



# Department of the Interior Emergency Preparedness & Response Strategy

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## *Oil Discharges & Hazardous Substance Releases*

*August 18, 2000*



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## ***I. INTRODUCTION***

### ***A. Background and Purpose***

*The Department of the Interior (DOI) has responsibility for over 450 million acres of lands and about 3 billion acres of the Outer Continental Shelf. The mission of the DOI is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to tribes.*

Each year, tens of thousands of oil discharges and hazardous substance releases occur in the U.S. and its offshore waters. The health of federally managed lands, waters, and biological resources, the health and welfare of American Indians and Alaska Natives, as well as the integrity of the nation's cultural resources can be adversely affected by these discharges and releases. Such incidents can also deny the public access to recreational opportunities and economic activities on public lands. Therefore, part of DOI's responsibility as steward of the nation's natural resources and cultural heritage and as trustee for American Indians and Alaska Natives, is effective and appropriate response to oil discharges and hazardous substance releases.

The National Response System (NRS), the interagency and intergovernmental mechanism for response to oil discharges and hazardous substances releases, is established and described in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). In accordance with the NCP, Regional Contingency Plans (RCPs), Area Contingency Plans (ACPs), and Joint Contingency Plans (JCPs) DOI is responsible for:

- Participating in appropriate incident preparedness activities, including preparation and maintenance of contingency plans;

- Providing appropriate response-related assistance in support of the Federal On-Scene Coordinator (FOSC), most commonly the U.S. Coast Guard (USCG) or the Environmental Protection Agency (EPA), following oil discharges and hazardous substance releases; and
- Clean up of oil discharges and hazardous substance releases for which the DOI is the Responsible Party.

The purpose of the *DOI Emergency Preparedness and Response Strategy: Oil Discharges and Hazardous Substance Releases (DOI Emergency Preparedness and Response Strategy)* is to provide policy and direction to DOI Bureaus and Offices on DOI responsibilities in this area.

#### B. Scope of Strategy

This Strategy outlines DOI authorities and responsibilities for preparedness for and response to oil discharges and hazardous substance releases pursuant to the authorities listed in section II, below. The Strategy is not intended to address the release of solid wastes under the Resource Conservation and Recovery Act.

## **II. DOI AUTHORITIES FOR PREPAREDNESS AND RESPONSE**

Authorities for DOI involvement in oil discharge and hazardous substance release emergency preparedness and response activities include: the Clean Water Act, as amended by the Oil Pollution Act (OPA); the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986; Executive Orders 12777 and 12580; the National Oil and Hazardous Substances Pollution Contingency Plan (NCP; 40 CFR Part 300); other regulations adopted pursuant to these enactments; and other relevant state and federal laws.

Specific Bureau and Office delegations, authorities, and responsibilities under these statutes and regulations are set forth in 112 DM 4 (to be revised), 296 DM 2 (to be revised), and 910 DM 4 (to be revised).

### III. DOI POLICIES AND RESPONSIBILITIES: PREPAREDNESS

#### A. Policies

The head of each Bureau and Office will develop and maintain preparedness to be able to meet DOI's obligations under the law. The head of each Bureau and Office will be prepared to respond effectively, in a coordinated manner, and as part of the NRS to incidents so as to prevent or minimize injuries to the lands and resources entrusted to DOI. Activities necessary to carry out this policy, including planning, training, and identification/acquisition of assets, will be conducted in consultation with and will provide for cooperation with all appropriate Bureaus and Offices. All preparedness activities carried out pursuant to Bureau and Office plans will comply with all relevant Federal and DOI safety and environmental laws, rules, and policies; will be coordinated with other members of the NRS; and will be consistent with the *DOI Emergency Preparedness and Response Strategy*.

