

COMMONWEALTH OF VIRGINIA

Emergency Operations Plan



HAZARD-SPECIFIC ANNEX #5 HAZARDOUS MATERIALS RESPONSE

VIRGINIA DEPARTMENT
OF
EMERGENCY MANAGEMENT

2012 August

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RECORD OF CHANGES

Change #	Date	Description of Change	Page #	Initials

Lead Agency

- Virginia Department of Emergency Management (VDEM)
- Department of Environmental Quality (DEQ)

Support Agencies and Organizations

- Virginia Department of Agriculture and Consumer Services (VDACS)
- Department of Conservation and Recreation (DCR)

- State Corporation Commission (SCC)
- Department of Game and Inland Fisheries (DGIF)
- Virginia Department of Health (VDH)
- Virginia Cooperative Extension Offices (VCE)
- Department of Labor and Industry (DOLI)
- Virginia Marine Resource Commission (VMRC)
- Department of Mines, Minerals, and Energy (DMME)
- Virginia State Police (VSP)
- Virginia Department of Transportation (VDOT)

Purpose

The Commonwealth of Virginia Hazardous Materials Response Annex is a hazard-specific component of the Commonwealth of Virginia Emergency Operations Plan (COVEOP). It has been developed to provide a sound basis for hazardous materials emergency preparedness and to establish the organizational framework and operational concepts and procedures designed to minimize the loss of life and property and to expedite the restoration of essential services following a hazardous materials emergency.

Scope & Applicability

This annex applies to all state agencies responding to hazardous materials; (hereinafter hazmat), incidents. While the vast majority of hazardous material incidents are accidental, there is always the possibility of an environmental crime or act of terrorism requiring flexibility in response operations, plans, procedures, and resource needs.

This annex is designed to address each type of hazard, as it pertains to hazardous materials, as well as the evolution of the categorization of the incident from accidental to criminal to intentional that may occur in the response.

This annex is designed to adapt to and meet the challenges of these types of incidents by adopting NIMS. NIMS provides a common framework within which government and private

entities can work in a coordinated manner to manage incidents.

The Commonwealth's hazardous materials emergency response organization provides the organizational framework and standard operating procedures that the state will use when responding to and recovering from a hazmat incident.

Response to transportation accidents involving radioactive materials is contained in the Commonwealth of Virginia Radiological Emergency Response Annex as well as the Commonwealth of Virginia Terrorism Consequence Management Annex.

Planning Assumptions

- Accidents or emergencies involving the broad spectrum of hazmat can and do occur anywhere within the Commonwealth daily.
- It may not be initially evident that the emergency or disaster event is accidental or naturally occurring in nature, or precipitated by criminal acts or terrorist actions.
- The complexities of hazmat incidents and the associated consequences typically exceed the capabilities of local government and require specialized assistance and support from a variety of regional, state, federal and military organizations.

- The vulnerability to hazardous materials incidents is continually increasing due to the growth in the use, storage, processing and transportation of hazardous materials to support the needs of the industrial, technological, medical, and energy sectors of the economy.
- This vulnerability is exacerbated by the interdependence and technological complexities of critical systems and infrastructure.
- Local, regional, state and federal response organizations must develop the tactical capability and acquire the necessary tools to assist in promptly identifying the hazard(s) with which they are confronted and develop an effective incident action plan with the necessary resources to support it.
- The Commonwealth has developed and continually strives to enhance a regional hazmat response framework that can respond effectively to a broad range of technological hazards in a timely fashion.
- Agencies may be required to initiate and financially support recovery and remediation actions in hazmat incidents and environmental crime situations where the responsible party is unable, unwilling or unknown or in cases involving acts of terrorism where a Presidential Declaration is not involved or made. In hazmat events that a Presidential Declaration is not involved, there may be limited funding available through state and federal funding programs established specifically for this purpose and supported in some cases by a fee system. In cases involving acts of terrorism funding will be available under the Stafford Act (PL93-288).

Policies

- All agencies assigned responsibilities within this annex will develop and maintain the necessary plans, standard

operating procedures, mutual aid agreements, and model contracts to successfully accomplish their tasks.

- Site restoration and rehabilitation will be conducted to the extent that it is technically feasible, economically practical and prudent from a health, environmental and public safety perspective.
- Site remediation will be overseen and monitored by the appropriate agencies that have jurisdiction under the law and possess the necessary technical knowledge and expertise to restore the impacted area to a level that is considered clean, safe and capable of supporting the same or similar type pre-event use.

Organizational Structure

The VEOC is the warning center in the state to which local governments report hazmat incidents and through which assistance is requested when the nature or magnitude of the situation exceeds their capability. Other state agencies that are assigned response roles for hazmat incidents are listed in the respective sections of the annex with their specific task assignments.

