates applicable water quality standards (see 40 CFR 110.3). "Oil" means "oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil" (see 33 U.S.C. 1321(a)(1)). (Note: 40 CFR parts 116 and 117 list hazardous substances and their "harmful quantities.") The owner/operator or person in charge of the vessel, or onshore/offshore facility, from which the oil or hazardous substances is discharged in violation of section 311(b)(3) of the FWPCA is subject to a civil penalty of not more than $5,000 (see 33 U.S.C. 1321(b)(6)).

Discharges of oil and hazardous substances from activities under the Outer Continental Lands Act or the Deep Water Ports Act of 1974, or which may affect natural resources belonging to or under the exclusive management authority of the U.S., are prohibited by the 1977 amendments to the Federal Water Pollution Control Act. At present, however, the harmful quantities of the prohibited substances have not been defined beyond the contiguous zone.

To establish that there has been a violation, facts must be shown which support the following determinations:

(1) That oil or a hazardous substance was discharged.

(2) That the discharge was in a quantity which may be harmful.

(3) That the discharge was into or upon the navigable waters of the United States, adjoining shorelines, or waters of the contiguous zone.

(4) That the discharge was from a vessel or from an onshore or offshore facility.

(5) That the owner or operator of the vessel or facility at the time of the discharge (against whom penalty action may be taken) was identified.

The following personnel should be interviewed:

(1) Vessel Personnel. The vessel's master, licensed operator, or senior watch officer shall usually be interviewed first. The chief engineer or senior engineering officer on board should always be interviewed to ascertain the vessel's material condition and/or underway operations. Anyone on the vessel who may have knowledge of the pollution incident should be interviewed, such as a barge's tankerman or a tank vessel's pumpman.

(2) Shoreside Personnel. The person who is in charge should be interviewed first. All other persons who may have knowledge of the incident should also be interviewed. Persons to be contacted vary greatly in these situations and must be sought, depending on the nature of the spill and the suspected source. Potential interviewees are stevedores, longshoremen, dock workers, crane operators, and security patrol officers.

Statements should be obtained from all those people who witnessed the pollution incident, if possible. (See part 70-4 of this manual for interview techniques and part 70-6 of this manual for information concerning statements.)

During the conduct of an investigation, the investigating officer should also be conscious of the possibility of a violation of the pollution prevention regulations contained in 33 CFR parts 154-156 or other regulation violations applicable to the facilities or vessels involved. (See chapter 44 of this manual.)

74-2-5C. INVESTIGATIONS INTO NON-NOTIFICATION OF POLLUTION INCIDENTS

The purpose of this type of investigation is to collect information which can be forwarded to the United States attorney, so that criminal action may be brought against violators of section 311(b)(5) of the FWPCA (33 U.S.C. 1321(b)(5)). That section requires that the person in charge of any vessel or onshore/offshore facility from which oil or a hazardous substance is discharged in violation of the act, shall immediately notify the appropriate agency of such discharge. The duty officer at the National Response Center (NRC), at Coast Guard Headquarters, has been designated as the appropriate official for the purpose of receiving the notice of these discharges. As of 1 January 1977, calling the National Response Center's toll-free number (800-424-8802) will satisfy all Federal reporting requirements for discharges occurring within the continental United States. For reporting requirements in other areas and alternate officials to notify if unable to contact the NRC, see the regulations in 33 CFR part 153. The failure of a person to make immediate notification is a criminal act and, upon conviction, that person can be fined not more than $10,000, or imprisoned for not more than one year, or both.

The elements of this violation are that:

(1) All the elements establishing a violation of section 311(b)(3) of the FWPCA have been established.

(2) The person who was in charge had knowledge of the discharge.

(3) The person who was in charge failed to immediately notify the appropriate official in accordance with 33 CFR 153.

PART 74-3—COLLECTION OF EVIDENCE

▼74-3-1. PHOTOGRAPHIC EVIDENCE

74-3-1A. GENERAL

The use of photography can greatly enhance a report by helping the reader to visualize the scenario. Pictures can help to document the fact that a "quantity which may be harmful" is involved and to identify the source of the discharge. As with any other tool, the desired results can only be attained through careful use.

The complexity of photographic equipment ranges from the "aim and shoot" type of camera to a complex 35-mm system. The simplest camera that is adequate for the varying conditions found in the area should be used. A picture that is properly taken and documented is far more valuable than a high quality picture that is poorly documented or is challenged due to the use of a special attachment. It should be remembered that the intent of photography is to enhance an investigative report and *not* to provide "magazine quality" photographs. On the other hand, an inadequate camera will provide disappointing results and may do irreparable harm to a complex report.

In order to be of use in an investigative report, photographs must be properly taken and documented. The pictures should establish, beyond any doubt, that the oil being photographed was discharged by the vessel or facility. To accomplish this requires that the investigator take "area" shots to identify the vessel or facility followed by "close-in" photographs to show the amount and type of pollutant. If the pictures are taken from an aircraft, it is usually beneficial to have the initial photographs show a wide area in order to fix the position of the aircraft and the discharge. In order to facilitate documentation and enable easy reference to the photographs in a report, only photographic prints will be acceptable. Slides are acceptable *only for special uses* such as presentations. The photographs shall be mounted and labeled as shown in plate 74-3-1A.1. The information shown shall be stamped on the back of each photograph *or* on a separate page with the photo mounted to cover it, so long as the photograph is indelibly marked with the case number and the photograph number. The investigator shall keep his photographic log in the Water Pollution Incident Report Workbook, Form CG-3639A, *or* on separate notes. A separate roll of film shall be used for each case or sighting.

Local controls to insure that the chain of custody for each roll of film is not broken will vary with the size and workload of the unit. Preferably, each unit should have a single lab to perform its developing, and should inform that lab that the photographs are to be used for documentation of Coast Guard investigations. The lab should be required to deliver the negatives in one continuous strip, instead of cutting them into segments.

74-3-1B. AERIAL PHOTOGRAPHS

Since photographs provide the most graphic evidence that a polluting substance such as oil was discharged, and since many pollution sightings occur during missions other than marine environmental protection (MEP) patrols, cameras and sufficient supplies of film should be carried on all aircraft flights. When a discharge is sighted, the following subjects should be included in the photographs, to the maximum extent practicable:

(1) Vessels:

(a) The vessel and its wake, if underway.

(b) The discharge and its relationship to the vessel (long-range and short-range).

(c) The vessel's name.

(d) The source of the discharge from the vessel (if ascertainable).

(e) If a tow, the towing vessel and its wake, in addition to the tow's wake.

(f) Any unusual activity on the deck of the vessel.

(g) Any buoys or other structures in the area (including land masses) and their positions in relation to the vessel. This will aid in documenting the exact location of the vessel.

(h) Any other vessels in the immediate area and their wakes.

(i) Any other possible sources of discharge in the immediate area.

(2) Facilities and other sources:

(a) The facility (or suspect source) in sufficient detail to provide positive identification, including its relationship to any other landmarks.

(b) The point source of the discharge (if available), in sufficient detail to identify its location on the facility.

