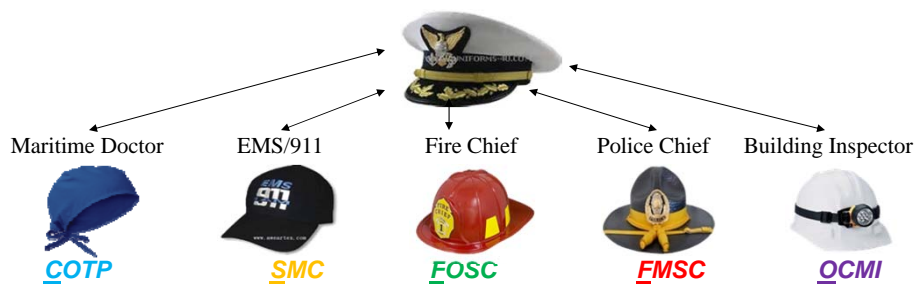




USCG AUTHORITY REVIEW



Multiple Authorities



Guidance / Authorities

National Response System

Laws	People
Regs - NCP	Environment
Plans	Property
	Economy



Authority

- **Identify the source of Federal On-Scene Coordinator Authority:**
 - Statutory Authority:
 - Federal Water Pollution Control Act as amended by
 - Clean Water Act
 - Oil Pollution Act
 - Comprehensive Environmental Response, Compensation, and Liabilities Act as amended by
 - Superfund Amendments and Reauthorization Act
 - Regulatory Authority
 - 40CFR300 The NCP
 - 33CFR
 - CG Policy Guidance
 - MSM Volume 9
 - M16465.29 (CERCLA authority)



Authority

- **Four general priorities of the National Contingency Plan (NCP)**
 - The purpose NCP is to provide the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants.
 - To give safety and human health top priority during every response action.
 - To stabilize the situation in order to prevent the event from worsening.
 - To use all necessary containment and removal tactics in a coordinated manner to ensure timely, effective response.
 - To take action to minimize further environmental impact from additional discharges.



Authority

- **Authority the FOSC has under the NCP**
 - 40 CFR 300.2 The president delegated to the EPA the responsibility for the amendment of the NCP.
 - 33 CFR 1.01-70 CERCLA delegations to CG.
 - 33 CFR 1.01-80 FWPCA and OPA 90 delegations to CG.
 - 33 CFR 1.01-85 Re-delegation within CG.
 - 33 CFR 1.01-90 Delegation of authorities to commissioned, warrant, and petty officers.



Authority

- **On-Scene Coordinators primary responsibilities**
 - 40CFR300.120 The OSC directs response efforts and coordinates all other efforts at the scene of the discharge or release and oversees the development of the ACP.
 - Ensure that persons designated to act as their on-scene representatives are adequately trained and prepared to carry out actions under the NCP
 - OSC will coordinate, direct and review the work of other agencies, Area Committee members, and contractors to ensure compliance with NCP and other plans applicable to response



Best Response: The Goal

Minimize ...the Adverse Impacts and Consequences of the Incident.

- and -

Maximize ...Public Confidence & Stakeholder Satisfaction.



Authority

- **The notification requirements outlined in the NCP**

- Notice of discharges and releases must be made telephonically through a toll free number or a special local number to the National Response Center (NRC).
- In accordance with 33CFR153.203 and 40CFR302, the notice of an oil discharge or release of hazardous substances in an amount equal to or greater that the reportable quantity must be made *immediately*.

	Inland (gal)	Coastal (gal)
Small	<1,000	< 10,000
Medium	1,00-10,000	10,000-100,000
Large	>10,000	>100,000



Authority

- **(continued)**

- 40CFR110.6: Notification of a discharge of oil in a harmful quantity must be made to NRC as soon as RP has knowledge.
 - If not practicable, notice may be made to the local OSC.
- 40CFR117.21: Notification of a discharge of a designated hazardous substance in a harmful quantity must be made to the appropriate agency as soon as RP has knowledge.
- 40CFR302.6: Notification of a release of a hazardous substance in an amount over the reportable quantity must be made to the NRC as soon as RP has knowledge. No exceptions.



