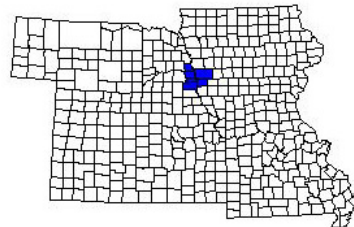
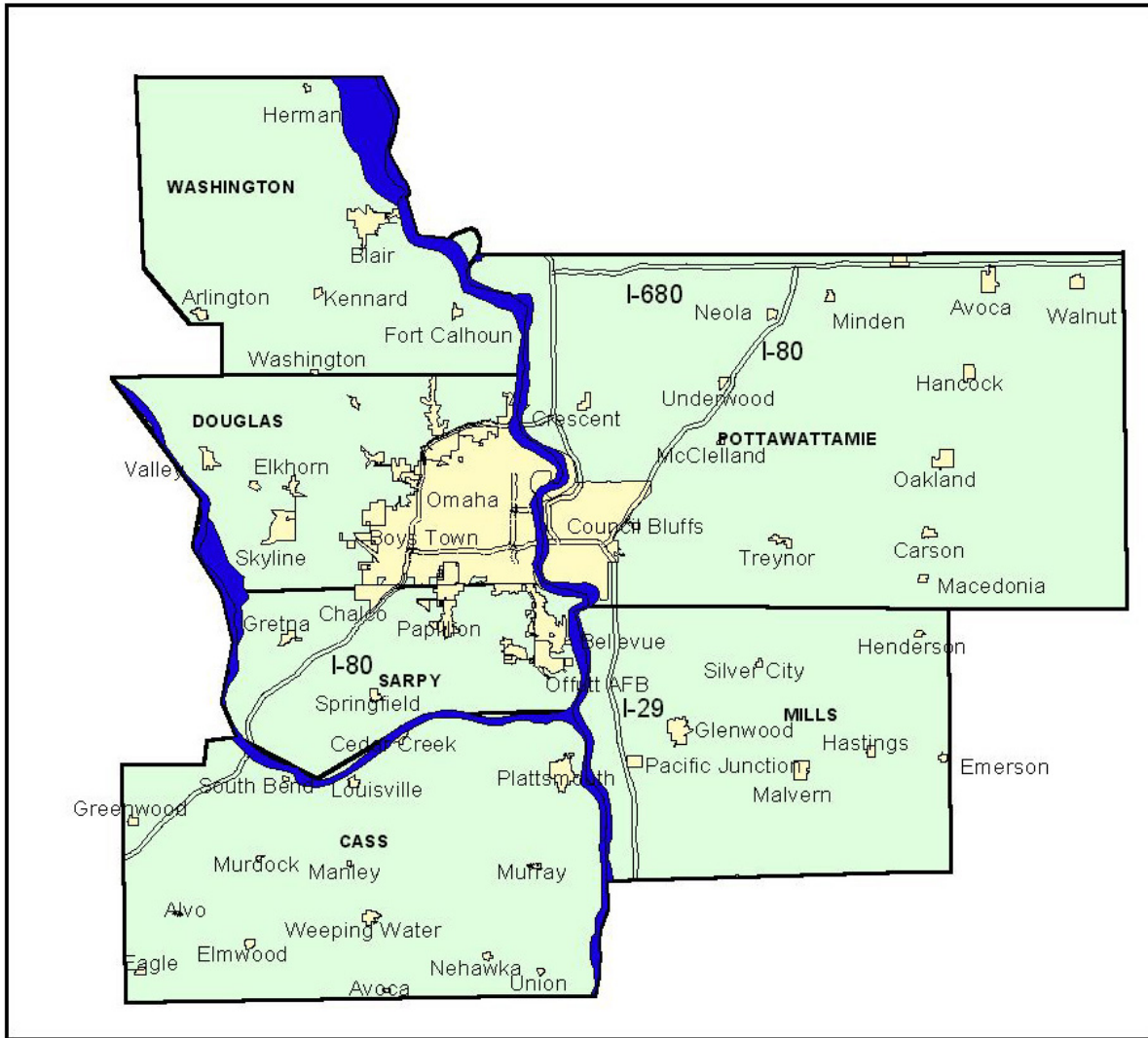






Omaha/Council Bluffs Sub-area Contingency Plan



-  Major rivers.shp
-  Interstates.shp
-  Cities.shp
-  Subarea.shp

SPECIAL NOTICE

This public access version of the *Omaha/Council Bluffs Sub-area Contingency Plan* is intended for broad dissemination. This version includes the entire spill response plan, except for two appendices that have been omitted due to security concerns. The omitted sections are indicated in the Table of Contents. Questions regarding the omitted sections or other issues related to the plan should be addressed to EPA On-Scene Coordinator Janice Kroone at kroone.janice@epa.gov or they can be sent to Gary Haden, McKinzie Environmental, 10643 Widmer Road, Lenexa, Kansas 66215-2071 or to gchaden@cox.net.

DEDICATION

The Omaha/Council Bluffs Sub-area Contingency Plan is dedicated to the memory of Ron Kozel, formerly of the Iowa Department of Natural Resources. Ron believed that the planning process, especially as it pertains to successful integration and cooperation of local, state and federal entities, both public and private, is critical to a successful and safe response to an environmental emergency. Ron was the individual who spearheaded the planning process and guided the development of the plan. Without Ron's continued commitment, dedication, professionalism and enthusiasm toward this effort, this plan could not have been created. Ron Kozel passed away on December 7, 1998. He is missed.

PREAMBLE

Development of the Omaha/Council Bluffs Sub-area Contingency Plan--first published in 1998--and its continued updating are a collaborative effort of three federal agencies, two states, six emergency management agencies, and several local response agencies. The sub-area plan developed by the Omaha/Council Bluffs Sub-area Committee is not intended to supplant any local, state, regional or national response or contingency plans. The plan, however, may be most effective if reviewed in conjunction with the Region 7 Regional Integrated Contingency Plan. It was designed as a tool and source of information for first responders facing the unique physical conditions existing along the Missouri River and regional tributaries, while working within the various governmental jurisdictions in Mills and Pottawattamie counties, in Iowa, and Cass, Douglas, Sarpy and Washington counties, in Nebraska.

Those who created this sub-area plan intend to update the plan on an annual basis to assure that those who use it have the most current data. More frequent revisions could be undertaken, if developments warrant. Should users or reviewers of this document discover errors or outdated information or wish to suggest additions, they should complete a copy of the Corrections and Updates Form, Page Q-1, which is provided at the end of this plan, and send it to the address indicated on that form. Changes can also be sent by E-mail to the address on the Corrections and Updates Form.

The latest version of this plan is available on the Internet at:
http://www.epa.gov/region07/cleanup/superfund/integrated_plan.htm

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I. INTRODUCTION

A. Purpose and Objective

The purpose of the Omaha/Council Bluffs Sub-area Contingency Plan (O/CB SACP) is to facilitate a timely and effective cooperative response by representatives of local, state and federal agencies to an oil discharge or release of a hazardous substance in the O/CB Sub-area. The objective of this SACP is to coordinate an expedited response to a substantial discharge or threat of a discharge through integrating the actions of the unique combination of private industry and local, state and federal entities that have jurisdiction within the Omaha/Council Bluffs (O/CB) geographic area.

B. Statutory Authority

The SACP is intended as a supplement to the Federal Region 7 Regional Integrated Contingency Plan (RICP). The O/CB SACP was prepared under Section 311(j) of the Clean Water Act (CWA), as amended by the Oil Pollution Act of 1990 (OPA or OPA 90), 33 U.S.C. 1251 *et seq.* It also is written in conjunction with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601, as amended.

C. Scope

This plan applies to Cass, Douglas, Sarpy, and Washington counties in Nebraska and Mills and Pottawattamie counties in Iowa. This plan applies to and is in effect for discharges of oil and/or releases of hazardous substances, as defined in Section 300.3 of the NCP. This SACP, when implemented in conjunction with the Region 7 RICP, the NCP and state and local plans, is designed to be adequate to respond to a worst-case discharge (WCD) or a threat of a WCD and to mitigate the effects of any such discharge in the six counties comprised within the sub-area.

D. Updating

The O/CB SACP will be updated on an annual basis, beginning one year after its initial completion, unless changes in relevant regional plans, national plans or actual experience gained during responses to incidents indicate more frequent updates or a one-time revision is desirable. Response equipment, notifications lists, environmentally or economically sensitive area listings and other data prepared by participants in the O/CB SACP process may be updated or incorporated into the plan as they are generated and become available.

II. RELATIONSHIP TO OTHER CONTINGENCY PLANS

A. Private Sector Response Plans

Facility operators are required to prepare or adhere to various plans required by federal and state regulations in an effort to prevent or mitigate releases or discharges to the environment. In an effort to streamline the planning process, the National Response Team's (NRT's) Integrated Contingency Plan (ICP) guidance was published in the Federal Register (F.R. Vol. 61, No. 109, 28642-28664) on June 5, 1996. The purpose of the ICP was to provide a mechanism for consolidating multiple plans, which facilities may have prepared, into one functional emergency response plan. A number of statutes and regulations, administered by several federal agencies, include requirements for emergency response planning. A particular facility may be subject to one or more of the following federal regulations:

- EPA's Oil Pollution Prevention Regulation (SPCC and Facility Response Plan Requirements)-40 CFR part 112.7(d) and 112.20-21
- EPA's Emergency Planning and Community Right-to-know Act [(EPCRA), which is Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III)]
- MMS's Facility Response Plan Regulation-30 CFR part 254
- RSPA's Pipeline Response Plan Regulation-49 CFR part 194
- USCG's Facility Response Plan Regulation-33 CFR part 154 Subpart F
- EPA's Risk Management Programs Regulation-40 CFR part 68
- OSHA's Emergency Action Plan Regulation-29 CFR part 1910.38(a)
- OSHA's Process Safety Standard-29 CFR 1910.119
- OSHA's HAZWOPER Regulation-29 CFR 1910.120
- EPA's Resource Conservation and Recovery Act Contingency Planning Requirements-40 CFR part 264, Subpart D, 40 CFR part 265 Subpart D, and 40 CFR 279.52
- Clean Air Act-40 CFR part 68
- U.S. DOT motor vehicle and rolling stock transportation of oil requirements at 49 CFR 130

Note: The ICP plan guidance has been developed to assist facilities in demonstrating compliance with the existing federal emergency response planning requirements referenced above. Although it does not relieve facilities from their current emergency planning obligations, it has been designed specifically to help meet these obligations. Adherence to the ICP guidance is not required in order to comply with federal regulatory requirements. Facilities are free to continue maintaining multiple plans, in lieu of an ICP, to demonstrate federal regulatory compliance. A brief discussion of facility emergency response plans, specifically those pertaining to the NCP, OPA 90, and CWA, is included below.

Section 300.211 of the NCP describes and cross references the regulations that implement section 311(j)(5) of the CWA. Owners of tank vessels, offshore facilities, and certain onshore facilities are required to prepare and submit Facility Response Plans for responding to a WCD, and to a substantial threat of such a discharge, of oil or a hazardous substance. Facility and tank vessel response plan regulations, including plan requirements, are located in 40 CFR § 112 and 33 CFR § 154, respectively.

Prior to approval, facility and vessel response plans shall be reviewed for consistency with any relevant Area Contingency Plan (ACP) or RICP.

As defined in OPA 90, each responsible party (RP) for a vessel or a facility from which oil is discharged, or which poses a substantial threat of a discharge, into or upon the navigable waters or adjoining shorelines or the Exclusive Economic Zone is liable for the removal costs and damages specified in Section 311(f) of CWA, 33 U.S.C. § 311(f). Any removal activity undertaken by the RP must be consistent with the provisions of the NCP, ACP or RICP and the applicable response plan required by OPA 90. If directed by a Federal On-Scene Coordinator (FOSC) at any time during removal activities, the RP must act accordingly.

Section 311(c)(3)(B) of CWA, 33 U.S.C. § 1321(c)(3)(B) requires that these response plans shall:

"(i) be consistent with the requirements of the NCP, ACP or Integrated Contingency Plans;

(ii) identify the qualified individual having full authority to implement removal actions, and require immediate communication between that individual and the appropriate Federal official and the persons providing personnel and equipment pursuant to clause (iii);

(iii) identify, and ensure by contract or other means approved by the President the availability of private personnel and equipment necessary to remove to the maximum extent practicable a worst case discharge (including a discharge resulting from fire or explosion), and to mitigate or prevent a substantial threat of such a discharge;

(iv) describe the training, equipment testing, periodic unannounced drills, and response actions of persons on the vessel or at the facility, to be carried out under the plan to ensure the safety of the vessel or the facility and to mitigate or prevent the discharge, or substantial threat of a discharge;

(v) be updated periodically; and

(vi) be resubmitted for approval of each significant change."

B. Local Response Plans

Sections 301 and 303 of the Emergency Planning and Community Right-to-know Act [(EPCRA), which is Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III)] provide for the establishment of local emergency planning committees (LEPCs) within districts to facilitate the preparation and implementation of emergency plans.

C. State Response Plans

Sections 301 and 302 of the EPCRA provide for the establishment of a State Emergency Response Commission (SERC) for each state and implementation of state emergency plans. State laws also require development of contingency plans. In Iowa, the Iowa Department of Agriculture and Land Stewardship (IDALS) has regulations governing containment for fertilizers and pesticides. In Nebraska, the Nebraska Department of Agriculture has regulations governing the containment of liquid fertilizers and pesticides.

D. Area and Regional Contingency Plans

Section 300.210(b) of the NCP provides for the establishment of Regional Response Teams (RRTs) and sets their role in the implementation of Regional Contingency Plans (RCPs). The NCP, § 300.210(c), provides for the establishment of Area Committees (ACs) and the implementation of ACPs. Region 7 has opted to integrate these requirements through an RICP. The Region 7 Inland Area is the same as the four-state Federal Region 7, and the members of the AC are the same as the RRT. The RICP also includes elements of the Emergency Support Function #10 - Hazardous Materials of the National Response Plan (NRP), which was published in December 2004 and of the National Incident Management System (NIMS), published March 1, 2004. The National Response Framework superseded corresponding sections of the NRP on March 28, 2008.

E. National Plans

1. National Oil and Hazardous Substances Pollution Contingency Plan

Section 300.2 of the NCP lists the various Federal statutes that provide for the establishment of a National Response Team (NRT) and the implementation of the NCP. Region 7 has included a portion of the NCP as an appendix to its RICP.

2. National Response Framework

Certain elements of the Emergency Support Function #10-Hazardous Materials (ESF-10) Annex of the Federal Response Plan (FRP), which was created under the Robert T. Stafford Disaster Relief and Emergency Act (Public Law 93-288), as amended, were originally incorporated into the Region 7 Regional Integrated Contingency Plan (RICP). Subsequently, the National Response Plan (NRP) was developed. As required by Homeland Security Presidential Directive (HSPD)-5, the NRP was established in 2004 and revised in 2006 as a single, comprehensive approach to domestic incident management to prevent, prepare for, respond to, and recover from terrorist attacks, major disasters and other emergencies. The NRP was an all-hazards plan built on the template of the National Incident Management System (NIMS). The NRP replaced the FRP, which had previously provided direction to those responding to disasters as part of ESFs. As a result of lessons learned during the response to Hurricane Katrina, the National Response Framework (NRF) evolved out of the NRP. On March 28, 2008, the NRF superseded corresponding sections of the NRP. Neither the NRP nor the NRF supplanted the NCP. The NRF core document, along with the ESF Annexes and Support Annexes, is available at the NRF Resource Center, <http://www.fema.gov/NRF>.

III. DESCRIPTION OF THE OMAHA/COUNCIL BLUFFS SUB-AREA

A. Metropolitan Governance Approach to Sub-area Planning

The sub-area plan represents a collaborative approach to coordinate responses by all levels of government. OPA 90 required that the federal government establish ACPs throughout the United States in order to provide more coordinated, efficient, and thorough responses by local, state and federal agencies to releases of oil. The NCP incorporated hazardous substances into this process, because of the advantages of utilizing a single plan for spills of all types of hazardous materials. EPA Region 7 determined to create only one ACP, with its geography coincident with the four states of Region 7. The Region 7 RRT, whose members also serve on the AC, later decided to consolidate the RCP, the ACP and applicable elements of the Federal Response Plan (later supplanted by the NRP) into an RICP. The AC determined to create several sub-area plans within Region 7, because of a perceived need to upgrade the quality and thoroughness of planning information available in local areas where multiple governmental jurisdictions are involved.

The initial plans undertaken in Region 7 involved metropolitan areas-- Omaha/Council Bluffs, Greater St. Louis, and the Quad Cities—where a major river, which is a shared resource that requires joint stewardship and coordination among local municipalities, separates metropolitan areas. In the cases of the Quad Cities and St. Louis, two states and two federal regions also are involved. Discharges of oil or releases of hazardous substances into the rivers may impact multiple jurisdictions and necessitate prompt notifications and coordinated responses. Later, SACP creation was initiated along the Missouri River between Yankton, South Dakota and the confluence of the Little Sioux and Missouri rivers.

Since undertaking the initial plans in major metropolitan areas, the Region 7 Area Committee has expanded the sub-area planning process into areas recognized as being environmentally sensitive (Central Kansas Wetlands and South-Central Nebraska Sub-areas.)

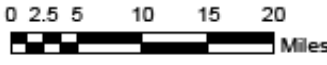
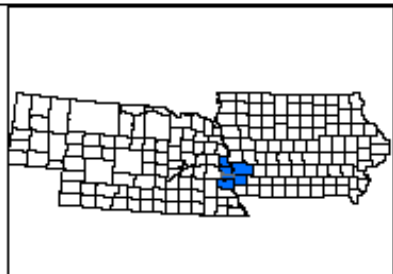
B. Geography of Sub-area

The O/CB Sub-area and the Omaha Metropolitan Area coincide: both include the same four counties in Nebraska and Mills and Pottawattamie counties in Iowa. The Omaha Metro Area is at the intersection of Interstates 29 and 80, while the Missouri River separates Iowa from Nebraska. In 2003, the six-county sub-area, had an estimated population of 757,097, with more than 404,000 of those living in Omaha. More than 1 million people live within a 50-mile radius of Omaha, the 44th largest city in the United States. The Port of Omaha serves the Missouri River basin, while Omaha is a center of operations for both the Union Pacific and Burlington Northern and Santa Fe railroads. The Platte River forms the western boundary of Douglas, Cass and Sarpy counties and separates Cass and Sarpy counties. LaPlatte lies upstream of the confluence of the two rivers on the north side of the Platte and Plattsmouth is slightly downstream and inland of the confluence, a mile from the bank of the Missouri River. Schilling Wildlife Management Area also lies just downstream of the confluence, a mile from Plattsmouth. (See Page III-2 for a map of the sub-area.)

C. Sub-area Climate

Located on the Plains at 977 feet, Omaha has a continental climate with warm summers and cold and dry winters. Precipitation is highest in April through September and totals 30 inches. The annual snowfall is 32 inches. January is the coldest month, with an average high of 31.1 degrees and an average low of 12.7 degrees. July is the hottest month, with an average high of 87.9 degrees and average low of 67 degrees.

Omaha/Council Bluffs Sub-area



November 2008

IV. ROLES AND AUTHORITIES OF GOVERNMENT AGENCIES

A. Introduction and Assumptions

All agencies or organizations responding to an incident in the Omaha/Council Bluffs Sub-area have at least some familiarity with the National Incident Management System (NIMS), which was adopted as the standard for incident management on March 1, 2004. The members of many organizations and the leaders of various agencies are required to undergo NIMS training and/or to certify that they and/or their organizations are NIMS compliant. Likewise, the managers of agencies accepting Department of Homeland Security (DHS) grants typically must certify that their agency is NIMS compliant.

It is assumed those responding to any incident within the O/CB Sub-area will be conversant with the NIMS process and will be prepared to integrate themselves into the NIMS framework. As envisioned by those who formulated and developed the NIMS concept, Incident Commanders will work towards a Unified Command structure when appropriate and feasible.

B. Local Governments

1. Local Responders' Roles and Responsibilities

During any fire or an incident involving a discharge of oil or release of hazardous substances, the local fire department with jurisdiction will respond and will provide an incident commander (IC) as the response is undertaken. The fire department will continue to provide an IC while threats to life and human safety issues dominate the situation. The local police department will normally be responsible for traffic and crowd control on public property. In the event terrorism is suspected or there is any reason to suspect a crime has been committed, local law enforcement will secure the scene. Law enforcement and other responders will assist state and federal law enforcement authorities in the collection and preservation of potential evidence. Municipal public works departments will provide assistance in the event it is necessary to divert or prevent the flow of contaminated materials through the storm water or sewer system. After any notifications of neighboring jurisdictions have been completed, following the guidelines in Section VI A., the IC might decide to notify state agencies, because of a need for special expertise, because the incident threatens to extend impacts beyond the local jurisdiction, or because hazardous wastes might be generated. If a Responsible Party is identified and involved, the fire department commander, state and federal on-scene coordinators and the RP may establish a Unified Command System to address the situation (See Section VIII INCIDENT COMMAND.)

2. Role of HazMat Responders

In Iowa, the Council Bluffs Fire Department has a specially trained Hazardous Materials (HazMat) response team capable of immediate response to a HazMat incident. In Nebraska, the cities of Omaha and Bellevue have similar capabilities through HazMat teams within their fire departments. Offutt Air Force Base also has a HazMat team. All of the adjacent fire departments are available to support each

other and in most cases other nearby jurisdictions are also supported. Any incident commander or emergency manager in Nebraska can request assistance with a HazMat incident by contacting the Nebraska Emergency Management Agency (NEMA), which can dispatch a HazMat team from one of 10 cities that participate in the Nebraska Mutual Assistance Program. If NEMA determines that conditions warrant a response and the governor declares a state emergency, the response costs for any of the 10 mutual aid teams responding would be borne by the state. HazMat teams, while providing special support, will not assume incident command for events outside their respective jurisdiction. They will instead report to the IC or the operations officer on scene. The response teams do not perform remedial cleanup associated with HazMat incidents.