(c) The sheen/discoloration in the vicinity or extending from the suspect facility (long-range and short-range).

(d) Any vessels moored at the facility, or anchored or moored in the immediate vicinity.

(e) Any unusual or incriminating activity on the facility or on vessels in the immediate vininity.

(f) Any other suspected sources in the immediate area.

Photographing aerial sightings of pollution incidents presents certain problems not encountered in photography from ground level. Excessive motion due to the high speed of the aircraft, air turbulence, and power-plant vibration can be minimized by utilizing cameras with high shutter speeds and taking care not to brace the cameras or the photographer against the aircraft. The pilot may assist in minimizing movement by slowing the aircraft and by slipping the aircraft towards the subject when in position for a good photograph. Hovering in a helicopter may be useful in some instances but does have a tendency to increase vibrations.

Atmospheric haze is also a problem for the aerial photographer. To minimize its effects, the sun should be behind the camera, the photograph should be taken through an open door or window, and a Skylight filter should be used. Generally, the exposure setting indicated by the camera's light meter will be accurate at lower altitudes. When taking pictures from greater heights or when there is considerable haze, it is advisable to "bracket" pictures by taking a picture at an aperture setting above and below the setting indicated by the camera meter. It may be advisable to bracket exposures at all times if past experience indicates problems with haze.

While most of the above comments apply to a 35-mm camera system, some of them apply to the "aim and shoot" type. It is emphasized that aerial photographs should be taken with the simplest camera which gives consistently good results. Each pollution sighting is to be photographed on a separate roll of film. District commanders shall assist air stations in the procurement of proper photographic equipment and the training of aircrew members in its use. All photographic information should be entered in the Water Pollution Incident Report Workbook in the spaces provided.

74-3-1C. SURFACE-LEVEL PHOTOGRAPHS

The investigating officer or his assistant should take photographs of the affected area and log the applicable data in the Water Pollution Incident Report Workbook. Both long-range and detailed close-range color photographs should be taken of the discharge and the suspected source of the discharge. Long-range photographs should include enough of the surrounding scenery to permit positive identification of the location (landmarks, people, name and homeport on the vessel's hull, etc). Close-range photographs should be related to a long-range picture to show where they fit in. A person, tape measure, yardstick, etc. should be utilized to indicate relative size. On many prints, particularly those having a textural finish, a felt-tip pen can be used to point out specific areas to be illustrated (some detail can be lost with textured finishes, however). Photographs taken of a pollution incident should depict a fair and accurate representation of the situation. The

minimum number of photographs which should normally be taken include:

(1) A comprehensive one, showing a broad view of the scene.

(2) At least one showing the path taken by the pollutant from the source to the water, and more if necessary.

(3) One or more which shows the pollutant in the water.

When photographing oil in the water, care should be taken that the angle and distance are such as to preclude confusion between the oil and the natural surface reflection of the water, and between discolored water and shadow effects.

If individuals other than Coast Guard personnel volunteer to photograph a pollution incident, they shall be instructed as to the type and character of the photographs desired. They shall also be advised that the Coast Guard cannot reimburse them for the costs of processing the photographs; however, the film used can be replaced in kind.

▼74-3-5. STATEMENTS

74-3-5A. GENERAL

The ideal statement is written in the witness' own handwriting. It should include his name, a description of his employment, his location at the time of the incident, and his description of the incident.

Often, it is impossible to obtain a written statement due to reluctance on the part of a witness. When this occurs, the investigator should transcribe statements and answers to questions given by the witness and have the witness sign it. If the witness refuses to sign, the investigator should check the accuracy of his notes with the witness in the presence of another investigator or a person willing to attest to the statements of the witness being questioned. For the purposes of witness information, to "verify" is to check the accuracy of the investigator's notes with the witness; to have the notes "attested" is to have another investigator or person present, who will observe the taking of the statement and confirm that the written notes accurately reflect what the witness has said. A suggested statement form is provided in plate 74-3-5A.1. The following is the order of preference for witnesses' information:

(1) Handwritten and signed statement.

(2) Attested notes of the investigator's interview, signed by the witness.

(3) Verified and attested notes of the investigator's interview.

(4) Verified (unattested) notes of the investigator's interview.

(5) Unverified and unattested notes;

74-3-5B. PRIVACY ACT STATEMENTS

The need to collect a witness' name, address, telephone number, and/or place of employment necessitates providing him with a Privacy Act statement. Interviewing bystanders does not require a Privacy Act statement, unless one is collecting personal information. Whenever the investigator feels that a statement with the personal information noted above should be collected, the potential witness should be provided with a Privacy Act statement. Care should be taken to explain that you are *not* giving them a Miranda warning. (A sample Privacy Act statement is provided in plate 74-3-5B.1.)

74-3-5C. PROTECTION OF WITNESSES

Witnesses are often reluctant to give information because of possible sanctions they may suffer if it is made known that they provided information to a Coast Guard investigator. Section 507 of the Federal Water Pollution Control Act (33 U.S.C. 1367) provides a measure of protection by establishing a procedure whereby an employee may apply to the Secretary of Labor to investigate his employer, when the employee has been fired or otherwise discriminated against for participating in any proceeding for enforcement of this act.

Statements collected in the course of an investigation and presented as part of the evidence to be considered by the hearing officer cannot be withheld in any part from the [redacted] without violating his right to administrative due process.

When a witness or potential witness expresses a concern over possible sanctions by his or her employer, the investigator should draw upon the information provided to develop evidence which can then be presented to the hearing officer without disclosing the identity of the employee.

Investigators are cautioned that once written information is made part of the unit file, even though it is not presented to the hearing officer, the entire file may be subject to the discovery process if a judicial proceeding for collection or appeal is begun.

When the statement of a witness is essential to the case, certain protections can be afforded to prevent exposure of the witness through Freedom-of-Information Act requests on the discovery process of a judicial proceeding. Close contact with the district legal office should be maintained whenever the question of protection of witnesses in such cases arises.

▼74–3–5D. STATEMENTS FROM SUSPECTED POLLUTORS

When interrogating a civilian in a criminal law enforcement investigation, Miranda-type warnings must be given if an individual (as opposed to a corporate suspect) is:

(1) Suspected of a criminal offense, *and*

(2) In custody or in an equivalent situation where his freedom of movement is restrained.

Although criminal actions under pollution-control laws most frequently are against corporate entities, there are situations in which criminal prosecutions are initiated against individuals. In these cases, a warning is required prior to commencing a custodial interrogation. If in doubt, the district legal officer should be contacted. Section 70–4–25C of this manual contains the text of a proper Miranda warning. (It should be noted that most pollution investigations are *not* for criminal offenses. The only criminal pollution offenses normally investigated are for section 311 (failure to notify), section 309 (willful pollutant discharge), Refuse Act violations, and violations of the Oil Pollution Act of 1961, as amended.)