A variety of local, state and federal agencies make up the organizational framework that involves the response and recovery efforts following a hazmat incident or oil spill. This framework changes depending upon the location of the incident and types of materials involved.

The organizational response framework to events involving hazmat necessitate the coordination and interface of a variety of local, state and federal agencies that have certain authorities, responsibilities and jurisdiction by statute, executive order or presidential directive. These authorities may vary by the type of incident, the categorization of the incident, geographic area involved and may transition by operational stage during an event. The planning and response frameworks established at the

local, state and federal levels are briefly summarized below:

- The Local Emergency Planning Committees (LEPCs) and the Virginia Emergency Response Council (VERC) are organizational structures that were established under the Superfund Amendments and Reauthorization Act (SARA Title III), also referred to as the Emergency Planning and Community Right to Know Act (EPCRA). This legislation requires industry to share information with the community to enhance hazmat preparedness. The LEPCs and VERC provide a forum to engage all stakeholders in the process of acquiring and sharing the required information to develop and exercise a hazardous materials response plan at the local and state levels respectively, as well as assess the capabilities and capacities of response organizations tasked in these plans to effectively support response and recovery operations in the context of the information provided.
 - The VERC was established to carry out the provisions of EPCRA at the state level. The Council is comprised of representatives from the public and private sector who are appointed by the Governor and have technical expertise in the emergency response field. The duties of the Council include designating emergency planning districts, appointing Local Emergency Planning Committees, providing guidance and technical assistance to LEPCs and the regulated community, and establishing procedures for receiving and processing requests from the public for information. The VERC is comprised of representatives from the following state agencies: Virginia Departments of Emergency Management (VDEM); Environmental Quality (DEQ); Transportation (VDOT); Labor and Industry (VDOLI); Fire Programs (VDFP); Health (VDH); Mines, Minerals, and Energy (VDMME); and the Virginia State Police (VSP).
- a) Programmatically, VDEM is responsible for the following: providing technical assistance to LEPCs in the development of their hazardous materials preparedness program to include planning, training, and exercising; conducting reviews of emergency plans; receiving chemical release notifications through the VEOC on a 24-hour basis; maintaining the Virginia Hazardous Materials Response Plan; and coordinating as well as supporting the Virginia hazmat response organization comprised of eight Regional Hazardous Materials Officers (RHMO's) and thirteen locality based, state-contracted regional hazmat teams.
 - b) The Virginia Department of Environmental Quality (DEQ) provides technical assistance to the regulated community in complying with the SARA Title III reporting requirements. DEQ also serves as the state repository of facility Tier II reports, maintains LEPC membership lists, publishes the Toxic Release Inventory (TRI) Report, and responds to requests from the public regarding facility Tier II data.
- Emergency Support Function (ESF) 10 (Oil and Hazardous Materials Response) will be activated at the VEOC as necessary to support field operations associated with one or more events. ESF 10 will be staffed by representatives from the VDEM, DEQ, VDH and VDOLI as necessary to support and address public safety, environmental, health, and occupational safety initiatives and issues respectively that may arise during the response and recovery. ESF 8 (Public Health and Medical Services) will provide technical assistance and support

to ESF 10 as required. The decision to mobilize ESF 10 will depend on the type and scope of the incident.

- At the federal level the NCP and the NRF establish an integrated, tiered organizational response structure to support federal response operations to accidental as well as intentional hazmat incidents that may occur.
- At the national level, the coordinating mechanism for hazmat incidents is the National Response Team (NRT), which will coordinate with the Department of Homeland Security (DHS). The basis for the NCP is found in section 105 of the Comprehensive Environmental Response and Liability Act (CERCLA) and section 311 (d) of the Clean Water Act, as amended by the Oil Pollution Act of 1990.
- At the state level, VDEM is the lead agency for initial emergency response to emergency situations that pose an immediate public safety threat to the health and welfare of the citizens of the Commonwealth. DEQ is the lead agency for management of the response to an immediate oil spill threat to the environment and water resources; and is the lead agency to determine long-term remedial actions in cooperation with local government.
- Other state agencies not specifically tasked in this plan may be assigned tasks as required under the authority of the COVEOP.

Concept of Operations

The manufacturer, shipper, or other responsible party is responsible for immediately notifying the VEOC when the quantity of a hazardous material released or spilled is equal to or exceeds the reportable quantity established by SARA or CERCLA regulations or, in the case of oil products, enters or has the potential to enter state waters, storm drains, or impacts land. For

spills of oil products the responsible party is also responsible for notifying the local director or coordinator of emergency management where the spill occurred and any other local government reasonably expected to be impacted by the spill. When a local government is notified of actual or potential events within their jurisdictions, they are responsible for notifying the VEOC of the incident whether they are requesting assistance or not.

