

APPENDIX 6 TO ANNEX B  
NORTH CAROLINA EMERGENCY OPERATIONS PLAN

## OIL/PETROLEUM PRODUCTS SPILL RESPONSE PLAN

### I. INTRODUCTION

- A. **Purpose:** This plan identifies actions to be taken by State and local government agencies and private organizations in cooperation with the United States Coast Guard (USCG) and United States Environmental Protection Agency (EPA) within North Carolina when a spill of oil or petroleum products threatens the inland, coastal and offshore waters of the State. The purpose of the plan is to minimize the risk posed by the spill to the public, its property and to the environment. This plan provides coordination for a multi-organizational response and recovery effort in order to minimize the impact of oil spills on the waters of North Carolina.
- B. Scope
1. The waters of the State comprise an essential resource for human existence as well as for marine aquatic and wildlife. Oil spills can pose significant threats to human life and health, other organisms and to the economy of the State. Although the federal government has primary legal jurisdiction for response under federal environmental laws, the State of North Carolina also has substantial interest in protecting the water of the State because of their economic, aesthetic and life-supporting qualities. This plan provides for the mobilization and coordination of a network of State and local resources as needed in order to protect the public, to respond to State interests and to support the federal efforts in environmental protection, spill containment and cleanup.
  2. The plan integrates oil spill emergency response by North Carolina State and local government agencies into the framework established by the National Contingency Plan. This plan is part of the North Carolina Emergency Operations Plan (NCEOP) which guides response by North Carolina State and local government agencies to a variety of emergencies. Leadership under that plan rests with the State Director of Emergency Management who, as the State Emergency Response Team (SERT) leader, has access to all resources of State government during an emergency. The roles, responsibilities and procedures of State agencies identified elsewhere in the NCEOP may also be applicable to this plan.

These are therefore incorporated by reference into this plan.

3. Under Federal law, the Clean Water Act, as amended by the Oil Pollution Act (OPA) of 1990, as well as the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), directs the development of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The NCP establishes the structures and procedures for response by agencies and departments of the federal government to discharges of oil and releases of hazardous substances. The NCP applies to and is in effect for discharges of oil into or on the navigable waters of the United States, on the adjoining shorelines and the waters of the contiguous zone. The EPA has the responsibility for responses in the inland zone, and the USCG is responsible for spill response in the coastal zone. The precise boundaries are identified in the Regional Oil and Hazardous Substances Pollution Control Contingency Plan (RCP) and a memorandum of understanding (MOU) between the EPA and USCG (see Tab B).

C. Policies and Authorities

1. State and Federal statutes and regulations make it unlawful to discharge oil into the environment. Specifically, the Clean Water Act, as amended by OPA, states that each responsible party (RP) for a vessel or a facility from which oil is discharged or which poses the substantial threat of a discharge of oil into or upon the navigable waters or adjoining shorelines, is liable for the removal costs and damages.
2. Section 105, Response Policy, of the RCP directs the responsible party for the discharge or release, to take immediate and effective actions to mitigate the effects of any spill and to cleanup and restore the incident site. The actions of the RP shall be consistent with the provisions of the NCP, the RCP and, if applicable, the RP's Facility Response Plan.
3. Applicable State polices and authorities include, but are not limited to, those that are enumerated in Section 7 of this plan.

II. **Situation:** Accidents or emergencies involving oil can occur anywhere within the State as well as within the near and offshore waters of the State.

A. Oil spills can adversely impact the citizens of the State due to:

1. Risk of fire and explosion
2. Threats to human health

3. Damage to surface and ground water quality
  4. Harm to marine and aquatic ecosystems
  5. Damage to property
  6. Adverse economic impacts due to losses in tourism, fisheries and natural resources
- B. North Carolina has an affirmative legal responsibility to protect the State's natural resources.
  - C. The State has, both within and beyond the waters lying three miles off the state's coast, substantial interest in those activities that could affect the State's coastal waters and land areas. Under the authority of the Federal Coastal Zone Management Act of 1972, as amended, the state views activities requiring federal permits to assure consistency with State coastal management policies.
  - D. North Carolina is located adjacent to major shipping lanes in the Atlantic Ocean serving as corridors for approximately 70% of the ocean-going oil and petroleum products on the east coast of the United States.
  - E. Because oil and petroleum products are used throughout the State, a significant risk exists for transportation accidents as well as for spills at fixed sites.
  - F. Past experience has shown that oil spills can have effects that range from the highly localized to those which involve hundreds of miles of coastal area.
  - G. Oil spills can result from a defined source with a limited quantity or from an unknown source or from an ongoing release incident where the quantity of product is unknown.
  - H. North Carolina has highly sensitive areas and species of organisms that could be adversely affected by a major oil spill.
- III. Assumptions
- A. Circumstances may arise in which there is not an identified responsible party to assume containment and/or clean-up operations, and prompt exercise of federal control, with State and local support, may be necessary.
  - B. An accidental release could occur during severe weather, making control and clean up operations dangerous and/or ineffective.

- C. Initial efforts at containment and control of spilled material may fail or be unfeasible and the response activity may be limited to clean up of the material and restoration of the affected human and natural resources.
  - D. State, local and volunteer personnel who have been properly equipped and trained in hazardous material emergency response will be employed by the SERT Leader in the implementation of this plan.
  - E. There will be substantial interest by the public and the press in the circumstances surrounding a major incident and the emergency response and recovery efforts.
  - F. Timely deployment of a network of State, local and volunteer personnel, equipment and other resources may be required in order to protect sensitive environmental areas of the State.
  - G. A major oil spill into the waters of the State is very likely to necessitate a long term recovery program to restore the well being of the impacted area's economy.
  - H. The State will institute appropriate actions to recover from the responsible party compensation for the damages done to the State's natural resources and for the economic losses suffered by the State and its citizens. The state will also seek compensation for the State and local response and recovery efforts.
  - I. Spills of minimal impact to the environment may require only partial activation of this plan; and may involve coordination between the Responsible Party (RP), and a representative from the NC Department of Environment and Natural Resources (DENR).
- IV. Mission:** For purposes of this plan, the mission of the Division of Emergency Management and the SERT is to support federal government efforts during oil spills emergencies and to coordinate state and local emergency activities.
- V. Organization**
- A. General
    - 1. The Division of Emergency Management 24 hour Operations Center (24 OC) is the central notification point for the State in the event of an oil spill emergency and will alert appropriate State and local agencies.
    - 2. The State Emergency Response Team (SERT) is comprised of a variety of State agencies that respond to emergencies threatening the State. The State Director of Emergency Management is the SERT Leader and will

activate SERT, the State EOC, and the appropriate Regional Coordination Centers (RCC) when needed.

3. A group of environmental specialists comprised of representatives from the following agencies will be convened as the Environmental Technical Advisory Group (ETAG) as needed to assist the SERT Leader: The NCDENR Appointee to the State Emergency Response Commission (SERC) will serve as the chairperson for the ETAG. The Chairperson of the ETAG will work with the Directors of the named agencies to fill the ETAG with the most qualified available personnel. The SERT Leader or ETAG Chairperson may add members to the ETAG on a temporary basis to provide technical expertise not held by the current membership. The ETAG's primary responsibilities will be to answer questions and provide solution options to the SERT.
  - a. Division of Water Quality
  - b. Division of Air Quality
  - c. Division of Marine Fisheries
  - d. Division of Coastal Management
  - e. Wildlife Resources Commission
  - f. Office of Archives and History
  - g. Division of Environmental Health
  - h. Division of Waste Management
  - i. Division of Parks & Recreation
  - j. Division of Public Health
  - k. Department of Agriculture and Consumer Services
  - l. The University of North Carolina
4. The NC DENR appointee to the SERC (also the ETAG Chairperson) will also serve as technical advisor to the SERT Leader.

5. The table below identifies the lead and support roles of various agencies in oil spill response. Note that there is a duality of roles for SERT depending upon the task being confronted.