74–3–5E. STATEMENTS FROM COAST GUARD OBSERVERS

District commanders shall insure that Coast Guard observers on oil-surveillance overflights and waterborne patrols (inner harbor patrols, etc.) are trained to provide the on-scene coordinator (OSC) with the following minimum information:

(1) The time of the observation.

(2) The apparent size of the discharge and whether it created a sheen, film, sludge, emulsion, discoloration, or a violation of applicable water quality standards.

(3) The location of the discharge or sighting, including the information necessary to determine "navigable waters" (see section 74–4–10C).

(4) The apparent source, if possible.

(5) The prevailing weather, tidal, sea and current conditions.

(6) The type of pollutant.

(7) The experience of the observer.

The observer should provide the OSC with a written statement describing in detail the discharge as observed. Estimates of spill size should also include how the observer arrived at the estimate. Plate 74–3–5E.1 contains a sample statement for use as a guide.

74–3–5F. FORMAT OF STATEMENTS

Plate 74–3–5F.1 contains a suggested format entitled *Pollution Incident Statement*. It is the preferred format for all statements not requiring a

Miranda warning. (For guidance concerning Miranda warnings, see section 70-4-25C of this manual.) The statement form used should contain the warning statement as presented. Plate 74-3-5F.2 contains a suggested format entitled *Pollution Incident Summary or Statement*. It is to be used when the investigator must, or elects to, interview a suspect who will waive the right to remain silent but will not sign a statement. The waiver statement is not required when a witness is not a suspect.

▼74-3-10. PURPOSE OF SAMPLING

Annex VIII of the National Oil and Hazardous Substances Pollution Contingency Plan states that samples must be obtained as part of the Federal activity following a discharge of oil or hazardous substance, for use in identifying the source and the party responsible for the discharge, and for the recovery of removal costs. Sample analysis is also useful for civil and criminal enforcement actions under appropriate Federal statutes.

The basic assumption upon which sampling rests is that the samples are representative of the pollutant and the source. A sample's value as evidence depends upon whether this assumption is valid or not. It is important for the investigator to remember that anything he does that calls into question a sample's "representativeness" damages that sample's usefulness as evidence (e.g., was the chain of custody maintained?).

By following these guidelines, the investigative team will maintain proper sample custody, prevent sample contamination, minimize damage during shipment, and provide the laboratory with sufficient sample for a complete analysis. Consequently, the laboratory will be better able to provide legally valid evidence and more convincing testimony.

▼74-3-15. SAMPLING PROCEDURES

74-3-15A. GENERAL

Samples should be taken from the water by the investigating officer or his assistant immediately upon arrival at the scene of the pollution incident. The first opportunity to take a sample may be the last. The pollutant may evaporate, spread, or be dispersed by wind or current. In the weathering process, the pollutant may change significantly, and a comparative analysis might not show a positive match, even if the two oils were the same initially. Proper handling and storage of the samples once taken will minimize any further weathering. All information about the samples should be recorded in the Water Pollution Incident Report Workbook.

A minimum of three samples is required:

(1) "Clean unpolluted" water from "upstream" to show prespill conditions.
(2) The pollutant itself (it is necessary to take samples from different locations if the spill is widespread).
(3) Suspected sources in the area.

It may be necessary to obtain several samples from a suspected source. A tank vessel may carry different products in her cargo tanks, requiring a sample from each, not to mention samples from ship's fuel tanks, daytanks, and bilges (including pumproom bilges). Bilge samples should be taken as close as possible to the suction for the bilge pump in each compartment.

All possible sources of the discharged pollutant must be investigated where practicable. The term "possible sources" in this connection means vessels or facilities which, at or near the time of the discharge, might have been the source. Where available facts demonstrate that the pollutant could not have been discharged from a particular vessel or facility because:

(1) The pollutant was not on the vessel or facility at the time of the discharge, or
(2) The wind and current conditions existing between the time of the discharge and the time of discovery cannot account for the known location or movement of the discharge.

then that vessel or facility is not a "possible source." The facts which so eliminate a vessel or facility from consideration as a possible source should be stated in the investigation. When it is impracticable to sample all "possible sources" as in a heavily trafficked waterway, this fact should be stated. Also, where all "possible sources" have been sampled, that fact should be noted in the investigative report. Cases have been lost when it was found later that a nearby ship or facility carried the same product that was spilled but was not sampled or otherwise noted and eliminated from suspicion.

74-3-15B. EQUIPMENT

Clear, four-ounce glass, wide-mouth bottles with Teflon-lined lids are preferred containers for samples. Cleanliness of sample bottles and all sampling equipment cannot be over-emphasized. The presence of any other oil or oil by-product may destroy the representativeness of a sample. A Teflon-lined screw-top is necessary to prevent contamination of the sample. Mayonnaise, peanut butter, or fruit jars have tops which are backed with a rubber, plastic, or waxy material. When these materials come in contact with petroleum oil, a small amount of the backing will dissolve and alter the fingerprint of the oil. Altering the fingerprint renders the sample useless. If a sample must be taken and the recommended jars are not available, use a clean glass jar and cover the top with aluminum foil before placing the screw-top on the jar. A major problem with this is that foil-lined tops almost always leak during shipment. Some pollutants may require a different or special "insulating" material. The laboratory that will conduct the analysis should be contacted whenever a question arises as to the appropriateness of any "insulating" material.

Although most vessels and facilities have some means of obtaining samples, difficulties may be encountered when attempting to obtain samples from an underground storage tank at an apartment complex or gas station, or from piers not affording easy access to the water. A one-foot length of two-inch pipe, capped at one end with a bridle on the other end for attachment of a line, provides a servicable one-use device for obtaining a sample. Standard equipment that should be contained in the investigating officer's "sample kit" includes:

- Disposable gloves
- Line (or sail twine) for suspending sample jars
- Rags, towels, etc.
- Hand cleaner
- Teflon strips
- Tongue depressors
- Sample bottles
- Chain-of-custody and sample identification labels
- Aluminum foil
- Plastic tape and Magic Marker

A description of recommended materials and ordering information is shown in plate 74-3-15B.1.

▼*74-3-15C. DETAILED PROCEDURES*

Direct contact of the sample-taker with the oil being collected is to be avoided, unless it is clearly evident that there is no hazard involved. The reason for such a policy is to protect the sampler from any unknown chemicals which may be in the water. Contact can be avoided by using a string tied to the sample jar, a tongue depressor to scrape a sample off a rock or piling, use of Teflon strips, or by wearing protective gloves when taking a sample. Field use of a ladle is *not* recommended, due to sample contamination problems requiring "once only" use of a ladle or the carrying of flammable and toxic cleaning agents in the field. Sufficient samples should be taken at various times and locations to insure that all the oil being cleaned up originated from the same source.

Dip the bottle in the oil at an angle of about 30 degrees from the vertical, submerging the lip of the bottle just below the layer of oil. This procedure draws the oil off the surface of the water and into the bottle. For sampling substances other than oil that are miscible or partially miscible in water, obtain several samples (preferably at different locations) and attempt to collect the strongest concentration of the pollutant in the water.