At the federal level the NCP requires that hazmat releases and oil discharges to surface waters be reported to the National Response Center (NRC), which is operated by the DHS/U.S. Coast Guard (USCG). The NRC disseminates the report to the National Operations Center (NOC), the VEOC, the pre-designated Federal On-Scene Coordinator (OSC) and the appropriate support agencies.

Local government will provide public warnings, initiate protective actions, and seal off the affected area. If the shipper, manufacturer, or other responsible party is unable to respond, neglects to take the proper steps, or lacks the willingness or capability to act, then the local government will, within its capability, respond using its resources to restore the situation to normal. The assistance of state agencies will be requested through the VEOC when the magnitude or technical demands of the situation exceed the capability of local government to manage the emergency.

When notified of a hazmat incident, the VEOC will contact the appropriate state Regional Hazardous Materials Officer (RHMO) The RHMO will assess the situation and respond on scene, if warranted, or if requested by local government, to provide advice and coordinate requests for further assistance through the VEOC. For hazmat emergencies the VEOC will also notify the appropriate Local Support Services Division Regional Coordinator (RC). The VEOC will also contact the appropriate state agencies that will support the response to the incident. During normal business hours, the VEOC will put the caller in contact with the DEQ Regional Office having jurisdiction over the location of the incident. After normal

business hours, holidays, and weekends the individual who has been identified by the affected DEQ Regional Office as the duty officer will be notified.

A field command post will be established at the scene of incidents that require on-scene coordination of response by state and/or federal agencies. If it is determined that a regional hazmat response is required, that request will be made by the RHMO directly to the specific team with notification to the VEOC and the RC.

On-scene coordination of the response will be accomplished within the framework of NIMS using the ICS. ICS allows for the incorporation of local, state, and federal agencies and responsible party into one organizational framework called the unified command. The unified command will develop a response strategy after conducting an assessment of the situation that will include but not be limited to the following: the nature, amount, and locations of real or potential releases of hazmat; pathways to human and environmental exposure; probable direction and time of travel of the materials; potential impact on human health, welfare, safety, the environment, and property; identification of the types, location, and availability of response resources and technical support required; and establishment of priorities.

The Emergency Alert System (EAS) will be activated as necessary to alert the public of an imminent or actual hazardous materials event that may pose a threat to life and/or property and require the immediate implementation of protective actions (evacuation/in-place sheltering). The National Weather Service also has the capability through NOAA Weather Radio (NWR) to send a Civil Emergency Message (CEM) to the public.

ESF #10 will be staffed, if necessary, to coordinate federal and state resources in support of field operations. VDEM will be the lead state agency for ESF 10 during the emergency phase of disaster operations involving hazardous materials that pose an immediate threat to the public health and welfare of the citizens of the Commonwealth. Once the emergency situation

has been stabilized or resolved, and there is no longer an immediate threat to the public health and welfare of the citizens of the Commonwealth, the State Coordinator of Emergency Management will re-designate the ESF 10 lead state agency role to DEQ which has the statutory authority to manage operations relating to containment, clean up, and remediation of spills or releases that may threaten or actually impact state waters and the environment.

Roles & Responsibilities

Virginia Department of Emergency Management

- Support regional hazmat teams in cooperation with local and federal governments, and private industry to enhance statewide response capabilities during an incident.
- Coordinate the preparation and dissemination of public information releases with the appropriate local, state, and federal agencies.
- Coordinate GIS support from state agencies.

Department of Environmental Quality

- Coordinate the implementation of the appropriate environmental sampling and monitoring strategies for potential and actual hazmat incidents impacting air, land, and water.
- Assist and support in the analysis and assessment of data received from the sampling and monitoring strategies implemented, and define the implications results may have on emergency response and recovery operations.
- Assist and support in developing the necessary protective actions and guidance for the area at risk based on the assessment of the data received in sampling and monitoring.

- Support the collection, analysis, and assessment of meteorological data and any impact it may have on effectively managing the incident.
- Develop and recommend effective countermeasure strategies to address adverse environmental impacts relating to the emergency/disaster.
- Assist in the development of public information announcements for the disaster area.
- Assist in development of long-term environmental restoration site plan to include goals, possible options/strategies, etc.
- Exercise regulatory control over the waste management function.
- Provide technical assistance to state agencies, emergency support functions, local jurisdictions, and private contractors regarding environmental issues that will arise during the removal, storage, reduction, and disposal of contaminated and uncontaminated debris.
- Assist state agencies and local governments in the selection, establishment, management, and closure of debris storage and reduction sites.
- Act as lead agency for management of long-term remediation and restoration.
- Provide initial response in the investigation of fish kills and work cooperatively with DGIF in the assessment of aquatic resource losses.
- Provide GIS support to the VEOC as needed.