**Primary and Support Roles for Various Agencies**

Spill Location / Responsibility	Environmental Protection		Public Property Protection		Economic Recovery
	Lead	Support	Lead	Support	Lead
Marine/Coastal Water	USCG	SERT	SERT	USCG	NCEM
Inland Water	EPA	SERT	SERT	EPA	NCEM
Land	DENR	SERT	NCEM / locals	SERT	NCEM

6. When **protection of the public** is involved, such as an evacuation of an affected area, there is little or no federal involvement in that activity beyond communicating the risk posed by the material spilled.
7. Following a major spill, it is anticipated that significant adverse economic effects on individuals, families and communities may occur. Accordingly, the Division of Emergency Management, with the support of federal, State, local, or other organizations will carry out a response and recovery program, more fully described in Paragraph 6 of this plan.

**B. Responsibilities – State Agencies**

**1. All Departments and Commissions**

- a. Notify Division of Emergency Management when agency receives report of oil spill outside the normal Emergency Management alerting process.
- b. Provide available equipment, facilities, and trained personnel if available as requested by the SERT Leader.
- c. Develop and maintain supporting documents, procedures and alerting lists for this plan.

- d. Plan and provide for the safety of employees and protection of State property in the event of an emergency.
  - e. Coordinate actions with SERT and with departments having related tasks.
  - f. When appropriate, provide assistance for the disposal, clean-up and spill residues.
  - g. Participate in exercises to test emergency plans and procedures.
  - h. On request, or by prior arrangement, provide liaison with SERT when activated.
  - i. On request, or by prior arrangement, provide liaison to the State EOC when activated.
  - j. If available, provide sampling and laboratory support for analysis.
  - k. Assure proper training for oil spill response personnel consistent with 40 C.F.R. 1910.120 or 40 C.F.R. Part 311.
  - l. Provide technical assistance when appropriate.
2. North Carolina Department of Environment and Natural Resources
- a. Division of Coastal Management
    - (1) Assist in technical assessment of the impact of spills and cleanup operations on the marine environment.
    - (2) Identify sensitive estuarine resources and advise SERT on protective measures.
    - (3) Communicate to federal permitting agencies, spill prevention and mitigation measures, which should be incorporated in federal permits for facilities and activities.
    - (4) Advise SERT Leader concerning emergency permits for activities within areas of environmental concern.
    - (5) Advise SERT concerning access points and routes least likely to harm areas of environmental concern.
    - (6) Participate in Environmental Technical Advisory Group (ETAG) assisting SERT Leader.

- (7) Assist in coordination of the determination of damages done to natural resources within the coastal zone.
  - (8) Provide to SERT Leader technical advice on any issue concerning impact of spill on State Coastal Reserve.
  - (9) Provide to SERT Leader technical advice on any issue concerning impact of spill on State Coastal Reserve.
  - (10) Provide liaison to SERT authorized to grant permission for response and cleanup activities as well as issue any required permits within State Coastal Reserve areas.
  - (11) Evacuate State Coastal Reserve areas when threat exists to public from spill.
  - (12) Determine access points and routes least likely to harm State Coastal Reserve areas and advise SERT Leader of same.
  - (13) Assist in liaison with Minerals Management Service of the US Department of the Interior if the spill originates of oil or gas facilities on the Outer Continental Shelf.
- b. Division of Environmental Health, Public Water Supply Section
- (1) Respond to incidents involving water supply systems
  - (2) Provide technical assistance to affected public water supply systems in the form of:
    - (a) Sample Collection. This will require coordination with trained and equipped first responders when hazardous or unknown substances are suspect or present.
    - (b) Public Notification
    - (c) Assistance in the activation of mutual aid agreements in NC Water WARN or request SERT to supply public water resources needed to assure minimum public impact and maximum business continuity. Help coordinate assistance from nearby water systems when it is needed.

(d) Notification to SERT Logistics Section of the need for emergency potable water and/or provide technical assistance in the treatment and distribution of water.

(3) Advise SERT Leader regarding public water supply concerns.

c. Division of Environmental Health, Shellfish Sanitation and Recreational Water Quality Section

(1) Collect shellfish samples for analysis, as necessary.

(2) Advise SERT Leader concerning the potential for shellfish contamination.

(3) Recommend to the Division of Marine Fisheries Director which coastal waters to temporarily close to shellfish harvest due to potential effects from oil spill

(4) Assist in communicating to the public which shellfish areas are affected by a spill.

(5) Embargo processed shellfish under authority delegated by the North Carolina Department of Agriculture and Consumer Services.

(6) Monitor position of Gulf Stream offshore through satellite imagery if this is the transport mechanism for source of oil

(7) Participate on the ETAG Team assisting the SERT Leader.

(8) Notify the general public, municipal officials, and media of swimming advisories and issue Press Release of those advisories as needed.

d. Division of Water Quality

(1) Respond as appropriate to scene of spill, assess extent of environmental damage and provide on-scene liaison with NCEM, the USCG, or a federal OSC concerning State environmental policies and regulations.

(2) Collect and analyze water and soil samples for possible contamination, maintaining proper chain-of-custody procedures. Provide SERT Leader with a summary of the analysis.

- (3) Assert State jurisdiction and order cleanup actions if no Federal official has arrived on-scene, assumed control, or if spill is outside federal jurisdiction.
- (4) Review containment and cleanup methods proposed by responsible party if spill is within State jurisdiction. Monitor these methods if cleanup is within federal jurisdiction.
- (5) Advise SERT Leader on the feasibility and effectiveness of the containment and cleanup methods being used.
- (6) Provide on-scene liaison with federal OSC concerning State environmental policies and regulations.
- (7) Request activation of the Region IV RRT or request federal assistance for containment and clean up.
- (8) Assist in the technical decision to restrict use of water resources.
- (9) Halt or restrict the use of non-drinking water as deemed necessary.
- (10) Consult with Public Water Supply Section on restrictions to be placed on use of drinking water supply.
- (11) In consultation with other DENR agencies (Coastal Management, Wildlife Resources, Marine Fisheries, and Air Quality), develop and maintain a decision-making methodology concerning the use of dispersants and biological agents (Tab D), disposal of contact waters, or in situ burning. **Approval of the chemicals to be used to disperse the oil would require authorization of the Director, Division of Water Quality, NC DENR; also, approval for in situ burning would be required from the Director, Division of Air Quality, NC DENR.** Any request of dispersants or in situ burning will be addressed on a case by case basis.

- (12) Serve on the federal RRT IV and a State representative to federal RRT at State EOC in order to facilitate liaison between SERT and the federal RRT during such times as SERT is activated for an oil spill response.
- (13) Enforce State environmental regulations and initiate prosecution under State law or regulations if circumstances warrant; assist Attorney General, as required, in this regard.
- (14) Participate in assessment of damages and presentation of same to responsible party, the State and federal OSCs, SERT and the State Attorney General as appropriate.
- (15) Communicate with adjacent states' water quality officials concerning impact of spill.
- (16) Obtain and evaluate technical data and information for SERT.
- (17) Participate in the Environmental Technical Advisory Group (ETAG) assisting SERT Leader.

e. Division of Air Quality

- (1) Respond as appropriate to scene of spill, assess extent of environmental damage and provide on-scene liaison with NCEM, the USCG, or a federal OSC concerning State environmental policies and regulations.
- (2) Collect and analyze air for possible contamination, maintaining proper chain-of-custody procedures. Provide SERT Leader with a summary of the analysis.
- (3) Participate in Environmental Technical Advisory Group (ETAG) assisting SERT Leader. Advise SERT Leader on the feasibility and effectiveness of the containment and cleanup methods being used.