Contamination of the sample can be avoided by the application of common sense and the following few simple procedures:

(1) No part of any sampling device, contaminated by the collection of a prior sample, should come in contact with the oil being sampled.

(2) Sample bottles should not be filled greater than two-thirds full. This eliminates the possibility of the sample contents expanding and breaking the seal of the jar.

(3) Unused bottles and unused Teflon or aluminum foil-lined caps are to be used in taking the samples. A four-ounce, wide-mouth sample bottle is preferred.

This does not preclude taking a "sample of opportunity" utilizing another type of sample container if the situation warrants. Steps are being taken by the Commandant to provide standard sample bottles, caps, and labels through the Coast Guard supply system.

Remove excess water from an oil sample by using a tongue depressor to hold back the oil, allowing the water to flow out of the bottom; or invert the bottle, loosen the lid, and let the water flow slowly out the bottom. If Teflon strips are used for sampling light oil sheens, skim them lightly through the oil, then place just the strips into the sample jar. After the oil has run off the strips, repeat the process until sufficient oil is collected.

▼74-3-20. POSTSAMPLING PROCEDURES

74-3-20A. SEALING

As soon as samples are collected, they should be sealed. Seal should consist of tape around the gap between lid and the jar to keep the lid on and the sample from evaporating. Gummed labels should then be placed on the jar overlapping the tape edges. The labels should have the sample identification on one label and the chain of custody list on the other.

74-3-20B. LABELING

The identification and custody information shall be filled out immediately after securing the top to the jar. Each label must contain the following information:

(1) The source of the sample, described as precisely as possible; e.g., "sample, obtained from the water, Baltimore Harbor, 15 yards off port quarter of M/V Searail Express, moored Berth 7, Searail Marine Terminal."

(2) The date and time that the sample was taken.

(3) The name of the person who took the sample.

(4) The name of the person who witnessed the collecting of the sample. If possible, the witness should be from the suspected source. (It should be noted that all witnesses may be called upon to testify concerning where and when a sample was taken, what method was used, the cleanliness of the equipment used, and how it was sealed and labeled.)

Pregummed labels which are resistant to oil and water should be used. The labels can be rubber-stamped in indelible ink, showing the information in plate 74-3-20C.1. These labels are available as GSA stock. Rubber stamps will require local procurement.

The investigator should make all necessary notes in the Water Pollution Incident Report Workbook. Entries should contain comments about how the sample was taken, the exact location where the sample was taken, a diagram showing where the samples were taken, weather conditions, etc.

Prior to shipping samples, insure that the case number and sample number are clearly marked on each sample and the transfer documents.

74-3-20C. CHAIN OF CUSTODY

One of the purposes of taking a sample is to permit chemical analysis and thereby identify the pollutant in the water as positively originating from a specific vessel or facility. Courts have rejected samples, otherwise properly obtained and analyzed, that have been subject to a broken chain of custody. All samples must be maintained in proper custody until orders have been received from competent authority directing their disposition. Precautions should be taken to protect the samples from breakage, fire, alteration, and tampering. It is important that a chain of custody of the samples be properly maintained and recorded, from the time the samples are taken until their ultimate use at a hearing or trial. The chain of custody begins when the sample is taken and *extends* to its ultimate disposal. In order to accomplish this, documentation and accountability are needed. In this regard, a record of time, place, and the name and title of the person taking the sample, and each person handling the sample thereafter, must be maintained and forwarded with the sample. (See the sample chain-of-custody record label in plate 74-3-20C.1.)

The chain of custody must be kept on each individual sample by signing the label on the bottle to transfer custody. Once the unit custodian has taken custody of each bottle and wishes to transfer the set of samples to another unit (i.e., a FOIL or COIL), Form DD-1149 or a similar document detailing the identification of each sample may be used. An initial copy of the transfer document should be kept in the case file, as well as the copy the receiving unit custodian returns to the sending unit.

74-3-20D. STORAGE OF SAMPLES

In the field, the investigator should maintain the samples in his custody and within view whenever possible. During the course of an investigation, it is not always practicable or possible to carry around previously-taken samples. Transfer of custody to a responsible person who will transport the samples to the unit custodian is preferable; however, if the investigator finds it necessary to temporarily store the samples, the bottles may be locked in a vehicle, *provided*:

(1) The keys to the vehicle are in the possession of the investigator(s) and are not given to anyone else during this period.

(2) The samples are protected from direct sunlight and the heat which can build up in a closed vehicle, by wrapping them in several layers of newspaper, a jacket, a blanket or other insulating material, or by placing them in an insulating pouch or a styrofoam cooler.

(3) The vehicle is opened and aired out and the samples transferred to an open area (i.e., out of the trunk) prior to starting the vehicle.

(4) The nature of the case makes it unlikely that someone would want to break into the automobile to tamper with the samples.

(5) The samples are removed from the vehicle and properly stored once the vehicle *or* investigator returns to the unit.

A key part of proper accountability is minimizing access to the samples while in storage. This may be accomplished in several ways. The recommended method is to designate a sample custodian whose function is to insure the proper storage, shipment, analysis, and disposition of samples. All samples should be placed in his custody at the earliest possible time. The samples should be delivered to the custodian directly during working hours and via the duty officer after working hours. As with all custody transfers, care should be taken to document the transfer of custody of each sample from the sampler, to the duty officer, or to the sample custodian on the record attached to the sample. The samples are to be stored in an explosion-proof refrigerator at a temperature of 41–45 degrees F (5 – 7 degrees C). *DO NOT FREEZE*; at temperatures below 40°F (4.5°C) petroleum oil will tend to dewax, which will alter the fingerprint. If no refrigerator is available, the sam-

ples may be stored in a cool, dark, dry, air-conditioned room until transfer to a lab or other unit with refrigerated storage can be accomplished.

The duty officer and the sample storage custodian should be the only ones with access to the storage area. All "in-house" transfers shall be logged on the spaces provided on the sample tag. All transfers outside the unit and all disposals shall be logged on a copy of Form DD-1149 or similar document. Each sample should be individually listed by sample number and source of sample. The reason for using Form DD-1149 is to enable the unit to have a record in the case file of all outside transfers and the disposal of samples.

If samples are to be stored for evidence in court or until disposition of civil proceedings, they shall be kept away from uncessary heat and light. If samples must be saved for an indefinite period, due to the magnitude or sensitivity of a case, the samples should be transferred to the Central Oil Identification Lab (COIL). The chief of the Central Lab shall be contacted directly and his concurrence obtained prior to shipping the samples. Minor cases which are awaiting adjudication and cost recovery should be held at the unit level. If the unit has insufficient storage capacity, the establishment of a district storage capacity or expansion of the unit's storage capacity should be explored prior to using the Central Lab.

74-3-20E. PACKAGING AND TRANSMITTAL OF SAMPLES

Certain information concerning the case is required to properly interpret the weathering of the samples, establish communication with the field unit to gain additional information about the conditions on scene and to document the transfer of the samples.

A letter requesting analysis containing the following information shall be enclosed with a Form DD-1149 inside the shipping container:

(1) Pollution case number (and name if used).