3. Roles and Procedures of Local Emergency Management Agencies

a. Local Emergency Planning Committees

Local Emergency Planning districts were set up as a result of SARA Title III. Local Emergency Planning Committees (LEPCs) include representatives from local governmental agencies, emergency responders, environmental groups, and local industry. LEPCs coordinate emergency response plans of the local units of government within the respective districts. There may be several local emergency plans within each district. The Local Emergency Response Plan (LERP), developed under Sections 301-303 of EPCRA, must include the identity and locations of hazardous materials, procedures for responding to a chemical accident, procedures for notifying the public of necessary actions, the names of designated coordinators within any involved or threatened industrial plants, and schedules for testing the plan. Each LERP must be reviewed by a State Emergency Response Commission (SERC). RRTs may review the plans and provide assistance, if the SERC or LEPC, through the State RRT representative, requests such a review.

b. Emergency Management Agencies

If an incident produces or threatens to escalate into an emergency that could affect large numbers of people or the off-site environment in their respective cities, or otherwise appears beyond the capacity of the local responders, one or more of the Emergency Management Agencies (EMAs) of the six counties may become involved. The county EMAs may utilize their General (All-hazards) plan along with portions of their Local Emergency Response Plan. If an incident represents or threatens an emergency, EMAs may activate their respective Emergency Operations Center (EOC), initiate an evacuation, or take other steps to protect human health and the environment. Volunteers will be called into an EOC to assist with temporary housing or other outgrowths of an emergency.

c. Public Health Agencies

The resources available to respond to a public health emergency vary significantly among the counties in the Omaha/Council Bluffs Sub-area. Each county has a Public Health Coordinator (PHC). The PHC will respond to incidents according to Annex G of the county's Local Emergency Operations Plan. Among the public health responsibilities that could arise are provision of safe drinking water supplies, sanitary emergency sewage disposal, control of disease vectors, provision of safe food supplies, disease control through immunization and quarantine, and determining when it is safe to re-enter an area that has been

impacted by a release of hazardous materials, entry of floodwaters or weather events that damage structures.

If events exceed the capacity of local health authorities to respond, assistance is available through local mutual aid, Nebraska Health and Human Services and NEMA, and the federal Department of Health and Human Services. Behavioral health specialists are also available to treat both the public and responders who might be affected during an incident. Each of these agencies is typically accessed through the EOC during an incident.

C. States

Under the NCP, 40 CFR § 300.180, governors are: *asked to assign an office or agency to represent the state on the RRT. The state's representative may participate fully in all facets of RRT activity and shall designate the appropriate element of the state government that would undertake direction of state managed oil or hazardous substance releases. Each state RRT member also represents and coordinates the involvement of various other state, county, and municipal organizations with the RRT.*

1. The State of Iowa

a. Iowa Department of Natural Resources

The Iowa State Department of Natural Resources (IDNR) is the enforcement agency for environmental laws in Iowa. When an incident threatens the public safety, IDNR coordinates requested assistance from state agencies and acts as the liaison to federal officials. Personnel from the Environmental Services Division are available 24 hours a day to provide regulatory oversight of responsible parties (RPs) and offer technical assistance to responding agencies.

The state's representative to the RRT is a member of the Emergency Response Unit (ERU) in Des Moines. The ERU provides support to field office staff, coordinates supporting state agencies in Des Moines, and acts as liaison to federal officials located outside Iowa. A State On-Scene Coordinator (SOSC) will respond from the IDNR's field office in Atlantic, Iowa.

An SOSC will respond to the scene after assessing available information and determining whether an on-site response is necessary, or when an SOSC's presence is requested by another local, state or federal agency. The SOSC coordinates the response of state agencies, and acts as liaison to federal officials at the scene of the incident. Requests for disposal of materials following the cleanup of the site should be coordinated through IDNR.

b. Iowa Department of Transportation

i. Requests for IDOT Physical Resources

The Iowa Department of Transportation (IDOT) has resources typically used in highway maintenance activities, such as trucks, heavy equipment, sand, rock, etc. Each maintenance garage has a supply of hydrophilic absorbents, including 10-foot booms, 4-foot socks and pads. In addition to those materials, the garage in Avoca, Iowa has some all-purpose, silica-based absorbents. Physical resources can be acquired from IDOT through two different methods, with the method used depending on the highway involved:

- Iowa Primary Highway System--Resources are available for use on the Iowa primary highway system through requests by governmental subdivisions. Requests for these resources in the O/CB Subarea should be made to the District Operations Managers or the District Maintenance Manager. Contact information for the district officials is in Appendix J.
- Local DOT Garage--If the aforementioned absorbents are needed in an emergency response to a hazardous material spill off the primary highway, local governmental sub-divisions may request these materials by contacting the listed contact persons or the local IDOT garage. It will be the responsibility of the local governmental sub-division to replace the materials in kind by purchasing supplies directly from the IDOT's warehouse.

In order to acquire all other resources for other situations, Iowa's Division of Homeland Security and Emergency Management (HSEMD) must be contacted. The Emergency Management Coordinator for the affected county must initiate the request. Any request to use Iowa's resources in Nebraska should be made directly to HSEMD by personnel of the Nebraska Emergency Management Agency.

ii. Dynamic Message Signs

In addition to maintaining stores of equipment and materials, IDOT controls overhead Dynamic Message Signs (DMS) and Portable Dynamic Message Signs, which could be accessed during a hazardous materials or other emergency.

Messages on the overhead DMS's can be changed remotely within a matter of minutes. Changing the messages on Portable DMS's requires travelling to the sign for manual message entry, and relocating the sign if necessary. This would take at least 30 minutes during normal work hours if a Portable DMS is readily available and longer during non-work hours or if a sign is not readily available. IDOT is currently in the process of retrofitting existing and purchasing new portable DMS's with the capability to remotely enter messages in. However, at present, there are no portable DMS's with remote access in the Omaha/Council Bluffs area.

IDOT's Statewide Emergency Operations staff can activate DMS messages. In the event an Incident Commander (IC) believes a message is needed to protect the public from hazards or otherwise facilitate a

response, the IC or designate should request that a message be placed on the signs by contacting IDOT Statewide Emergency Operations. All requests should be made to IDOT's 24-hour Emergency Operations Center. The number for the center is in Appendix J.

2. The State of Nebraska

a. Nebraska Department of Environmental Quality

The Nebraska Department of Environmental Quality (NDEQ) coordinates state responses to spills. A member of this department is the RRT representative. A staff member of this department will serve as the SOSOC. Agency personnel are available 24 hours a day.

b. Nebraska Department of Roads

The Nebraska Department of Roads (NDOR) controls DMS and PDMS on the state's roadways. If an Incident Commander determines that changing or placing a message on message boards could improve traffic flow, lessen threats to the public or otherwise facilitate a response, insertion of an appropriate message could be requested.

In emergency situations, the Incident Commander could make direct contact with NDOR's District Operations and Maintenance Supervisor through his 911 Communications Center. Changes to DMS can be implemented as soon as NDOR's representatives approve the message. Changes to PDMS would take approximately one-half hour to implement, as those messages are changed on site through use of a laptop computer. In non-emergency situations, requests should be routed through the county Emergency Management Coordinator to NEMA, which will either contact NDOR directly or will route requests to NDOR through the Nebraska State Patrol.

In addition to maintaining 14 DMS in the Omaha vicinity, NDOR has a wide range of trucks and other heavy equipment that could be used to transport resources during an emergency. NDOR provides an element of support to every Emergency Support Function within Nebraska's emergency response plan because of its capacity to transport resources.

Resource requests as well as requests for messages on NDOR Message Signs in the Omaha area should be made to NDOR's District 2 Operations Center. Requests should be made to NDOR's District Operations and Maintenance Supervisor (DOMS) or to the Assistant DOMS. Contact information for those individuals is in Appendix J.

D. Federal

1. National Response System and Policies

The NCP, § 300.105, describes the general organizational concepts of the federal agencies, the NRT, the RRT, the FOSC, and the Area Committees. Sections 300.110 and 300.115 detail the structure of the NRT and the RRT. The NCP provides for an RRT whose agency membership would parallel that of the NRT, and the inclusion of state and local representation.

2. EPA Region 7 Responsibilities

EPA Region 7, Kansas City, Kansas, will provide an FOSC for investigating and responding to releases in the O/CB sub-area, unless the spills originate from a commercial vessel, a vessel transfer operation, or a marine-transportation related facility, in which case the USCG is pre-designated to provide an FOSC. EPA will notify the IDNR or NDEQ, which have responsibility for notifying operators of downstream water intakes, of any releases that may impact their operations.

EPA Region 7 has separate Memorandums of Understanding (MOUs) in place with EPA Regions 5 and 6. The purpose of the MOUs is to establish procedures for a general working agreement among the three regions' Emergency Response Programs to provide for an inter-regional backup system that can assist other regions in the event of an emergency response where regions have exhausted their resources and require the assistance of other regions. See Appendix O for copies of these MOUs.

3. USCG Marine Safety Detachment Quad Cities Responsibilities

Under a Memorandum of Understanding (MOU) between the EPA and the USCG signed March 13, 1993, the USCG will assist the predesignated EPA OSC to the fullest extent possible consistent with agency responsibilities and authorities. If an incident involves a commercial vessel, a vessel transfer operation, or a marine-transportation related facility, the USCG Captain of the Port (COTP) will provide the OSC and will carry out all of the FOSC's responsibilities, including the decision to direct any necessary removal activity or access the Oil Spill Liability Trust Fund (OSLTF). If an incident originates from another, or an unknown, source, the USCG will assist the EPA/OSC to the fullest extent possible within the NCP or the RICP. Upon the request of the predesignated EPA/OSC, the COTP may act upon the FOSC's behalf.

4. Federal On-scene Coordinator (FOSC) Roles and Responsibilities

The FOSC may direct response efforts and coordinate all other efforts at the scene of a discharge or release in accordance with the NCP, RICP, or any applicable sub-area, state and local plans. FOSCs shall be predesignated by the EPA Region 7 Regional Administrator or the USCG 8th District, per EPA/USCG MOU. [The Department of Defense (DOD) and the Department of Energy (DOE) shall designate an

FOSC, as stated in the NCP § 300.120 (c) and (d), should their facilities or properties be involved in a discharge or release. Other federal agencies are responsible for non-emergency removals, as stated in the NCP § 300.120 (c)(2).]

The FOSC will coordinate all federal containment, removal and disposal efforts and direct all federal resources during an incident. The FOSC is the point of contact between federal resources and the Responsible Party (RP) and the state and local response community. The FOSC will work within an established IC structure or coordinate all agencies/parties into a UCS. In some circumstances, the FOSC may direct the response activities of other parties in accordance with the NCP. In extreme circumstances, when it is evident that the RP is unwilling or unable to respond adequately to a spill or release, the FOSC can assume full authority of the cleanup, including funding through Superfund or the OSLTF (i.e., to “federalize” the response). In such instances, notice will be provided to the RP in writing. In such circumstances, efforts will be made to recover costs from the RP. The Region 7 RRT can be convened to provide guidance to the FOSC and coordination during a major event.

From a practical standpoint, such tasks as air-monitoring during a discharge or release - possibly one with an associated fire - can be provided by an FOSC who is responding with contractors from the Superfund Technical Assessment and Response Team (START) during the emergency phase of an incident. Such actions would be conducted within an Incident Command System (ICS) or UCS, with transfer of command responsibilities to an OSC of the affected state or to the FOSC during the incident’s cleanup and recovery phase.

The FOSC, to the extent practicable, should ensure that persons designated to act as their on-scene representative are adequately trained and prepared to carry out actions under the NCP and the Region 7 RICP.

The FOSC’s response priorities, under §300.320 of the NCP:

- (a) When the OSC receives a report of a discharge, actions normally should be taken in the following sequence:
 - (1) Investigate the report to determine pertinent information such as the threat posed to public health or welfare of the United States or the environment, the type and quantity of polluting material, and the source of the discharge.
 - (2) Officially classify the size (i.e., minor, medium, major) and type (i.e., substantial threat to the public health or welfare of the United States, worst-case discharge) of the discharge and determine the course of action to be followed to ensure effective and immediate removal, mitigation, or prevention of the discharge. Some discharges that are classified as a substantial threat to the public health or welfare of the United States may be further classified as a spill of national significance by the Administrator of EPA or the Commandant of the USCG. The appropriate course of action may be prescribed in §§ 300.322, 300.323, and 300.324.

(i) When the reported discharge is an actual or potential major discharge, the OSC shall immediately notify the RRT and the NRC.

(ii) When the investigation shows that an actual or potential medium discharge exists, the OSC shall recommend activation of the RRT, if appropriate.

(iii) When the investigation shows that an actual or potential minor discharge exists, the OSC shall monitor the situation to ensure that proper removal action is being taken.

(3) If the OSC determines that effective and immediate removal, mitigation, or prevention of a discharge can be achieved by private party efforts, and where the discharge does not pose a substantial threat to the public health or welfare of the United States, determine whether the responsible party or other person is properly carrying out removal. Removal is being done properly when:

(i) The responsible party is applying the resources called for in its response plan to effectively and immediately remove, minimize, or mitigate threat(s) to public health and welfare and the environment; and

(ii) The removal efforts are in accordance with applicable regulations, including the NCP. Even if the OSC supplements responsible party resources with government resources, the spill response will not be considered improper, unless specifically determined by the OSC.

(4) Where appropriate, determine whether a state or political subdivision thereof has the capability to carry out any or all removal actions. If so, the OSC may arrange funding to support these actions.

(5) Ensure prompt notification of the trustees of affected natural resources in accordance with the applicable RCP and ACP.

(6) Ensure that the notifications and actions required in 300.135, the Fish and Wildlife Sensitive Environments Plan, (Appendix A.1 of the EPA Region 7 Regional Integrated Contingency Plan) and the *Programmatic Agreement Annex VI* have been performed. In they have not been performed, the OSC will perform those notifications and subsequent actions.

(7) When appropriate, activate Federal response using the OSLTF for oil discharges or the CERCLA Hazardous Substances Response Trust Fund for hazardous substances releases.

(b) Removal shall be considered complete when so determined by the OSC in consultation with the governor or governors of the affected states. When the OSC considers removal complete, OSLTF removal funding shall end. This determination shall not preclude additional removal actions under applicable state law.

5. FOSC and USFWS Responsibilities Under the Endangered Species Act

The following is a summary of FOSC/Incident Commander and USFWS responsibilities under the Endangered Species Act, implementing regulations, and the *Inter-agency Memorandum of Agreement Regarding Oil Spill Planning and Response Activities Under the Federal Water Pollution Control Act's National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act* (ESA MOA). For detailed information on ESA consultation requirements and procedures, see Annex V of the Region 7 Integrated Contingency Plan.

a. During Spill Response

i. FOSC/Incident Commander Responsibilities

- If fish and wildlife resources may be affected by a discharge or release, notify Federal and State natural resource trustees and managers, and consult with them on removal actions to be taken.
- If listed species and/or critical habitat are or could be present, immediately contact USFWS to initiate emergency consultation pursuant to the Endangered Species Act, implementing regulations, and the ESA MOA.
- Keep USFWS and the DOI RRT/Area Committee Representative apprised of ongoing response actions.
- Document any adverse effects (including incidental take) to listed species or their habitat.
- Maintain a record of all oral and written communications with the USFWS during the response.

ii. USFWS Responsibilities

- Provide the FOSC/Incident Commander timely recommendations on actions to avoid or minimize impacts to listed species and/or their habitats throughout the duration of the response.
- Respond to requests for emergency consultation pursuant to the Endangered Species Act, implementing regulations, and the ESA MOA.
- If “incidental take” is anticipated, so advise the FOSC/Incident Commander.
- Upon request, participate in the ICS/UC.
- Maintain a record of all oral and written communications with the FOSC/Incident Commander during the response.

b. Post Response

i. FOSC/Incident Commander Responsibilities

- If listed species or critical habitat have been adversely affected by response activities, initiate formal consultation of the effect of these activities pursuant to the Endangered Species Act, implementing regulations, and the ESA MOA. See Annex V to the RICP (ESA MOA) for specific requirements and procedures.

ii. USFWS Responsibilities

- Respond to requests for formal consultation in accordance with the Endangered Species Act, implementing regulations, and the ESA MOA.

E. Technical Support

In addition to the support provided the FOSC by the RRT, a variety of technical support is available through telephone contact or actual dispatch of teams to the field. Support agencies and groups available to on-scene coordinators include:

1. Department of the Interior

The DOI can provide information concerning lands and resources specifically under DOI jurisdiction, as well as offer technical expertise related to geology, hydrology, minerals, fish and wildlife, cultural resources, and recreation resources. DOI can also provide communications and other equipment in the event of an extended response.

2. EPA-Environmental Response Team

In the event of a continuing release or discharge, an FOSC has access to the EPA Environmental Response Team (ERT), based in Edison, New Jersey, which has expertise in treatment technology, biology, chemistry, hydrology, geology and engineering. The ERT has access to special decontamination equipment and can provide advice on a wide range of diverse issues, such as a multimedia sampling and analysis program; on-site safety, including development and implementation plans; cleanup techniques and priorities; water supply decontamination and protection; application of dispersants; environmental assessment; degree of cleanup required; and disposal of contaminated material. The ERT provides such expertise through Scientific Support Coordinators (SSCs). An SSC may be designated by the FOSC as the principal advisor for scientific issues and communication with the scientific community. This includes coordination of requests for assistance from state and federal agencies.

The ERT also provides both introductory and intermediate level training courses to prepare response personnel. FOSC or RRT requests for ERT support should be made to the EPA representative on the RRT or the appropriate EPA regional emergency coordinator.

3. National Oceanic and Atmospheric Administration

The National Oceanic and Atmospheric Administration (NOAA), under the Department of Commerce, may provide information in a number of areas. Like the ERT, its SSCs have a wide variety of expertise. NOAA has mathematicians and physicists who can do computer modeling and simulation studies of releases. NOAA also has a research and planning group that can determine resources at risk, and make recommendations on types of techniques for cleanup--and when to use them. The agency can offer an environmental science group that can provide technical assistance on chemistry, gas chromatography/mass spectrometry fingerprinting, and degradation of oil. The organization includes a biological assessment group that can perform long-term studies and planning. Finally, NOAA possesses an information management group that can produce computerized maps.

4. National Weather Service

The National Weather Service (NWS), a federal organization within NOAA, can provide various support to an incident commander in the Omaha/Council Bluffs area through its office in Valley, Nebraska. The Valley, Nebraska office is responsible for weather information in 30 counties in eastern Nebraska and eight counties in southwestern Iowa, including all of the O/CB Sub-area. In the event of a major release or discharge, an incident commander can contact the NWS office in Valley, Nebraska by calling 1-800-452-9074. The incident commander will be provided with a direct unlisted number to the lead forecaster's desk, through which continuous information on wind speeds, temperatures and other atmospheric data can be obtained.

In addition, the NWS has an MOU with both the Nebraska Emergency Management Agency and the Iowa Department of Public Defense. Under those MOUs, the state emergency management agencies can contact the NWS, which will immediately notify commercial radio systems through the Emergency Alert System (EAS), so that they can broadcast messages advising the public to evacuate, commence sheltering in place or to take other actions to protect themselves from plumes of hazardous substances or other dangerous conditions.

5. USCG-Atlantic Strike Team

The Atlantic Strike Team, telephone number (609-724-0008) provides trained personnel and specialized equipment to assist the FOSC in training for spill response, stabilizing and containing the spill, and in monitoring or directing the response actions of the RPs and/or contractors. A call to any one of the USCG's Strike Teams will be answered 24 hours a day. In the event the Strike Force contacted is committed, another Strike Team will be accessed.

6. USCG-National Strike Force Coordination Center

The National Strike Force Coordination Center (NSFCC), telephone number (252-331-6000) is authorized as the National Response Unit required under OPA, and has responsibilities that include administering the USCG Strike Teams, maintaining response equipment inventories and logistical networks, and conducting a national exercise program. The NSFCC can provide the following support to the FOSC: technical assistance and equipment for spill response, assistance in coordinating resources in support of the FOSC during an oil discharge response, ACP or RICP review, coordination of spill response resources information, coordination of pollution response exercises, and inspection of district response equipment.

F. Multi-Agency Response and Planning Groups

1. Regional Response Team and Area Committee

The RRT's origin and reference to the NCP are briefly discussed in paragraphs II. D. and IV. D. 1. of this SACP. The role of the RRT has two principal components. The first component is the standing team, whose duties are communications systems and procedures, planning, coordination, training, evaluation, preparedness, and related matters on a region-wide basis. The RRT also may assemble an incident-specific team, as determined by the operational requirements of the response to a specific discharge or release. The RRT has responsibility for developing an RCP and for assisting the FOSC in the event guidance, coordination or resources are needed to provide an adequate response to an incident. The RRT includes a representative from each state within the federal region and representatives from virtually any federal agency that could provide assistance or resources during such a response. EPA and the USCG co-chair the RRT, which does not respond directly to the scene, but instead responds to developments and requests from the FOSC in accordance with relevant contingency plans. In addition, members of the RRT serve as the AC, which has the responsibility to produce ACPs within its respective area. Within Region 7, the area and the region are coincident. Generally, the AC is more planning oriented and aims to be more inclusive of industry and other nongovernmental entities as it plans. The RRT is more response oriented. Semiannual meetings of the Region 7 AC and RRT are held in the spring and fall of each year.

2. Sub-area Committees

The O/CB Sub-area Executive Committee was formed and functions under the authority granted by the Region 7 Regional Administrator, RRT and AC. The O/CB sub-area committee is composed of an EPA OSC from Region 7, a USCG officer, a representative from the U.S. Fish and Wildlife Service, a representative from the IDNR, a representative from NDEQ, and one representative from each Emergency Management Agency within the boundaries of the sub-area, and representatives of local fire departments and the public health medical communities.

G. Natural Resource Trustees

Pursuant to 33 U.S.C. § 2706(b), the governor of each state shall designate state and local officials who may act on behalf of the public as trustees for natural resources and shall notify the President of the designation. CERCLA and OPA require the designation of certain federal, state or Indian tribal officials to act on behalf of the public as trustees of natural resources that they manage or protect. CERCLA § 101(16) defines natural resources as land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States, any state or local government or Indian tribe.

1. State Trustees

The director of IDNR has been designated as the Natural Resources Trustee for Iowa, while in Nebraska the director of NDEQ serves as the Natural Resources Trustee.

a. Role of Iowa Natural Resource Trustee

During an environmental emergency, an SOSC from IDNR will act on behalf of the director. The SOSC will coordinate the response of the divisions within IDNR to prioritize and protect natural resources, assess any damages, and arrange for remediation and recovery. This includes all natural resources not owned or directly managed by federal trustees. The SOSC will be a member of the Environmental Services Division.