- (4) Evaluate potential risk to the public on air quality in the State's Class 1 air sheds, and on ozone and particulate non-attainment areas if in situ burning is requested. **Note: There is no Decision Method for the use of in situ burning in Tab D to Appendix 6 to Annex B of the NCEOP.**
  - (5) Approval for in situ burning is required from the Director, Division of Air Quality, NC DENR and is addressed on a case by case basis.
  - (6) Serve on the Federal RRT IV and situate a Division representative to federal RRT at State EOC in order to facilitate liaison between SERT and the federal RRT during such times as SERT is activated for a Level 1, Level 2, or Level 3 oil spill response.
  - (7) Enforce State environmental regulations and initiate prosecution under State law or regulations if circumstances warrant; assist Attorney General, as required, in this regard.
  - (8) Participate in assessment of damages and presentation of same to responsible party, the State and federal OSCs, SERT and the State Attorney General as appropriate.
  - (9) Communicate with adjacent states' air quality officials concerning impact of spill.
  - (10) Obtain and evaluate technical data and information for SERT.
- f. Division of Forest Resources
- (1) Provide heavy equipment for gaining access to remote or inaccessible spill locations.
  - (2) Within the available resources provide equipment and personnel for contaminated debris removal.
  - (3) Provide air and land transportation as directed by the SERT Leader.

g. Division of Marine Fisheries

- (1) Identify sensitive marine habitats and marine areas crucial to the fishing economy.
- (2) Render law enforcement assistance as requested by SERT.
- (3) Provide land, sea and air transportation.
- (4) Operate watercraft as directed by the SERT Leader in support of on-water operations such as booming as well as waterfowl rescue.
- (5) Provide sampling and monitoring assistance; act as lead agency concerning fish sampling from marine waters.
- (6) Contact appropriate federal specialists and carry out technical consultations.
- (7) Provide liaison with National Marine Fisheries Service.
- (8) Participate in the ETAG assisting SERT Leader.
- (9) In conjunction with the Shellfish Sanitation Services Section of the Division of Environmental Health, restrict the taking of fish and shellfish from marine waters suspected of contamination due to an oil spill.
- (10) Identify otherwise unaffected marine areas and species and advise the SERT Leader concerning advisories to the public about the edibility of fish products taken from marine waters.
- (11) Participate in development decision-making methodology concerning use of dispersants and/or biological agents in marine waters.
- (12) Conduct damage assessment and determine valuation of economic losses in marine fishing and shellfish industries for economic recovery from the responsible party.
- (13) Provide liaison with marine fishing interests in coordination of response and recovery activities.
- (14) Provide liaison with the Wildlife Resources Commission for impacted areas and/or species from waters within the jurisdiction of both agencies.

(15) Provide watercraft and crews to support enforcement of USCG-initiated restrictions on waterway use.

(16) Provide aircraft and crews for surveillance/ reconnaissance.

h. Division of Parks and Recreation

(1) Provide to SERT Leader technical advice on any issue concerning impact of spill on State park facilities.

(2) Evacuation of State parks when threats exist to public safety.

(3) Coordination with other law enforcement agencies.

(4) Provide areas on park property for use as assembly or staging areas for equipment and personnel.

(5) Provide transportation and communication within State park areas.

(6) Determine access points and routes least likely to harm park facilities and advise SERT Leader of same.

(7) Provide a liaison to SERT authorized to grant permission for response and cleanup activities as well as issue any required permits concerning State park facilities.

(8) Advise SERT Leader concerning damages to State park facilities due to spill.

(9) Provide liaison and carry out technical consultations with U.S. National Park Service if a national park is threatened.

(10) Evaluate impact of spill on privately owned lands in the Natural Heritage program and serve as liaison between the owner and SERT. Recommend appropriate cleanup actions on such lands.

(11) Advise SERT Leader concerning protection of natural areas from oil spills.

(12) Participate on the ETAG assisting the SERT Leader.

i. Division of Waste Management

(1) Identify procedures for storage of oil debris pending disposal.

- (2) If oil spill is determined to be hazardous, provide a vendor list to the responsible party for proper waste management.
  - (3) Issue emergency permits for treatment, storage, disposal and transportation of debris from oil spill and associated clean-up activities.
  - (4) Provide vendor list to responsible party to facilitate cost assessment for proper waste management.
  - (5) Participate on the ETAG assisting the SERT Leader.
- j. North Carolina Wildlife Resources Commission
- (1) Render law enforcement assistance as requested by SERT.
  - (2) Identify sensitive inland water habitats.
  - (3) Provide air, water and land transportation as requested by SERT.
  - (4) Provide sampling and monitoring assistance; act as lead agency concerning fish sampling from inland waters.
  - (5) Provide liaison to and carry out technical consultations with the US Fish & Wildlife Service and other appropriate federal fish and wildlife specialists.
  - (6) Participate in the ETAG assisting the SERT Leader.
  - (7) Operate watercraft as directed by SERT Leader to support on-water operations such as booming as well as wildlife and waterfowl rescue.
  - (8) Restrict the taking of fish from inland waters suspected of contamination.
  - (9) In accordance with the US Fish and Wildlife Service's Wildlife Contingency Plan for North Carolina Coastal Areas 1995, cooperate with the US Fish and Wildlife Service. This Wildlife Contingency Plan describes the cooperative actions which will be implemented by the U.S. Fish and Wildlife Services and the North Carolina Wildlife Resources Commission in the event wildlife is

threatened or harmed by an oil spill event in North Carolina. For details of this plan, contact the North Carolina Wildlife Resources Commission, or the U.S. Fish and Wildlife Commission.

- (10) Calculate and communicate to the Planning and Assessment Branch of the Division of Coastal Management assessment of damage done to fish, wildlife and waterfowl from any state waters and/or adjacent habitat including calculation of values for litigation purposes.
  - (11) Act as liaison between SERT and interested environmental and conservation groups.
  - (12) Participate on the ETAG Team assisting SERT Leader.
  - (13) Identify otherwise unaffected areas of inland waters and species and advise the public concerning their use.
  - (14) Participate in development of decision making methodology concerning use of dispersants and/or biological agents in inland waters.
  - (15) Provide liaison with the NC Division of Marine Fisheries for impacted areas and/or species from waters under the jurisdiction of both agencies.
  - (16) Provide watercraft and crews to support enforcement of USCG-initiated restrictions on waterway use.
3. North Carolina Department of Crime Control and Public Safety (CCPS)
    - a. Division of Emergency Management
      - (1) On receipt of a spill report which requires activation of SERT: contact the appropriate USCG unit (USCG Sector North Carolina [Operations Center], Atlantic Beach, NC) or EPA Region IV and obtain the proposed location of the command post, the time the CP will be activated, and the name of the Federal OSC (FOSC). Dispatch State Emergency Management Coordinator (SEMC) to the CP, to provide on-scene assessment, to effect coordination with Federal OSC, to establish communication with State EOC, and to notify other agencies of spill. Ensure either the RP or the State EOC notifies the National Response Center (NRC) of the spill.

- (2) Provide radio communications support as needed. Establish incident in WebEOC when directed by SERT Leader.
- (3) Through the Geospatial Technology Management Section (GTM), maintain and graphically display current information on the status and extent of the oil spill.
- (4) Activate the SERT and ETAG when necessary.
- (5) Activate the State EOC.
- (6) Mobilize resources when directed by the SERT Leader.
- (7) Coordinate mobilization of resources of local governments and volunteers as necessary to supplement the response by federal and State agencies and/or the responsible party.
- (8) Obtain and provide data and information regarding the population, industrial, commercial, and natural resources within the State which may be endangered by the spill.
- (9) Through the State Emergency Management On-Scene Representative , provide communication from SERT to the party responsible for the spill as well as the Federal OSC in order to ensure that each receives timely consultations, advise and decisions regarding the State's position on actions necessary to respond to the spill.
- (10) Provide communication from SERT to the party responsible for the spill as well as the Federal OSC in order to ensure that he/she receives timely consultations, advice and decisions regarding the State's position on actions necessary to respond to the spill.
- (11) Provide the media with public information concerning the spill using the PIOs at the CP and at the State EOC.

- (12) The NCEM PIO in conjunction with the CCPS and DENR PIOs will make the determination to activate the Joint Information System (JIS) and/ or the Joint Information Center (JIC)
  - (13) Maintain contact with emergency management agencies in adjacent states and provide coordination if warranted by the location and magnitude of a spill.
  - (14) When a spill is of such magnitude that the two states have activated their respective Emergency Operations Centers, furnish a representative in the EOC of an adjacent state in order to facilitate communication and coordination.
  - (15) Provide representation on the Federal Region IV RRT.
- b. State Highway Patrol
- (1) Operate the State Warning Point and alert the State EOC on receipt of notification of a spill.
  - (2) Coordinate all law enforcement, traffic control measures and isolation of the impacted area as needed.
  - (3) Provide security at established shelters and regulation of motor vehicle traffic where indicated
  - (4) Provide communications support as requested by the SERT Leader.
- c. North Carolina National Guard
- (1) Provide aviation and ground support, as directed by the SERT Leader.
  - (2) Furnish ground transportation for equipment and personnel when directed by SERT Leader.
- d. Civil Air Patrol will provide aircraft and crews for surveillance and reconnaissance.