(2) Contact point, name, and phone number for further information.

(3) Wind conditions, air temperature, and other weather conditions (e.g., sunny, overcast, etc.).

(4) Note if case involves seepage of oil through the soil; estimate distance or other pertinent information.

(5) Possible contamination sources (i.e., sewers, chemical plants, etc.).

(6) If all samples collected are not being forwarded for analysis, explain.

(7) Other relative information.

In addition, a description of the samples should be provided with the letter enclosed with the Form DD-1149 identifying the sample number, indicating whether the sample is a spill or suspected source, and providing a description of the sample (including the location of the material at the time it was sampled). Samples of a request-for-analysis letter and Form DD-1149 are provided in plates 74-3-20E.1 and 74-3-20E.2.

Shipment of samples must be in accordance with U.S. postal regulations and Department of Transportation regulations (limited quantity shipments, 49 CFR).

Combustible liquids (#2 diesel oil and higher flash point liquids) can be shipped through the mail if properly packaged and identified. Flammable liquids (flash point lower than #2 diesel oil) must be shipped as limited quantity shipments by commercial carriers (e.g., United Parcel Service).

When in doubt as to the flash point of the liquid in the samples, transfer as limited quantity shipments by common carrier.

Important considerations when transferring samples are:

(1) Each carton must contain no more than 16 fluid ounces of oil in all the samples.

(2) Each jar must be no more then 2/3 full to allow for expansion.

(3) Sufficient absorbent to take up the total liquid content of the samples must be provided.

(4) The carton must be labeled with the proper shipping name of the contents and the designation, limited quantity.

Common carriers may provide labels to designate shipments of limited quantity, but the shipper must designate the proper shipping name and the quantity.

For further information on the packaging and shipment of oil and other hazardous chemicals, refer to U.S. Postal Service Pub. 52 and Title 49 CFR.

The following standard packaging shall be used by all Coast Guard units when transferring oil or other substances as samples for analysis between units: Sample jars shall be properly labeled with the sample number, case number, and other identification. Also, a gap should be left between the labels so that the liquid level of the sample can be seen without opening the jar. The lid should be sealed by wrapping tape around the gap between the lid and the jar. This will keep the lid from becoming loosened and prevent the release of vapors or liquid. Wrap each bottle separately to cushion it or place two bottles in a standard mailing tube.

A heavy-duty corrugated shipping container shall be procured and lined with a plastic bag large enough to gather at the top when the box is full. A 2 inch layer of vermiculite or other absorbent cushioning material shall be poured in; then the wrapped jars or tubes shall be packed, with approximately 1 inch of cushioning material on the sides and top of the samples. The plastic liner shall be sealed, and a Form DD-1149 transfer document and the request-for-analysis letter shall be placed in the box. Reinforced tape shall be used to seal the top and bottom of the carton, the top shall be labeled "this end up" and the samples shall be shipped or mailed with registered return receipt requested.

▼74-3-25. SAMPLE ANALYSIS

Investigating officers should not routinely rely completely on the comparative sample analysis to substantiate the source of a discharge. Samples are circumstantial evidence that must be connected with other facts such as:

(a) Not only do the samples match, but

(b) It was the only ship in the area;

(c) It is the only facility that handles this product;

(d) A certain amount of oil is unaccounted for;

(e) Traces of oil were found on the PV valve flame screen;

(f) Evidence of a recent spill and subsequent cleanup was apparent;

(g) There were buckets of oil-saturated sand, shovels, and other materials present on deck, etc.

Sample analysis should not normally be conducted when there is sufficient evidence for these purposes without analysis reports. When the analysis of samples is needed to assist in the investigation of a pollution case, the complete set of samples should be sent to a Field Oil Identification Laboratory (FOIL) or the Central Oil Identification Laboratory (COIL) according to the following criteria. The FOIL units are designed to provide a quick response to the needs of the investigative unit, and FOIL results provide substantial support when incorporated with other evidence in pollution cases. The FOIL is also used to screen out non-match suspected source samples when the case involves a large number of samples.

Cases should be sent to COIL if:

(a) A FOIL unit is not available to your unit.

(b) Only a small amount of oil, less than 2 tablespoonsful, in one or more of the samples is available for analysis. (When in doubt, send to COIL.)

(c) The spill is gasoline, kerosene, or other very volatile petroleum oil.

(d) The suspected polluter is uncooperative and a hearing or legal action is likely.

(e) The samples are the only evidence which tie the spill to a source.

(f) The FOIL results need to be verified.

Cases involving non-petroleum spills should normally be sent to COIL. However, there are special shipping instructions and precautions to be taken depending on the nature of the pollutant. In these cases, COIL should be contacted by telephone for instructions.

Many of the EPA regional laboratories provide sample analysis services for the Coast Guard either free of charge or for a nominal fee. While this procedure is economically advantageous and technically sound, several difficulties have evolved when relying exclusively on these laboratories:

(a) Immediate analysis is often difficult to obtain because of the time required to transport the samples from discharge sites to distant EPA regional laboratories, and to return the analysis data. Certain situations, such as the location of an unknown source of a continuing discharge or the prevention of scheduled departure of a suspect vessel, demand prompt sample analysis.

(b) The capacity of some EPA regional laboratories has proven inadequate to handle the volume of work submitted by the Coast Guard, and backlogs of one to several months have delayed the processing of routine samples. Postponement of legal proceedings may result. This situation exists in part because analytical services are often being requested unnecessarily, when the pollution source is known and adequate evidence has been obtained for subsequent enforcement actions.

(c) Due to travel times and distances, it is difficult for these laboratories to sacrifice the analyst for appearance at hearings to present the result of sample analysis.

Most commercial and university-research institute laboratories are not equipped to properly analyze oil samples. In the past, demand has not justified the purchase of equipment for the recommended identification techniques and a lab will tend to rely on one method such as infrared spectroscopy for analysis. Commercial or other independent labs are *not* to be used without coordination through Commandant (G-WEP-3).

▼74-3-30. SAMPLE DISPOSAL

Ideally, samples should be held until the case is adjudicated and all penalties and cleanup costs are received. As a practical matter, the storage of samples for extended periods becomes cumbersome and often impossible for field units due to space limitations. Improper storage of samples is not the answer to this dilemma. Improperly stored samples are, at best, a safety hazard and probably are seriously limited in their usefulness. Which samples are to be destroyed first shall be determined by a number of parameters. Among them are:

(a) The sensitivity or importance of the case.

(b) The importance of sample analysis to the case.

(c) The civil penalty and cost-recovery status of the case. (If the removal costs and/or the civil penalty are unpaid, the concurrence of the district legal officer *must be obtained* prior to disposal.)

Requests to dispose of samples should be made to the district commander (m) by Rapidraft letter. A copy of the approval letter should be filed with the case and a notation made when the samples are disposed of.