The SOSC will seek the advice and assistance of representatives of the Forests and Forestry Division; the Parks, Recreation, and Preserves Division; and the Fish and Wildlife Division. Members of these divisions can provide information regarding environmentally sensitive areas (ESAs) and endangered species. They can also assist in establishing priorities for protecting threatened resources.

Any actions to prevent or correct damage to areas directly managed by local, state or federal government will be determined and/or approved by the agency managing that area. The SOSC must consult with representatives of the other divisions of IDNR whenever practical, and will follow their recommendations regarding mitigation, sampling and remediation whenever feasible. When an incident threatens the public health and safety, the SOSC has the final authority to determine the appropriate actions.

b. Role of Nebraska Natural Resource Trustee

The Director of the Nebraska Department of Environmental Quality has been designated as the Nebraska Natural Resource Trustee for the state. During an environmental emergency, the NDEQ State On-Scene Coordinator (SOSC) will act on behalf of the Director. This individual will coordinate and/or further delegate issues related to the preservation, assessment, remediation, recovery and prioritization of natural

resources for which the State of Nebraska is responsible. This includes all land, water and wildlife not directly owned or managed by federal agencies.

In general, the SOSC will be a member of the Department's Emergency Response staff. The SOSC will, when feasible, seek the advice/assistance of various available natural wildlife experts. These include members of the Nebraska "Fish Kill Network" (NDEQ and Nebraska Game & Parks Biologists), local Game & Parks officials as well as representatives of the U.S. Fish & Wildlife Service (USFWS). In addition, the SOSC will provide timely (verbal) reports to the NDEQ Director and/or Deputy Director of the ongoing activities.

It will be necessary to obtain/assess information with regard to ESAs and endangered species. The above-referenced resources can provide this information. In some instances it may be necessary to prioritize which resources will be protected. Again, the above individual agencies can provide this. Where areas and/or resources (i.e. parks, wildlife management areas, fisheries, etc.) are under the direct control of a local, state or federal entity, those organizations will determine, recommend and/or approve actions to prevent and correct damages to that resource.

Biologists from the NDEQ Surface Water Section and/or the Nebraska Game and Parks Commission can provide initial assessments of natural resource damages. In addition, they can determine monetary penalties due to losses of fish and/or other wildlife. Their recommendations as to mitigative measures, sampling, etc. will be followed whenever feasible. However, the ultimate decisions with regard to actions/requirements rest with the SOSC, who must consider all aspects related to the incident, including threats to human health and welfare, relative risks, interruption of commerce, etc.

2. Federal Trustee--U.S. Department of the Interior

Under Executive Order and Sec. 300.600 (b) of the NCP, the Secretary of the Interior is designated as trustee for natural resources managed and controlled by the Department of the Interior (DOI).

a. United States Fish and Wildlife Service (FWS)

The DOI, through the FWS, is responsible for management of migratory birds, federally listed endangered and threatened species, and inter-jurisdictional fishes within the O/CB sub-area and for managing National Wildlife Refuges. National Wildlife Refuge (NWR) lands occur in Washington County of the sub-area, and include Boyer Chute NWR located on the west side of the Missouri River between River Miles 637.8 and 633.6, and DeSoto NWR located between Missouri River miles 644 and 641. (Please see Page M-3 in Appendix M for more information on National Wildlife Areas in the sub-area.)

When a spill occurs, USFWS, located in Rock Island, Illinois, or Grand Island, Nebraska, will provide timely advice on the measures necessary to protect wildlife from exposure, as well as the priority and timing of such measures. Protective measures may include preventing the oil from reaching areas where

migratory birds and other wildlife are located or deterring birds or other wildlife from entering areas by using wildlife hazing devices or other methods.

If exposure of birds and other wildlife to oil or hazardous substances cannot be prevented, an immediate decision would be required as to whether to rescue and rehabilitate “oiled” birds and other wildlife. The USFWS has statutory responsibilities for protecting migratory birds and federally listed threatened and endangered species. In such cases, the USFWS would serve as the lead, coordinating with other trustees and providing oversight for a qualified wildlife responder. If an incident does not involve migratory birds or federally listed threatened or endangered species, a state natural resource trustee would be the lead. The decision to rescue and rehabilitate oiled wildlife must be made in conjunction with the applicable federal (and state) natural resource agencies. Wildlife rehabilitators will need federal (and state) permits to collect, possess and band migratory birds, and threatened and endangered species. Further information is contained in the Fish and Wildlife and Sensitive Environments Annex to the Region 7 RICP.

3. Natural Resource Damage Assessments

Following a release or discharge, natural resource trustees may have the additional responsibility of assessing injury to the environment as a result of the spill. Natural Resource Damage Assessment (NRDA) is the process by which trustees collect, compile and evaluate data to determine the extent of injury to natural resources. The information gathered is used to assess damages, including determining the dollar amount necessary to restore injured trust resources and compensate for lost use as a result of injury, and then to seek recovery of those damages from the RP. NRDA's are typically initiated concurrent with response activities.

Initiation of an NRDA (in conjunction with other natural resource trustee agencies) usually involves acquiring data both during and after a spill event to document: 1) evidence of oil or hazardous substances in water, sediments, soil and organisms; 2) effects on fish, wildlife, and/or their habitat; 3) exposure pathways, and 4) the potential need to undertake emergency restoration efforts to prevent or reduce the immediate migration of oil or hazardous substances onto or into a trust resource. Because NRDA activities may be identical to those conducted as part of the response, all sampling and fieldwork conducted by the natural resource trustees should be coordinated with the lead response agency.

H. Contractors

Private contractors fulfill a vast array of roles within the HazMat response field, either on a one-time or long-term basis. Many RP's have contracts with Oil Spill Removal Organizations (OSROs) or with HazMat responders to handle spills that may occur. The RP is responsible for Natural Resource Damage Assessments in conjunction with the natural resource trustees of the respective states, and may retain contractors to conduct such assessments. Region 7 has the START and Emergency Rapid Response Services (ERRS) contracts to facilitate emergency responses and cleanups. Any contractor responding to a spill will answer to the agency providing its funding, unless arrangements for supervision by other agencies are agreed to by all parties.

V. ROLES OF RESPONSIBLE PARTIES

The RP is required under the CWA to immediately report any discharge of oil that will produce a sheen on navigable water, adjoining shorelines, or the contiguous zone, or a release of a hazardous substance exceeding a reportable quantity, as per 40 CFR § 302.4, to the National Response Center (NRC). In addition, the spiller may be required to report these releases under various state and local statutes. OPA 90 §1002 makes RPs responsible for removal costs and damages. (See Section II A. for additional detail and planning requirements.) The RP is expected to cooperate with local public safety agencies during the emergency response phase of an incident. The RP conducts whatever response actions are necessary and for which its personnel are trained and equipped. This can include such activities as turning off valves, plugging or containing leaking containers, and evacuating employees. It may include fire fighting by industrial fire brigades. All of these activities are typically done under the direction of an IC from a local public safety agency.

The EPA or USCG may direct response activities by the RP at a discharge of oil or release of hazardous substances, if it becomes necessary. The FOSC also may “federalize” (see IV. D. 4) a response, if it becomes evident that an adequate response is beyond the capability of the RP, if the RP indicates an unwillingness to accept responsibility, or if the RP’s identity is unknown. A UCS incorporating the command structure of the RP, local responders and state and federal responders may be established to address simultaneous public safety and environmental concerns. The RP has primary responsibility for the cleanup of a discharge or release. The response shall be conducted in accordance with the NCP and the RP’s applicable response plan.

VI. NOTIFICATION

Just as a discharge of oil or a hazardous substances release can emanate from numerous sources, the discovery of a spill and initiation of notification procedures can proceed along a number of paths. As examples, RP's, private citizens or the news media might notify agencies at the local, state or federal level by calling 911, a state spill line, an EPA spill line, or the National Response Center. Depending upon the severity of a spill or discharge, notification might not only be required by statute, but could be essential to protecting human health and the environment. In other instances, notification by and of various agencies might be done as a matter of courtesy. The following sections describe how notifications will be made among those responsible for responding to most releases of oil or hazardous substances in the Sub-area.

A. Protocol

Prompt notification is critical for an effective coordinated response among all organizations that might be involved during an incident. Each organization that first becomes aware of a release of oil or a hazardous substance in O/CB Sub-area has the responsibility to notify other appropriate and potentially affected agencies. All initial notifications should be by voice telephone, not by facsimile copy or e-mail. Each organization is to consider itself the first agency aware of a release, if it has not previously been notified of the release according to this protocol. When an agency is notified by another responding organization, it must confirm that other agencies that it is responsible for notifying have been contacted, and then proceed to notify those agencies that have not yet been made aware of the release. The following criteria shall be used in determining whether to make notifications:

1. The release has the potential to affect the jurisdiction of another agency.
2. Assistance might be requested from another agency.
3. Although another agency might not be affected or requested to provide assistance, the agency will be notified out of courtesy when it is likely to receive inquiries about the incident from such other sources as citizens, companies or news media.

B. Notification of Natural Resource Trustees

The appropriate state and/or federal natural resource trustee(s) should be notified in the event of any discharge or release affecting or threatening to affect environmentally sensitive areas, migratory waterfowl or state or federally listed threatened or endangered species. Responsibility for notification will rest with the respective OSC, i.e., SOSCs will notify their state's trustees and FOSCs will notify the DOI RRT/trustee representative. SOSCs and FOSCs will coordinate notifications affecting state and federal resources. Contacts and their numbers are listed in Appendix D-1.

VII. O/CB SACP RESPONSE PROTOCOL

A. Incident Command and Jurisdiction

The first responding local agency will be responsible for establishing an initial command post and implementing an Incident Command System (ICS). If jurisdiction is unclear, the responding agencies will confer to determine which agency has jurisdiction. Once jurisdiction has been determined, the local agency having jurisdiction will either assume command or request that a Unified Command System (UCS) be established at the local level.

If jurisdiction is not determined, the initial responding local agency will either maintain command or request a UCS. When state and federal OSCs arrive at the site, they will confer with the IC. Upon mutual agreement, they will determine whether the state and federal OSCs will integrate into the local ICS, whether the state or federal OSC will take the lead, or whether they will jointly establish a UCS. The lead state agency will be the state from which the lead local agency originates. If the agencies cannot agree on the issue of command, the Federal On-Scene Coordinator (FOSC) has preemptive authority under the National Contingency Plan (NCP).

B. Contractor Oversight

If the responsible party (RP) is capable and willing to respond to the release, governmental officials will work with the RP to mitigate the spill, while maintaining general oversight. If no Potentially Responsible Party (PRP) is identifiable, or an RP is unwilling or incapable of responding, the IC and OSCs will pursue options available to use government funds to clean up the release. If a contractor (See Section IV. H for more discussion) responds to the spill, it will answer to the agency providing its funding, unless arrangements for supervision by other agencies are agreed to by all parties.

C. Coordination

Generally, the responding agencies will function within their normal roles, using their appropriate authorities, expertise, and resources, while working as a team to provide the most efficient response possible. Each local, state and federal lead agency will be responsible for making secondary notifications, and will coordinate the assistance of support agencies at its respective level of government. All major decisions regarding the response to the incident will be made in conference by the local IC and state and federal OSCs, with the RP's representative(s) included, as appropriate.

D. Public Information

The IC may appoint a Public Information Officer (PIO) and designate a media center in order to facilitate communications with the media. Updates will be provided to the media at intervals determined by the IC. All press releases and news conferences will be coordinated with the state and federal OSCs.

E. Termination

When the IC terminates an incident, a notice of termination will be sent to all responding agencies. To the extent it is feasible, the IC and the state and federal OSCs will coordinate their release of reports, along with any additional information that they have obtained from supporting agencies at their respective levels. When appropriate, the lead local, state and federal regulatory agencies should also consider coordinating their efforts to recover costs. The IC and the OSCs will also work together to arrange for a critique of the incident.

VIII. INCIDENT COMMAND

The senior on-scene official of the first response organization to arrive at an incident involving hazardous materials or an oil spill shall establish an Incident Command System. The ICS should be established in accordance with the National Incident Management System (NIMS) adopted on March 1, 2004. In accordance with NIMS' procedures, incident command should transition towards a Unified Command when the incident is of sufficient magnitude to involve multiple agencies from various levels of government.

Additional information on NIMS and its applications is available at <http://www.nimsonline.com/>

IX. COMMUNICATIONS PROTOCOL

A. Communications Policy

Establishing effective communications among all responders represents one of the paramount challenges during any major disaster or incident involving numerous response and emergency management agencies. No communications plan could cover every potential situation that could confront those responding to a discharge of oil, a release of hazardous substances, a natural disaster or an act of terrorism. The mix of organizations responding under local mutual aid agreements, statewide mutual aid programs and the National Response Framework could vary greatly, depending upon the location, nature and severity of an incident. Responses could be further complicated by incidents affecting the Missouri River and areas on both of its banks.

Responders to any incident in the Omaha/Council Bluffs Sub-area are expected to integrate themselves into the response under the National Incident Management System. Likewise, Incident Command will establish and modify communications networks as required under NIMS in order to support the unique, composite organization of many response and support elements required to address any incident.

B. Communications Planning

1. Tri-County Urban Area Tactical Interoperable Communications Plan

While no one plan or system could cover every eventuality that might arise during a major incident, the Douglas, Sarpy & Washington Counties Tri-County Urban Area Tactical Interoperable Communications Plan (TICP), dated April 27, 2006, provides an excellent starting point for communications planning in the area. It is anticipated that the Urban Areas Security Initiative (UASI) TICP will be dynamic and consequently more current than the communications-related language in the O/CB SACP. One drawback of relying on the UASI TICP for communications planning in the O/CB Sub-area is that Cass, Pottawattamie and Mills counties are not included in the plan. Nonetheless, it is a major resource, and other counties are increasingly working towards integrating their planning and systems with this evolving communications plan framework. As 800-megahertz (MHz) trunk systems and fixed and mobile gateways expand throughout the sub-area, interoperable communications using the UASI TICP as a base are likely to become easier.

Contact information for the primary Points of Contact (POCs) for the UASI TICP and for the other counties in the O/CB Sub-area is in Appendix F Omaha/Council Bluffs Sub-area Communications Contacts, which is on Page F-1.

C. Communications Systems

1. Telephone

The primary means of communications among various levels of government—local, state and federal—particularly during the initial notifications and coordination of response agencies, would be the commercial telephone network. Telephones, either fixed, cellular or satellite, will be used for point-to-point communications, whenever possible. As the number of entities involved in an incident grows, creating dedicated telephone links to various parties involved in the command structure might be desirable. Such actions could be accomplished through contact with Qwest and Windstream, the local telecommunications providers.

Potential limitations exist for using telephones and plans should be made for backup communications. A tornado or other major storm could severely affect cellular towers and fixed-line communications. Any incident that generates major casualties is likely result in a swamping of cellular towers with a consequential degradation of the system. Experience in previous natural disasters indicates satellite phones are at risk of being knocked off the circuit as media uplinks absorb available bandwidth on the satellites.

2. Radio Communications

a. Local Networks

As previously stated, telephones will be the primary method of communication available to the NDEQ, the Environmental Services Division of IDNR and the EPA during the initial stages of a response. Although EPA Region 7 has provided its radio frequencies to state and local agencies, the frequencies are not compatible with all local entities and it is unknown how many local agencies have programmed those frequencies into their systems. There is no ability for responders from either Iowa or Nebraska to communicate directly with federal agencies via radio communication. Should telephone communications systems fail or be of limited utility, state and federal responders will likely rely on local agencies and their radio systems for communications within the local response framework.

Each county has an internal radio communications infrastructure (i.e., frequencies to communicate with the sheriff, fire departments, engineer, conservation officer, city police, etc.) As the UASI TICP has evolved, direct radio communications between agencies within Washington, Douglas and Sarpy counties has been simplified through creation of numerous talk groups. Furthermore, 275 swap radios have been cached at various locations within Sarpy and Douglas counties. These radios, which operate on an 800-megahertz (MHz) frequency band, will be available to local and outside responders, which will allow rapid integration into the response effort. Radios have been cached at a dozen locations within the two counties, with the number of radios at individual locations ranging from five at the Papillion Fire Department up to 40 at the Sarpy County Sheriff's Office and 50 at Douglas County Emergency Management.

State and federal agencies can gain access to radios cached under the UASI TICP through the Incident Commander or the UASI POC shown in Appendix F. Radios might also be available in non-UASI counties through the IC. Sarpy County has some communications-linking capabilities that could be useful during any incident involving counties adjacent or across the Missouri River. Further details are available through the Sarpy County UASI POC.

In some instances, it might still be necessary for various agencies to send a representative, equipped with a radio capable of communicating with their respective personnel, to Incident Command, or another location designated by the IC in order to facilitate communications. In any such situation, the IC will establish a central point of communications. With the exception of Mills County, all counties in the sub-area are currently using or are migrating towards use of an 800 MHz trunk system for communications. Despite that commonality, integration of 800 MHz systems is not automatic, as talk groups must be established and frequencies programmed. In addition, established 800 MHz systems, such as Sarpy County's system, which was installed in 1995, are configured differently than new systems, such as Douglas County's, so communications incompatibilities should be anticipated.

Communications among law enforcement agencies across the Missouri River are possible through the Iowa, Nebraska and Missouri Law Enforcement Mutual Aid Channel (155.475 frequency). Within the O/CB Sub-area, local response agencies maintain a radio channel programmed to the Council Bluffs channel as a means of cross-river communications.

Pottawattamie and Mills counties are connected to the State Emergency Operations Center through Iowa Region 4's RayCom System, which is an 800 MHz system. Eighteen counties in Region 4 can communicate directly with each other and with the Iowa EOC through the RayCom System. This is Mills County's only link to an 800 Mhz system, as it currently operates on a VHF system and expects to do so for the foreseeable future.

b. Gateway Devices

In addition to established radio systems, equipment geared towards facilitating communications interoperability is proliferating within the O/CB Sub-area. Gateway devices allow various agencies to talk across disciplines and jurisdictions through the instantaneous linking of disparate systems and frequencies.

Douglas County Communications has located Motorola Gold Elite Gateways at the Civic Center and at the Communications Center at 156th and Maple. Washington and Sarpy counties have each located a Motorola Gold Elite Gateway at their respective 911 Communications Centers. Douglas and Sarpy counties have installed Raven switches to integrate various frequencies into the Gold Elite Gateways. Cass County has a smaller ACU-Tactical system installed in its Mobile Command Post. Pottawattamie County has an ICRI (Incident Commanders Radio Interface) tactical gateway in its mobile command post. The Council Bluffs Fire Department serves as custodian for the mobile command post, which is owned by Pottawattamie County.

In addition to the local Gateways, EPA Region 7 has a Raytheon JPS Communications ACU-1000 in its Mobile Command Post. Nebraska's 72nd Civil Support Team and Iowa's 71st Civil Support Team each have ACU-1000s that can be dispatched to provide communications interoperability during an incident. The CSTs can be accessed through local Emergency Management Agencies. The respective governors authorize their dispatch following coordination by local EMAs through NEMA and Iowa Homeland Security and Emergency Management.

c. State Networks

Iowa maintains statewide radio capabilities through several mechanisms. The Iowa Department of Public Safety Communications Center has statewide communications capabilities with all state agency radio networks. The state can establish a forward command post (FCP) with radio communications as the primary means of communications between the FCP and the state's field personnel. State radio capabilities include the Department of Transportation, Iowa State Patrol System, Radio Amateur Civil Emergency Services (RACES) and others.

Several of Nebraska's state agencies maintain statewide radio communications systems. The Nebraska Departments of Roads, Game and Parks, Corrections and NEMA each can reach nearly any location in their respective systems within the state through a series of transmitters and repeaters that take advantage of the Low-Band 39.9 frequency. The agencies' statewide systems are not interlinked. The Nebraska State Patrol (NSP), most counties, and many other local entities can communicate with one another through the Low-Band 39.9 frequency system, which has set frequencies for law enforcement (39.90), fire departments (39.98) and medicine (39.82). NDEQ is not linked into any of these systems.

Members of the NSP can communicate with each other through their hand-held and car radios. The age and efficiency of both groups of radios varies, with two troopers using hand-held radios being capable of communicating over distances of 2 to 5 miles, while users of car radios might be able to communicate over distances ranging from 20 to 50 miles or farther.

NEMA maintains a mobile command post, commonly referred to as "The Crush", which can be dispatched to serve as a communications center during a major disaster. The Crush has multiple channels and frequencies, including low band, high band, high frequency and direct communication with aircraft. Consequently, it can "patch" together communications between various agencies.

d. Federal Networks

No day-to-day radio communications system exists between the federal agencies that might respond to an incident. A complete communications system is available through FEMA's Mobile Emergency Response System (MERS) for major incidents projected to extend beyond 24 hours. The nearest MERS detachment is located at Denton, Texas. In addition, as previously described, EPA Region 7 installed an ACU-1000 in its mobile command post in 2006 in order to facilitate communications interoperability.

e. Volunteer Radio Communications Organizations

The O/CB Sub-area boasts several Amateur Radio Emergency Services (ARES) and Radio Amateur Civil Emergency Services (RACES) organizations with trained radio operators. These operators often bring their own equipment and resources to assist during emergencies. Both ARES and RACES train operators to handle emergency communications and have statewide support. They can be called upon to provide backup communications to supplement existing modes of communication during an incident or when the normal communications infrastructure has been compromised or is not functioning.

ARES and RACES have established repeaters in the metro area on VHF and UHF bands and have multiple frequencies at their disposal.

i. Amateur Radio Emergency Services

Douglas, Washington and Dodge (not within the sub-area) counties in Nebraska and Mills, Pottawattamie, and Harrison (also not in the sub-area) in Iowa all have active ARES organizations. These volunteer radio operators train in order to assist during response situations. When the usual channels of communications are down or unavailable, ARES members can set up reliable communications links where needed. These groups have access to existing repeaters in the O/CB Sub-area and have equipment that can be brought on site when needed. Emergency Operations Centers in Douglas, Pottawattamie, Mills and Sarpy counties already have Amateur Radio installations. County command center vehicles also have Amateur Radio installed in them. Where more than one jurisdiction is involved, ARES can provide connecting communications links between them. ARES operators are trained in the handling of messages and emergency traffic. Several of the repeaters are linked along the Missouri River corridor from Missouri Valley, Iowa to St. Joseph, Missouri, and can be configured to meet the communications needs during an incident.

ii. Radio Emergency Associated Communications Teams (REACT)

Douglas and Sarpy counties have REACTs. The Douglas County group has a communications van, which has radios from various services, including Sarpy County 800 MHz communications, low-band VHF, and ARES frequencies. REACT services can be requested by any of the counties in the sub-area.

iii. Backup Communications Activation

These groups are typically activated through local Emergency Management Agencies or through county 911 centers after hours. Emergency managers regularly work and train with these groups. Many members are familiar with NIMS. Emergency Operations Center contact information is in Appendix D.