4. North Carolina Department of Administration, Human Relations Council will provide assistance and advice on assurance of non-discrimination and other similar activities during response and recovery operations.
5. North Carolina Department of Agriculture
  - a. Emergency Programs Division
    - (1) Coordinate Food and Agriculture response for NCDA&CS and partners
    - (2) Provide veterinary expertise and coordinate animal response support as requested by NCDENR
    - (3) Provide SERT Liaison as needed
  - b. Food and Drug Protection Division
    - (1) Assess the impact of spill on the edibility of food produced or gathered within the affected area.
    - (2) Restrict the sale, production and distribution, and warehousing of produce, and processed food products suspected of contamination.
    - (3) Provide food product sampling and monitoring assistance as requested by SERT and within the scope of the competency of the laboratory.
  - c. Food Distribution Division will provide surplus food commodities for evacuees when directed.
  - d. Agronomic Services Division
    - (1) Assess the damage to agricultural lands and turf (golf courses) negatively impacted by the oil that is carried inland by winds and or flooding.
    - (2) Assess the impact of oil on water sources used for irrigation.
    - (3) Serve as technical resource for recovery of damaged agricultural lands and turf.
  - e. Research Stations Division will provide open space for staging of equipment and personnel at the Tidewater Research Station in Plymouth.

- f. Office of the Commissioner
  - (1) Advise SERT Leader concerning advisories to the public about safety of food products.
  - (2) Provide liaison with U.S. Department of Agriculture and the U.S. Food and Drug Administration on questions of food safety and acquisition of emergency food supplies.
  - (3) Monitor availability of food supplies in affected areas
  - (4) Assist in public and media information through participation in the SERT and the Joint Information System (JIS).
- 6. North Carolina Department of Cultural Resources
  - a. Office of Archives and History – Historic Preservation Office
    - (1) Identify sensitive terrestrial and submerged archaeological and historical areas.
    - (2) Advise SERT Leader concerning impact of spill on known archaeological or historical sites.
    - (3) Inspect spill areas to determine presence and significance of historical or archaeological sites.
    - (4) Provide liaison on-scene to:
      - (a) Assist SERT in choosing least impact access points and staging areas.
      - (b) Monitoring clean-up activities and advising SERT concerning impact on archeological and historical sites by machinery and cleanup crews.
      - (c) Assess potential for vandalism to burial sites and advise SERT concerning security needs.
      - (d) Provide damage assessments.
    - (5) Serve as liaison with appropriate federal officials concerning implementation of Section 106 of National Historic Preservation Act.
    - (6) Participate on the ETAG to assist SERT Leader.

- b. Office of Archives and History - Historic Sites Section
  - (1) Advise SERT leader concerning impact of spill on historic facilities owned by State.
  - (2) Evacuate historic sites when circumstances warrant.
  - (3) Provide coordination with law enforcement agencies.
  - (4) Provide assembly or staging areas for equipment and personnel needed at other locations.
  - (5) Advise SERT Leader concerning access points and routes least likely to harm historic sites owned by the state.
  - (6) Provide damage assessments to SERT Leader.
- 7. North Carolina Department of Commerce
  - a. Division of Travel and Tourism
    - (1) Provide economic assessments of the impact of spill on tourism.
    - (2) Prepare for public release, informational materials regarding the affect of the spill on tourism and travel in the State.
  - b. Employment Security Commission
    - (1) Assist SERT in locating cleanup personnel.
    - (2) Assess impact on employment within affected area.
  - c. Division of Community Assistance
    - (1) Assist SERT in assessing economic impact of spill on affected local governments.
    - (2) Advise the SERT Leader on interim strategies for community economic maintenance until disaster recovery resources and operations are fully available.

8. North Carolina Department of Health and Human Services

a. Division of Social Services

- (1) Carry out appropriate sheltering activities.
- (2) Support American Red Cross and other agencies in shelter staffing at designated Red Cross shelters

b. Division of Public Health

- (1) Develop human health risk assessment for ingestion, inhalation and direct contact related to the spill utilizing data and information provided by other partners in the SERT.
- (2) Develop and implement disease surveillance to determine the impact of the spill on human health
- (3) Assist in developing prevention messaging as a result of the risk assessment and surveillance activities.
- (4) Provide technical support and expertise in the training of workers and of the public related to possible hazards related to the spill.
- (5) Coordinate activities with Local Health Departments

9. North Carolina Department of Justice

a. Office of the Attorney General

- (1) Prosecution of civil cases including enforcement of cases, and litigation for recovery of damages arising from spills.
- (2) Assist local district attorneys in prosecution of criminal cases arising from spills.
- (3) Assist in preparation of standard operating procedures for collection of evidence by agencies involved in assessment of damages to natural resources of the State.
- (4) Provide technical assistance to SERT during a Level 2 or 1 spill response regarding procedures to be followed to enhance cost recovery following the spill.
- (5) Provide consultation and liaison with legal staff of the Federal OSC and legal representatives of the responsible party as needed.

- (6) Request SBI assistance in criminal investigations related to an oil spill and coordinate SBI's activities with respect to investigation and potential prosecution related to the spill.

b. State Bureau of Investigation

- (1) At the request of the Attorney General, serve as lead agency in criminal investigations of spill events. This may be done at the request of the SERT Leader or at the request of a third party through the Attorney General.
- (2) Coordinate local law enforcement criminal investigative activities where necessary, or desirable.

10. North Carolina Department of Labor

a. Division of Occupational Safety and Health

- (1) Provide technical assistance and consultation in determination of the potential for, or cause of, worker illness, injury or death, related to oil spills.
- (2) Provide technical assistance and consultation with regard to compliance with occupational safety and health standards.
- (3) Provide technical assistance and consultation with regard to safety and health monitoring needs.
- (4) Provide technical assistance with regard to appropriate safety and health measures.
- (5) Provide technical assistance and consultation with regard to NCOSH training requirements.
- (6) Enforce North Carolina occupational safety and health regulations, as warranted.
- (7) Make technical assistance and consultative services available to the SERT Leader on request to the appropriate persons in the Department of Labor.

11. North Carolina Department of Transportation

a. Division of Highways

- (1) Erect and maintain such signs, lights, barricades or other traffic control devices as deemed appropriate to maintain or control traffic along the affected routes or detour routes.
- (2) Remove contaminated sand debris off state maintained rights of way and dispose it at DENR approved sites.
- (3) Provide SERT partners lists of contractors/suppliers to assist in the clean-up effort of sites outside the state maintained right of way
- (4) When directed by NCEM, the Division of Highways will develop, let, and administer contracts for the removal of oil from private roads. Such contracts will be pre-approved by NCEM prior to advertisement and award.

b. Division of Ferries

- (1) Coordinate movement of ferries through affected waterways with USCG.
- (2) Provide transportation for oil spill response personnel and equipment as needed

12. University System of North Carolina has several specialized components with faculty members who possess advanced technical skills which could be voluntarily furnished when requested by the SERT Leader to assist in assessing the impact of a major oil spill on the environment or on the health of residents of the State. These include the following:

- a. UNC Water Resources Research Institute
- b. UNC Sea Grant College Program
- c. UNC Coastal Studies Institute
- d. UNC-CH Institute of Marine Science
- e. UNCW and its Center for Marine Research
- f. ECU Institute for Coastal Science & Policy
- g. NCSU Center for Marine Sciences & Technology

C. Responsibilities – Local Government

1. Provide for protection of the population prior to the establishment of SERT and rendering continuing assistance thereafter including provision of shelter and mass care if so designated in the local EOP (N.C.G.S. 14-288.12-14 and .16-18).
2. Provide appropriate representatives to the scene to cooperate with and support as needed, State and Federal on-scene representatives.
3. Assist in the execution of this plan on order of the Governor or his representative (N.C.G.S. 143-215.94II, and 14-288.15 and .16).
4. Develop and exercise supporting plans, procedures and checklists.
5. Deploy emergency response resources including equipment and personnel in coordination with SERT.
6. Immediately report oil spills sighted by local officials to SERT.
7. Maintain appropriate records concerning costs incurred and report same to the SERT Leader.
8. Cooperate as needed with the Attorney General in efforts to recover costs from the responsible party.
9. When requested, make appointments to a County Disaster Recovery Committee and assist the Division of Emergency Management in the operation of recovery programs in the counties affected by a major spill.
10. Provide representation and liaison as requested by SERT in the EOC and at the Joint Information Center.