Jurisdiction

- **Define the jurisdiction that the following agencies have:**
 - USCG
 - Discharges of oil; release of hazardous substances, pollutants and/or contaminants into the environment in the coastal zone
 - US EPA
 - Discharges of oil; release of hazardous substances, pollutants and/or contaminants into the environment in the inland zone
 - Department of Defense
 - Discharges of oil; release of hazardous substances, pollutants and/or contaminants into the environment from military operated facilities, installations, munitions and/or military vessels (COI must be in-place)
 - Department of Energy
 - Discharges of oil; release of hazardous substances, pollutants and/or contaminants into the environment from DOE facilities or non-DOD radiation sources



Authority

- **Identify the source of COTP authority**
 - 33 CFR 6.04-5 (“Super 6”)
 - The COTP may prevent any person, article, or thing from boarding or being taken or placed on board any vessel or entering or being taken into or upon or placed in or upon any waterfront facility whenever it appears that such action is necessary in order to secure such vessel from damage or injury or to prevent damage or injury to any vessel, or waterfront facility or waters or the US, or to secure the observances of rights and obligations of the US.
 - The COTP regulates access of personnel, movement of vessels and operations of facilities in order prevent or minimize damage or injury.



Authority

- **Explain FOSC and COTP authority to prevent access of personnel to vessels or waterfront facilities**
 - COTP (with a COTP Order) can take possession of any vessel whenever it is necessary to secure the vessel to prevent damage or injury to the vessel, waterfront facilities, or waters itself of the US.
 - FOSC may enter private property
 - To minimize the possibility of a spill
 - To minimize the damaging effects of a spill
 - To determine the severity of a spill
 - To determine the source of a spill
 - To decide possible courses of action to mitigate spill damage
 - FOSC may obtain Administrative Order that requires certain action prior to resuming on-site activities or operating vessel



Authority

- **Explain FOSC and COTP authority to control vessel movement**
 - 33CFR6.04-8 and 33CFR160 subpart B
 - The COTP may supervise and control the movement of any vessel and shall take full or partial possessions or control of any vessel or any part thereof...
 - Control of Private Activities and Property
 - For all actual or potential releases the FOSC may:
 - o curtail or prohibit private activities, such as near-by plant operations or use of a railway line...
 - o control the movement, or use, of the source of a release, or potential release, and undertake any corrective measures...
 - If a release or threatened release poses an imminent threat of substantial harm, the FOSC may:
 - o Requisition private property...
 - o Destroy the facility or vessel which is the sources of the release...



Authority

- **Explain FOSC and COTP authority to enlist aid from other local and government agencies**
 - The COTP may enlist the aid and cooperation of federal, state, county, municipal, and private agencies to assist in the enforcement of regulations of 33 CFR 6.04-11.
 - 40CFR300.175 During preparedness planning or in an actual response, various federal agencies may be called upon to provide assistance in their respective areas of expertise...consistent with agency legal authorities and capabilities.
 - DOD, USACE, DOI/NPS/BLM/USFW, SUPSALV, FEMA, USDA, DOC/NOAA, HHS/CDC/ATSDR, DOJ, DOL/OSHA
 - Special Teams
 - Resource Trustees



Authority

- **Explain how a Safety Zone may be used to manage a pollution incident**
 - Guidance for drafting a Safety Zone or COTP Order can be found in Marine Safety Manual vol. VI and 33 CFR 165.5 (Establishment Procedures for Regulated Navigation Areas and Limited Access Areas).
 - Safety Zones protects the area outside the zone from danger within the zone.
 - Limiting access
 - Site control
 - Human Health/Welfare and environmental protection
 - Security Zone protects the area inside the zone from danger outside zone.



Need for Oil Observing in Response

- **So why does the USCG need Oil Observation in a Response?**
 - ✓ As the Federal On-scene Coordinator (40CFR) and while exercising the authority given as Captain of the Port (33CFR) the USCG must:
 - Develop the best strategies and tactics based on observations and collected data to respond to a pollution threat, mitigate that threat and minimize the potential of adverse impacts on people, the environment and the economy.
 - Choose the best enforcement and response action based on information received



Alternative Response Technology



On Water Recovery



Shoreline Protection & Recovery



Questions?