Disposal of samples may be conducted at any approved waste oil disposal site. If the unit has an oily water separator for small-boat use, the liquid waste from oil samples and analysis may be processed through it without hurting the coalescers, *provided* that acid content is held to the amount contained in the laboratory reagents. The empty jars may then be

disposed of in any trash system. Full sample bottles may be put into the regular trash disposal system, *provided* they will not leak oil while awaiting pickup. Used bottles are never to be left in an indoor waste basket, but may be placed in an outside "dumpster" or trash can. An effort should be made to conduct sample disposal on trash pickup days.

▼74–3–35. OTHER REAL EVIDENCE

In some instances, it may be possible for the investigator to obtain additional physical evidence. This might include a section of rotted hose, a broken valve, a section of rusted hull plating, etc. This evidence should be labeled with the same information and maintained in the same manner as outlined for liquid samples. All information concerning the location(s) from which the evidence was taken, description, etc., should be listed in the Water Pollution Incident Report Workbook.

PLATE 74-3-1A.1
PHOTOGRAPHIC DOCUMENTATION

No._____Case No._____
Date_____Time_____
Vessel/Facility_____
_____
Location_____
_____
Description_____
_____
_____
_____
_____
_____
Photographer_____
Witness_____
Camera Type_____Setting_____
Film Type_____Process_____
Remarks_____

NOTE: "Not Applicable (N/A)" will be placed in all spaces not required to be filled out, or for which information is unnecessary.

PLATE 74-3-5A.1

POLLUTION INCIDENT SUMMARY OF STATEMENT

THE FOLLOWING IS A SUMMARY OF AN ORAL STATEMENT MADE BY

_____ OF _____.

THIS STATEMENT WAS MADE TO _____ ON

_____ (time/date), CONCERNING A POLLUTION INCIDENT

WHICH OCCURRED AT _____ (location), AT _____ (time) ON _____ (date).

_____ (signature)

WITNESSED BY: _____ (signature)

PLATE 74-3-5B.1

SAMPLE PRIVACY ACT STATEMENT

The investigator of this pollution incident wishes to obtain your name, address, telephone number, and place of employment. In order for the investigator to collect this private information, the Privacy Act (5 U.S.C. 552a(e)(3)) requires that you be informed concerning: the authority of the investigator to collect this information; the primary purposes for which the Coast Guard will use this information; any secondary purposes for the information; and whether your disclosure of this information is voluntary or required by Federal law.

1. Authority. The investigator, as a Federal law enforcement officer (14 U.S.C. 93e and E.O. 11735 of August 3, 1973), is requesting this information pursuant to the authority contained in the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321 et seq), and regulations written to enforce this law.

2. Principal Purposes for this Information. The statement which you provide the investigator will be used to determine the cause of this pollution incident and establish the identity of the discharger. Your name, address, and other personal information is needed to enable the investigator to contact you if more information is needed or to clarify aspects of your statement. Your identity and contact information is needed in order to use your statement at the civil and criminal proceedings which may result from this investigation.

3. Other Purposes for this Information. No other uses for this information are intended.

4. The disclosure of your personal information is voluntary.

PLATE 74-3-5E.1

SAMPLE COAST GUARD OBSERVER'S STATEMENT

STATEMENT MADE BY:	AM2 I.M. RIBALDFELLOW
TIME OF OBSERVATION:	1305R, 27 MAR 79
SIZE AND DESCRIPTION OF DISCHARGE:	200x200' thick black oil, heavy sheen for 2 miles
LOCATION OF DISCHARGE:	Petrobelch Refinery, Watadump, MD
SOURCE:	M/V TRANSWORLD DEPOSIT
WEATHER CONDITIONS:	Clear, VSB 7-10, wind ENE 5-10kts
TIDE:	N/A
DIRECTION OF CURRENT:	SSE 1/2 kt
TYPE OF POLLUTANT:	Petroleum
EXPERIENCE OF OBSERVER:	2 years as observer on pollution overflights (approx. 40 flights)

STATEMENT:

I was an aircrew member aboard aircraft CG-1946 during a routine overflight of Watadump Harbor on 27 March 1979. At approximately 1305 local time, the flight passed over the Petrobelch Refinery, located at the mouth of the Mogacrud Creek where it empties into the Watadump River. At that time I noticed a thick black layer of oil near a vessel at the refinery. The pilot brought the aircraft into a hover and descended for a closer look. The name of the vessel was observed to be the TRANSWORLD DEPOSIT, homeport French Frigate Shoals. The thick, black slick was located on the outboard (starboard) side of the vessel and extended from the forward bulkhead of the after deckhouse to midships, and extended an equal distance out from the slick approximately 2 miles down-current. A dark streak of oil led down the side of the vessel from the manifold area on the starboard side to the slick. Crew members were observed in that area turning valves and working on flanges. We reported the spill to MSO Cleanemup via radio and continued the patrol after taking photographs.

(signature) _____

(date) _____

PLATE 74-3-SP.1

POLLUTION INCIDENT STATEMENT

STATEMENT MADE BY: _____

TIME & DATE OF INCIDENT _____

TIME & DATE OF STATEMENT _____

_____

WITNESSED BY: _____

PLATE 74-3-SP.2

POLLUTION INCIDENT SUSPECT STATEMENT

STATEMENT MADE BY: _____

TIME & DATE OF INCIDENT: _____

TIME & DATE OF STATEMENT: _____

I, _____, understand that I have the right to remain silent - that is, to say nothing at all. I understand that, if I do not exercise my right to remain silent, anything I say may be used against me in a Federal or state court or administrative proceeding. I further understand that I may have a lawyer present with me during questioning, and that I may consult with a lawyer before any questions are asked of me. This lawyer may be retained by me or, if I am unable to afford my own lawyer, one will be provided for me without charge.

I understand that if I do not exercise these rights and I answer questions, I may change my mind at any time after the questioning has begun, after which no more questions will be asked of me. Understanding all of these rights, and having received no threats, or promise of reward or immunity, I voluntarily waive my rights as stated above and make the following statement:

_____
(signature)

WITNESSED BY: _____

PLATE 74-3-15B.1

A standard sampling kit has been developed for Coast Guard-wide use. Procurement and distribution of an initial issue will be made to field units in early FY 80. In the interim, field units requiring such items are encouraged to utilize the following list and supply data when ordering:

Sample Kit Carrier: Nalgene® pint safety bottle carriers. Available from scientific supply houses carrying "Nalgene" labware on GSA contract GS-00S-86114.

Sample Bottles w/ Mailer Tube: 4 oz. glass sampling bottles with Teflon®-lined screw tops. Cardboard slip-fit mailing tube holds two bottles snugly.