D. Responsibilities – Private Parties - Under authority granted in N.C.G.S. 143-215.94 GG, 143-215.84 and 143-215.94 CC, producers, refiners, haulers, or storers of spilled product or other persons who are deemed the Responsible Party (RP) must:

1. Immediately notify the State of the spill in addition to other required notifications.
2. Assume responsibility for and initiate cleanup activities.
3. Assume responsibility for response and recovery costs.

E. Responsibilities – Private Not-For-Profit Organizations

1. North Carolina Interfaith Disaster Response (NCIDR)
  - a. Encourage local religious communities in the impacted area(s) to serve harmoniously and effectively
  - b. Cooperate with local, state, and federal efforts
  - c. Support the development of a Recovery Committee established in the impacted area(s)
2. The American National Red Cross
  - a. Assist with the operation of shelters and feeding operations.
  - b. Provide staff and volunteer personnel.
  - c. Supply available cots, blankets and other equipment.
  - d. Assist other voluntary agencies with disaster related or mass care capabilities to encourage their support through the provision of manpower, facilities and equipment.
  - e. Assist with the distribution of food provided by the Department of Agriculture.
  - f. Support local medical facilities by providing available American Red Cross Disaster Health Services personnel upon request
  - g. Assist affected populations with referrals to appropriate agencies and resources.
3. The Salvation Army
  - a. Provide mass cares services with available resources that may include, but not be limited to:
    - (1) Mass Feeding & Hydration (fixed & mobile)
    - (2) Emotional & Spiritual Care
    - (3) Disaster Social Services & Case Management that provides individuals & families with practical assistance, particularly in recovery.

- b. Support the development and participation of state, regional and local Voluntary Organizations Active in Disaster (VOAD), Interfaith and Long-Term Recovery groups in executing cooperation, coordination, communication and collaboration in emergency management .
- c. Designate a liaison officer to the state emergency operations center to coordinate with other agencies & organization as well as local, state and federal officials.

## **VI. Concept of Operations**

- A. General: A multi-organizational oil spill response network will be deployed when oil poses a threat to the public health and welfare on the environment. Included in this network are resources of the federal, State, and local governments, the responsible party, oil spill response contractors and cooperatives, and volunteer groups and individuals. The USCG or EPA using the Incident Command System concept will lead this response.
- B. Notification
  - 1. Federal statutes and regulations require that any person in charge of a vessel or facility shall, as soon as he/she has knowledge of any discharge from such vessel or facility in violation of section 311(b)(3) of the Clean Water Act, immediately notify the National Response Center (NRC) or the USCG or EPA OSC for the geographic area where the discharge occurs.
  - 2. On receipt of notification of a discharge, the NRC will promptly notify the appropriate Federal OSC, and the State EOC. The OSC shall ensure notification of the appropriate State agency of any State that is or may reasonably be expected to be affected by the discharge.
- C. Response Operations
  - 1. The spiller or RP is required to take immediate and effective actions to mitigate the effects or any spill and to cleanup and restore the incident site. While most all discharges will involve some level of response by appropriate governmental agencies, discharges which pose or present a substantial threat to public health or welfare will involve local, State, and federal response personnel, and the RP, and will follow the priorities listed below:
    - a. First: Protection of human life, health, and safety of the general public and the emergency personnel.

- b. Second: Protection of valuable environmental, cultural, historical and archeological resources.
  
  - c. Third: Protection of business and commerce.
2. The initial public safety response is normally initiated by the local emergency response organizations. The RP's initial response will be directed toward stopping the discharge, containing the discharged product, and commencement of cleanup and remove of the oil. Oversight and surveillance of the RP's actions are done at the State and federal levels.
  3. When a discharge is within or potentially affecting the coastal waters of North Carolina, the initial response and monitoring of the RP's response will be taken by the USCG. Response to discharges in to or upon navigable waters in the inland zone will be monitored by an EPA OSC. The roles of both the USCG and EPA OSC are to ensure an effective an immediate removal of the discharge or mitigation or prevention of a substantial threat of a discharge. All of the actions by the Federal OSC will be closely coordinated with the State Emergency Management On-Scene Representative.
  4. For a discharge in which the party responsible is unable or unwilling to respond effectively, the State or Federal OSC, to extent possible under the circumstances, will so advise the RP of his/her responsibilities. If the situation continues, the OSC shall take necessary response actions to include removing or arranging for the removal of the discharge through the appropriate DENR division representative.
  5. If the discharge results in a substantial threat to the public health or welfare of North Carolina, including but not limited to fish, shellfish, wildlife, other natural resources, and public and private beaches and shorelines, the Federal OSC, under the direction of the NCP, must direct all federal, State, and private actions to remove the discharge or prevent the threat of such as discharge. In such situations, North Carolina will assume a position of support to this response.
  6. In any emergency event, the State will provide coordination of all measures taken with respect to public safety and protection.
  7. If initial efforts to contain and control the release or spill are unsuccessful, the State's efforts will be principally directed toward supporting rapid and safe clean-up of the spilled material and the restoration of damaged

natural and man-made resources to their normal state.

8. Only properly equipped and trained personnel will be permitted to engage in containment, control or clean-up activities, whether such personnel are from federal, State, or local agencies or from private contractors, cooperatives or volunteer organizations.
  9. Through the Division of Emergency Management Area Coordinators or RCC, the State will provide guidance and assistance to local government and volunteer agencies engaged in the response activities. When so directed by the State Emergency Response Team (SERT) leader, or if so requested by a county emergency management coordinator, the NCEM Area Coordinator in whose area the spill occurs, or duty area coordinator, will become the State Emergency Management On-Scene Representative and will coordinate the use of all State resources through the Unified Command system with the USCG or EPA Federal OSC as appropriate.
  10. Damage assessments will be conducted by federal, State and local personnel within their areas of expertise or responsibility to determine the value of property and resources damaged or destroyed by the effects of an oil spill. NCEM Recovery Section and DENR will lead the State's damage assessment and restoration efforts, and will coordinate with the federal and local agencies involved in assessing damages.
  11. Volunteer and Donations Management will be conducted by the NC Commission on Volunteerism and Community Services under the Office of the Governor in accordance with the Emergency Operations Plan Annex A, Appendix 5, Tab D. All Volunteers handling or coming in contact with petroleum products must be appropriately trained and outfitted.
- D. The State will seek compensation for expenses and damages from the party responsible for the spill, and all such expenses and damages will be documented from the outset of the incident. States have access up to \$250,000, without a FOSC request, from the federal Oil Spill Liability Trust Fund established under OPA '90, and administered by the National Pollution Funds Center.
- E. Levels of Oil Spill Emergency Response
1. The State's response to an oil spill incident will be based on the following system to classify the severity of the release. On scene personnel or the Unified Command shall advise the State EOC of the size of the spill and the State Emergency Management On-Scene Representative shall recommend to the SERT Leader a level to be assigned to the incident.

2. The table illustrates the relationship between the amount spilled, the federal terminology and the State levels of response. In federal terminology, the word "potential" is used in conjunction with "minor", "medium" or "major" to indicate the size of the potential spill, should there be a release.

**Size and Classification of Oil Spills**

State Response	Amount Spilled	Federal Terminology
Level 4	None, but substantial risk	Potential
Level 3	<1,000 gallons (Inland) <10,000 gallons (Coastal)	Minor
Level 2	1,000-10,000 gal (Inland) 10,000-100,000 gal (Coastal)	Medium
Level 1	>10,000 gallons (Inland) >100,000 gallons (Coastal)	Major

3. Set out below is a summary of the State oil spill action levels.
- a. **Level 4** is a situation in which no oil has yet reached the waters of the State but there is significant potential for the spill to enter these waters. Under federal terminology this is a **potential oil spill** and the report given by the federal authorities might also indicate a likely size of the spill. Therefore the information received might indicate a potential minor, potential medium, or potential major spill.
- (1) Response activities at **Level 4** will be undertaken by on-scene federal, State or local personnel toward the rescue of any endangered persons, followed by efforts at containment of the oil or hazardous substance in order to prevent a release into the waters. If available data indicates that the potential for a major spill is highly likely, appropriate State and local personnel will be notified of this potential.
- (2) Spill **Level 4** is designated as a situation in which no spill has occurred but there is a potential for a spill. The NCEM communications officer shall initiate notifications consistent with the

current "Oil/Petroleum Spill" checklist found in the Operations Manual. At this level the communications officer may also contact the USCG, EPA, or other organization which has personnel on scene, to determine the potential for a spill and its probable size.