Virginia Department of Agriculture and Consumer Services

- Assist in obtaining samples of farm and dairy products, animal feed and water, and lands that may have been

contaminated by hazardous materials incident in cooperation with the VDH, DEQ, VDEM, and the Division of Consolidated Laboratory Services (DCLS).

- Provide advice and assistance with the disposal of agricultural chemicals and toxins.
- Develop and implement strategies to safely handle and dispose of contaminated agricultural dairy and food products, as well as infected and dead farm animals.
- Coordinate the provision of resources to respond to, mitigate, and recover from the adverse effects of contamination on the agricultural sector and economy.
- Provide advice and assistance in managing affected companion animal populations.

Department of Conservation and Recreation

- Develop and implement access controls/movement restrictions on state park property to ensure safety of the public.
- Provide back-up communications to support response and recovery operations.
- Support response and recovery resource needs in the context of available park service assets.
- Assist the Virginia Department of Game and Inland Fisheries (DGIF) in the assessment of susceptible wildlife located on state park property.

State Corporation Commission

- Assist in the acquisition of information relating to the energy infrastructure of a site.

- Assist in holding responsible parties accountable for hazardous materials releases.

Department of Game and Inland Fisheries

- Maintain a wildlife database with status and distribution data on wildlife resources within the Commonwealth.
- The Agency Field Team will assess wildlife losses and the potential for salvage and continue with monitoring of wildlife populations in the affected area.
- Provide equipment and other resource support as needed.
- Work cooperatively with DEQ in the investigation of fish and other aquatic wildlife kills.
- Determine and coordinate protective measures for wildlife and fisheries. This will include the recommendation and use of techniques for dispersing or denying wildlife use of a specific area.
- Cooperate with VDACS in mobilizing available animal scare devices.
- Direct and coordinate capture of affected wildlife species.
- Authorize any cleaning, collection, and recovery of wildlife. Supervise contractors and volunteer organizations to establish collection, cleaning, and recovery centers for affected wildlife.
- Assist in assessing damage to fish and wildlife resources.
- Cooperate with VDACS, the Virginia Institute of Marine Sciences (VIMS), and the Virginia Marine Resources Commission (VMRC) to provide technical advice on protective measures for wildlife and fisheries and denying wildlife use of specific areas.

- Coordinate with VDACS and the U. S. Department of Agriculture (USDA) in conducting an assessment of wildlife within a quarantine area, as well as developing and implementing the appropriate response and recovery strategies.
- Conduct surveillance calls to all facilities within the quarantine zone until the laboratory results on the samples collected are received.
- Coordinate with VDACS in wildlife quarantine efforts.
- Implement the recommended sanitary measures in and around the quarantine area.
- Assist in implementing strategies to safely handle and dispose of contaminated wildlife animals.
- Utilize an inventory of resources available for response to a hazardous materials incident.

Virginia Department of Health

- Coordinate response and recovery actions for public health hazards resulting from chemical and biological contamination.
- Coordinate the activation and deployment of public health medical resources needed to stabilize extended incidents.
- Assist in incident evaluation and assessment.
- Conduct environmental/health monitoring as required.
- Recommend the necessary protective actions for responders, essential facilities comprising the medical care system, and the general population.

- Provide technical advice, as requested, to medical facilities in developing and maintaining a capability to receive, treat, and care for contaminated patients.
- Identify medical facilities capable of receiving, decontaminating, and treating contaminated patients, along with the number of patients each facility can accept.
- Monitor EMS/hospital status and implement Medical Surge Plan as required.
- Coordinate as required to address any public health issues arising during the recovery, processing, and transportation of remains.
- Provide criteria for reentry guidance into structures and evacuated areas, and advise local government when the health and medical criteria have been met.

Virginia Cooperative Extension Offices

- Identify sources of uncontaminated food and water for animals that may be at risk, as required.
- Provide information and assistance to farmers and others to aid them in preparing for and returning to normal after a disease outbreak.
- Assist in the damage assessment process and inform farmers, growers, and producers of any actions that should be undertaken.

Department of Labor and Industry

- Provide technical assistance to the On-Scene Coordinator as requested in regard to occupational safety and health issues, as well as the applicability of VOSH regulations.
- Review the site-specific safety plan in the context of the hazards identified and

applicable regulations to ensure that the necessary health and safety measures are being employed.

