

REGION 2- TEXAS COAST FINAL INTERIM OIL/HAZARDOUS MATERIALS SPILL RESPONSE PLAN

Introduction

In the aftermath of the Deep Water Horizon incident, oil spills have garnered considerably more attention than in the past, thus resulting in larger response ability required on the part of the U.S. Fish and Wildlife Service (Service). Traditionally the Environmental Contaminants section of Ecological Services (ES) has been, and continues to be, responsible for the Service's spill response program. Oil and hazardous materials spill response in the future will require significant cross-training for Service personnel in other programs to meet our responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) and the Oil Pollution Act (OPA). To meet the changing spill environment, an updated spill response plan will be coordinated with input from a team consisting of Ecological Services, National Wildlife Refuge System (NWRS), Office of Law Enforcement (OLE), and Migratory Birds. Until completed, this document serves as an interim plan to insure immediate preparedness for the next spill.

The Service's response will follow and be consistent with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP, 40 CFR Chapter 1, Subpart J, Section 300) and the applicable Area Contingency Plan (ACP) issued by the appropriate Area Committee, which is composed of the Federal, State, and local agencies and stakeholders who are responsible for spill response and management of the resources that may be impacted by a spill. The NCP places the Federal authority for spill response with USCG and the Environmental Protection Agency (EPA). In the coastal area the USCG is the designated lead Federal Agency. The Department of the Interior (DOI) and its bureaus serve as support functions to the Federal On-Scene Coordinator (FOSC), who are either USCG and EPA personnel, with ES providing expertise in environmental toxicity, and response and clean up recommendations to minimize impacts to Service's trust resources (species listed under the Endangered Species Act and their critical habitats, Service lands, migratory birds, marine mammals, and their supporting habitats; and wetlands). The Assistant Regional Director of ES has been designated as the Service Region 2's Oil and Hazardous Substances Spill Response Authority (Memorandum from Regional Director, August 13, 2014).

The USCG has divided the Texas coast into three sectors with their own ACPs; the Port Arthur Captain of the Port (COTP) Zone, the Houston-Galveston COTP Zone, and the Corpus Christi COTP Zone (see Appendix A). The Port Arthur COTP Zone contains the portion of the Service Region 2 from the Texas-Louisiana state line westward to the Chambers-Galveston county line including the coastal counties of Jefferson and Chambers, the Houston-Galveston COTP Zone

starts at the Galveston-Chambers county line and continues westward to the east bank of the Colorado River including the coastal counties of Galveston, Brazoria, and the eastern part of Matagorda, and the Corpus Christi COTP Zone which covers the rest of the Texas coast from the east bank of the Colorado River to the US-Mexico border including the coastal counties of Matagorda, Calhoun, Aransas, San Patricio, Nueces, Kleberg, Kenedy, Willacy, and Cameron. Texas Point and the eastern part of McFaddin National Wildlife Refuges (NWRs) are covered by the Port Arthur COTP ACP; the western part of McFaddin, Anahuac, Trinity River, Brazoria, San Bernard, and Big Boggy NWRs are covered by the Houston-Galveston COTP ACP; and Aransas and Laguna Atascosa NWRs are covered by the Corpus Christi COTP ACP. These ACPs may be accessed via the Texas General Land Office's Oil Spill Planning and Response Oil Spill Tool Kit (www.glo.texas.gov/ost).

Although incident size could be categorized based on the number of gallons or barrels spilled, more important criteria guides Service's participation in the response. These include the location and resources that could potentially be impacted. Based on these factors, the first responder, generally the area of ES contaminants biologist, will decide what level of response is required.

The spill response plan is scalable to allow the appropriate response effort to be implemented to protect and minimize threats to Service Trust resources. Responses can range from a basic minimal response for spills of a few gallons or a release with no or minimal impact to Service Trust resources that may be handled by telephone or email communication, to a small spill which may require a site visit, to a medium or large spill which may require a field response and staffing of an Incident Command Post (ICP) set up by the FOSC.

Notification

Service ES and Refuge personnel receive notification of oil and chemical spills through a variety of means:

- Notification from the DOI Office of Environmental Policy and Compliance (OEPC) Regional Environmental Officer (REO). This accounts for the majority of spills most of which are insignificant to small. The REO notifies the field ES biologist, the Regional Spill Response Coordinator (RSRC), and other appropriate DOI personnel. Generally the notifications for spills in this category are by email,
- ES field personnel are notified by their state counterparts,
- Other Service personnel,
- Other individuals (citizens, etc.), and
- Media (generally larger incidents).