X. SITE SAFETY PLANS

A. Integration of Site Safety Plans

During a major incident involving hazardous substances several hazardous materials (HazMat) response teams could participate in the response. These teams should consist of personnel trained to at least the technician level, and should be in complete compliance with OSHA's 1910.120 regulations. One of these requirements is the development of a site safety plan (SSP).

HazMat teams that could be present during a response include teams from municipal fire departments; contractors for RPs, states or federal agencies; a USCG Strike Team; teams from military bases; and industrial mutual aid teams. Because each of these entities normally develops its own site safety plan, there is potential for conflict or confusion when the various response teams arrive at an incident. To ensure the safety of all responders and effectively implement the response, procedures to coordinate all efforts to develop safety plans for the site are needed.

If a site has a single IC, that commander will appoint a Site Safety Officer (SSO), who will coordinate with the safety officers of all responding HazMat teams. The SSO will ensure compatibility of all of the various site safety plans. If a UCS is in place, the unified commanders will appoint an overall SSO, who will be responsible for completing an overall SSP.

Any safety officer who disagrees with any portion of the SSP, after working with the SSO, should communicate concerns to the senior official on site for his or her organization. That official should discuss those concerns with the IC or UCS. The IC or unified commanders will bring the matter to the attention of the SSO and seek a resolution. The IC, who is ultimately responsible for the safety of everyone on site, has final approval of the SSP.

B. Site Safety Plan Requirements

The site-specific safety plan is required of private employers of hazardous waste operations workers under the authority of 29 CFR 1910.120. The same requirement for governmental workers is found under the authority of 40 CFR 311. Both regulatory documents specify that 11 categories must be contained in a site-specific safety plan. Each category of the plan must help identify, evaluate and control safety and health hazards, and provide for emergency response for hazardous waste operations. This includes organizational structure, personnel training, engineering methods, standard operating procedures, and equipment that will eliminate or reduce both the chemical and physical hazards associated with assigned tasks to be completed by personnel on site. The required categories of a site safety plan are as follows:

- 1. Key Personnel and Hazards Communication:** Identify names of key personnel, such as: Project Manager, Field Operations Leader, Site Supervisor, and Site Health and Safety Officer. Identify communication procedures and provide for pre-activity briefings. (29 CFR 1910.120[b][2])

- 2. Task Risk or Hazard Analysis:** Describe hazards or risks associated with each task to be performed. Include identification of chemical contaminants; affected media; concentrations, if known; and potential routes of exposures. (29 CFR 1910.120[b][4])
- 3. Employee Training Assignments:** Training required to enter site (e.g., initial and annual health and safety training, first aid / CPR training, emergency response training). (29 CFR 1910.120[e])
- 4. Medical Surveillance Requirements:** Identify baseline monitoring and site-specific medical monitoring required for all personnel entering the scene. (29 CFR 1910.120[f])
- 5. Personal Protective Equipment:** Describe the personal protective equipment (PPE) to be used for each task. (29 CFR 1910.120[g])
- 6. Air and Personnel Monitoring:** Describe frequency and types of air monitoring, personnel monitoring, and environmental sampling techniques and equipment to be used, including methods of maintenance and calibration for equipment and instruments. (29 CFR 1910.120[h])
- 7. Site Control Measures:** Specify the procedures to be used to minimize worker exposure to hazardous substances. These would include a site map, work zone definition, buddy system establishment, site communications, emergency alarm procedures, standard operating procedures for safe execution of tasks, and identification of nearest medical assistance. (29 CFR 1910.120[d])
- 8. Spill Containment Procedures:** Describe procedures to contain and isolate entire volume of any hazardous substance spilled during site activities. (29 CFR 1910.120[j])
- 9. Decontamination Procedures:** Describe procedures for decontaminating workers and equipment potentially exposed to hazardous materials. This section should also include methods to minimize contact with hazardous materials. (29 CFR 1910.120[k])
- 10. Emergency Response Plan:** Describe how anticipated emergencies will be handled and how risks associated with an emergency will be minimized. This plan must be developed prior to commencement of hazardous waste activities. (29 CFR 1910.120[l])
- 11. Confined Space Entry Procedures:** If necessary, describe procedures for entering confined spaces. (29 CFR 1910.120[b][9])

XI. DISPOSAL REGULATIONS

The following matrix will give an overview of materials disposal requirements for Iowa and Nebraska.

	IOWA	NEBRASKA
Non-hazardous Debris and Soil	<ul style="list-style-type: none"> • Must go to permitted Sanitary Landfill • IDNR prior approval required 	<ul style="list-style-type: none"> • Can be disposed of in a municipal solid waste disposal area (Sanitary Landfill) or Construction/demolition disposal area, or used as beneficial fill for land improvement projects
RCRA Hazardous Debris and Soil	<ul style="list-style-type: none"> • Iowa does not have a RCRA program; consult EPA Region 7 • No RCRA disposal facilities in Iowa 	<ul style="list-style-type: none"> • Must be managed as a hazardous waste in accordance with NDEQ regulation (Title 128)
Open Burning	<ul style="list-style-type: none"> • Generally prohibited • Variance possible through IDNR 	<ul style="list-style-type: none"> • Generally prohibited • Variance possible through NDEQ
List of Emergency Response Contractors	<ul style="list-style-type: none"> • Available from IDNR 	<ul style="list-style-type: none"> • Available from NDEQ
Petroleum-Contaminated Water	<ul style="list-style-type: none"> • Can discharge to storm or sanitary sewer if below allowable levels with approval from IDNR and city officials 	<ul style="list-style-type: none"> • Can discharge to a storm or sanitary sewer provided notice of intent is submitted to NDEQ prior to discharging and the discharge is below allowable levels • Permission from the local authority is also needed for discharges to sanitary sewers
Land Farming	<ul style="list-style-type: none"> • Allowed if IDNR criteria followed 	<ul style="list-style-type: none"> • One-time land-farming of special wastes can be done in accordance with NDEQ soils protocol • Repeated land-farming of special wastes on a parcel of land requires a permit from NDEQ
Pesticides and Fertilizers	<ul style="list-style-type: none"> • Recovered liquids and solids may be applied to agricultural land at normal rates with IDNR approval 	<ul style="list-style-type: none"> • Recovered liquids and solids may be applied to agricultural land at normal rates if consistent with label and MSDS requirements

<p>Petroleum-Contaminated Soils</p>	<ul style="list-style-type: none"> • Excavated soil may be incinerated at an approved incinerator, land-applied at a permitted sanitary landfill, or land farmed on property with the approval of the owner as long as IDNR criteria are followed 	<ul style="list-style-type: none"> • Can be land applied in accordance with the NDEQ soils protocol or must be disposed of at a sanitary landfill
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XII. ACCESS TO OIL SPILL LIABILITY TRUST FUND (OSLTF) AND COMPREHESIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIBILITY ACT (CERCLA) REIMBURSEMENT

Current information on various aspects of the Oil Spill Liability Trust Fund is available through the U.S. Coast Guard's National Pollution Funds Center home page <http://www.uscg.mil/npfc/> and through the Oil Spill Liability Trust Fund home page: http://www.uscg.mil/npfc/About_NPFC/osltf.asp

A. OSLTF Funding Procedures

Local, state, tribal, or federal agencies may obtain funding for removal costs through, and with the prior approval of the FOSC, or by submitting a claim. Funding will be in accordance with EPA's "Guidance For Use Of The Oil Spill Liability Trust Fund," (OSWER Dir. 9360.8-11) February 1997, and EPA's "Guidance For Use Of Coast Guard Basic Ordering Agreements For Emergency Oil Spill Response Support," February 10, 1997.

B. Federal Access to the OSLTF

To access the OSLTF, the FOSC must open the fund through the Ceiling and Number Assignment Processing System (CANAPS), which automates and centralizes the creation and management of project numbers and ceilings for federally funded response. A six-digit case number will be generated and a spending ceiling set. An email confirmation will be sent. After receiving a number and ceiling, the federal agency providing the OSC must contact its contracting officer within 48 hours to issue a delivery order for services under the applicable Basic Ordering Agreement (BOA) or Emergency and Rapid Response Services (ERRS) contract.

C. Direct State Access to the OSLTF

In accordance with regulations promulgated under Section 1012(d)(1) of OPA, the President, upon request of the state's governor, may obligate the OSLTF for payment in an amount not to exceed \$250,000 for removal costs consistent with the National Contingency Plan (NCP) that are required for the immediate removal of a discharge, or the mitigation or prevention of a substantial threat of discharge of oil.

State access to the Fund provides an avenue for states to receive federal funds for immediate removal costs resulting from the response to actual or threatened discharges of oil. In making a request to access the OSLTF the individual making the request must:

- Indicate that the request is a state access request under 33 CFR Part 133
- Provide the name, title, department and state

- Describe the incident in sufficient detail to allow a determination of jurisdiction, including at a minimum: the date of the incident, type of product discharged, estimated quantity of discharge, the navigable water involved, and the proposed removal actions for which the funds are being requested under Part 133, and
- Indicate the amount of funds requested.

Further information is available through the USCG Technical Operating Procedures (TOPS) for State Access Under Section 1012(d)(1) of OPA, which can be accessed on-line at:

<http://www.uscg.mil/NPFC/docs/PDFs/urg/Ch4/NPFC TOPSstate.pdf>

D. Pollution Removal Funding Authorization

State and local agencies and other federal agencies may perform removal actions under the direct supervision of an FOSC. In such situations, the FOSC issues a Pollution Removal Funding Authorization (PRFA) to the requesting agency to establish a contractual relationship and obligate the fund. Under this method the FOSC is actively directing the response actions of the federal, state or local agencies. In order to ensure reimbursement for expenditures, responding agencies should obtain a PRFA from the FOSC prior to incurring costs. State or local involvement in use of the OSLTF through a PRFA can be accomplished as follows:

- The appropriate agency notifies the EPA of the spill immediately.
- An FOSC travels to the site and discusses with the state or local representative what actions should be taken. The FOSC and the representative reach an agreement and document the specific goods and services to be provided in the form of a scope of work and provide a good-faith estimate of the total anticipated costs. A PRFA is prepared by the authorizing federal agency and signed by the FOSC to fund the state's actions.
- During the response, the state or local government must document costs and submit them to the FOSC daily for approval. The requesting agency is responsible for payment of invoices incurred by response contractors. The PRFA commits the OSLTF to payment, by reimbursement, of costs incurred in the pollution response activities undertaken by another government agency working for the FOSC.

When the removal is complete, the requesting agency submits cost documentation to the NPFC via the FOSC for reimbursement. Reimbursement is generally done through a single check to the other agency from the U.S. Coast Guard after the cleanup is done.

Additional information on PRFA's can be found in Chapter 10 of the Technical Operation Procedures for Resource Documentation, which can be accessed on-line at:

<http://www.uscg.mil/npfc/Response/Cost%20Documentation/prfa.asp>

E. Claims

Section 1012(d)(1) of OPA 90 authorizes the use of the Fund for “the payment of claims in accordance with Section 1013 for uncompensated removal costs determined by the President to be consistent with the NCP for uncompensated damages.” States or local governmental agencies may submit claims for uncompensated removal costs, which may include those salaries, equipment, and administrative costs directly related to a specific incident. The claimant may submit claims for removal costs directly to the Fund, even if the responsible party is unknown. To submit a claim against the OSLTF, the state or local agency must:

- Submit a detailed description of the incident, including at a minimum: what type of material was released or potentially released, what navigable water was impacted or potentially impacted, what response actions were taken to prevent, minimize or mitigate the release and were those actions consistent with the NCP.
- Include a detailed summary of the amount spent by the claimant during its response actions and provide backup documentation. The removal costs incurred must have been incurred as a result of the response actions taken to prevent, minimize, or mitigate the effects of the incident.
- Submit the package to the USCG National Pollution Funds Center (NPFC) for approval. The NPFC will review the claim to ensure the removal costs were reasonable and that actions taken were consistent with the NCP, which may include confirming that the response was an OPA-90 incident.

Additional information on Claims can be found in the NPFC’s Claimant Information Guide, which can be accessed on-line at: <http://www.uscg.mil/npfc/Claims/default.asp>

F. CERCLA Local Governments Reimbursement Program

Section 123 of CERCLA and Section 1002 (b)(2)(F) of OPA authorize EPA to reimburse local governments for some (and in rare cases possibly all) of the expenses incurred in carrying out temporary emergency measures in response to hazardous substance threats or releases. These measures or operations are necessary to prevent or mitigate injury to human health or the environment.

The intent of this provision is to reduce any significant financial burden that may have been incurred by a city, county, municipality, parish, township, town, federally recognized Native American tribe, or general-purpose unit of government that takes the above measures in response to hazardous substance threats. Traditional local responsibilities, such as routine fire fighting, are not eligible for reimbursement. States are not eligible for this program and may not request reimbursement on their own behalf or on the behalf of a political subdivision within a given state (40 CFR Parts 310.20 and 310.30).

The following criteria must be met before a request for reimbursement is to be considered:

- Response actions were consistent with CERCLA, NCP, EPCRA.
- The request contains assurances that the response does not supplant local funds normally provided for such activities.
- The applicant must have first attempted to recover from all known PRPs and any other possible sources of reimbursement (state funds, insurance companies, etc.). Sixty days must be allowed for the responsible party to respond by making payment, expressing intent to pay, or demonstrating willingness to negotiate payment.

CERCLA limits the amount of reimbursement to \$25,000 per single response. If several agencies or departments are involved in a response, they must determine among themselves which agency will submit the request for reimbursement. Any request must be received by EPA within one year of the date the response was completed.

Some of the allowable costs may include, but are not limited to, the following:

- Disposal materials and supplies acquired and used specifically for the related response.
- Employee compensation for response work that is not provided in the applicant's operating budget.
- Rental or leasing of equipment.
- Replacement costs of equipment contaminated to the extent that it is beyond reuse or repair.
- Decontamination of equipment.
- Special technical services needed for the response, such as those provided by experts or specialists.
- Other special services, such as utilities.
- Laboratory analysis costs related to the response.
- Costs associated with supplies, services and equipment procured for a specific evaluation.

A review panel will evaluate each request and will rank the requests on the basis of financial burden. Financial burden is based on the ratio of eligible response costs to the locality's per capita income adjusted for population. If a request is not reimbursed during the review period for which it is submitted, the EPA's reimbursement official has the discretion to hold the request open for a 1-year reconsideration.

An application package can be obtained by contacting the LGR Helpline: Phone number 1-800-431-9209. The application package contains detailed, line-by-line instructions for completing the application.

XIII. OMAHA/COUNCIL BLUFFS WORST-CASE DISCHARGE (WCD) SCENARIOS

The O/CB Sub-area has numerous potential spill sources that could discharge large amounts of petroleum or hazardous materials, including highly toxic substances. The worst-case situation for the sub-area would be a direct hit by a large tornado, which would have the potential to inflict massive damage, including many casualties, disruption of transportation and communication, and spills of hazardous materials and oil products. An incident of that magnitude would carry with it the potential to produce a Worst-Case Discharge (WCD), which is defined as a complete loss of product during severe weather conditions, at multiple facilities. Any WCD could affect several environmentally sensitive areas in the sub-area. In view of the various threats facing the Metro area, it was felt that a single WCD scenario did not adequately address the issue. Instead, several potential threat scenarios were developed that responders and emergency managers should prepare to meet. A major release that reaches the Missouri River, either directly or from specific effluent sources, would threaten the human population, businesses and wildlife in the area.

A. Scenario 1: A major release occurs upstream of the sub-area.

A major release reaches the Missouri River above the Omaha and Council Bluff's drinking water intakes. This would threaten both cities' drinking water as well as businesses, parks and homes along the urbanized portions of the Missouri River. Such a release could occur:

- If one of the major pipelines under the Missouri River area ruptures upstream from the Omaha and Council Bluffs drinking water intakes on the river, or such a pipeline ruptures and product enters the river through storm sewers.
- If a train carrying oil or hazardous materials derailed over the Missouri River or along tracks that run along the west bank of the Missouri River, with a resulting discharge of contamination to the river.
- If one of several large aboveground storage tanks along either side of the river discharged oil into the storm sewer system.
- If a tanker truck carrying oil or hazardous materials were involved in an accident on any bridge over the Elkhorn, Platte or Missouri rivers and discharged its contents.

B. Scenario 2 : A major spill reaches a sanitary or storm sewer.

A large quantity of oil or hazardous substances is released into a storm or sanitary sewer located within the sub-area, posing threats to property, human health and the environment. Such a release could occur, if:

- If a tanker truck, storage tank or train released oil or hazardous substances above a sewer opening. Trucking, storage and railroad activities occur in close proximity to sewers throughout the sub-area.
- If a pipeline running near a sewer in the sub-area ruptured near a sewer conduit.

C. Scenario 3: A major release occurs at a riverside facility within the sub-area.

A large-capacity (e.g., 500,000 gallons or more) aboveground storage tank near the Missouri River releases a large quantity of petroleum and threatens property, human health and the environment. A release could occur from such sources as:

- AMOCO, Magellan, Warren Distribution, National Cooperative Refining Association, etc.
- Storage of oil and hazardous substances occurs on both sides of the Missouri River in the sub-area.

D. Scenario 4: A major fire involving oil or hazardous materials occurs within the sub-area.

A major fire involving oil occurs in the sub-area, threatening property, human health and the environment. Such a fire could occur:

- Anywhere in the sub-area where large quantities of oil or hazardous substances are transported. Such activities occur throughout the sub-area in quantities sufficient to pose a significant threat in the event of a fire.

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APPENDIX A

Quick Action Response Guide

This Quick Action Response Guide (QARG) is designed for all responders and others who might be involved with an incident in the Omaha/Council Bluffs Sub-area. It is suggested that multiple copies of Appendix A be kept with the O/CB SACP so they can be widely distributed when an incident occurs. Facility managers and governmental responders might wish to include copies of Appendix A with their plans.

Each QARG developed for an SACP in EPA Region 7 includes a Response Notification Flowchart, a Guide to Sub-area Notifications and information on unique environmental resources located in the sub-area. Some QARGs include a map and suggestions on how to facilitate communications interoperability during a significant incident in the sub-area.

A. Guide to Sub-area Notifications

This section suggests considerations that might be taken into account when using the Response Notification Flowchart on Page A-4. The Notification Flowchart reflects and suggests an optimum flow of notifications that would result from a discharge of oil or release of hazardous substances. The obligation of a Responsible Party to notify the National Response Center when a spill exceeds the reportable quantity for a specific substance is established by statute. Likewise, the NRC's responsibility to notify EPA and other agencies is well known. Beyond those initial notifications, however, it is recognized that notifications tend to evolve separately for each incident. Decisions on notification will depend on the volume of material released, the perceived threat to human health or the environment posed by the release, the capability of an agency to handle the situation, and personal preferences and historical working relationships. Initial notifications might originate with a Responsible Party, but they also come from the public or via the news media. Likewise, any agency shown in the Response Notification Flowchart could be the first alerted to an incident.

B. Environmentally Sensitive Areas of Major Concern

The Omaha/Council Bluffs Sub-area provides habitat for 12 federally or state listed threatened or endangered species. Lake sturgeon, pallid sturgeon and sturgeon chub live near the bottom of the main channel of the Missouri River, which would make protection from a spill of miscible or sinking material difficult. The Platte River and Elkhorn River also provide habitat for these fish species as well as federally listed least tern and piping plover.

Generally, the highest wildlife and recreational values in the sub-area are found in the Lower Platte River near its confluence with the Missouri River. In addition, the Missouri River 20 miles upstream and downstream from the confluence with the Platte River has been designated as a Recovery Priority Management Area for the federally endangered pallid sturgeon. Other areas of special concern include Hidden Lake in the Fontenelle Forest, which connects to the Missouri River via a gate that could be closed during a spill incident, and the Gifford Area in Sarpy County, where the largest remaining oxbow in the lower Missouri River remains. Responders should review Appendix M of the O/CB SACP and

consult with the Department of the Interior and U.S. Fish and Wildlife whenever there is a potential threat to natural resources.

C. Communications Interoperability Resources

1. Available Plans and Equipment

It is assumed responders will be familiar with their county's Local Emergency Operations Plan (LEOP) and with NIMS as they integrate themselves and any communications systems they bring with them into a major response. Should a major incident unfold, the Incident Commander, through a Communications Liaison, will use existing communications plans and an assessment of the situation at hand to establish a comprehensive communications system.

The most comprehensive existing communications plan in the O/CB Sub-area is the Douglas, Sarpy & Washington Counties Tri-County Urban Area Tactical Interoperable Communications Plan (TICP). The TICP, originally completed April 27, 2006, provides an excellent starting point for communications planning in the area, but it covers only three of the six counties in the sub-area.

As 800 megahertz trunk systems and fixed and mobile gateways expand throughout the sub-area, interoperable communications using the UASI TICP and resources allocated to it will be enhanced. As part of the TICP, 275 swap radios have been cached at various locations within Sarpy and Douglas counties. These radios, which operate on an 800-megahertz (MHz) frequency band, could be available to local and outside responders, which would allow rapid integration into a response effort.

Communications among law enforcement agencies across the Missouri River are possible through the Iowa, Nebraska and Missouri Law Enforcement Mutual Aid Channel (155.475 frequency). Within the O/CB Sub-area, local response agencies maintain a radio channel programmed to the Council Bluffs channel as a means of cross-river communications. (Please see Chapter IX Communications Protocol in the Omaha/Council Bluffs Sub-area Contingency Plan for a more in-depth discussion of communications systems and capabilities in the sub-area.)

2. Gateway Devices

In addition to established radio systems, equipment geared towards facilitating communications interoperability is proliferating in and outside the O/CB Sub-area. Gateway devices allow responders from various agencies to talk across disciplines and jurisdictions through the instantaneous linking of disparate systems and frequencies.