Virginia Marine Resource Commission

- Provide transportation assistance and on-scene law enforcement where tidal waters are involved.
- Assist with sample collection.
- Assist with warning and evacuation.
- Assist in damage assessment of the long- and short-range effects to the food chain of marine life and economic impact to the fishing industry.
- Provide data on which to base a policy for the use of dispersants on hazardous materials incidents.
- Provide an inventory of resources for response to a hazardous materials incident.
- Cooperate with VDACS, DGIF, and VIMS to provide technical advice on protective measures for wildlife and fisheries, and denying wildlife use of specific areas.
- Provide GIS support to the VEOC as requested.

Department of Mines, Minerals, and Energy

- Develop, maintain, and implement plans and procedures to prevent, mitigate, and effectively manage and recover from adverse environmental impacts resulting from hazmat incidents involving mine, gas and oil properties.
- Coordinate the implementation of the appropriate environmental sampling and monitoring strategies for potential and actual hazmat incidents impacting air, land, and water involving mine, gas and oil properties.

- Assist and support in the analysis and assessment of data received from the sampling and monitoring strategies implemented, and define the implications results may have on emergency response and recovery operations involving mine, gas and oil properties.
- Provide notification to VDEM of hazardous materials incidents on mine and well sites, and/or the discovery of hazardous or potentially hazardous materials that are not secured or properly managed on mine, gas and oil properties.
- Assist and support in developing the necessary protective actions and guidance for emergency workers and for the area at risk based on the assessment of the data received in sampling and monitoring. Provide guidance to responders for inherent hazards associated with mining and/or well operations.
- Support the collection, analysis, and assessment of meteorological data and any impact it may have on effectively managing the incident involving mine, gas and oil properties.
- Develop and recommend effective countermeasure strategies to address adverse environmental impacts relating to the emergency/disaster involving mine, gas and oil properties.
- Assist in the development of public information announcements for the disaster area.
- Assist in development of long-term environmental restoration site plan to include goals, possible options/strategies, etc.
- Act as lead agency for management of long-term remediation and restoration involving mine, gas and oil properties.
- Provide support from one of two Emergency Response Teams to assist in

major incident management involving mine, gas and oil properties.

Virginia State Police

- Coordinate state law enforcement component (including bomb technicians, K-9 handlers, motor carrier and counterterrorism criminal interdiction personnel) of incident response and recovery operations.
- Assist in dissemination of warning in coordination with VEOC.
- Augment emergency communications on site.
- Assist in evacuating areas at risk in coordination with local and federal law enforcement authorities, and other emergency support functions.
- Implement traffic control actions in and around site.
- Establish the necessary security and accessibility policies around site and evacuated areas in coordination with local and federal law enforcement.
- Establish and maintain notification and warning procedures to activate plan, response teams, and support resources and services.
- Coordinate the development and preservation of evidence to support criminal litigation during the response and recovery phases of an incident with other emergency support functions.

Virginia Department of Transportation

- Support the implementation of traffic control measures.
- Conduct initial and more detailed damage assessments of transportation infrastructure.

- Assist jurisdictions in the restoration of highways, roads, and bridges, upon request.
- Provide emergency engineering services.
- Coordinate debris clearance and management activities relating to the transportation system and adjacent properties.
- Provide expertise as a technical resource for incidents impacting state roadways.

Authorities & References

Authorities

- Commonwealth of Virginia Emergency Services and Disaster Laws
- Commonwealth of Virginia, Department of Environmental Quality Hazardous Waste Management Regulations, as amended.
- Code of Virginia, Title 62 (Water Control Law), as amended.
- Commonwealth of Virginia Hazardous Materials Transportation Regulations (VR672-30-1), as amended.
- Virginia Waste Management Act, Section 10.1-1400 of the Code of Virginia (1950), as amended.
- Code of Virginia, Fire Protection, Section 27-15.1, as amended.
- Public Law 96-510, December 1980, Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as "Superfund."
- Public Law 99-499, October 17, 1986, Superfund Amendments and Reauthorization Act, Title III, Emergency Planning and Community Right-to-

Know, commonly known as SARA Title III.

- Public Law 92-500, Federal Water Pollution Control Act, commonly known as the Clean Water Act (CWA), as amended.
- Public Law 93-288, The Robert T. Stafford Disaster Relief and Emergency Assistance Act.
- Public Law 101-380, The Oil Pollution Act of 1990, commonly known as OPA-90.
- CFR 1910, Occupational Safety and Health Standards for General Industry.

References

- National Response Framework, January 2008
- Virginia Coastal Area Contingency Plan, U.S. Coast Guard, October 2006.
- Federal Region III Oil and Hazardous Substance Pollution Contingency Plan, November 1988.
- National Hazardous Substance Contingency Plan, 40 CFR, Part 300, November 1985, U. S. Environmental Protection Agency.
- Virginia Inland Area Contingency Plan, Environmental Protection Agency, December 1996.
- Emergency Management Accreditation Program (EMAP) 4.6.3: The emergency operations/response plan shall identify and assign specific areas of responsibility for performing essential functions in response to an emergency or disaster. Areas of responsibility to be addressed include: hazardous materials.