Initial Response

The initial response is handled by the field staff. The ES responder or other Service personnel are responsible for:

- Collecting information on the spill such as materials involved, location, resources at risk, through phone calls or site visit if necessary and feasible, and begin to estimate the scale of the required response,
- Contacting Refuge staff, OLE, Migratory Birds, or Fisheries by ES responder, when appropriate,
- Notifying the RSRC of the available information,
- Serving as the point of contact.

If local Service personnel are unavailable, adjacent field staff or Regional Office personnel will conduct the initial response.

Response for Small Spills:

Small spills range from reportable quantities (visible sheen), to a few barrels of oil in an area of minimal value to Service trust resources. A FOSC is generally not assigned though there may be a State OSC (SOSC) or a Local OSC (LOSC). The SOSC, LOSC, or representative of the party responsible for the release may serve as the lead for spill response, either formally or informally. The field ES responder is responsible for:

- Serving as the point of contact, and coordinating with Refuge staff, OLE, or Migratory Birds, as appropriate,
- Providing an initial response assessment and information to the RSRC and other appropriate Service personnel within 12 to 24 hours, with updates on a 24 hour time frame as required,
- Providing technical support concerning location of any sensitive Service resources, and clean-up and remedial activities to minimize impacts to the Service trust resources,
- Follow-up site communications and site visit if necessary to insure potential threats have been resolved.

Current Texas Coast ES field staff responsible for spill response includes Clare Lee and Chip Wood.

Response for Medium Spills:

A medium spill may have a significant amount of product spilled in a limited area, such as a ship channel where natural and trust resources are limited or a lesser amount of product may be spilled in an area where a large number of resources may be impacted, such as Refuge lands. In either of these scenarios, an FOSC will likely be assigned and ICP will likely be established with a reduced Incident Command Structure (the ICP is staffed at a level that is scalable to the size of the response). In addition to the responsibilities outlined in the response for small spills additional tasks for the field ES responder include:

- Providing technical assistance to the FOSC,
- Exploring the option for funding from the FOSC by coordinating with the RSRC and REO, as appropriate,
- If an ICP is established, working with the FOSC and RSRC to provide appropriate staffing from the Region's roster of trained employees. The ES responder will contact Refuge staff, OLE, Migratory Birds or Fisheries for identifying appropriate staff for response. Appendix C shows the ICP organizational chart, organization chart spill that includes effects to a Refuge, and an example of the Planning Section organization chart. Appendix D provides a list of first and second tier response teams as possible ICP staff and response positions. Service employees staffing the ICP are under the supervision of the FOSC and should be considered on detail to their response position. If the spill response extends beyond two weeks, thus requiring multiple shifts to staff the ICP, then replacement personnel will overlap shifts with the current personnel to ensure consistency and efficiency when handing off to the next Service response personnel,
- The POC will initially be the ES responder and will be replaced, if necessary, by the RSRC as the ICP is assembled. The ES responder will initially provide updated information to the RSRC when appropriate and feasible. The RSRC also receives updates from the REO, NOAA Scientific Support Coordinator and Team, Wildlife Reports from the Wildlife Branch if appropriate, and Pollution Reports. The RSRC will provide information to the Regional Office Staff (Division Chief, Environmental Review, DARD, and Regional Fire Management Coordinator), ARD-ES and Regional Chief-NWRS, Deputy Regional Director and Regional Director verbally or via briefing paper. If the FOSC designates a Liaison Officer for the Command Staff, the RSRC will receive official briefings and updates from that position.

Response for Large Spills:

Large spills impact a large geographic area and usually have a significant impact on natural resources, including Service trust resources and their habitats. The initial information received may be inaccurate and the initial conditions are often chaotic. The uncertainty associated with the initial reports would make it inappropriate to disseminate any details as an official release. It may take up to several days to receive a quality assessment and reliable analytical data. More than one ICP may be established and the duration may require personnel rotations. Tasks in addition to those outlined for the response to small and medium spills include:

- Staffing of one or more ICPs. Staff will work with ES Field Supervisors and the RSRC to deploy the Tier 1 Team and place the Tier 2 Team on standby. Staff rotations should have a maximum of 14 days. To maintain continuity, a maximum of 2-3 individuals should be rotated through their same specific ICS positions during the height of the spill with others filling these positions after this critical time period has passed. Personnel may fill more than one role simultaneously, initially as the ICP is built up under the direction of the FOSC, and may service different roles at different time periods throughout the duration as the spill and clean-up progresses. If the spill exceeds the capability of ES

staff, additional staff will be requested from nearby refuges through the RSRC, Project Leaders, Refuge Managers, and Regional Office staff,

- Providing technical assistance to the FOSC. Within the Planning Unit the Environmental Unit Service Lead and will provide clean-up recommendations for the spill unless it is determined that a LOSC needs to be established. A Service LOSC makes recommendations for all Service trust, natural, and wildlife resources both on and off NWRs. The Service NWR assistance for logistics and access will be required when Service lands are impacted or access is required for evaluating spill extent and remediation. In addition, READs in the operations section would assist in minimizing impacts to the refuge from the response,
- Long-term planning. If the scale of the spill indicates the response will be extended over a longer period of time staff will work with field and regional management to estimate resource needs and solutions for these needs to be met.