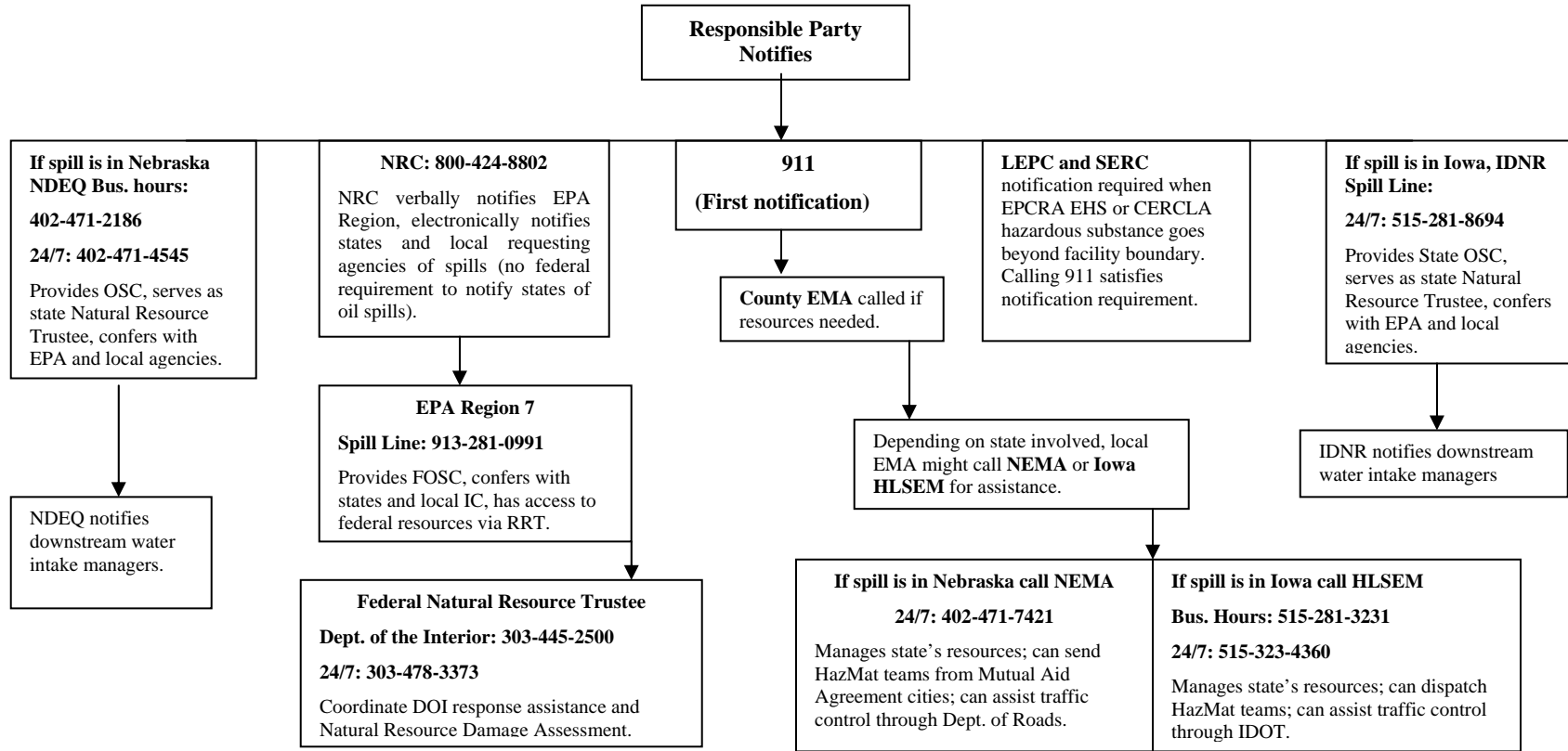
Douglas County Communications has located Motorola Gold Elite Gateways at the Civic Center and at the Communications Center at 156th and Maple. Washington and Sarpy counties have each located a Motorola Gold Elite Gateway at their respective 911 Communications Centers. Douglas and Sarpy counties have installed Raven switches to integrate various frequencies into the Gold Elite Gateways.

Cass County has a smaller ACU-Tactical system installed in its Mobile Command Post. Pottawattamie County has an ICRI (Incident Commanders Radio Interface) tactical gateway in its mobile command post. The Council Bluffs Fire Department serves as custodian for the mobile command post, which is owned by Pottawattamie County.

In addition to the local Gateways, EPA Region 7 has a Raytheon JPS Communications ACU-1000 in its Mobile Command Post. Nebraska's 72nd Civil Support Team and Iowa's 71st Civil Support Team each have ACU-1000s that could be dispatched to provide communications interoperability during an incident.

Responders should be aware that operating more than one gateway device in an area is likely to cause communications problems, unless the operation of the systems is coordinated. Gateway devices should be used exclusively for linking disparate systems together, rather than for attempting to enhance communications within existing talk groups. Experience has also shown that the efficacy of gateway systems is greatly reduced when repeaters are being used to transmit radio signals. Operations of all communications systems during a major incident should be coordinated with the Incident Commander and the Communications Liaison.

Omaha/Council Bluffs Sub-area Notification Flowchart



Key State and Local Contacts in O/CB Sub-area

Organization	24/7 Number	Admin Phone	Organization	24/7 Number	Admin Phone
Cass County EMA	402-296-9370	402-267-6765	Mills County EMA	712-527-4871	712-527-3643
Douglas County EMA	402-510-4050	402-444-5040	Pottawattamie County EMA	712-328-5777	712-328-5737
Douglas County LEPC	402-321-1911		Omaha Police ER Unit	402-444-4688	402-510-1508
			Omaha Met. Medical Response System	402-639-4916	
Sarpy County EMA	402-593-4111	402-593-5785			
Washington County (Reg.5/6 EMA)	402-426-6866	402-727-2785			

APPENDIX B
ACRONYMS AND ABBREVIATIONS

AC	Area Committee
ACP	Area Contingency Plan
ARARs	Applicable or Relevant and Appropriate Requirements
ARES	Amateur Radio Emergency Services
ATSDR	Agency for Toxic Substances and Disease Registry
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
BOA	Basic Ordering Agreement
BuRec	Bureau of Reclamation
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CDC	Centers for Disease Control
CHEMTREC	Chemical Transportation Emergency Center
CHRIS	Chemical Hazard Response Information Center
CIC	Community Involvement Coordinator
CIP	Community Involvement Plan
COTP	Captain of the Port
CWA	Clean Water Act (Federal Water Pollution Control Act)
DHS	Department of Homeland Security
DOC	Department of Commerce
DOD	Department of Defense
DOE	Department of Energy
DOI	Department of the Interior
DOJ	Department of Justice
DOL	Department of Labor
DOS	Department of State
DOT	Department of Transportation
DPA	Delegated Procurement Authority
DRAT	District Response Advisory Team (USCG)
EAS	Emergency Alert System
EERU	Environmental Emergency Response Unit
EHS	Extremely Hazardous Substance
EMAs	Emergency Management Agencies
EMSL	Environmental Monitoring and Support Laboratory (EPA)

EOC	Emergency Operations Center
EPA	Environmental Protection Agency
EPCRA	Emergency Planning and Community Right To Know Act (SARA Title III)
ERRS	Emergency and Rapid Response Services (EPA contract)
ESA	Endangered Species Act or Environmentally Sensitive Area
ERT	Environmental Response Team
ESA	Environmentally Sensitive Area or Endangered Species Act
ESF	Emergency Support Function
FCP	Forward Command Post
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FOSC	Federal On-Scene Coordinator
FCP	Forward Command Post
FRERP	Federal Radiological Emergency Response Plan
FRP	Federal Response Plan
FWPCA	Federal Water Pollution Control Act
FWS	United States Fish and Wildlife Service
GIS	Geographic Information System
GSA	General Services Administration
HazMat	Hazardous Materials
HAZWOPER	Hazardous Waste Operations and Emergency Response
HHS	Department of Health and Human Services
HIECS	Hospital Incident Emergency Command Structure
HSPD	Homeland Security Presidential Directive
HMRT	Hazardous Materials Response Team
IC	Incident Commander
ICP	Integrated Contingency Plan (guidance)
ICS	Incident Command System
IDALS	Iowa Department of Agriculture and Land Stewardship
IDNR	Iowa State Department of Natural Resources
IDOT	Iowa Department of Transportation
JFO	Joint Field Office
LEOP	Local Emergency Operations Plan
LEPC	Local Emergency Planning Committee
LERP	Local Emergency Response Plan
LFA	Lead Federal Agency

LO	Liaison Officer
MERS	Mobile Emergency Response Center
MMS	Minerals Management Service
MOU	Memorandum of Understanding
MSD	Marine Safety Detachment
MSDS	Material Safety Data Sheet
MSO	Marine Safety Office
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NCRFC	North-Central River Forecast Center
NDEQ	Nebraska Department of Environmental Quality
NDOR	Nebraska Department of Roads
NEMA	Nebraska Emergency Management Agency
NIMS	National Incident Management System
NIOSH	National Institute for Occupational Safety and Health
NOAA	National Oceanic and Atmospheric Administration
NPFC	National Pollution Funds Center
NPS	National Park Service
NRC	National Response Center
NRF	National Response Framework
NRP	National Response Plan
NRS	National Response System
NRT	National Response Team
NSF	National Strike Force
NSP	Nebraska State Patrol
NSFCC	National Strike Force Coordination Center
NWR	National Wildlife Refuge
O/CB	Omaha/Council Bluffs
O/CB SACP	Omaha/Council Bluffs Sub-area Contingency Plan
ODP	Office of Domestic Preparedness
OHMTADS	Oil & Hazardous Materials Technical Assistance Data System
OPA	Oil Pollution Act
OPA 90	Oil Pollution Act of 1990
OSC	On-Scene Coordinator
OPS	Office of Pipeline Safety
OSLTF	Oil Spill Liability Trust Fund
OSROs	Oil Spill Removal Organizations

OSWER	Office of Solid Waste and Emergency Response
PHC	Public Health Coordinator
PIAT	Public Information Assist Team
PIO	Public Information Officer
POC	Point of Contact
POLREP	Pollution Report in Message Format
PREP	National Preparedness for Response Exercise Program
PRFA	Pollution Removal Funding Authorization
PRP	Potentially Responsible Party
RA	Regional Administrator
RACES	Radio Amateur Civil Emergency Services
RAT	Radiological Assistance Team
RCP	Regional Contingency Plan
RCRA	Resource Conservation and Recovery Act
RERT	Radiological Emergency Response Team
RICP	Regional Integrated Contingency Plan
RP	Responsible Party
RPM	Remedial Project Manager
RRC	Regional Response Center
RRT	Regional Response Team
RSPA	Research and Special Programs Administration
SACP	Sub-Area Contingency Plan
SARA	Superfund Amendments and Reauthorization Act of 1986
SARA Title III	Title III of the Superfund Amendments and Reauthorization Act of 1986
SEOC	State Emergency Operations Center
SERC	State Emergency Response Commission
SKIM	Spill Cleanup Inventory System
SMOA	Superfund Memorandum of Agreement
SONS	Spills of National Significance
SOSC	State On-Scene Coordinator
SRA	State Recreational Area
SSC	Scientific Support Coordinator
SSO	Site Safety Officer
SSP	Site Safety Plan
START	Superfund Technical Assessment and Response Team (EPA)
TICP	Tactical Interoperability Communications Plan

TOPS	Technical Operating Procedures
UASI	Urban Area Security Initiative
UCS	Unified Command System
USDA	United States Department of Agriculture
USCG	United States Coast Guard
USGS	United States Geological Survey
USFWS	United States Fish and Wildlife Service
V.F.D.	Volunteer Fire Department
WCD	Worst-Case Discharge

APPENDIX C DEFINITIONS

Activation means notification by telephone or other expeditious manner or, when required, the assembly of some or all appropriate members of the RRT or NRT.

Affected Environment, under Title 126 NDEQ Rules and Regulations Pertaining to the Management of Wastes (Title 126-NDEQ) Chapter 1, means any portion of the waters of the state or land which has been altered either physically, chemically or biologically due to the release of a oil or hazardous substance.

Area Committee (AC), as provided for by CWA sections 311(a)(18) and (j)(40), means the entity appointed by the President consisting of members from qualified personnel of federal, state, and local agencies with responsibilities that include preparing an area contingency plan for an area designated by the President.

Area Contingency Plan (ACP), as provided for by CWA sections 311(a)(19) and (j)(4), means the plan prepared by an Area Committee that is developed to be implemented in conjunction with the NCP and RCP, in part to address removal of a worst-case discharge and to mitigate or prevent a substantial threat of such a discharge from a vessel, offshore facility, or onshore facility operating in or near an area designated by the President.

Bioremediation agents means microbiological cultures, enzyme additives, or nutrient additives that are deliberately introduced into an oil discharge and that will significantly increase the rate of biodegradation to mitigate the effects of the discharge.

CERCLA is the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986.

Chemical Agents means those elements, compounds, or mixtures that coagulate, disperse, dissolve, emulsify, foam, neutralize, precipitate, reduce, solubilize, oxidize, concentrate, congeal, entrap, fix, make the pollutant mass more rigid or viscous, or otherwise facilitate the mitigation of deleterious effects or the removal of the pollutant from the water. Chemical agents include biological additives, dispersants, sinking agents, miscellaneous oil spill control agents, and burning agents, but do not include sorbents.

Claim, for purposes of a release under CERCLA, means a demand in writing for a sum certain; for purposes of a discharge under CWA, it means a request, made in writing for a sum certain, for compensation for damages or removal costs resulting from an incident.

Cleanup, under the Code of Iowa Chapter 455B. 381(1), means actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove, or dispose of a hazardous substance.

Cleanup, under Title 126-NDEQ, Chapter 1, means the physical removal or on-site treatment of an oil or hazardous substance release. This may include, but not be limited to, controlling public access and monitoring activities to determine the effectiveness of removal or treatment activities.

Cleanup costs, under the Code of Iowa Chapter 455B. 381(2), means costs incurred by the state or its political subdivisions or their agents, or by any other person participating with the approval of the director in the prevention or mitigation of damages from a hazardous condition or the cleanup of a hazardous substance involved in a hazardous condition.

Coast Guard District Response Group (DRG), as provided for by CWA sections 311(a)(20) and (j)(3), means the entity established by the Secretary of the department in which the USCG is operating, within each USCG district, and shall consist of: the combined USCG personnel and equipment, including marine firefighting equipment, of each port in the district; additional prepositioned response equipment; and a district response advisory team.

Discharge, as defined by section 311(a)(2) of the CWA, includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of oil, but excludes discharges in compliance with a permit under section 402 of the CWA, discharges resulting from circumstances identified and reviewed and made a part of the public record with respect to a permit issued or modified under section 402 of the CWA, and subject to a condition in such permit, or continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of the CWA, that are caused by events occurring within the scope of relevant operating or treatment systems. For purposes of the NCP, discharge also means substantial threat of discharge.

Discharge, under Title 126-NDEQ, Chapter 1, when used without qualification, means a discharge of a pollutant, and a discharge of pollutants.

Discharge of a pollutant and **Discharge of pollutants**, under Title 126-NDEQ, Chapter 1, each means any addition of any pollutant or combination of pollutants to waters of the state from any point or nonpoint source. This includes discharge into waters of the state from surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, owned by a state, municipality or other party which do not lead to treatment systems.

Dispersants means those chemical agents that emulsify, disperse, or solubilize the oil into the water column or promote the surface spreading of oil slicks to facilitate dispersal of the oil into the water column.

Environment, as defined by section 101(8) of CERCLA, means the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson Fishery Conservation and Management

Act (16 U.S.C. 1801 et seq.); and any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.

Facility, as defined by section 101(9) of CERCLA, means any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or any site or area, where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel. As defined by section 1001 of the OPA, it means any structure, group of structures, equipment, or device (other than a vessel) which is used for one or more of the following purposes: Exploring for, drilling for, producing, storing, handling, transferring, processing, or transporting oil. This term includes any motor vehicle, rolling stock, or pipeline used for one or more of these purposes.

First Federal Official means the first federal representative of a participating agency of the NRT to arrive at the scene of a discharge or a release. This official coordinates activities under the NCP and may initiate, in consultation with the OSC, any necessary actions until the arrival of the predesignated OSC. A state with primary jurisdiction over a site covered by a cooperative agreement will act in the stead of the first federal official for any incident at the site.

Free Product, under Title 126-NDEQ, Chapter 1, means an oil or hazardous substance that is present as a non-aqueous phase liquid (e.g. liquid not dissolved in water).

Fund or Trust Fund means the Hazardous Substance Superfund established by section 9507 of the Internal Revenue Code of 1986.

Ground water, as defined by section 101(12) of CERCLA, means water in a saturated zone or stratum beneath the surface of land or water.

Hazardous condition, under the Iowa Administrative Code 567.1-131.1 (455B), means any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the state or into the atmosphere which, because of the quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence, creates an immediate or potential danger to the public health or safety or to the environment.

Hazardous Substance, under the Iowa Administrative Code 567.1-131.1 (455B), means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that, in confinement, generates pressure through decomposition, heat or other means. The following are examples of substances which, in sufficient quantity, may be hazardous: acids; alkalis; explosives; fertilizers; heavy metals such as chromium, arsenic, mercury, lead and cadmium; industrial chemicals; paint thinners; paints; pesticides; petroleum products; poisons; radioactive materials; sludges; and organic solvents. Hazardous substances may include any hazardous waste identified or listed by the administrator of the U.S. EPA under the Solid Waste Disposal Act as amended by the RCRA of 1976, or any toxic

pollutant listed under section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under section 311 of the Federal Water Pollution Control Act as amended January 1, 1977, or any hazardous material designated by the secretary of transportation under the Hazardous Materials Transportation Act (49 CFR § 172.101).

Hazardous Substance, as defined by section 101(14) of CERCLA, means: Any substance designated pursuant to section 311(b)(2)(A) of the CWA; any element, compound, mixture, solution, or substance designated pursuant to section 102 of CERCLA; any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) has been suspended by Act of Congress); any toxic pollutant listed under section 307(a) of the CWA; any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. 7521 et seq.); and any imminently hazardous chemical substance or mixture with respect to which the EPA Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act (15 U.S.C. 2601 et seq.). The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance in the first sentence of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

Hazardous Substance, under Title 126-NDEQ, Chapter 1, means any substance or mixture of substances other than oil and petroleum related products or radioactive substances, which, when released into the environment, presents an imminent and substantial hazard to the public health or welfare, including, but not limited to, fish, shellfish or other wildlife, and:

021.01 Any substances designated pursuant to Chapter 4, 002 through 005 of the Rules and Regulations Governing Hazardous Waste Management in Nebraska;

021.02 Any substance designated by the U.S. EPA pursuant to sections 101(14) of CERCLA or Section 329 (3) of EPCRA.

Hazardous Waste, under Title 126-NDEQ, Chapter 1, shall be consistent with the definitions found in title 128-Rules and Regulations Governing Hazardous Waste Management in Nebraska.

Inland waters, for the purposes of classifying the size of discharges, means those waters of the United States in the inland zone, waters of the Great Lakes, and specified ports and harbors on inland rivers.

Inland zone means the environment inland of the coastal zone excluding the Great Lakes and specified ports and harbors on inland rivers. The term inland zone delineates an area of federal responsibility for response action. Precise boundaries are determined by EPA/USCG agreements and identified in federal regional contingency plans.

Joint Field Office (JFO) A temporary Federal facility established locally to provide a central point for Federal, State, local and tribal executives with responsibility for incident oversight, direction, and/or assistance to effectively coordinate protection, prevention, preparedness, response and recovery

actions. The JFO combines the traditional functions of the Joint Operations Center, FEMA's Disaster Field Office and the Joint Information Center within a single Federal facility.

Land, means any natural or man-made surfaces of the earth, excluding water.

Lead Administrative Trustee means a natural resource trustee who is designated on an incident-by-incident basis for the purpose of pre-assessment and damage assessment and chosen by the other trustees whose natural resources are affected by the incident. The lead administrative trustee facilitates effective and efficient communication during response operations between the OSC and the other natural resource trustees conducting activities associated with damage assessment, and is responsible for applying to the OSC for access to response operations resources on behalf of all trustees for initiation of a damage assessment.

Lead agency means the agency that provides the OSC/RPM to plan and implement response actions under the NCP. EPA, the USCG, another federal agency, or a state or political subdivision of a state) operating pursuant to a contract or cooperative agreement executed pursuant to section 104(d)(1) of CERCLA, or designated pursuant to Superfund Memorandum of Agreement (SMOA) entered into pursuant to subpart F of the NCP or other agreements may be the lead agency for a response action. In the case of a release of a hazardous substance, pollutant, or contaminant, where the release is on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody, or control of Department of Defense (DOD) or Department of Energy (DOE), then DOD or DOE will be the lead agency. Where the release is on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody, or control of federal agency other than EPA, the USCG, DOD, or DOE, then that agency will be the lead agency for remedial actions and removal actions other than emergencies. The federal agency maintains its lead agency responsibilities where the remedy is selected by the federal agency for non-NPL sites or by EPA and the federal agency or by EPA alone under CERCLA section 120. The lead agency will consult with the support agency, if one exists, throughout the response process.

Management of migration means actions that are taken to minimize and mitigate the migration of hazardous substances or pollutants or contaminants and the effects of such migration. Measures may include, but are not limited to, management of a plume of contamination, restoration of a drinking water aquifer, or surface water restoration.

Miscellaneous oil spill control agent is any product, other than a dispersant, sinking agent, surface washing agent, surface collecting agent, bioremediation agent, burning agent, or sorbent that can be used to enhance oil spill cleanup, removal, treatment, or mitigation.

National Incident Management System (NIMS) is a system mandated by Presidential Homeland Security Policy Directive-5 that provides a consistent, nationwide approach for Federal, State, local and tribal governments; the private sector and Nongovernmental Organizations to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents regardless of cause, size or complexity. To provide for interoperability and compatibility among Federal, state, local and tribal capabilities, the NIMS includes a core set of concepts, principles and terminology. HSPD-5 identifies these as the ISC; multi-agency coordination systems; training; identification and management of

resources (including systems for classifying types of resources); qualification and certification; and the collection, tracking, and reporting of incident information and incident resources.

National Pollution Funds Center (NPFC) means the entity established by the Secretary of Transportation whose function is the administration of the Oil Spill Liability Trust Fund (OSLTF). Among the NPFC's duties are: providing appropriate access to the OSLTF for federal agencies and states for removal actions and for federal trustees to initiate the assessment of natural resource damages; providing appropriate access to the OSLTF for claims; and coordinating cost recovery efforts.