Attachment 1 – Hazardous Materials Response

Purpose

The VDEM will develop, maintain, and execute the Virginia Hazardous Materials Response Plan, and serve as the central coordinating agency for actions taken to remove, remediate, monitor, assess, evaluate, eliminate, or mitigate the release or threat of release of hazardous materials that pose a threat to public safety.

Organizational Structure

In support of the COVEOP Basic Plan, VDEM operates and maintains a hazardous materials emergency response program comprised of Regional Hazardous Materials Officers (RHMOs) and Regional Hazardous Materials Emergency Response Teams. Field operations are coordinated under the ICS/Unified Command pursuant to NIMS.

Concept of Operations

1. Notification

When a report of a hazmat incident is received by a local government entity it should notify the VEOC. The local fire department will establish an Incident Command and assess the situation and take steps necessary to provide public warning, initiate protective actions and isolate the general area affected in cooperation with local emergency management authorities. If the shipper, manufacturer, or other responsible party is unable to report the incident in a timely manner, the spiller is unknown, unwilling, or unable to find an appropriate response to alleviate the situation, the local government, within its capability, must act to prevent or minimize injuries and property damage and report the incident in accordance with state and federal regulations.

At the federal level, the NRC should be notified. The NRC will make the appropriate notifications, if required, with the National Operations Center (NOC).

When notification is received, the VEOC will immediately notify the appropriate RHMO. The RHMOs are VDEM employees who provide technical support and respond on scene as required. Technical assistance and support is provided almost immediately by telephone, and an on-scene presence is based on the time it takes to mobilize and the distance to the scene. Other local governments and state and federal agencies are notified of the incident, as required. If necessary, the existing VEOC staff is augmented using personnel from other divisions of VDEM, other state agencies, and volunteer organizations designated in the plan, as required.

2. Field Operations

Once it is determined that the situation exceeds local capabilities, the RHMO activates the regional HAZMAT team that services the jurisdiction involved. The determination to activate the team can be made based on discussions with the Incident Commander by telephone or after arriving on-scene and assessing the situation. A network of locally based, state-supported, regional Hazardous Materials Emergency Response Teams has been established in the Commonwealth and is available for use by the VDEM RHMOs. These teams are part of the Virginia Hazardous Materials Emergency Response Program managed by VDEM and strategically located throughout the Commonwealth to ensure a response within thirty minutes of a request and on scene within two hours of receiving notification to respond. These teams are equipped and trained to handle emergency response actions regardless of the mode of transportation or material involved. While on scene, these teams operate under the guidance of the RHMOs but are under the general control of the local fire chief in charge of the incident. Tactical operation of the team, however, remains under the control of the team leader. If the situation warrants, the RHMO will take necessary action to obtain additional resources.

A field command post will be established at the scene of response activities to provide communications, personnel, and administrative services required by the local, state, and federal coordinating officers. During remedial actions, supervisory personnel will determine whether a field command post will be required.

All costs associated with response and recovery operations will be tracked and documented to support reimbursement from the responsible party or from the appropriate state and federal funds that may be applicable to the event (e.g., Virginia Disaster Response Fund, Oil Spill Liability Trust Fund, Virginia Petroleum Storage Tank Fund, Virginia Environmental Emergency Response Fund, etc.).

In hazmat events that are considered incidents of major significance, the VEOC (after approval by the VDEM Staff Duty Officer using established protocols) will notify the HSOC. The same federal coordinating requirements associated with the NRF apply in hazmat incidents. The organizational response framework and resources of the NCP will interface and coordinate with the designated elements established in the NRF, to include ESF 10 if it is established.

State and Federal Coordinating Officers, as well as the designated Principal Federal Official, will coordinate response and recovery operations within the frameworks established in the COVEOP, the NCP and the NRF to ensure response and cleanup efforts are in compliance with all applicable state and federal laws.

Attachment 2 – Oil Spill Response

Purpose

To identify the response requirements for an oil spill anywhere within the Commonwealth and to identify and task appropriate state agencies which have a response capability.

Organizational Structure

DEQ has seven Regional Offices for which each initiates the agency response to oil pollution incidents in their geographic areas of responsibility. Each RO currently has identified staff to fulfill DEQ's divisional (water/waste/air) investigation responsibilities. Additional staff has been identified within all ROs and the DEQ central office, and they can be provided if needed and/or requested.