A set of two bottles with mailer tube is available through:
Sunshine Chemical Corporation
Box 17041
West Hartford, CT 06117
Phone (203) 232-9227
ATTN: Mr. Stephan Kaufman

Disposable Gloves: GSA stock NSN 6515-00-477-6722.
Tongue Depressors: GSA stock NSN 6515-00-753-4533.
Twine, Cotton, 6-ply: GSA stock NSN 4020-00-233-5984.
Labels, White Adhesive, 2x3½", water- and oil resistant: GSA stock NSN 7530-00-054-1579.
Masking Tape, 1" wide, 60 yd/roll: GSA stock NSN 7510-00-266-6712.
Paper Tape, Reinforced, 3" wide, 2-ply: GSA stock NSN 8135-00-598-6097.
Plastic Liners (for shipping cartons), 24x35" flat bag, .0015" thickness: GSA stock NSN 8105-00-702-7175.
Shipping Carton, Heavy-duty, Weather-resistant, Corrugated, 10x10x10", Style RSC: GSA stock NSN 8115-00-190-4959.
Vermiculite (packing material) -- available at gardening supply centers or plant nurseries.

PLATE 74-3-20C.1

SAMPLE LABEL FORMAT

(name & address of unit)

CHAIN OF CUSTODY

Signature	Date/Time	Comments

CASE# _____ SAMPLE# _____

TIME _____ DATE _____

SAMPLER _____

WITNESS _____

SOURCE OF SAMPLE _____

PLATE 74-3-20E.1

DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

MAILING ADDRESS
U.S. COAST GUARD

16450
9 April 1979

From: Captain of the Port of Philadelphia
To: Supervisor, U.S. Coast Guard Central Oil Identification Laboratory

Subj: Sample analysis; request for

1. Request analysis of the six oil samples identified on the attached transfer document for case number 124-79 (Crystal Harbor).

2. Questions concerning this case should be directed to LT R. BROWN at COTP Philadelphia, FTS 8488-4713.

3. Spill samples 1 and 2 were collected from the fresh water creek feeding into Crystal Harbor; spill sample 6 was taken from the shoreline one-half mile southwest of the mouth of the creek.

4. An estimated 750 gallons of oil were spilled and cleanup costs are estimated at $5200.00.

5. Wind conditions varied from very windy (35 knots) at the time of the discharge to calm on the following morning.

6. Air temperature (—the critical breakdowns are: below 32F; 32-60F; 60-85F; 85-95F; above 95F).

7. Other weather conditions (e.g., overcast, bright sun, rain, snow, etc.).

8. The spill did/did not involve seepage through the soil. (If it did, indicate the distance the pollutant traveled from the suspected source)

9. List any possible non-petroleum contaminant sources located in the general spill area (e.g., sewage outfalls, chemical plants, etc.).

10. Are all samples for the case being forwarded to COIL? If not, explain the reason (e.g., being pre-screened at a FOIL).

11. Any additional information about the samples or the overall situation which may be helpful to lab personnel.

PLATE 74-3-2(F.2

REQUISITION AND INVOICE/SHIPPING DOCUMENT

	1	1	9 April 1979

COTP Phila 124-79

Captain of the Port of Philadelphia
c/o USCG Base, Gloucester City, NJ 08030

TO: Supervisor
Central Oil Indentification Laboratory OR Nearest Field Oil Identification Laboratory
c/o USCG Research & Development Center
Avery Point, Groton, CT 06340

R.J. BROOM, LT, USCG, By direction

9 April 1979

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
	Six samples enclosed for oil sample analysis for COTP Philadelphia (Case No. 124-79):		Samples shipped by:					
			Date:					
1	Taken from water Pier 15 at Crystal Harbor - spill sample.		Samples received at COIL/FOIL by:					
2	Taken from water Pier 15 at Crystal Harbor - spill sample.							
3	Taken from bilges of M/V NATHAN HALE - suspect sample.		Date:					
4	Taken from bilges of M/V NATHAN HALE - suspect sample.							
5	Taken from deck of M/V NATHAN HALE - suspect sample.		Assigned COIL/FOIL Case No.					
6	Taken from beach at Crystal Beach(sand in sample) - spill sample.							

[redacted]

SHIPPED BY / CHECKED BY / PACKED BY — TOTAL CONTAINERS — TYPE CONTAINER — DESCRIPTION — TOTAL WEIGHT — TOTAL CUBE — CONTAINERS RECEIVED EXCEPT AS NOTED — QUANTITIES RECEIVED EXCEPT AS NOTED — POSTED — DATE — BY — GRAND TOTAL

← TOTAL →

DD FORM 1149 TO PTI

REPLACES EDITION OF 1 MAY 58 WHICH MAY BE USED

74-3:22

CH-4.

APPENDIX 1

NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

FINAL RULE MARCH 8,1990

40CFR PART 300

ENVIRONMENTAL PROTECTION AGENCY

APPENDIX 2

REPORTABLE QUANTITIES OF HAZARDOUS MATERIALS

APPENDIX 3

NATURAL RESOURCE DAMAGE ASSESSMENT REGULATIONS

APPENDIX 4

SPCC REQUIREMENTS

APPENDIX 5

STATE DESIGNATED NATURAL RESOURCE TRUSTEES

APPENDIX 6

WILDLIFE REHABILITATION PROCEDURES

Figure 1

FEDERAL AGENCY MEMBERSHIP NATIONAL RESPONSE TEAM

(A more detailed description of each agency's roles and responsibilities can be found in Appendix B.)

ENVIRONMENTAL PROTECTION AGENCY, CHAIR
(environmental effects and pollution control techniques)
(planning and response for inland areas)

U.S. COAST GUARD, VICE-CHAIR
(planning and response for coastal areas)

FEDERAL EMERGENCY MANAGEMENT AGENCY
(emergency planning, training and relocations)

DEPARTMENT OF DEFENSE
(specialized response equipment and personnel)
(response to certain incidents)

DEPARTMENT OF ENERGY
(response to radiological hazards)

DEPARTMENT OF AGRICULTURE
(evaluation of impact on natural resources)

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
(scientific support for coastal response)

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Agency for Toxic Substances and Disease Registry
(health hazards to responders and public)

DEPARTMENT OF THE INTERIOR
(protection of natural resources)

DEPARTMENT OF JUSTICE
(legal expertise)

DEPARTMENT OF LABOR
Occupational Safety and Health Administration
(worker safety)

DEPARTMENT OF TRANSPORTATION
Research and Special Programs Administration
(transportation of hazardous materials)

NUCLEAR REGULATORY COMMISSION
(radioactive materials)

DEPARTMENT OF STATE
(international agreements)