National Response Framework (NRF) presents the guiding principles that enable responders to prepare for and provide a unified national response to disasters and emergencies ranging from the smallest incident to the largest catastrophe. The NRF establishes a comprehensive, national, all-hazards approach to domestic response. It defines the key principles, roles, and structures that will lead to an organized response. It describes how communities, tribes, states and the federal government, and private-sector and nongovernmental partners apply those principles for a coordinated, effective national response. The NRF identifies special circumstances where the federal government exercises a larger role, including incidents where federal interests are involved and catastrophic incidents where a state would require significant support.

National Response Plan (NRP) is an all-discipline, all-hazards plan that established a single, comprehensive framework for the management of domestic incidents. The NRP, approved in 2004 and revised in 2006, provided the structure and mechanisms for the coordination of federal support to state, local and tribal incident managers and for exercising direct federal authorities and responsibilities. Portions of the NRP were superseded when the National Response Framework became official on March 28, 2008.

National response system (NRS) is the mechanism for coordinating response actions by all levels of government in support of the OSC/RPM. The NRS is composed of the NRT, RRTs, OSC/RPM, Area Committees, and Special Teams and related support entities. The NRS is capable of expanding or contracting to accommodate the response effort required by the size or complexity of the discharge or release.

National Strike Force (NSF) is a special team established by the USCG, including the three USCG Strike Teams, the Public Information Assist Team (PIAT), and the National Strike Force Coordination Center. The NSF is available to assist OSCs/RPMs in their preparedness and response duties.

National Strike Force Coordination Center (NSFCC), authorized as the National Response Unit by CWA sections 311 (a)(23) and (j)(2), means the entity established by the Secretary of the department, in which the USCG is operating at Elizabeth City, North Carolina, with responsibilities that include administration of the USCG Strike Teams, maintenance of response equipment inventories and logistic networks, and conducting a national exercise program.

Natural resources means land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the exclusive economic zone defined by the Magnuson Fishery Conservation and Management Act of 1976), any state or local government, any foreign government, any Indian tribe, or, if such resources are subject to a trust restriction on alienation, any member of an Indian tribe.

Navigable waters, as defined by 40 CFR 110.1, means the waters of the United States, including the territorial seas. The term includes:

(1) All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;

(2) Interstate waters, including interstate wetlands;

(3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, and wetlands, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters;

(i) That are or could be used by interstate or foreign travelers for recreational or other purposes;

(ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce;

(iii) That are used or could be used for industrial purposes by industries in interstate commerce;

(4) All impoundments of waters otherwise defined as navigable waters under this section;

(5) Tributaries of waters identified in paragraphs (a) through (d) of this definition, including adjacent wetlands; and

(6) Wetlands adjacent to waters identified in paragraphs (a) through (e) of this definition: Provided, that waste treatment systems (other than cooling ponds meeting the criteria of this paragraph) are not waters of the United States.

(7) Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

Oil, as defined by section 311(a)(1) of the CWA, means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil, as defined by section 1001 of the OPA means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, but does not include petroleum, including crude oil or any fraction thereof, which is specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601) and which is subject to the provisions of that Act.

Oil, under Title 126-NDEQ, Chapter 1, means oil of any kind or in any form, including, but not limited to:

- 030.01 Petroleum, fuel oil, oil refuse, and oil mixed with wastes other than dredged spoil (Section 311(a)(1) or the Federal Clean Water Act) and:
- 030.02 Fats and oils from animals and vegetable sources.

Oil Spill Liability Trust Fund (OSLTF) means the fund established under section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509).

On-scene coordinator (OSC) means the federal official predesignated by EPA or the USCG to coordinate and direct responses under subpart D, or the government official designated by the lead agency to coordinate and direct removal actions under subpart E of the NCP.

Onshore facility as defined by section 101(18) of CERCLA, means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under any land or non-navigable water within the United States; and, as defined by section 311(a)(10) of the CWA, means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under any land within the United States other than submerged land.

On-site means the areal extent of contamination and all suitable areas in very close proximity to the contamination necessary for implementation of the response action.

Person, as defined by section 101(21) of CERCLA, means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States government, state, municipality, commission, political subdivision of a state, or any interstate body. As defined by section 1001 of the OPA, “person” means an individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, or any interstate body.

Person, under Section 3.26 of the Act, 35 Iowa Administrative Code 809.103, means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity or their legal representative, agent or assignee.

Person having control over a hazardous substance, under the Code of Iowa Chapter 455B 381(7), means a person who at any time produces, handles, stores, uses, transports, refines or disposes of a hazardous substance the release of which creates a hazardous condition, including bailees, carriers, and any other person in control of a hazardous substance when a hazardous condition occurs, whether the person owns the hazardous substance or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance.

Pollutant or contaminant, as defined by section 101(33) of CERCLA, shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chain, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological

malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under section 101(14)(A) through (F) of CERCLA, nor does it include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas). For purposes of the NCP, the term pollutant or contaminant means any pollutant or contaminant that may present an imminent and substantial danger to public health or welfare of the United States.

Principal Federal Official (PFO) is the Federal official designated by the Secretary of Homeland Security to act as his/her representative locally to oversee, coordinate, and execute the Secretary's incident management responsibilities under HSPD-5 for Incidents of National Significance

Public vessel, as defined by section 311(a)(4) of the CWA, means a vessel owned or bareboat-chartered and operated by the United States, or by a state or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

Release, under the Code of Iowa Chapter 455B 381(8), means a threatened or real emission, discharge, spillage, leakage, pumping, pouring, emptying, or dumping of a hazardous substance into or onto the land, air or waters of the state.

Release, under Title 126-NDEQ, Chapter 1, means, but is not limited to, any discharging, spilling, leaking, pumping, emitting, emptying or dumping of oil or hazardous substances upon land, beneath the surface of the land, or into waters of the state, either by accident or otherwise.

Remedial Action, under Title 126-NDEQ, Chapter 1, means any immediate or long-term response to a release or suspected release of an oil or hazardous substances, including precision testing of tanks and lines, site investigation, drilling, cleanup, restoration, mitigation, and any other action which the Department determines is reasonable or necessary.

Responsible Person, under Title 126-NDEQ, Chapter 1, means any person producing, handling, storing, transporting, refining, or disposing of an oil or hazardous substance when a release occurs, either by accident or otherwise. This includes carriers and any other person in control of an oil or hazardous substance when a release occurs, whether they own the oil or hazardous substances or are operating under a lease, contract, or other agreement with the legal owner thereof.

Remove or removal, as defined by section 311(a)(8) of the CWA, refers to containment and removal of oil or hazardous substances from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare of the United States (including, but not limited to, fish, shellfish, wildlife, public and private property, and shorelines and beaches) or to the environment. For the purpose of the NCP, the term also includes monitoring of action to remove a discharge. As defined by section 101(23) of CERCLA, remove or removal means the cleanup or removal of released hazardous substances from the environment; such actions as may be necessary taken in the event of the threat of release of hazardous substances in the environment; such actions as may be necessary to monitor, assess, and evaluate the release or threat of release of hazardous

substances; the disposal of removed material; or the taking of such other actions as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare of the United States or to the environment, which may otherwise result from a release or threat of release. The term includes, in addition, without being limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not otherwise provided for, action taken under section 104(b) of CERCLA, post-removal site control, where appropriate, and any emergency assistance which may be provided under the Disaster Relief Act of 1974. For the purpose of the NCP, the term also includes enforcement activities related thereto.

Removal costs, as defined by section 1001 of the OPA, means the costs of removal that are incurred after a discharge of oil has occurred, or in any case in which there is a substantial threat of a discharge of oil, the costs to prevent, minimize, or mitigate oil pollution from such an incident.

Respond or response, as defined by section 101(25) of CERCLA, means remove, removal, remedy, or remedial action, including enforcement activities related thereto.

Responsible Party, as defined by section 1001 of the OPA, means the following:

- (1) Vessels-In the case of a vessel, any person owning, operating, or demise chartering the vessel.
- (2) Onshore Facilities-In the case of an onshore facility (other than a pipeline), any person owning or operating the facility, except a federal agency, state, municipality, commission, or political subdivision of a state, or any interstate body, that as the owner transfers possession and right to use the property to another person by lease, assignment, or permit.
- (3) Offshore Facilities-In the case of an offshore facility (other than a pipeline or a deep water port licensed under the Deep water Port Act of 1974 (33 U.S.C. 1501 et seq.)), the lessee or permittee of the area in which the facility is located or the holder of a right of use and easement granted under applicable state law or the Outer Continental Shelf Lands Act (43 U.S.C. 1301-1356) for the area in which the facility is located (if the holder is a different person than the lessee or permittee), except a federal agency, state, municipality, commission, or political subdivision of a state, or any interstate body, that as owner transfers possession and right to use the property to another person by lease, assignment, or permit.
- (4) Deep water Ports-In the case of a deep water port licensed under the Deep water Port Act of 1974 (33 U.S.C. 1501-1524), the licensee.
- (5) Pipelines-In the case of a pipeline, any person owning or operating the pipeline.
- (6) Abandonment-In the case of an abandoned vessel, onshore facility, deep water port, pipeline, or offshore facility, the person who would have been responsible parties immediately prior to the abandonment of the vessel or facility.

SARA is the Superfund Amendments and Reauthorization Act of 1986. In addition to certain free-standing provisions of law, it includes amendments to CERCLA, the Solid Waste Disposal Act, and the Internal Revenue Code. Among the free-standing provisions of law is Title III of SARA, also known as the "Emergency Planning and Community Right-to-Know Act of 1986" and Title IV of SARA, also known as the "Radon Gas and Indoor Air Quality Research Act of 1986." Title V of SARA amending the Internal Revenue Code is also known as the "Superfund Revenue Act of 1986."

Sinking agents means those additives applied to oil discharges to sink floating pollutants below the water surface.

Size classes of discharges refers to the following size classes of oil discharges which are provided as guidance to the OSC and serve as the criteria for the actions delineated in subpart D. They are not meant to imply associated degrees of hazard to public health or welfare of the United States, nor are they a measure of environmental injury. Any oil discharge that poses a substantial threat to public health or welfare of the United States or the environment or results in significant public concern shall be classified as a major discharge regardless of the following quantitative measures:

(1) Minor discharge means a discharge to the inland waters of less than 1,000 gallons of oil or a discharge to the coastal waters of less than 10,000 gallons of oil.

(2) Medium discharge means a discharge of 1,000 to 10,000 gallons of oil to the inland waters or a discharge of 10,000 to 100,000 gallons of oil to the coastal waters.

(3) Major discharge means a discharge of more than 10,000 gallons of oil to the inland waters or more than 100,000 gallons of oil to the coastal waters.

Size classes of releases refers to the following size classifications which are provided as guidance to the OSC for meeting pollution reporting requirements in subpart B. The final determination of the appropriated classification of a release will be made by the OSC based on consideration of the particular release (e.g., size, location, impact, etc.):

(1) Minor release means a release of a quantity of hazardous substance(s), pollutant(s), or contaminants(s) that poses minimal threat to public health or welfare of the United States or the environment.

(2) Medium release means a release not meeting the criteria for classification as a minor or major release.

(3) Major release means a release of any quantity of hazardous substance(s), pollutant(s), or contaminant(s) that poses a substantial threat to public health or welfare of the United States or the environment or results in significant public concern.

Sorbents means essentially inert and insoluble materials that are used to remove oil and hazardous substances from water through adsorption, in which the oil or hazardous substance is attracted to the sorbent surface and then adheres to it; absorption, in which the oil or hazardous substance penetrates the pores of the sorbent material; or a combination of the two. Sorbents are generally manufactured in particulate form for spreading over an oil slick or as sheets, rolls, pillows, or booms. The sorbent material may consist of, but is not limited to, the following materials:

(1) Organic products-

(i) Peat moss or straw;

(ii) Cellulose fibers or cork;

(iii) Corn cobs;

(iv) Chicken, duck, or other bird feathers.

(2) Mineral compounds-

- (i) Volcanic ash or perlite;
 - (ii) Vermiculite or zeolite.
- (3) Synthetic products-
- (i) Polypropylene;
 - (ii) Polyethylene;
 - (iii) Polyurethane;
 - (iv) Pcolyester.

Source control action is the construction or installation and start-up of those actions necessary to prevent the continued release of hazardous substances or pollutants or contaminants (primarily from a source on top of or within the ground, or in buildings or other structures) into the environment.

Source control maintenance measures are those measures intended to maintain the effectiveness of source control actions once such actions are operating and functioning properly, such as the maintenance of landfill caps and leachate collection systems.

Specified ports and harbors means those ports and harbor areas on inland rivers, and land areas immediately adjacent to those waters, where the USCG acts as predesignated on-scene coordinator. Precise locations are determined by EPA/USCG regional agreements and identified in federal Regional Contingency Plans and Area Contingency Plans.

Spill of National Significance (SONS) means a spill that due to its severity, size, location, actual or potential impact on the public health and welfare or the environment, or the necessary response effort, is so complex that it requires extraordinary coordination of federal, state, local, and responsible party resources to contain and clean up the discharge.

State means the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the U.S. Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory of possession over which the United States has jurisdiction. For purposes of the NCP, the term includes Indian tribes as defined in the NCP except where specifically noted. Section 126 of CERCLA provides that the governing body of an Indian tribe shall be afforded substantially the same treatment as a state with respect to certain provisions of CERCLA. Section 300.515(b) of the NCP describes the requirements pertaining to Indian tribes that wish to be treated as states under CERCLA.

Support agency means the agency or agencies that provide the support agency coordinator to furnish necessary data to the lead agency, review response data and documents, and provide other assistance as requested by the OSC or RPM. EPA, the USCG, another federal agency, or a state may be support agencies for a response action if operating pursuant to a contract executed under section 104(d)(1) of CERCLA or designated pursuant to a Superfund Memorandum of Agreement entered into pursuant to subpart F of the NCP or other agreement. The support agency may also concur on decision documents.

Surface collecting agents means those chemical agents that form a surface film to control the layer thickness of oil.

Surface washing agent is any product that removes the oil from solid surfaces, such as beaches and rocks, through a detergent mechanism and does not involve dispersing or solubilizing the oil into the water column.

Tank vessel as defined by section 1001 of the OPA means a vessel that is constructed or adapted to carry, or that carries oil or hazardous material in bulk as cargo or cargo residue, and that:

- (1) is a vessel of the United States;
- (2) operates on the navigable waters; or
- (3) transfers oil or hazardous material in a place subject to the jurisdiction of the United States.

Threat of discharge or release, see definitions for discharge and release.

Threat of release, see definition for release.

Trustee means an official of a federal natural resources management agency designated in subpart G of the NCP or a designated state official or Indian tribe or, in the case of discharges covered by the OPA, a foreign government official, who may pursue claims for damages under section 107(f) of CERCLA or section 1006 of the OPA.

United States, when used in relation to section 311(a)(5) of the CWA, means the states, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, the United States Virgin Islands, and the Pacific Island Governments. United States, when used in relation to section 101(27) of CERCLA and section 1001(36) of the OPA, includes the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction.

Vessel as defined by section 101(28) of CERCLA, means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water; and, as defined by section 311(a)(3) of the CWA, means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel.

Waters of the state, under Code of Iowa Chapter 455B 381(10), means rivers, streams, lakes and any other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two or more persons jointly or as tenants in common. Waters of the state includes waters of the United States lying within the state.

Waters of the state, under Title 126-NDEQ, Chapter 1, means all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

Worst-case discharge, as defined by section 311(a)(24) of the CWA, means, in the case of a vessel, a discharge in adverse weather conditions of its entire cargo, and, in the case of an offshore facility or onshore facility, the largest foreseeable discharge in adverse weather conditions.

APPENDIX D
HAZMAT AND OIL SPILL EMERGENCY CONTACT INFORMATION

County	Organization	24/7 Phone	Administrative and Other Numbers
Local Emergency Response and Emergency Management Agencies			
Iowa			
Iowa Homeland Security and Emergency Management Division		515-323-4360	515-281-3231
Mills County	EMA/LEPC Mills County Courthouse 418 Sharp Street Glenwood, IA 51534 Director: Larry Hurst	712-527-4871 or 712-527-4844	Admin: 712-527-3643 FAX: 712-527-4962 Cellular: 712-527-0500 lhurst@millsctyema.org
Pottawattamie	EMA/LEPC Courthouse 227 South 6 th Street Council Bluffs, IA 51501 Director: Terry Hummel	712-328-5737 or 911 Communications 712-328-5738	Admin: 712-328-5777 or 5778 FAX: 712-328-5918 Pager: 402-221-9423 Pott.ema@pottcounty.com
Nebraska			
Nebraska Emergency Management Agency		402-471-7421	
Cass	EMA/LEPC 8420 144 th St., Suite 200 P.O. Box C Weeping Water, NE 68463-0195 Director: Bill Cover	402-267-6765	Admin: 402-296-6765 FAX: 402-267-7945 ccema@aol.com
Douglas	EMA/LEPC Civic Center Room 114 Omaha, NE 68183 Director: Paul Johnson	402-444-5809	Admin: 402-444-5040 FAX: 402-444-2060 pwjohnson@ci.omaha.ne.us
Sarpy	EMA/LEPC 1210 Golden Gate Drive Papillion, NE 68046 Director: Larry Lavelle	402-593-2310	Admin: 402-593-2283 FAX: 402-593-2319

County	Organization	24/7 Phone	Administrative and Other Numbers
Sarpy	Offutt AFB Emergency Management	402-294-3725	EM Chief: 402-294-3642 Asst. Chief: 402-294-5527 Wing Command Post FAX: 402-294-7706
Washington	Region 5/6 EMA Washington County Courthouse P.O. Box 466 Blair, NE 68008 Director: Bill Pook	402-426-6866	Admin: 402-727-2785 FAX: bill@region5-6.org
State Environmental Agencies			
Iowa	Department of Natural Resources	515-281-8694	FAX: 515-725-0218 Pager: 1-800-365-7789 PIN: 103680
Nebraska	Department of Environmental Quality	402-471-4545	Admin: 402-471-2186 FAX: 402-471-2909
State Natural Resource Trustees			
Iowa	IDNR Conservation Officers: Doug Clayton Andrea Bevington Dan Cain	515-281-8694	Pottawattamie County: Clayton: 712-520-5570 Bevington: 712-520-0121 Mills County: Cain: 712-520-0507 Atlantic State Radio: 712-769-2395 IDNR FAX: 515-725-0218 Pager: 1-800-365-7789 PIN 103680
Nebraska	Department of Environmental Quality	402-471-4545	Daytime: 402-471-2186 FAX: 402-471-2909

County	Organization	24/7 Phone	Administrative and Other Numbers
Federal Response Agencies			
Environmental Protection Agency	Region 7, Kansas City, Kansas	913-281-0991	FAX: 913-551-7151
National Response Center Operated by U.S. Coast Guard		800-424-8802	
U.S. Coast Guard	Sector Upper Mississippi River, St. Louis, MO	314-269-2463 314-269-2332	Toll-free 24/7: 866-360-3386
Department of Defense	For Incident on Offutt Air Force Base, Bellevue NE	Wing Commander: 402-294-4383	Daytime (Wing Command Post): 402-294-3725 FAX: 402-294-7706
Federal Natural Resource Trustee			
U.S. Department of the Interior	Office of Policy and Compliance, Denver CO (For Initial Notification)	303-478-3373	Daytime: 303-445-2500 FAX: 303-445-6320
U.S. Fish and Wildlife Service	Moline, Illinois For Assistance in Iowa		Daytime: 309-757-5800 FAX: 309-757-5807
U.S. Fish and Wildlife Service	Grand Island, Nebraska		Daytime: 308-382-6468 FAX: 308-384-8835 Oil or HazMat Spills after hours: Matt Schwarz-Cell: 308-379-8551 John Cochnar-Cell: 308-390-5022

APPENDIX E
PUBLIC HAZARDOUS MATERIALS TEAMS AND FIRE DEPARTMENTS

Cass County, Nebraska

The county has 13 fire districts. None of the districts has specialized hazardous materials response equipment. All 13 have some personnel trained to respond at the operations level. All are dispatched through the Communications Center:

Fire Department	24-hour	Administrative number
Avoca VFD	402-296-9370	402-275-3345
Cedar Creek VFD	402-296-9370	402-234-7856
Eagle-Alvo VFD	402-441-6000	402-781-2745
Elmwood VFD	402-296-9370	402-994-6705
Greenwood VFD	402-441-6000	402-789-3360
Louisville VFD	402-296-9370	402-234-3295
Murdock VFD	402-296-9370	402-867-2771
Murray Rural VFD	402-296-9370	402-235-2492
Nehawka VFD	402-296-9370	402-227-2235
Plattsmouth VFD	402-296-9370	402-296-6041
Union VFD	402-296-9370	402-263-3830
Weeping Water VFD	402-296-9370	402-267-7875

Douglas County, Nebraska

The Omaha Fire Department borders the Missouri River and is dispatched through the 911 Center. **The department has a full-time HazMat Team.**

Omaha	402-444-5736 (for firemen)	402-444-5708
	Fire chief (402-444-5700)	
	On-duty Assistant Chief	402-444-5740
Bennington	402-444-5736	402-238-2546
Boys Town	402-444-5736	402-498-1115
Elkhorn	402-444-5736	402-289-4422
Eppley	402-444-5736	402-422-6585
Irvington	402-444-5736	402-571-0451
Ponca Hills	402-444-5736	402-455-1357
Ralston	402-444-5736	402-331-5369
Valley	402-444-5736	402-339-8611
Waterloo	402-444-5736	402-289-4444

APPENDIX E

PUBLIC HAZARDOUS MATERIALS TEAMS AND FIRE DEPARTMENTS

Sarpy County, Nebraska

The Bellevue Fire District borders on the Missouri River and is dispatched through the 911 Center.

Fire Department	24-hour	Administrative number
Bellevue	402-593-4111	402-293-3153 or 3155 402-293-3079 FAX
Gretna	402-593-4111	402-332-3337
LaVista	402-593-4111	402-331-4748
Offutt Air Force Base	402-294-5434	402-294-3778
Papillion	402-593-4111	402-339-8611
Springfield	402-593-4111	402-253-2892

Washington County, Nebraska

Washington County has three fire districts, all of which are dispatched through the Washington County 911 Communications Center. Two of the fire districts, Blair and Fort Calhoun, are along the Missouri River and have water rescue capabilities. Cities with fire departments and the districts' administrative numbers follow.