- b. A **Level 3** oil spill emergency involves an incident in which oil or petroleum products are spilled in the following amounts:
- (1) less than 10,000 gallons of oil or product enters the coastal or marine waters; or
  - (2) less than 1,000 gallons enter the inland waters.
  - (3) The federal terminology for such a situation is a **minor spill**.
  - (4) For spills of **Levels 3-1** in State waters, the NCEM communications duty officer shall always contact either USCG Sector North Carolina [Operations Center], or the EPA Region IV Tel Duty OSC (See Tab D for telephone numbers), as appropriate, to determine if there is a need for NCEM and DENR personnel to respond. If such a need arises, obtain the following information: (1) name of On-Scene Coordinator, (2) location of Command Post, (3) time of activation of Command Post.
  - (5) State response in a **Level 3** oil spill may include the following steps:
    - (a) Response by regional DENR Division of Water Quality and a NCEM area coordinator.
    - (b) On-scene efforts by federal, State and local personnel towards rescue of endangered persons, containment of the spill, recovery of oil or product, and an appropriate assessment of potentially adverse environmental consequences.
    - (c) Notifications per the "Oil/Petroleum Spill" checklist.
    - (d) Alert SERT Agencies.
    - (e) Alert ETAG.
    - (f) Additional response to the situation will be dictated by circumstances.

- c. A **Level 2** oil spill involves:
  - (1) Release of between 10,000 and 100,000 gallons in the marine or coastal waters; or
  - (2) Between 1,000 and 10,000 gallons in the inland waters.
  - (3) Federal terminology for such a situation is a **medium spill**.
  - (4) State response in a **Level 2** oil spill may include the following steps:
    - (a) Notifications per the “Oil/Petroleum Spill” checklist.
    - (b) Level of SERT activation, including ETAG, at the discretion of the SERT Leader.
    - (c) Additional response to the situation will be dictated by circumstances.
    - (d) Response by regional DENR Division of Water Quality and a NCEM area coordinator Branch Manager.
  
- d. A **Level 1** oil spill involves the following spill:
  - (1) More than 100,000 gallons of oil into the coastal or marine waters; or
  - (2) More than 10,000 gallons of oil or product in the inland waters.
  - (3) Federal terminology, this situation is referred to as a **major spill**.
  - (4) **Level 1** spill is considered a major emergency. Significant State and local resources will be required, and the State EOC will be activated for the purposes of coordinating the response.
  
- 4. **At any level of response**, on-scene personnel are encouraged to advise the Division of Emergency Management if circumstances indicate the serious likelihood for further deterioration of the situation with regard to the size of the spill, increases in the area impacted, or unanticipated involvement of sensitive resources or vulnerable property.

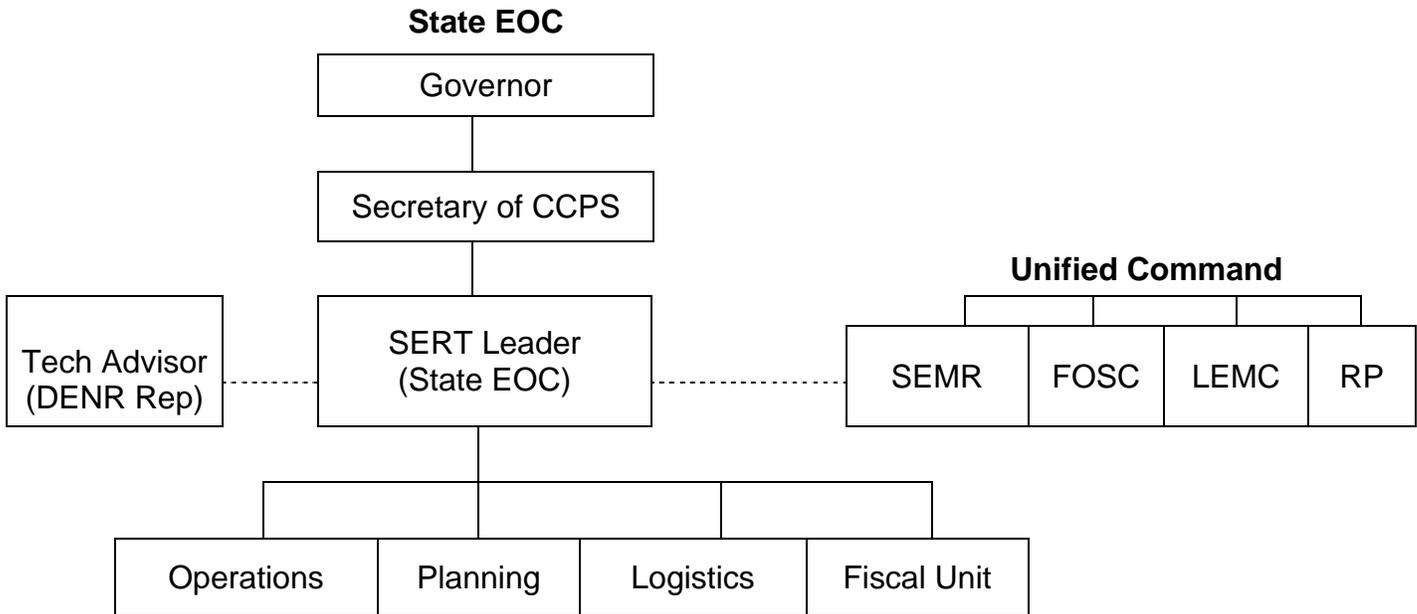
#### F. Direction and Control

##### 1. General

- a. When federal, State, and local government agencies and a responsible

party respond to an oil discharge event, a Unified Command (UC) is normally established involving representatives from each participating entity. The Incident Command System (ICS), as a response management system, is a combination of organizational structure, management processes, individual roles and operational strategy employed during the response. All final decisions concerning response strategies including actions taken for public safety, environmental damage mitigation, and cleanup and disposal measures will be executed using the Unified Command process.

- b. The local government representative will normally be the county Emergency Management Coordinator or other person designated by the senior elected official of the governing jurisdiction in which the spill occurred. The State representative will be the NCEM area coordinator responsible for the geographical area in which the spill occurred, and he/she will be the State Emergency Management On-Scene Representative (SEMR). Once the severity of the spill is determined the SERT leader may assign a branch manager or Senior Staff member as the SEMR. All requests from the Federal OSC for the use of State resources and/or for State concurrence with proposed response strategies and all recommendations to the Federal OSC from North Carolina State government departments/agencies will pass through the SEMC who will be acting for the SERT Leader. The Federal representative will be an OSC from either the USCG or EPA, depending on the location of the spill. The RP's representative constitutes the remaining UC member State activities which support the environmental protection activities will be carried out when requested by the Federal OSC. State environmental protection measures shall be under the technical direction and control of the Secretary of Environment and Natural Resources whose staff on the SERT in Raleigh and at the Unified Command Post shall furnish him/her sufficient technical advice to allow him/her to make appropriate decisions concerning their sources whose protection he is charged by law.



- c. **The Secretary of Crime Control and Public Safety through the SERT shall coordinate all of the agencies of State government to render assistance in environmental protection measures when a request is made by the Federal OSC for State assistance or when the Secretary of Environment and Natural Resources requests such assistance.**
- d. State responsibility for protection of the public and its property is vested under State law in the Governor and the Secretary of Crime Control and Public Safety. The SERT Leader shall accomplish activation of the SERT and the State EOC when needed in order to assist the Governor and the Secretary of Crime Control and Public Safety in carrying out their duties.
- e. The State Emergency Operations Center is in the Administration Building at 116 West Jones Street, Raleigh, North Carolina, and has sufficient support facilities for extended continuous operation.