#### B. Responsibilities

The head of each Bureau and Office will develop and maintain a plan for carrying out his/her organization's responsibilities in preparedness for and response to oil discharges and hazardous substance releases. They will ensure their planning provides for:

- Coordination among Bureaus and Offices in the development of plans, and in preparedness and response activities, carried out pursuant to the *DOI Emergency Preparedness and Response Strategy*;
- Bureau/Office participation in national, regional, area, and international contingency planning under the NCP;
- Preparation of vessel and facility response plans required under the Clean Water Act as amended by the OPA;
- Designation and maintenance of a list of Bureau/Office contacts who can be reached 24 hours a day, 7 days a week, to receive and expeditiously transmit to the appropriate parties, notification of discharges and releases;
- Designation and maintenance of a list of Bureau/Office personnel who will be prepared to implement Bureau/Office plans, including preparedness and response activities;
- Training for designated personnel so they can carry out the preparedness and response activities called for in the plan safely and effectively;

- Provision of scientific, technical, and other information on natural and cultural resource and land management issues for which DOI has jurisdiction and/or expertise to appropriate parties in planning and response;
- Facilitation of compliance by FOSCs and other response personnel with applicable environmental laws for which DOI has enforcement authority, including but not limited to the Endangered Species Act, the Migratory Bird Treaty Act, the Marine Mammal Protection Act, and the Archeological and Historic Preservation Act;
- Clean up of oil discharges and hazardous substances releases for which the Bureau/Office is the Responsible Party, as defined in OPA or CERCLA;
- An exercise program which includes participation in NRS exercises in which DOI interests may be involved;
- Identification, acquisition, and maintenance of non-personnel response assets needed to implement the plan; and
- Plan revision based on lessons learned from exercises and response activities.

#### IV. DOI POLICIES AND RESPONSIBILITIES: RESPONSE

##### A. Policies

Bureau and Office responses to oil discharges and hazardous substance releases will be conducted, to the extent practicable, in a coordinated manner that includes sharing resources, personnel, and information among Bureaus and Offices. All response activities carried out pursuant to Bureau and Office plans will comply with all relevant Federal and DOI safety and environmental laws, rules, and policies; will be coordinated with other members of the NRS; and will be consistent with the *DOI Emergency Preparedness and Response Strategy*.

##### 1. When DOI is not the Responsible Party

When a potential or actual discharge or release occurs which affects or threatens to affect lands and/or resources under DOI jurisdiction, it is the policy of DOI that qualified personnel will be prepared and available to conduct or participate in response activities, as appropriate. Such activities include, but are not limited to, participation in relevant NRS response activities, as delineated in the NCP and subsidiary plans. The NCP provides that federal agencies, including DOI, may be called upon during response to provide assistance to the FOSC in their areas of jurisdiction and/or special expertise, consistent with agency legal authorities and capabilities.

##### 2. When DOI is the Responsible Party

When a discharge or release occurs for which a Bureau or Office is the Responsible Party, as defined in CERCLA or OPA, the responsible Bureau or Office will respond to the incident in a manner consistent with the NCP and as provided in Bureau/Office plans. This includes working with the appropriate FOSC.

##### B. Responsibilities

The head of each Bureau and Office will ensure that the actions called for in the Bureau/Office plan are carried out during response to appropriate discharges or releases. These include, but are not limited to, the following:

1. Notification: Receive and communicate to appropriate Bureau/Office personnel notification of discharges and releases, 24 hours a day, 7 days a week. This includes notifying the National Response Center if Bureau/Office personnel are the first to discover the incident.
2. Evaluation: Evaluate incident to determine if Bureau/Office lands or other resources are or may be affected and, if so, whether further response actions are necessary or appropriate.

3. Response: When appropriate, participate in or help direct response activities. Examples of Bureau/Office response activities are found in the “Bureau/Office Response Activities: Examples” table.
4. Communication: Provide timely information to relevant response personnel about the incident and DOI concerns.
5. Follow-up: When the emergency phase of the response is over, work with appropriate Bureau and Office as well as other members of the NRS to identify lessons learned and ways to encourage the replication of successes and to prevent the recurrence of problems.