Spills on Service Lands:

If there is a potential for Service lands to be affected by an oil or hazardous material spill or release the Refuge Manager, ES Project Leader and the appropriate Regional Office staff will be notified and updated by the ES Field responder and/or the RSRC as additional information, such as estimated trajectories, becomes available. If the landfall of the spill appears imminent precautionary measures such as booming should be taken, if possible, by refuge staff. In the event that actual landfall occurs on Service lands and the spill is under the authority of a FOSC or SOSC, ES personnel will work with the OSC to incorporate Refuge Personnel either formally in the Incident Command or informally through discussions with the OSC concerning logistics, access, and clean-up activities. For smaller spills, ES personnel will coordinate with Refuge Managers to properly notify of the National Response Center (NRC) and state trustees may have shared responsibilities for the resources involved. If a small spill impacts ground only and does not enter a water body, refuge staff will address the event with the Responsible Party (RP) and TGLO or RRC and ES will assist upon request. ES and Refuge personnel will work together to incorporate the placement of Refuge personnel in the ICP positions and Best Management Practices to be protective of the Refuge's management goals in the appropriate ACPs through participation in the ACP meetings.

Finance

When charging work time for spill response activities under a resource work order, use the example Work Breakdown Structure (WBS) to directly charge to the Oil Spill Liability Fund cost structure. Example: FF02XXXXX.

When charging work time for spill response activities not under a resource work order, use the appropriate WBS project number to allow the recovery of indirect costs. A spill specific WBS will be assigned to track spill response hours. When charging work time for NRDAR direct or

indirect work tasks, a specific WBS will be assigned to track these NRDAR hours. Examples of spill and NRDAR WBS codes for both the field stations and regional office are as follows:

Spill Response, indirect tasks:

FXHC113002SR960 - ES Field Offices

FXRS126102SR960 - NWR Field Stations

FXHC113002SR970 - Regional Office ES

FXHC126102SR970 - Regional Office NWR

NRDAR, indirect tasks (monitoring impacts to resources, phone calls, reviewing workplans):

FXHC113002NR960 - ES Field Offices

FXRS126102NR960 - NWR Field Stations

NRDAR, direct and specific tasks (meeting with the RP and writing workplans):

FXHC113002XXX00 - ES Field Offices, working on specific tasks directly related to NRDAR.

Please note the Oil Spill Liability Fund, as administered by the U.S. Coast Guard National Pollution Funds Center, will not reimburse the Service for hazardous duty pay unless it is incurred for low level flights under 500 feet, including helicopters hovering over water under 500 feet (5 CFR 550 Subpart I - Pay for Duty Involving Physical Hardship or Hazard).

Acronyms

ACP	Area Contingency Plan
ARD-ES	Assistant Regional Director, Ecological Services
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act, also known as Superfund
COTP	Captain of the Port
DOI	Department of the Interior
EPA	Environmental Protection Agency
ES	Office of Ecological Services
FOSC	Federal On Scene Coordinator, under the National Oil and Hazardous Substances Pollution Contingency Plan. FOSCs personnel from USCG or EPA
ICP	Incident Command Post
LOSC	Local On Scene Coordinator
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NOAA	National Oceanic and Atmospheric Administration
NRC	National Response Center
NWRS	National Wildlife Refuge System
OEPC	Office of Environmental Policy and Compliance
OLE	Office of Law Enforcement
OPA	Oil Pollution Act
OSC	On Scene Coordinator
OST	Oil Spill Tool Kit available from the Texas General Land Office
READ	Resource Advisor
REO	Regional Environmental Officer in DOI's OEPC
RP	Responsible Party
RFMC	Regional Fire Management Coordinator
RSRC	Regional Spill Response Coordinator
SCAT	Shoreline Cleanup Assessment Technique
Service	U.S. Fish and Wildlife Service
SOSC	State On Scene Coordinator
TCEQ	Texas Commission on Environmental Quality
TPWD	Texas Parks and Wildlife Department
TXGLO	Texas General Land Office
USCG	United States Coast Guard in the Department of Homeland Security
USFWS	United States Fish and Wildlife Service
WBS	Work Breakdown Structure