Arlington	402-426-6866	
Blair	402-426-6866	402-426-4262
Ft. Calhoun	402-426-6866	402-468-5747
Herman	402-426-6866	
Kennard	402-426-6866	402-426-9520

Mills County, Iowa

Mills County contains all or part of nine fire districts, three of which border the Missouri River (Glenwood, Pacific Junction and Tabor). All fire/rescue operations in the county are dispatched through the Mills County Communications 911 Dispatch Center.

Glenwood VFD	712-527-4871	712-527-2093/ 9332
Pacific Junction	same	
Silver City VFD	same	
Malvern VFD	same	712-624-8890
Mineola VFD	same	
Hastings VFD	same	
Emerson VFD	same	712-824-7475
Henderson VFD	same	
Tabor VFD	same	712-629-2375

APPENDIX E
PUBLIC HAZARDOUS MATERIALS TEAMS AND FIRE DEPARTMENTS

Pottawattamie County, Iowa

Pottawattamie County contains all or part of 21 fire districts, five of which, Carter Lake, Missouri Valley (Harrison County) Crescent, Council Bluffs and Lewis Township, are along the Missouri River. All fire/rescue operations are dispatched through the Pottawattamie County Communications 911 Dispatch Center. **The Council Bluffs Fire Department has a full-time Hazardous Materials Response Team (HMRT) as well as capabilities for water rescues, which are dispatched through the 911 Dispatch Center.** Lewis Township also has water rescue capabilities.

Council Bluffs,	712-328-4730 (radio dispatch)	712-328-4648 712-328-5739 (director)
Carter Lake VFD	712-328-5799 (fire and rescue)	
Crescent VFD		
Lewis Township VFD and Missouri Valley VFD (coordinated point-to-point between Pottawattamie Co. and Harrison Co. 911 Dispatch Centers)		

APPENDIX F
EMERGENCY OPERATIONS CENTER AND COMMUNICATIONS CONTACTS

Emergency Operations Center Contacts for O/CB Sub-area		
County	24/7 Contact Number	EOC Coordinator
Iowa		
Mills	712-527-4844	712-527-3643
Pottawattamie	712-328-5737	712-328-5777
Nebraska		
Cass	402-296-9370	402-267-6765
Douglas	402-444-5802	402-444-5040
Sarpy	402-593-2310	402-593-5785
Washington	402-426-6866	402-727-2785
Harrison (not in sub-area)	712-644-2537	712-644-2353

Communications Coordinators for Omaha/Council Bluffs Sub-area				
County	Communications Coordinator	UASI TICP POC	Daytime Phone	Email Address
Douglas	Mark Conrey	Yes	402-444-5800	mconrey@ci.omaha.ne.us
Sarpy	Larry Lavelle	Yes	402-593-2283	llavelle@sarpy.com
Washington	Phil Brazelton	Yes	402-426-6866	weso@huntel.net
Cass	Deb Theissen	Not in TICP	402-296-9370	Deb@co.cass.ne.us
Mills	Tom Ling	Not in TICP	712-527-4150	tling@millscioia.us
Pottawattamie	Andrea Schaffer	Not in TICP	712-328-5739	afschaffer@pottcounty.com

**APPENDIX G
LOCAL AND STATE LAW ENFORCEMENT AGENCIES**

Department	24-hour	Administrative	FAX
<u>Nebraska State Patrol</u>			
Norfolk Dispatch (Northernmost Washington County)	402-370-3456		402-370-3461
Omaha Dispatch (Majority of Sub-area)	402-331-3333		402-595-2205
Lincoln Dispatch (South ½ of Cass County)	402-471-4545		402-479-4039
<u>Cass County, Nebraska</u>			
Cass County Sheriff	402-296-9370	402-296-9370	402-296-9390
Plattsmouth Police Department	402-296-9370 (night) 402-296-3311 (day)	402-296-3311	
<u>Douglas County, Nebraska</u>			
Douglas County Sheriff	402-444-6627	402-444-6620	402-444-7342
Omaha Police Department	402-444-5818	402-444-5600	402-444-4232 (911 FAX)
<u>Sarpy County, Nebraska</u>			
Bellevue Police Department	402-593-2310 or 4111	402-293-3100	402-293-3090
LaVista Police Department	402-593-2310 or 4111	402-331-1582	402-331-7210
Papillion Police Department	402-593-2310 or 4111	402-597-2036	402-592-9810
Sarpy County Sheriff	402-593-2310 or 4111	402-593-2290	402-593-4323
<u>Washington County, Nebraska</u>			
Blair Police Department	402-426-4747		402-426-6820

**APPENDIX G
LOCAL AND STATE LAW ENFORCEMENT AGENCIES**

Department	24-hour	Administrative	FAX
Washington County Sheriff	402-426-6866		402-426-6820
<u>Iowa State Patrol</u>			
District 3-Council Bluffs	712-328-8001		712-328-1504
Atlantic- State Radio	712-769-2395		712-769-2475
<u>Mills County, Iowa</u>			
Mills County Sheriff	712-527-4871	712-527-4337	712-527-4600
Glenwood Police Department	712-527-4844	712-527-9920	712-527-5236
<u>Pottawattamie County, Iowa</u>			
Pottawattamie County Sheriff	712-890-2200	712-890-2200	712-328-4843
Council Bluffs Police Department	712-328-4721	712-328-4707 or 4702	712-328-4843

**APPENDIX H
HOSPITALS AND PRIVATE AMBULANCES**

Cass County, Nebraska

None

Douglas County, Nebraska

Phone

Boys Town National Research Hospital 402-498-6511 (Switchboard)
555 North 30th Street

Alegent Health Immanuel Medical Center 402-572-2121 (Switchboard)
6901 N. 72nd Street 402-572-2225 (Emergency)

Alegent Health Lakeside Hospital 402-717-8000
16901 Lakeside Hills Court

Childrens Hospital 402-955-7000
8200 Dodge Street

Creighton University Medical Center 402-449-5021 (Switchboard)
601 N. 30th Street 402-449-4590 (Emergency)

Douglas County Health Center 402-444-7000
4102 Woolworth Avenue

Archbishop Bergan Mercy Medical Center 402-398-6060 (Switchboard)
7500 Mercy Road 402-398-6161 (Emergency)

Methodist Health Systems 402-354-4000 (Switchboard)
Methodist/Childrens 402-354-4424 (Emergency)
8303 Dodge Street

**APPENDIX H
HOSPITALS AND PRIVATE AMBULANCES**

The Nebraska Medical Center	402-559-5111 (Switchboard)
University/Clarkson	402-559-4020 (Emergency)
600 S. 42nd Street	

Mills County, Iowa

None

Pottawattamie County, Iowa

Alegent Health Bergen Mercy Medical Center	712-328-5151 (Switchboard)
800 Mercy Drive	712-328-5230 (Emergency)
Council Bluffs	

Jennie Edmundson Hospital	712-328-6000 (Switchboard)
933 E. Pierce	712-328-6111 (Emergency)
Council Bluffs	

Sarpy County, Nebraska

Alegent Health Midlands Community Hospital	402-593-3000 (Switchboard)
11111 84th Street	402-593-3550 (Emergency)
Papillion	

Select Specialty Hospital	402-898-2714
11111 South 84 th Street	

Washington County, Nebraska

Blair Memorial Hospital	402-426-2182 (Switchboard)
810 North 22nd	402-426-1167 (Emergency Room)
Blair, Nebraska 68008	

**APPENDIX H
HOSPITALS AND PRIVATE AMBULANCES**

PRIVATE AMBULANCES

American Ambulance 4520 F Street	402-342-0404
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Omaha Ambulance 4520 F Street	402-345-6666
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Metro Medical Transportation 1941 South 42nd	402-344-3600
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Rural/Metro 6211 L. Street	402-346-9191
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Air Ambulances

AAA Advanced Air Ambulance (Fixed Wing) Eppley Airfield, Omaha	402-341-2672
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Med Flight Dispatch (2 helicopters, 1 Fixed Wing)	402-342-8785 or 342-0072
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**APPENDIX I
MEDIA CONTACTS**

Radio

KCRO-AM 3615 Dodge Street Omaha, NE 68131	402-422-1600 FAX: 422-1602
KEFM Mix 96 FM 105 South 70 th Street Omaha, NE 68132	402-558-9696 FAX: 558-3158
Journal Broadcast Group KMXM-94.1 FM/KOMJ 590 AM KBBX 1420 AM/KOSR 1490 AM KEZO 92.3 FM/KQCH 97.7 FM KSRZ 104.5 FM/KKCD 105.9 FM 5030 N. 72 nd Street Omaha, NE 68134	402-573-5900 News Hotline: 573-6397 FAX: 573-0139 Contact: Bill Jenson
KFAB 1110 AM/KGOR 99.9 FM KXKT 103.7 FM/KTNP 93.3 FM 5010 Underwood Avenue Omaha, NE 68132 EBS Primary Station	402-556-8000 FAX: 556-8937 24-hour: 556-5060 Contact: Tom Stanton
KGBI-FM 831 Pine Street Omaha, NE 68108	402-449-2900 (24 hour) FAX: 449-2825
KKAR 1290 AM/KQKQ 98.5 FM KOIL 1180 AM/KZFX 101.9 FM	402-342-2000 News Desk: 402-334-8384

**APPENDIX I
MEDIA CONTACTS**

Radio (continued)

KAZP 1620 AM/KOIL 1180 AM 1001 Farnam on the Mall Omaha, NE 68102	FAX: 342-7041 24-Hour: 342-1290 or Cellular: Neil Nelkin, 402-598-5768 Contact: Joe Nittler
KVNO-FM 90.7 FM 6625 Dodge Omaha, NE 68132-0234	402-554-2716 (24 hour) FAX: 554-2440 Contact: Mike Hagstrom
KDCV 91.1 FM Dana College Blair, NE 68008	402-426-7205 Emergency: 426-7542
KIWR 89.7 The River FM 1700 College Road Council Bluffs, IA 51503	712-325-3254 FAX: 325-3450 24-hour: 328-8970
KMA AM 960* 208 N. Elm Shenandoah, IA 51601	712-246-5272 FAX: 246-5275 1-800-234-5622
<i>*A favorite station of rural residents in Cass, Mills and Pottawattamie counties.</i>	
KCSI 95.3 FM KOAK 1080 AM 1991 Ironwood Avenue Red Oak, IA 51566	712-623-2584

**APPENDIX I
MEDIA CONTACTS**

Television

KETV (ABC) Channel 7 2665 Douglas St. Omaha, NE 68131	402-978-8954 (24 hours) FAX: 978-8931 Contact: Rosanne Shannon
KMTV (CBS) Channel 3 10714 Mockingbird Drive Omaha, Nebraska 68127	Phone: 402-592-3333 After Hours: 592-4330 / 4331 Fax: 592-4714 Contact: Lisa Ellis
KPTM Fox 42 4625 Farnam Street Omaha, NE 68131	402-554-4284 FAX: 554-4279 Contact: Tamara Bowen
KXVO (Ind) Channel 15 (Sister channel of KPTM Fox 42) 4625 Farnam Street Omaha, NE 68131	402-558-4200 FAX: 554-4279 (no news staff)
WOWT (NBC) Channel 6 3501 Farnam Street Omaha, NE 68131	402-346-6666 FAX: 233-7888 After Hours: 233-7322 Contact: John Clark, News Director
KYNE Channel 26 ETV University of Nebraska Omaha 60th and Dodge Omaha, NE 68132	402-554-2516 FAX: 554-2440
Cox Cable of Omaha 5011 Capital Avenue Omaha, Nebraska 68132	402-551-8456 Fax: 551-8523

APPENDIX I
MEDIA CONTACTS

Nebraska Print Media

Bellevue Leader 604 Fort Crook Road North P.O. Box 1219 Bellevue, NE 68005	402-733-7300 #7 for news FAX: 733-9116 No 24-hour number Contact: Dixie Cavner, Publisher
CassGram (M-F daily and also email) 808 Beacon Drive Plattsmouth, NE 68048	402-298-8001 Contact: Steve Warga
Gretna Breeze, LaVista Sun (weeklies) Papillion Times, Ralston Recorder, Springfield Monitor 138 North Washington P.O. Box 145 Papillion, NE 68046	402-339-3331 (8-5 daily) FAX: 339-8562 No 24-hour number Contact: Jamie Hesterman, Editor
Gretna Guide and News (weekly) 916 Village Square Gretna, NE 68028	402-332-3232 FAX: 332-4733 No 24-hour number
Plattsmouth Journal (weekly) 410 Main Street P.O. Box 250 Plattsmouth, NE 68048	402-296-2141 FAX: 296-3401
Omaha Daily Record (Daily) 3323 Leavenworth Omaha, NE 68105	402-345-1303 FAX: 345-2351
Omaha World Herald (Daily) World-Herald Square 14th and Dodge Omaha, NE 68102	402-444-1000 FAX: 345-0183 24-hour (news desk) 444-1304

**APPENDIX I
MEDIA CONTACTS**

Associated Press (Wire Service)
926 P Street
Lincoln, NE 68505

402-476-2525
Omaha Office: 1-800-642-9920

Iowa Print Media

The Daily Nonpareil
117 Pearl Street
Council Bluffs, IA 51503

1-800-283-1882 # 3
712-328-1811
FAX: 328-1882

The Opinion-Tribune
116 S. Walnut Street
Glenwood, IA 51534

712-527-3191
FAX: 527-3193

Malvern Leader
301 Main Street
Malvern, IA 51551

712-624-8512

APPENDIX J

RIVER CONDITIONS, AIR, TRAFFIC CONTROL, AND OTHER SUPPORT

Agency	Business Hours	24-hour number	Other Information
Missouri River Conditions			
U.S. Army Corps of Engineers	402-697-2675	402-697-2539	
Potentially Hazardous Commodities Frequently Shipped on the Missouri River			
ethylene glycol, dry ammonium nitrate and asphalt			
Weather and Atmospheric Conditions			
National Weather Service		402-359-4381 or 800-254-9074	
Public Air Support			
Iowa Highway Patrol		515-323-4360	Division of Communications
Nebraska State Patrol		402-471-4545	Dispatcher
Iowa DOT		515-233-7900 888-449-9672	
Civil Air Patrol	402-441-6749 or 441-7180	402-489-5858 res. 402-432-1521 cell	Primary contact
	402-437-4737	402-423-1098	Secondary contact
State Transportation Support for Control of Dynamic and Portable Dynamic Message Signs			
Iowa DOT		515-233-7900 888-449-9672	
Nebraska Department of Roads	402-595- 2524 Ext 203	402-676-7859 cell	Dale Butler, Dist. Ops & Maintenance Super.
	402-595-2534 Ext. 312	402-671-1778 cell	Gary Foreman Asst. DOMS
Iowa Department of Transportation for Use of Physical Resources			
District Operations Manager	712-366-4642	712-644-3112 Res. 712-520-0050	Steve Mefford
District Maintenance Manager	712-243-7623	515-523-2542 Res. 515-250-0497 Cell	Jim Bane
Airports			
Facility	Telephone	Runways (distances in feet	
Eppley Airfield (Omaha Airport Authority)	402-422-6800		
North Omaha Airport	402-571-7585	Two runways 2,480 by 40, 1,200 by 150 attended dawn to dusk	
Eagle Field (Blair Airport Authority)	402-493-1538	Two runways 3,100 by 50 and 1,300 by 75' not attended	
Millard Airport (Douglas Co.)	402-422-6800	One runway 3,800 by 75, attended 0600-2200 hours.	
Plattsmouth Airport	402-298-8187	One runway 3,000 by 50, attended during daylight hours.	
Brown's Airport (Weeping Water)	402-267-6465	Two runways 1,100 by 50, 2,200 by 60', attended dawn to dusk	
Council Bluffs Municipal	712-322-2284	One runway 4,100 by 75, attended daylight hrs	

APPENDIX K

MISSOURI RIVER REFERENCE TABLE

Appendix K is treated as a restricted annex because it contains data on features that might be targets for terrorists. This annex is not included in the public access version of the O/CB SACP that is available on the Internet. It should not be released to the public without consulting with EPA Region 7 or another Sub-area Committee Agency representative who is familiar with the party requesting the data. Aerial photos that include the segment of the Missouri River covered by the O/CB SACP are available at “Aerial Photography Maps of the Missouri River Ponca State Park, NE to Rulo, NE” located at https://www.nwo.usace.army.mil/html/Lake_Proj/BRMaps/Ponca_Rulo/guide.html

(Please see Page ii for more information.)

APPENDIX L

MISSOURI RIVER INTAKES IN AND DOWNSTREAM OF THE O/CB SUB-AREA

(Data omitted from Public Access Version due to security concerns. Please see Page ii.)

APPENDIX M

ENVIRONMENTALLY SENSITIVE AREAS

(This appendix is designed to provide limited information on the sub-area's ESAs and species and to provide insight into the diversity of habitats and species present along the Elkhorn, Platte and Missouri rivers. The extent of damage to natural resources may be dependent on water levels, seasonality, migrations, spawning patterns and other factors best understood by Natural Resource Trustees. For that reason the appropriate state or federal Natural Resource Trustee should be notified whenever a spill or discharge affects or has the potential to affect a sensitive environmental resource in the sub-area.)

Missouri River Recovery Priority Management Area

The Missouri River 20 miles upstream and downstream from the confluence with the Platte River has been identified as a Recovery Priority Management Area (RPMA) for federally endangered pallid sturgeon. Areas within this RPMA have been targeted for implementation of recovery actions, including the creation of backwater habitat for pallid sturgeon and other declining fish species.

Platte River

The Platte River is a key feature of the natural environment and geography for the sub-area. It forms the western boundary of Douglas and Sarpy counties and is the boundary between Sarpy (to the north) and Cass (to the south) counties. The shallow, braided Platte has extensive islands and riparian habitat in its lower reaches, which benefit a number of species, including some of the threatened or endangered species listed later in this appendix. The confluence of the Platte River with the Missouri River is critical feeding area for declining fish species, including pallid sturgeon, shovelnose sturgeon, lake sturgeon, and sturgeon chub. A spill of oil or hazardous substances into the Platte from a highway or pipeline crossing or from another entry point would be extremely difficult to clean up. The Platte also provides significant recreational benefits, as several parks and state recreation areas are located within the sub-area's counties or lie across the river from the sub-area. Among those areas, all of which are under the jurisdiction of the Nebraska Game and Parks Commission (402-471-0641), are:

- Two Rivers State Recreational Area (SRA), 964 acres on the northwest edge of Douglas County (402-359-5165);
- Eugene T. Mahoney State Park, 574 acres in Saunders County across the Platte River from Sarpy County where Interstate 80 crosses the river (402-944-2523);
- Schramm Park SRA & Ak-Sar-Ben Aquarium, 331 acres located on the north bank of the Platte in Sarpy County, 9 miles south of Gretna on Highway 31 (402-332-3901);

APPENDIX M
ENVIRONMENTALLY SENSITIVE AREAS

- Platte River State Park, 418 acres on the south bank of the Platte 3 miles west of Louisville in Cass County (402-234-2217);
- Louisville SRA, 192 acres on the western edge of Louisville on Nebraska 50 (402-234-6855).

Fontenelle Forest

1111 Bellevue Blvd N.
Bellevue, Nebraska 68005
402-731-3140 or 731-8504 (8-5 daily)

The Fontenelle Forest Association owns about 1,300 acres of upland hardwood forests, wetlands and riparian areas that border the Missouri River in Bellevue, in Sarpy County. The Forest's property begins approximately 3/4 mile from the Missouri River in what is known as the Gifford Point area of the Missouri River. Wintering bald eagles and migrating peregrine falcons use the forest. The upland forest and associated wetlands are considered to be the best location in the Omaha area for viewing migrating passerine (perching) birds during peak migration periods (April-May and September-October). The floodplain portion of the Forest contains Hidden Lake, which was restored through dredging in 1997, and which connects directly to the Missouri River through a gate. The lake's size varies from approximately 30 to 50 acres with water depth of about 5.5 feet during normal river flows.

Gifford Area

Educational Service Unit No. 3
700 Camp Gifford Road
Bellevue, Nebraska 68005
402-292-4100

Located between the Fontenelle Forest and the Missouri River is the Gifford Area, which encompasses two distinct parts--Gifford Point and Gifford Farm. The Gifford Area abuts the Missouri River in Sarpy County along the largest remaining oxbow on the river between Yankton, South Dakota, and St. Louis, Missouri. Nearly 1,300 acres of river bottom forest on Gifford Point are owned by the Nebraska Game and Parks Commission and are available for nature study and limited hunting for deer and wild turkeys. Educational Service Unit No. 3 leases another 414 acres from the Nebraska Department of Game and Parks. The unit operates a working farm on the property for the purpose of educating school children.

APPENDIX M
ENVIRONMENTALLY SENSITIVE AREAS

Neale Woods Nature Center

14323 Edith Marie Avenue

Omaha, Nebraska 68112

402-453-5615 (8-5 daily, phone will often rotate automatically to Fontenelle Nature Center)

The 554-acre Neale Woods straddles the line between Douglas and Washington counties. The entire property is owned and managed by the Fontenelle Forest Association. About 250 acres of the area, which lie east of River Road and north of the county line, are wetlands in the Missouri River floodplain.

Boyer Chute National Wildlife Refuge

Mike Ellis

3720 Rivers Way

Ft. Calhoun, NE 68023

402-468-4313

The Boyer Chute National Wildlife Refuge is currently confined to the Nebraska side of the Missouri River. The future acquisition boundary extends from approximately River Mile 640.5 to River Mile 632.2. The refuge is projected to expand in three phases that may extend to the year 2010 or beyond. If acquisition plans are completed as envisioned, the refuge would ultimately encompass nearly 10,000 acres. This would include a narrow band of Missouri River floodplain in Pottawattamie County, Iowa. Boyer Chute NWR is under the authority of the U.S. Fish & Wildlife Service, which has responsibility for managing and protecting migratory birds under the Migratory Bird Treaty and for federally endangered and threatened terrestrial and freshwater species under the authority of the Endangered Species act.

DeSoto National Wildlife Refuge

Larry Klimek, Project Leader, Boyer Chute NWR

1434 316th Lane

Missouri Valley, IA 51555

712-642-4121 (voice) 712-642-2877 (fax)

DeSoto National Wildlife Refuge is located on both the Nebraska and Iowa sides of the Missouri River along river miles 644 to 641 in Washington County, Nebraska, and Harrison County, Iowa. It encompasses portions of DeSoto Lake, in Iowa. (See description of Boyer Chute NWR for more information on federally managed areas.)