- f. When the SERT is activated, any federal agency involved is encouraged to send a representative to the State EOC in order to provide liaison and more effectively coordinate their activities with SERT.
- g. In the event of a major oil spill affecting both North Carolina and its contiguous states, the Division of Emergency Management will provide a representative to the adjacent State EOC in order to facilitate communications and to coordinate mutual aid activities between the states.
- h. Natural resource damage assessments and restoration will be conducted by DENR with assistance from appropriate agencies of State government. SERT will assist with coordination of these activities and provide liaison with the Federal OSC through the State EMR.

## 2. Inland Zone

- a. When the spill is within the inland zone under the jurisdiction of EPA, local government first responders will usually be the first government agencies on-scene. The local Incident Commander (IC) will attempt to contact the RP's representative and determine what threats exist to the health and safety of the local population. These threats may include the products involved, fire, explosion, and presence of airborne toxins.
- b. If the RP is not present or available, the IC will establish a Command Post and initiate public safety protection actions under the Incident Command System (ICS). If the RP is represented and a Command Post (CP) has not already been established by the RP, the IC, in conjunction with the RP, will establish a CP and begin coordinated first response functions. Through this effort, the transition to a Unified Command (UC) begins.
- c. Once public safety concerns have been addressed, local efforts will be concentrated on environmental and public health concerns until the arrival of a State or Federal OSC. Direction and control of continuing local efforts will remain with the IC. On arrival of the State EMR, the ICS further transitions toward an UC. At this time, direction and control of the incident may be transferred to the State EMR if the IC so desires and the State EMR agrees. If the RP is not already represented at the CP, they should be encouraged to do so as soon as possible.

- d. Depending on the location of the spill, the CP may be located at the RP's business location or at a site selected by the local IC. In any case, there will be only one CP.
  - e. On the arrival of the Federal OSC, a fully-functional UCS, consisting of the three levels of government and the RP, assumes overall management of the response to the spill. The UC overlay to the ICS provides a mechanism to involve all the stakeholders in the management of the response so that all responding agencies can work together to solve the common problems that arise during a significant spill. The NCP Section 300.305(c) stipulates where practicable, the framework for the response management structure is a system (e.g., a unified command system), that brings together the functions of the federal government, the state government, and the responsible party to achieve an effective and efficient response, where the Federal OSC maintains authority.
  - f. Under section 311(c)(1) of the Clean Water Act (CWA), as amended, the Federal OSC has the authority to direct or monitor all federal, State, and private actions to remove a discharge, and, in case of a substantial threat to the public health and welfare of the United States, the Federal OSC must direct such actions. The Federal OSC, in coordination with the State EMR will assume responsibility for the environmental protection aspects of the response. The techniques and procedures to be used in containing, removing, and disposal of the spill will be determined cooperatively through the UC.
3. Coastal Zone: When the spill is within the jurisdiction of the USCG, the USCG has ultimate responsibility for final direction and control decisions after appropriate consultation with local government representatives, the State EMR, and the RP.

#### G. Training

1. To the extent possible, individuals involved in the management of a response to an oil/petroleum spill should complete the Incident Command System 200 and 300 classes available from the USCG, EPA, NCEM, or DENR.
2. For personnel engaged in on-scene operations for the removal of a product, completion of training consistent with federal OSHA 29 C.F.R. §1910.120 is required to comply with health and safety regulations.
3. The EPA on an annual basis through NCEM and DENR will offer advanced management-level training for inland oil spill response.

4. The USCG "On-Scene Coordinator Crisis Management" course is recommended for government officials responsible for response management.

#### H. Exercises

1. Exercises shall be conducted in compliance with federal regulations.
2. When invited, NCEM shall participate in the exercises conducted by the USCG and EPA.
3. To the extent possible, NCEM and DENR Division of Water Quality to conduct a minimum of one tabletop exercise during the three-year cycle of this plan.

### VII. References

- A. Public Law 96-510, December 1980, Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), commonly known as Superfund.
- B. Public Law 99-499, October, 1986, Superfund Amendments and Reauthorization Act, Title III, Emergency Planning and Community Right to Know, also known as SARA Title III.
- C. Public Law 92-500, Federal Water Pollution Control Act, commonly known as the Clean Water Act (CWA) as amended.
- D. Public Law 101-380 August, 1990; commonly known as the Oil Pollution Act of 1990.
- E. North Carolina General Statutes, Chapter 166A, Emergency Management.
- F. North Carolina General Statute 143.215.75 et seq., the North Carolina Oil Pollution and Hazardous Substances Control Act of 1978.
- G. 15A North Carolina Administrative Code 02A.0005(a)(Z).
- H. Executive Order 73, State of North Carolina.
- I. National Hazardous Substances Contingency Plan, 40 CFR, Part 300, September 1994.
- J. Federal Region IV Oil and Hazardous Substance Pollution Contingency Plan. December 1994.

- K. United States Coast Guard, Sector North Carolina Area Contingency Plan, December, 2006. <<http://homeport.uscg.mil/northcarolina>>.
- L. United States Coast Guard, Sector Hampton Roads, Mid-Atlantic Area Contingency Plan, September, 2007. <<http://homeport.uscg.mil/hamptonroads>>.
- M. North Carolina Emergency Operations Plan, July, 2000.
- N. Common law, and any other State or federal statutes, as applicable.

**VIII. Tabs**

Tab A: Communications

Tab B: USCG/EPA Boundary in North Carolina

Tab C: Telephone Alert List

Tab D: Decision Method for Dispersant and Bioremediation Technique Application

TAB A TO APPENDIX 6 TO ANNEX B  
NORTH CAROLINA EMERGENCY OPERATIONS PLAN

## OIL SPILL COMMUNICATIONS

As provided in Section 6(b) of this plan, notification of spills of oil or hazardous substances shall be made to the North Carolina Division of Emergency Management at 1-800-858-0368. This telephone number is answered at the State EOC 24 hours per day.

The communications officer at the State EOC will be responsible for notification of appropriate state agencies on being advised of a spill.

### Coast Guard Radio

Coast Guard units involved in oil spill response operate radio equipment on the VHF Marine band. The following marine frequencies are identified in the relevant Marine Safety Office plans as being used in the coastal areas of North Carolina:

<u>Channel</u>	<u>Frequency</u>	<u>Usage</u>
6	156.300	Inter-ship safety frequency
12	156.600	Port operations working frequency
13	156.650	Ship to ship - navigation only
16	156.800	Distress, safety and calling
21	157.070	USCG use only
22	157.100	USCG to civilian ships
23	157.150	USCG use only
81	157.075	USCG working frequency for response
83	157.175	USCG working frequency

### Private Sector Communications

Oil spill cleanup cooperatives operate portable radio systems on standard commercial frequencies when engaged in oil spill cleanup operations. If common frequencies are not available between the State response members' portable radios and the responsible party's contractor radios, communications problems should be resolved by the Communications Unit Leader in the ICS-established Logistics Section.

### Intersystem Coordination

Division of Emergency Management field personnel shall establish and maintain communications between the scene and the State EOC by way of the existing state-wide Emergency Management radio and satellite communications network. Any on-scene member of SERT who needs contact with his supervisors in Raleigh or with SERT can access the State EOC by way of either the Emergency Management low-band radio system, satellite radio/telephone (**800 MHz / VIPER**), or through the cellular telephone capabilities in the Emergency Management vehicles. Similarly, these vehicles have the capability for direct radio contact with the following agencies:

1. North Carolina Highway Patrol
2. North Carolina Department of Transportation
3. North Carolina Wildlife Resources Commission.

In order to effect coordination with the USCG or the EPA, the Division of Emergency Management on-scene personnel shall report to the field command post established by the Federal OSC or his designee.

TAB B TO APPENDIX 6 TO ANNEX B  
NORTH CAROLINA EMERGENCY OPERATIONS PLAN

## **USCG/EPA BOUNDARY IN NORTH CAROLINA**

Effective Date Note: By USCG-2002-12471, 67 FR 41331, June 18, 2002 Sec. 3.25-20 was amended by revising paragraph (b) effective June 30, 2002. At 67 FR 42352, June 27, 2002, this amendment was delayed until October 1, 2002. For the convenience of the user the revised text is set forth as follows:

33 CFR Sec. 3.25-20 USCG Sector North Carolina Marine Inspection Zone and Captain of the Port Zone; Marine Safety Unit Wilmington: Cape Fear River Marine Inspection and Captain of the Port Zones.