In order to maintain statewide coordination during multi-regional emergencies, the DEQ central office maintains active membership on the Environmental Protection Agency (EPA) Region III Incident Specific Response Team (IS/RRT) and the Inland and Coastal Area Committees. The Office of Spill Response and Remediation (OSRR) coordinate the DEQ oil pollution response effort.

Concept of Operations

The State Water Control Law states that any person, firm, or corporation owning or operating any facility, vessel, or vehicle from which there is a discharge of oil which may reasonably be expected to enter state waters, storm drains, and lands shall, immediately upon learning of said discharge, notify DEQ, VEOC, and the local Emergency Management Coordinator and initiate appropriate containment and cleanup activities. If the responsible party (RP) is unwilling, unable, or unknown, or if the spill is caused by an act of god, act of war, or by an act or omission of a third party, DEQ may initiate the necessary remediation actions, including engagement of contractors. The costs of such actions shall initially be borne by the Virginia Petroleum Storage Tank Fund (VPSTF), but

may be subsequently billed to the responsible party for cost recovery. Each RO shall determine the required level of response and shall ensure that all responders are properly trained and outfitted. When a responsible party cannot be identified, costs of response may be submitted for recovery from the appropriate federal response fund.

In the event of a major oil spill or upon request of the RO, staff from DEQ central office will serve as the state on scene coordinator (SOSC). The SOSC possesses the authority to request assistance from other appropriate state agencies. Representatives of these other state agencies will report to the SOSC as part of the emergency response team.

At the local level, direction and control of an oil spill is handled in accordance with state hazardous materials procedures under the auspices of the local Director of Emergency Management. On-scene direction and control is under the auspices of the senior fire official present. Local authorities will likely appoint a Local On-Scene Coordinator (LOSC) to assist in coordinating activities for the response. An ICS/Unified Command using NIMS will be established to manage the coordination of field operations.

Depending on the scope and requirements of the oil spill, ESF 10 may be established in the VEOC to support the ICS/Unified Command. DEQ will provide staff support to ESF 10 upon request when established.

When a catastrophic spill affects the waters of the Commonwealth and requires an SOSC, the DEQ designates an SOSC who provides on-scene coordination for response and remediation activities for containment, removal, and disposal of the oil and oily waste following abatement of public safety concerns.

Under the NCP, and if the incident requires federal assistance, a Federal On-Scene Coordinator (FOSC) will be appointed to

coordinate all activities relative to the spill. If the spill is in the Coastal Zone, USCG provides the FOSC; if the spill is in the Inland Zone, EPA provides the FOSC. The SOSC provides assistance to the FOSC and coordinates state activities relative to abating, containment, removal, and disposal of the oil and oily waste. VDEM will provide the State Coordinating Officer and serve as advisor to the local officials.

If it is determined that the oil spill incident is the result of a criminal act or precipitates a criminal act, the EPA's Criminal Investigation Division (CID) is responsible for conducting the investigation in coordination with the Federal OSC and the Senior Federal Official. In this case the EPA CID Special Agent in Charge of the local Area Office serves as the Senior Federal Law Enforcement Official in the Joint Field Office (JFO) Coordination Group.

1. Government and Private Sector Actions

a) Industry/Private

- Private industry must store, manufacture, transport, and dispose of petroleum products in accordance with applicable local, state, and federal laws and regulations.
- Private industry must abide by local, state, and federal reporting requirements for oil releases that affect or have the potential to affect state water resources.
- As the responsible party, private industry is tasked with appropriate clean up and disposal of oil and oily debris as outlined in DEQ regulations and to provide technical advice and assistance relative to their specific product involved in the spill.

b) Local

- The local government has primary responsibility for the safety and welfare of its citizens and may be the first to respond to an oil spill incident. DEQ relies heavily on local responders for initial containment and for confirmation of the specifics on the magnitude of the spill which will be used to determine what further state actions may be necessary. Although the protection of the well being of its citizens is primary, local government is also responsible for the damage mitigation of the environment and the water resources within their jurisdiction. Ultimate responsibility for environmental protection, however, rests with DEQ.

c) State

- DEQ is the lead state agency for response to an oil spill affecting the waters, storm drains, and lands of the Commonwealth following abatement of public safety concerns. In response to a major oil spill, DEQ will appoint a SOSC who is responsible for coordinating and utilizing the expertise and support of other state and federal agencies to effectively manage the clean up and remediation activities. Disposal of wastes from the clean-up effort is coordinated within DEQ.
- If damage assessments are warranted, they will be conducted by assigned state agencies within their areas of expertise to determine the value of property and resources damaged or destroyed by the effects of the oil released. This assessment will include, but is not limited to, the commercial value of the fish and wildlife, farm and

forest products, private and public property and the loss of natural resources such as groundwater, drinking water, non-commercial wildlife or aquatic organisms, or recreational areas which belong to, are managed by, controlled by, or pertain to the Commonwealth. Such assessments of damages to these natural resources will be reported to the Secretary of Natural Resources in his/her role as Trustee for Natural Resources.