## BUREAU/OFFICE\* RESPONSE ACTIVITIES: EXAMPLES

RESPONSE ACTIVITIES	BIA	BLM	BR	FWS	MMS	NPS	OEPC	USGS
Receive initial notification of oil discharges and hazardous substance releases							X	
Provide appropriate Bureaus/Offices with notification of discharges and releases							X	
Ensure requests for DOI expertise or assistance reach the appropriate Bureau(s)/Office(s)							X	
Represent DOI in incident specific activations of the NRT, RRTs, and/or JRTs							X	
Identify resources at risk (e.g., biological, lands, water, and cultural resources)	X	X	X	X	X	X		X
Recommend areas for protective countermeasures (e.g., booming, fencing, etc.)	X	X	X	X	X	X		X
Oversee implementation of response countermeasures for unoiled wildlife (e.g., hazing migratory birds and/or pre-emptive capture of marine mammals, sea turtles, etc.)				X				
Oversee implementation of oiled wildlife capture and treatment programs				X				
Recommend vessel/flight restrictions to minimize disturbance to wildlife				X				
Provide input into dispersant use decision	X	X	X	X	X	X		X
Provide input into <i>in situ</i> burning decision	X	X	X	X	X	X		X
Provide information on permit requirements	X	X	X	X		X		
Issue permits for response activities involving DOI-managed resources	X	X	X	X		X		
Provide site-access control on DOI lands	X	X	X	X		X		
Provide information on non-DOI land or water status, lessees, landowners, and/or land managers		X						X
Participate in cleanup assessment teams	X	X	X	X	X	X		X
Provide input into shoreline cleanup task forces (e.g., how to prevent disturbance of bald eagle nests)	X	X	X	X	X	X		X
Recommend or, for DOI lands, initiate closures (e.g., recreation areas)	X	X	X	X		X		
Participate in decision that cleanup is complete	X	X	X	X	X	X		X
Provide input to press releases and media briefings	X	X	X	X	X	X	X	X
Provide equipment, materials, or other logistical support for response activities	X	X	X	X	X	X		X

\* DOI Bureaus/Offices such as Office of Aircraft Services may also provide technical and/or logistical support for response activities.

**ACRONYMS**

ACPs	Area Contingency Plans
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
BR	Bureau of Reclamation
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
DM	Department Manual
DOI	Department of the Interior
EPA	Environmental Protection Agency
FOSC	Federal On-Scene Coordinator
FWS	Fish and Wildlife Service
JCPs	Joint Contingency Plans
JRT	Joint Response Team
MMS	Minerals Management Service
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NPS	National Park Service
NRS	National Response System
NRT	National Response Team

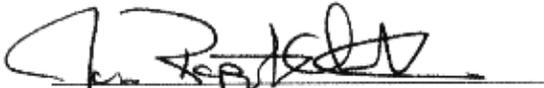
OEPC	Office of Environmental Policy and Compliance
OPA	Oil Pollution Act of 1990
RCPs	Regional Contingency Plans
RRT	Regional Response Team
USCG	U.S. Coast Guard
USGS	U.S. Geological Survey

Department of the Interior (DOI) Emergency Preparedness and Response Strategy  
Oil Discharges and Hazardous Substance Releases

Concur:

  
Deputy Commissioner, Bureau of Indian Affairs

Date: July 28, 2000

  
Director, Fish and Wildlife Service

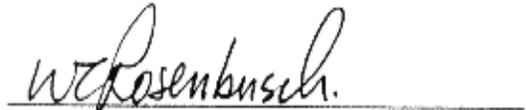
Date: 8/18/00

  
Director, National Park Service

Date: 08/14/00

  
Director, Bureau of Land Management

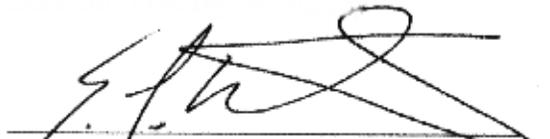
Date: 8-16-00

  
Director, Minerals Management Service

Date: 8/8/2000

  
Director, Geological Survey

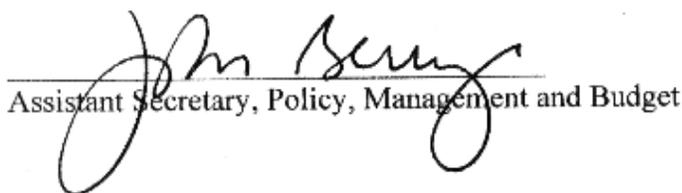
Date: 8-11-00

  
Commissioner, Bureau of Reclamation

Date: AUG 3 2000

  
Director, Office of Surface Mining Reclamation and Enforcement

Date: 8/3/2000

  
Assistant Secretary, Policy, Management and Budget

Date: JUL 28 2000