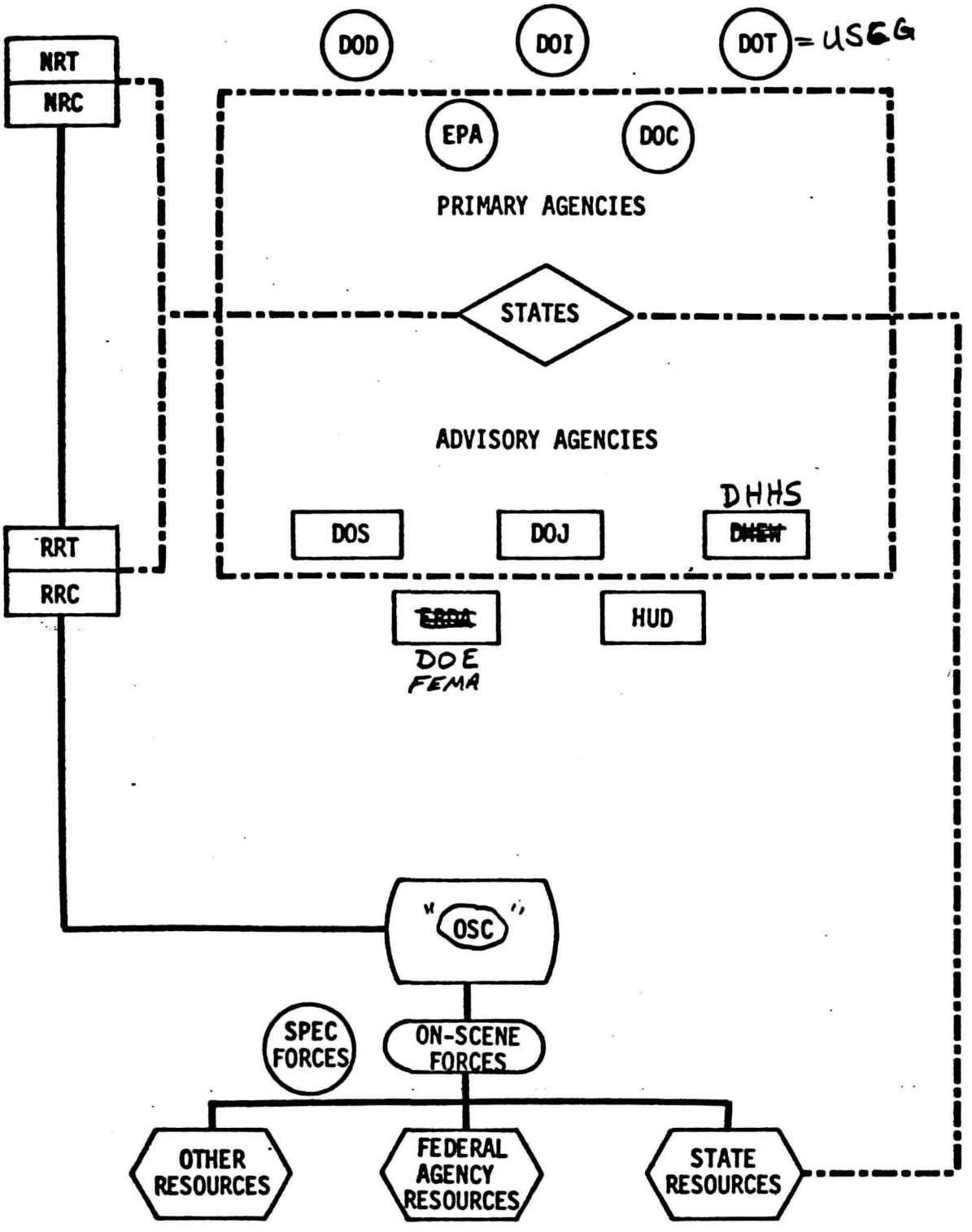

Figure 1. National Contingency Plan concepts. Abbreviations are identified in the text.

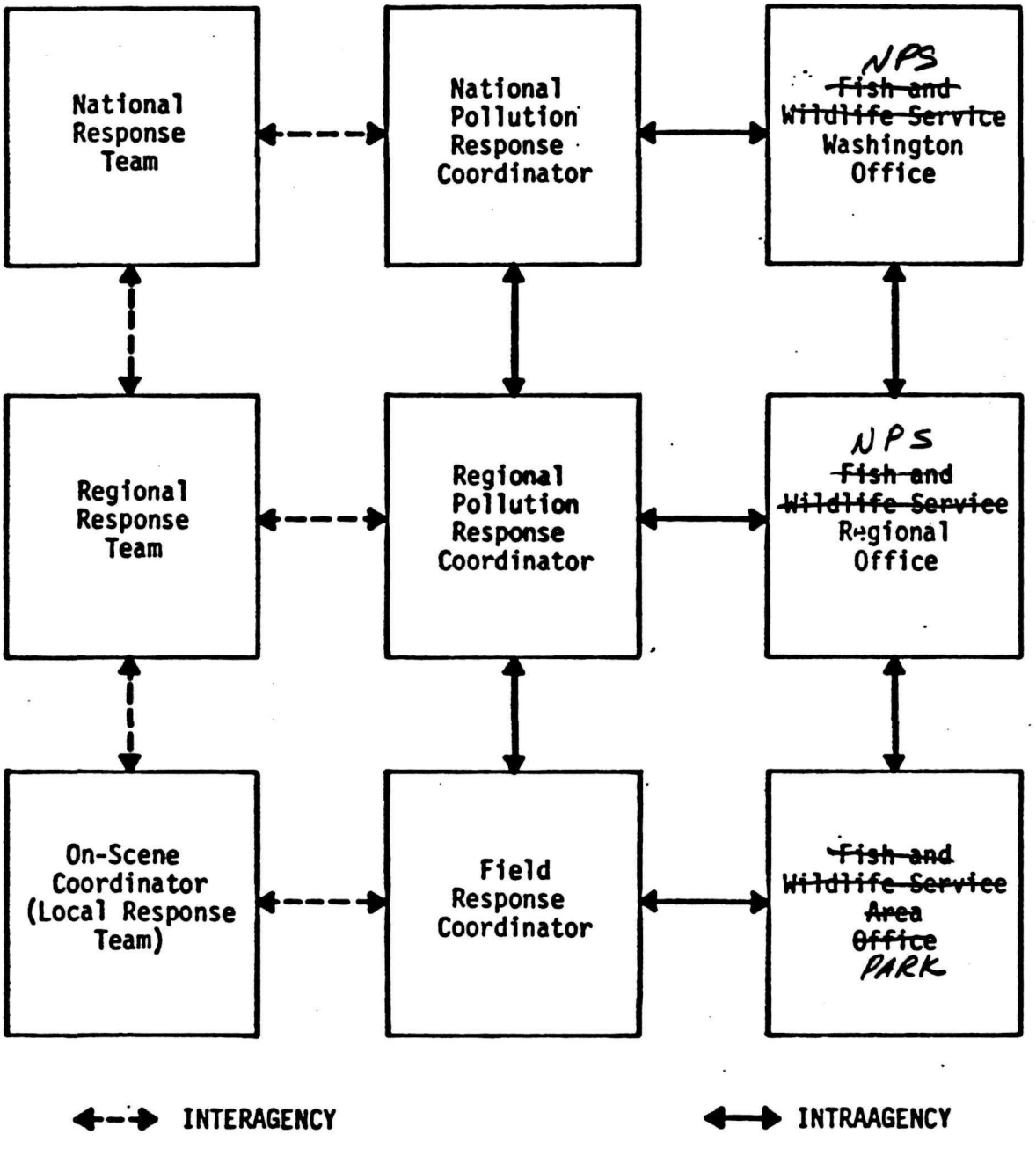

Figure 1. Flowchart of notification and coordination pathways for Fish and Wildlife Service response to pollution incidents.

Figure 4

INCIDENT RESPONSE CHART