- Memorandums of Understanding (MOU) have been developed between Virginia and the federal government preauthorizing the use of chemical countermeasures and in-situ burning by the Federal On-Scene Coordinator in certain waters under the jurisdiction of the RRT III. Copies of these MOUs are retained by VDEM and DEQ.
- Other state agencies not identified in this plan can be assigned tasks appropriate to their area of expertise as required by the situation through the existing ESF framework.
- Each state agency tasked in the plan has responsibilities established by statute, Executive Order, or Gubernatorial Directive which are relevant for response to an oil spill or discharge. Tasks have been assigned to those agencies having the most appropriate capability to act in each specific situation.
- State agencies assigned oil and hazardous materials emergency responsibilities shall develop and keep current standard operating procedures (SOPS) to assure a capability to fulfill their responsibilities. The VEOC and the VDEM Technological Hazards Division will be provided an

updated list of key response personnel at least quarterly. The VEOC will also be provided with the name and telephone number of the new duty officer or point of contact when the change of responsibilities takes place.

- If an agency is assigned a task within its area of expertise and it does not have the specialized equipment, personnel, or training to perform the task, it has the responsibility to identify private contractors with the required qualifications who could be employed to accomplish the task. If the need for their services arises, the responsible agency will contract for and coordinate the required response actions.
- State laws and regulations will be applied to all responsible parties to have the incident mitigated in a timely and reasonable fashion.

d) Federal

- Within the NCP framework, the responsibility for federal response to an oil pollution incident within the Commonwealth is shared by the DHS/USCG and the EPA. The geographical boundaries for each area of responsibility are defined in the Federal Region III Oil and Hazardous Substances Pollution Contingency Plan. The EPA has jurisdiction over inland spills and the DHS/USCG has responsibility for the coastal zone.
- The EPA is the pre-designated FOSC for all spills originating in the above-referenced inland zone. An Inland Area Contingency Plan has been developed for Region III. Virginia has been further subdivided into five sub-areas to enhance the planning effort. Plans

will be developed by the EPA for these sub-areas to facilitate the interface between federal, state and local resources and enhance response and recovery initiatives during an oil and hazardous materials incident.

- The DHS/USCG is the pre-designated FOSC for spill originating in the coastal zone. In addition, the DHS/USCG Captain of the Port (COTP) is the FOSC for all spills originating from the waterfront facilities within the city limits of Richmond, VA. All hazardous substance releases that originate from vessels regardless of their location will have the DHS/USCG as the pre-designated FOSC. The boundary lines do not preclude mutual assistance between the two agencies.
- Coordination and direction of federal response at the scene of an oil spill is accomplished through the FOSC. The FOSC may call upon the Regional Response Team (RRT), or response teams composed of representatives from other federal agencies to provide technical assistance and guidance for the response effort. More specific information on the employment of the RRT is contained in the NCP and the Regional Contingency Plan. Virginia provides a staff member to represent the Commonwealth on both the Standing RRT and the Incident Specific RRT (IS/RRT). VDEM provides the member to the standing RRT and DEQ provides the member to the IS/RRT that is convened for oil spills.

2. Reimbursement

In the case of an oil spill where the responsible party denies the claim or fails to settle within 90

days, or the source of a spill cannot be designated, claimants may be entitled to compensation from the Oil Spill Liability Trust Fund (OSLTF).

Article 10 (Section 62.1-44.34:10 et seq.) of the State Water Control Law provides for reimbursement of costs and expenses for state agencies acting at the direction of the State Water Control Board (DEQ) during the containment and cleanup of a discharge of oil. Reimbursement may be made from the Virginia Petroleum Storage Tank Fund (VPSTF) and may only be made for reasonable and necessary costs and expenses. This reimbursement may be submitted only if the responsible party is unknown, unwilling, or unable to pay.

The Virginia Environmental Emergency Response Fund (VEERF) also provides support for emergency response to environmental pollution incidents and for the development and implementation of corrective actions for pollution incidents. This fund does not apply to pollution incidents addressed under the Virginia Underground Petroleum Storage Tank Fund. Disbursements from the Fund are made at the written request of the Director of DEQ. Disbursements from the Fund can include, but are not limited to, personnel, administrative, and equipment costs, and expenses directly incurred by DEQ, or any agency or political subdivision acting at the direction of DEQ. Prompt reimbursement will be sought from the responsible party causing or contributing to the environmental pollution incident.