**Captain of the Port (COTP):** Means any U.S Coast Guard commissioned, warrant or petty officer who has been authorized by the official Captain of the Port, North Carolina to act on his or her behalf.

- a. The official COTP for North Carolina is a commissioned U.S Coast Guard officer (Captain / O-6).
- b. The Cape Fear River COTP zone is encompassed by the overall (Sector) North Carolina COTP zone (as well as being under its primary authority).

Coast Guard Sector North Carolina is located in Atlantic Beach, NC (Fort Macon State Park). A subordinate unit, Marine Safety Unit (MSU) Wilmington, is located in Wilmington, NC. The COTP North Carolina (**or designated COTP Cape Fear River [from MSU Wilmington, NC]**), will be the pre-designated OSC in the following areas within Federal Region 4. When a roadway is used to delineate a boundary, that boundary shall be to, but shall not include, the roadway.

The boundaries of Sector North Carolina's Marine Inspection Zone and Captain of the Port Zone start at the sea on the North Carolina-Virginia border at latitude 36°33'00" N, longitude 75°52'00" W, proceeding west along the North Carolina-Virginia boundary to the Tennessee boundary; thence southwest along the North Carolina-Tennessee boundary to the Georgia boundary; thence east along the North Carolina-Georgia boundary to the South Carolina boundary; thence east along the North Carolina-South Carolina boundary to the sea at latitude 33°51'04" N, longitude 78°32'28" W; thence southeast on a bearing of 122°T to a point at latitude 33°17'55" N, longitude 77°31'46"

W; thence southeast to the outermost extent of the EEZ at latitude 31°42'32" N, longitude 74°29'53.3" W; thence northeast along the outermost extent of the EEZ to a point at latitude 36°33'00" N, longitude 71°29'34" W; thence west to the point of origin; and in addition, all the area described in paragraph (b) of this section.

MSU Wilmington is responsible for the Cape Fear River Marine Inspection and Captain of the Port Zones, starting at a point at latitude 34°26'26" N, longitude 77°31'05" W at the intersection of the Pender County and Onslow County lines on the Atlantic Coast, proceeding north along the boundary of Pender County and Onslow County to the intersection of the Pender County, Duplin County, and Onslow County lines; thence north along the boundary of Duplin County and Onslow County to the intersection of the Duplin County, Onslow County, and Jones County lines; thence northwest along the boundary of Duplin County and Jones County to the intersection of the Duplin County, Jones County, and Lenoir County lines; thence northwest along the boundary of Duplin County and Lenoir County to the intersection of the Duplin County, Lenoir County, and Wayne County lines; thence west along the boundary of Duplin County and Wayne County to the intersection of the Duplin County, Wayne County, and Sampson County lines; thence north along the boundary of Sampson County and Wayne County to the intersection of the Sampson County, Wayne County, and Johnston County lines; thence west along the boundary of Sampson County and Johnston County to the intersection of the Sampson County, Johnston County, and Harnett County lines; thence southwest along the boundary of Sampson County and Harnett County to the intersection of the Sampson County, Harnett County, and Cumberland County lines; thence west along the boundary of Cumberland County and Harnett County to the intersection of the Cumberland County, Harnett County, and Moore County lines; thence south along the boundary of Cumberland County and Moore County to the intersection of the Cumberland County, Moore County, and Hoke County lines; thence west along the boundary of Hoke County and Moore County to the intersection of the Hoke County, Moore County, Richmond County, and Scotland County lines; thence southeast along the boundary of Hoke County and Scotland County to the intersection of the Hoke County, Scotland County, and Robeson County lines; thence southwest along the boundary of Robeson County and Scotland County to the intersection of the Robeson County, Scotland County, and North Carolina-South Carolina boundaries; thence southeast along the North Carolina-South Carolina boundary to a point at latitude 33°51'30" N, longitude 78°33'00" W along the North Carolina-South Carolina boundary; thence to the Atlantic Coast at latitude 33°51'04" N, longitude 78°32'28" W; thence southeast to a point on a bearing of 122° T at latitude 33°17'55" N, longitude 77°31'46" W; thence north to a point at latitude 34°26'26" N, longitude 77°31'05" W.

All spills originating from the Marine Transportation Related portion of a facility within the city limits of New Bern, NC or Jacksonville, NC will have USCG Sector North Carolina as the pre-designated OSC. Spills originating from the Wilmington, NC vicinity will have USCG Marine Safety Unit (MSU) Wilmington, NC as the pre-designated OSC (but initial contact/notification should always be routed through the USCG Sector North Carolina Operations Center).



This page is intentionally left blank.

TAB C TO APPENDIX 6 TO ANNEX B  
NORTH CAROLINA EMERGENCY OPERATIONS PLAN

## **OIL SPILL TELEPHONE ALERT LIST**

### Federal Agencies

<b>USCG - National Response Center (NRC)</b>	<b>800-424-8802</b>
<b>USCG - Sector North Carolina (24-Hour Ops)</b>	<b>252-247-4570/4571</b>
USCG - MSU Wilmington, NC (7:30am – 4pm)	910-772-2205
MSU Officer of the Day (OOD) cell	910-512-5830/5831
EPA Region IV Tel Duty OSC	404-562-8700

### Neighboring States

SC EOC	800-811-8045
VA EOC	804-674-2400

### NC State Agencies

DENR/Wildlife Resources Commission	800-662-7137
(24-hour dispatch) Raleigh	Fax 919-662-4385
DENR/Marine Fisheries Division	800-682-2632
(24-hour dispatch) Morehead City	252-726-7021
	Fax 252-726-1654
University of North Carolina System	
UNC Water Resources Research Institute	919-515-2815
NC Sea Grant College Program	919-515-2454
UNC-W Chief Research Officer	910-962-4117
UNC-CH Institute of Marine Sciences	252-726-6841
ECU Inst. for Science and Policy	252-328-6220
ECU School of Medicine, Dean's Office	252-816-2201

Tab C  
Appendix 6  
Annex B  
NCEOP  
April 2009

This page is intentionally left blank.

TAB D TO APPENDIX 6 TO ANNEX B  
NORTH CAROLINA EMERGENCY OPERATIONS PLAN

**DECISION METHOD FOR DISPERSANT AND BIOREMEDIATION  
TECHNIQUE APPLICATION [NCGS 143-215.84]**

1. General. The Division of Water Quality of the NC Department of Environment and Natural Resources is responsible for advising the federal OSC of the State's position on the use of dispersant and bioremediation techniques in response to oil spills. If dispersant or bioremediation techniques are being considered for use in a spill, the SERT representative from the Division of Water Quality should be consulted for information on products acceptable to the State and EPA as shown in the NCP Product Schedule.
2. When the OSC proposes the use of dispersants or requests the State's position on use of dispersants in any given oil spill situation, the Division of Water Quality will be contacted (919-733-5083).
3. NCGS 143-215.84(a) contains the following statement that requires the Environmental Management Commission to approve the usage of a dispersant.

"If it is feasible to collect and remove the discharge, the person responsible shall take all practicable actions to contain, treat and disperse the discharge; but no chemicals detrimental to the environment or natural resources shall be used for such purposes unless they have been previously approved by the Environmental Management Commission."

According to NCAC 15A: 02A.0105(a)(2),

The DENR Secretary has delegated the authority to issue permits for the Environmental Management Commission as provided in N.C. General Statutes 143-215.28, and 87-88, and to approve the use of chemicals or other dispersants or treatment materials as provided in G.S. 143-215.84(a) The Secretary has further delegated this authority to Director of the Division of Water Quality. The Secretary or his delegate shall report all such issuances or approvals to the Commission.

4. The following information must be provided to the Director of the Division of Water Quality

Dispersant Information

Dispersant proposed  
Toxicity information  
Proposed applicator  
Proposed application rate  
Time frame for dispersant application

Incident Information

Material spilled  
Quantity spilled  
Location of the spill  
Date/time of the incident  
Party responsible for the spill  
Cause of the spill  
OSC (Name)

5. Applicability

The procedures listed above will be used when a spill occurs within State waters (within three miles of shore), or in waters likely to affect State waters.

Dispersants **are not** to be used in estuarine or inland waters of the State or in ocean waters where they are likely to adversely impact estuarine waters or their associated fisheries resources (i.e. immediate seaward of inlets) unless approval is given by the DENR Secretary or his/her designated representative.