APPENDIX M
ENVIRONMENTALLY SENSITIVE AREAS

Schilling Wildlife Management Area

P.O. Box 525

Plattsmouth, Nebraska 68048-0525

402-296-0041

The 1,500-acre Schilling Wildlife Management Area (WMA) is located on the west bank of the Missouri River, immediately adjacent to and south of the confluence of the Platte and Missouri rivers in Cass County, Nebraska. The property provides bank access to one-half mile of the Platte River and 2 miles of the Missouri and is particularly popular with fishermen. Fourteen rock levees have been constructed to extend into the deepwater channel of the Missouri. Additional fishing is available on a 25-acre lake encompassed by the refuge boundary. During the fall migration, 200,000 or more geese and ducks may be present on the area. Approximately 500 additional acres were added along the southern edge of the Schilling WMA in 1997, along with a strip of riparian habitat designated as the Rhoden WMA. The two additions are located east-northeast of Plattsmouth and cover an average width between the city and river of a half mile.

APPENDIX N

STATE AND FEDERAL THREATENED ENDANGERED SPECIES IN THE O/CB SUB-AREA

[Appendix N indicates state (S) and federal (F) threatened (T) and endangered (E) species.]

	Counties				Habitat
	Cass	Douglas	Sarpy	Washington	
Nebraska Species					
Mammals					
Southern flying squirrel, <i>Glaucomys volans</i>	S-T				In remnant tracts of eastern deciduous forest in the southeastern corner of the state.
Birds					
Bald eagle, * <i>Haliaeetus leucocephalus</i>	S-T	S-T	S-T	S-T	A few nesting sites in NE, but primarily wintering, and spring & fall migrants. Usually found along major rivers & reservoirs with a good supply of fish & fowl and large trees.
Interior least tern, <i>Sterna antillarum</i>	F-E, S-E	F-E, S-E	F-E, S-E		Nests on barren beaches of sand, gravel, on dry mudflats, and on salt-encrusted soils.
Piping plover, <i>Charadrius melodus</i>	F-T, S-T	F-T, S-T	F-T, S-T		Bare, alluvial & dredged spoil islands; sand/gravel shorelines along lakes, reservoirs, rivers, ponds, and alkaline wetlands.
Fish					
Lake sturgeon, <i>Acipenser fulvescens</i>	S-T	S-T	S-T	S-T	In the deepest parts of channels or pools of large rivers, with silt-sand bottoms & fast flow rates.
Pallid sturgeon, <i>Scaphirynchus albus</i>	F-E, S-E	F-E, S-E	F-E, S-E	F-E, S-E	Bottoms of large, silty rivers.
Sturgeon chub, <i>Macrhybopsis gelida</i>	S-E	S-E	S-E	S-E	Main channel habitat of larger rivers in association with sand and gravel bars.
Plants					
American ginseng, <i>Panax quinquefolium</i>	S-T	S-T	S-T	S-T	Rich, mesic woods, often on slopes, with neutral soils. Requires adequate moisture, but not wet hollows or swamps, and a closed canopy.
Small white lady's slipper, <i>Cypripedium candidum</i>	S-T	S-T	S-T	S-T	Undisturbed, native wet meadows with sandy loam soils. Intolerant of grazing.
Western prairie fringed orchid, <i>Platanthera praeclara</i>	F-T, S-T	F-T, S-T	F-T, S-T	F-T, S-T	Wet tallgrass prairies and sedge meadows, usually in calcareous silt loam or sandy loam soils

Iowa Species	Counties				Habitat
	Pottawattamie	Mills			
Mammals					
Indiana Bat, <i>Myotis sodalists</i>	F-E	F-E			Limestone caves during winter hibernation. Less known about summer habitat, though females and juveniles limited to riparian and floodplain areas which still contain trees. Males forage over a wider area.
Birds					
Bald eagle, <i>Haliaeetus leucocephalus</i> *	S-T	S-T			An increasing number of nesting sites, usually found along major rivers and reservoirs with a good supply of fish & fowl and large trees.
Interior least tern, <i>Sterna antillarum</i>	F-E, S-E	S-E			Nests on barren beaches of sand, gravel, on dry mudflats, and on salt-encrusted soils.
Piping plover, <i>Charadrius melodus</i>	F-T, S-E	S-E			Bare, alluvial & dredged spoil islands; sand/gravel shorelines along lakes, reservoirs, rivers, ponds, and alkaline wetlands.
Reptiles					
Eastern massasauga rattlesnake, <i>Sistrurus catenatus catenatus</i>	F-C	F-C			Wetlands, wet prairie, and other wet lowland habitats.
Fish					
Pallid sturgeon, <i>Scaphirynchus albus</i>	F-E, S-E	F-E			Bottoms of large, silty rivers.
Plants					
Western prairie fringed orchid, <i>Platanthera praeclara</i>	F-T, S-T	F-T			Wet tallgrass prairies and sedge meadows, usually in calcareous silt loam or sandy loam soils.
Prairie bush clover <i>Leptodeza leptostachya</i>	F-T	F-T			Dry to mesic prairies with gravelly soil.

* The Bald Eagle in the lower 48 states was delisted or removed from the Federal list of Endangered & Threatened Wildlife by the US FWS in July 2007. Its status will be monitored for at least 5 years after its delisting. The protections provided to the bald eagle under the Bald & Golden Eagle Protection Act and the Migratory Bird Treaty Act will remain in place after the species is delisted.

APPENDIX O
MEMORANDUM OF UNDERSTANDING
BETWEEN THE
U.S. ENVIRONMENTAL PROTECTION AGENCY REGIONS 6 AND 7

I. Purpose

The purpose of this Memorandum of Understanding (MOU) is to establish policy and procedures for a general working agreement between the Regions 6 and 7 Emergency Response Programs to establish an inter-regional backup system for emergency response and removal support and other regional resources.

II. Background

The U.S. Environmental Protection Agency (EPA) has established a national baseline Core Emergency Response program (Core ER). The Core ER project participants, regional Removal Managers, On-Scene Coordinators (OSCs), the OSC Readiness Task Force, and EPA Headquarters staff (HQ), reviewed critical program elements and set baseline standards for a nationally consistent Emergency Response Program. These standards were formalized in a Memorandum dated November 25, 1998, signed by the Assistant Administrator for the Office of Solid Waste and Emergency Response. One of the standards mandated the establishment of a primary and secondary backup Region. This MOU establishes the agreement for primary backup emergency response support between Regions 6 and 7 to meet the Core ER standard. This agreement does not address secondary back-up region emergency response support.

III. Agreement

It is agreed by the signatories of this MOU that, upon request of the other Region, the backup Region will endeavor to assist the requesting Region in cross-regional emergency response and removal support. The following primary backup system will be enacted during times of telephone failures and/or staffing or contract resource shortfalls or as deemed necessary and appropriate under the exigencies of a particular response event or situation:

REGION	PRIMARY BACKUP
6	7
7	6

It is understood that Regions 6 and 7 have the flexibility to seek assistance from, and provide support to, other Regions as needed. Under this agreement, the signatory Regions can request support in the form of additional OSCs, cleanup and technical support contractors, and/or EPA owned equipment.

IV. Procedure

Initial notification and requests for cross-regional support should utilize a one-call notification process. Initial notifications will be received via each Region's respective 24-hour regional response line, manned by a phone duty officer, or through the National Response Center (NRC):

Region 6: 1-866-372-7745
Region 7: 1-913-281-0991
NRC: 1-800-424-8802

Initial notification may be from the requesting Region or from other sources such as the Headquarters Emergency Operations Center (HQ EOC) at the Region's request.

Regional Superfund Division Directors have the ultimate authority to approve the use of regional emergency response resources beyond their regional boundaries. The Regional response program supervisor (Removal Manager) or the designated "acting" supervisor has the authority to dispatch emergency response and removal support resources (staff and/or contract resources) in response to a request for cross-regional support. Superfund Division Directors will request other resources through the Regional Administrator and the Regional Incident Coordination Team (RICT). Other resources may include resources outside the direct control of the Superfund Division Director and may include assets such as Response Support Corps, water systems response expertise, etc. The Superfund Division Director will notify his/her respective Regional Administrator whenever a request for such resources has been made.

Requests for support during incidents of national significance that are managed through concurrent implementation of the National Response Plan (NRP) and the National Contingency Plan (NCP) as well as a Presidentially declared disaster activation under the National Response Plan, Emergency Support Function #10 (ESF #10), should be made through the established one-call notification system described above.

Requests for removal site coverage support, participation in cross-training and exercises or other routine or non-emergency situation, generally should be made during business hours between the respective Removal Managers or their designated "acting" supervisors.

Response undertaken under this agreement will be conducted using the principles of the National Incident Management System (NIMS) and will incorporate incident command system principles. Standard Operating Guides (SOG) developed for implementing this agreement will incorporate NIMS terminology and concepts as appropriate.

The requesting Region will be responsible for defining the capability requirements for personnel and/or resources for example: Health and Safety requirements such as Level A capabilities, warranted OSCs, purchase card holders, or certified Incident Management Team positions. The requesting Region will be responsible for providing responding personnel with deployment information such as mobilization points, response structure and contact information.

V. Programming, Budgeting, Funding, and Reimbursement Arrangements

The undersigned Regions recognize the benefits an OSC brings to an emergency as well as the ability to mobilize and utilize all available resources to protect human health and the environment. In mobilizing response resources, contract crossovers may be used if they are determined to be in the best interest of the Government. The SOGs for cross-over contracting procedures will be developed and agreed upon by the Regions for use under this MOU.

This MOU is neither a fiscal nor a funding obligation document. However, any endeavor involving contribution of funds will generally be borne by the Region requesting assistance. This MOU in no way restricts the undersigned Regions from participating in similar activities or arrangements with other Regions, however it is understood that Regions 6 and 7 will give each other priority status for backup purposes.

The Office of Acquisition Management has issued a memorandum (Attachment 1) which clarifies OSC warrant authority when OSCs are exercising their delegated authority outside of their home Region.

VI. Authorities

Emergency response and removal support under this MOU is undertaken pursuant to the responsibilities vested in the EPA under the following statutory authorities, regulations, and Presidential Directives:

The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) as amended by the Superfund Amendments and Re-authorization Act of 1986 (SARA);

The Federal Water Pollution Control Act of 1970 (Clean Water Act), as amended by the Oil Pollution Act of 1990;

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300;

Section 9003 (h) of the Solid Waste Disposal Act (SWDA);

The United States-Mexico Joint Contingency Plan (JCP);

The Homeland Security Act of 2002 and Homeland Security Presidential Directive (HSPD) 5, which established the National Response Plan (NRP) and requires the use of the National Incident Management System for responses governed by the NRP;

The Stafford Disaster Relief Act and amendments, and as further defined in the National Response Plan (NRP) Emergency Support Function Annexes;

Presidential Decision Directive (PDD) 39, "US Policy of Counter-terrorism," and PDD 62, "Combating Terrorism";

as well as any other acts, plans or regulation not listed here under which the authority exists for response activities.

Under Section 104 of CERCLA, the EPA has the authority to respond to a release or threatened release of a hazardous substance, pollutant, or contaminant. Under delegation 14-2 the Regional Administrators may re-delegate to designated On Scene Coordinators (OSCs) the authority to determine the need for emergency response and to approve and initiate removal actions costing up to \$250,000 where site conditions constitute an emergency and up to \$50,000 where site conditions do not constitute an emergency. Regions 6 and 7 have redelegated this authority to their designated OSCs through an appropriate Regional Delegation of Authority (Attachment 2-R6) (Attachment 3-R7). Similarly, pursuant to Section 311 (c) of the Clean Water Act, designated OSCs have been delegated the authority to conduct specific response actions involving the discharge or substantial threat of a discharge of oil. Under this MOU, the signatory Regions agree that the OSCs' delegated authority extends to cross-regional emergency responses involving oil and/or CERCLA hazardous substances, pollutants or contaminants.

VII. Effective Date

This MOU will become effective upon signature by the parties and will remain in effect until termination by any party hereto. Any party may terminate this MOU upon 90 days written notice to the other party. Its provisions, and any SOGs developed for implementing this MOU, will be reviewed annually and amended or supplemented as may be agreed upon mutually. Amendments to the MOU will be in writing and signed by both Regions.

VIII. Other MOUs

This MOU supercedes the February 8, 2001, MOU for establishing inter-regional backups. This MOU has no effect on any other MOUs under other Agency programs between the undersigned Regions.

IX. List of Attachments

- Attachment 1: OAM Memorandum clarifying OSC warrant authority
- Attachment 2: Regional Delegations Manual, R6-14-2 TN-295(Region 6)
- Attachment 3: Regional Delegations Manual, R7-14-002 (Region 7)

X. Signatories



Samuel Coleman, Director, Superfund Division
EPA Region 6



Cecilia Tapia, Director Superfund Division
EPA Region 7

Attachments

MEMORANDUM

SUBJECT: On-Scene Coordinator (OSC) Warrant Guidance

FROM: Yvette D. Garner, Director
SF/RCRA Regional Procurement Operations Division

TO: Removal Managers
On-Scene Coordinators
Regional Contracting Officer Supervisors
Superfund Division Directors
SRMAC

This memorandum serves as clarification to the OSC warrant authority when OSCs are exercising their delegated authority outside of their home region. As you know, the OSC is a Federal Official designated to coordinate and direct responses to environmental and human health threats pursuant to the National Contingency Plan. This authority can be used to issue emergency tasking documents (e.g., delivery orders, task orders, notices to proceed) for emergency response/removal services related to the threat or actual release of hazardous substances in an amount not to exceed \$200,000.

When responding to an incident that requires an OSC to perform his/her duties outside their home region the OSC is authorized to exercise his/her delegated procurement authority (DPA) under any EPA Superfund and/or regional contract, in any geographic location in the world without receiving a new or modified DPA. In such cases, the supporting Region will be subject to the incident command structure of the impacted Region. However, the management/supervision chain of the supporting Region will not be affected. For example: an OSC assigned to Region 1 is requested to provide emergency response support to Region 4. The Region 1 OSC is authorized to exercise his/her DPA authority in Region 4 during the emergency response/removal event. The Region 1 OSC is now subject to the incident command structure in Region 4, yet all personnel matters will remain under the management chain of Region 1.

In cases of reassignment within the Agency where the individual who has been appointed as an OSC within one OAM division, regional office, Headquarters or regional field component is permanently reassigned or promoted to another EPA division, regional office, Headquarters or regional field component, the existing warrant shall be terminated. The gaining organization will be responsible for requesting a new warrant, if needed.

For warrant verification purposes, all OSCs with current DPA are listed at URL <http://www.epa.gov/Qam/srpod/oscs.pdf>. This verification method supersedes any conflicting language used in DPAs issued prior to this memo. Therefore, a modification to EPA Superfund /Regional contracts is not necessary to authorize additional warranted OSCs as ordering officials. OAM will submit to the emergency response community a revised "ordering officials" clause that will be used in all EPA Superfund^Regional contracts that addresses this issue. Questions and answers related to the DPA can also be found on this website.

If there are any questions regarding this memorandum, please call Robert Edgeton at 202-564-2776.

Return to List of Delegations

REGION 6
DELEGATION

TN-295
March 21, 2002

THE COMPREHENSIVE ENVIRONMENTAL
RESPONSE, COMPENSATION AND LIABILITY
ACT (CERCLA)

R6-14-2. Response

1. AUTHORITY. To respond to any release or threatened release of a hazardous substance, pollutant, or contaminant, pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Section 104, and 40 CFR Part 300, "National Oil and Hazardous Substances Pollution Contingency Plan" (NCP).

2. TO WHOM DELEGATED. All authority is delegated to the Director, Superfund Division. The authority to determine the need for emergency response and to approve and initiate removal actions costing up to \$250,000 where site conditions constitute an emergency and up to \$50,000 where site conditions do not constitute an emergency is delegated to the Director, Superfund Division, and is also delegated sequentially from the Director, Superfund Division, to the Chief, Superfund Division Response and Prevention Branch, and from the Chief to the On-Scene Coordinators.

3. LIMITATIONS.
 - a. These authorities shall be exercised subject to approved funding levels.

 - b. This authority may be exercised only at sites located within Region 6, unless there is a memorandum of agreement that authorizes cross-boundary emergency response.

 - c. Consultation prior to selection of a response action may be required by memorandum from the AA/OSWER.

 - d. Unless waived by memorandum, the AA/OSWER must approve the use of the consistency waiver in Section 104(c)(1)(C) of CERCLA for removal actions at sites not proposed to or final on the National Priorities List (NPL).

 - e. When the emergency waiver in Section 104(c)(1)(A) is used, the Superfund Division Director may approve removal actions costing up to \$6 million. The Superfund Division Director must seek approval from the AA/OSWER for removal actions costing more than \$6 million and requiring the emergency waiver. This limitation may be waived or modified by memorandum from the AA/OSWER.

R6-14-2. Response (Contd.)

Delegation of Authority from
the Regional Administrator

Return to List of Delegations

REGION 6

TN-295

DELEGATION

March 21,2002

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE.
COMPENSATION AND LIABILITY ACT (CERCLA)

- f. Unless waived by memorandum, the AA/OSWER must concur prior to the initiation of a removal action at non-NPL sites where the proposed action is on the List of Nationally Significant or Precedent-Setting Removal Action categories.
4. REDELEGATION AUTHORITY. These authorities may not be redelegated further.
 5. ADDITIONAL REFERENCES.
 - a. CERCLA, Sections 101(23), 101(24), 105, 113, 116, 117, 118, 120, 121, and 126(b).
 - b. 40 CFR 35, Subpart O, "Cooperative Agreements and Superfund State Contracts for Superfund Response Actions."
 - c. EPA Delegation 14-1, Superfund State Contracts and Cooperative Agreements.
 - d. EPA Delegation 14-17, National Priorities List.
 - e. EPA Delegation 14-22, Response Action Administrative Record.
 - f. EPA Delegation 14-30, Acquisition of Property.
 - g. Limited Contracting Officer Warrant Authority issued to designated OSCs.
 - h. "Use of Non-Time-Critical Removal Authority in Superfund Response Actions," OSWER Directive 9360.0-40P, February 14, 2000, specifying the Director, Office of Emergency and Remedial Response/OSWER will consult with the Director, Office of Site Remediation Enforcement/OECA prior to concurring on any engineering evaluation/cost analysis approval memorandum for a Fund-lead action that could exceed \$6 million.
 - i. All other directives, policy, and guidance issued by OSWER and OECA pertaining to response and consultation requirements.

Delegation of Authority from the
Regional Administrator

Regional Delegations Manual
R7-14-002

TN 97
04/24/2002

CHAPTER 14

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND
LIABILITY ACT (CERCLA) Response

1. AUTHORITY. To respond to any release or threatened release of a hazardous substance, pollutant, or contaminant, pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Section 104, and 40 CFR Part 300, "National Oil and Hazardous Substances Pollution Contingency Plan" (NCP).
2. TO WHOM DELEGATED. Director, Superfund Division, with the concurrence of the Regional Counsel or his/her designee. (See further re-delegations listed below in paragraph 4.)
3. LIMITATIONS.
 - a. These authorities shall be exercised subject to approved funding levels.
 - b. The Regional Administrator, or designee, may exercise these authorities only at sites located within their respective Region, unless there is a memorandum of agreement that authorizes cross-boundary emergency response.
 - c. The Regional Administrator, or designee, may select a response action. Consultation prior to selection may be required by memorandum from the AA/OSWER.
 - d. Unless waived by memorandum, the AA/OSWER must approve the use of the consistency waiver in Section 104(c)(1)(C) of CERCLA for removal actions at sites not proposed to or final on the NPL.
 - e. When the emergency waiver in Section 104(c)(1)(A) is used, the Regional Administrator, or designee, may approve removal actions costing up to \$6 million. The Regional Administrator, or designee, must seek approval from the AA/OSWER for removal actions costing more than \$5 million and requiring the emergency waiver. This limitation may be waived or modified by memorandum from the AA/OSWER.
 - f. Unless waived by memorandum, the AA/OSWER must concur prior to the initiation of a removal action at non-NPL sites where the proposed action is on the List of Nationally Significant or Precedent-Setting Removal Action categories.
4. REDELEGATION AUTHORITY.

- a. The AA/OSWER has re-delegated these authorities to the Office Director level, or equivalent, and no further. (See OSWER Re-delegation dated 11/29/01.)
- b. The Regional Administrator re-delegates these authorities to the Division Director level, with the authority to re-delegate to the Branch Chief level, or equivalent, and no further.
- c. The Regional Administrator re-delegates to the On-Scene Coordinators (OSCs) the authority to determine the need for emergency response and to approve and initiate removal actions costing up to \$250,000 where site conditions constitute an emergency and up to \$50,000 where site conditions do not constitute an emergency.

5. ADDITIONAL REFERENCES.

- a. CERCLA, Sections 101(23), 101(24), 105, 113, 116, 117, 118, 120, 121, and 126(b).
- b. 40 CFR 35, Subpart O, "Cooperative Agreements and Superfund State Contracts for Superfund Response Actions."
- c. CERCLA Delegation 14-1, "Superfund State Contracts and Cooperative Agreements."
- d. CERCLA Delegation 14-17, "National Priorities List"
- e. Delegation 14-22, "Response Action Administrative Record."
- f. Delegation 14-30, "Acquisition of Property."
- g. Limited Contracting Officer Warrant Authority issued to designated OSCs.
- h. "Use of Non-Time-Critical Removal Authority in Superfund Response Actions," OSWER Directive 9360.0-40P, February 14, 2000, specifying the Director, Office of Emergency and Remedial Response/OSWER will consult with the Director, Office of Site Remediation Enforcement/OECA prior to concurring on any engineering evaluation/cost analysis approval memorandum for a Fund-lead action that could exceed \$6 million.
- i. All other directives, policy, and guidance issued by OSWER and OECA pertaining to response and consultation requirements.

Last Updated: 04/26/2002

APPENDIX P
WEBSITE URLS INCLUDED IN THIS SUB-AREA CONTINGENCY PLAN

The latest Public Access Version of this plan is available at on the internet at:

http://www.epa.gov/region07/cleanup/superfund/integrated_plan.htm

U.S. Coast Guard's National Pollution Funds Center home page: <http://www.uscg.mil/npfc/>

Oil Spill Liability Trust Fund home page: http://www.uscg.mil/npfc/About_NPFC/osltf.asp

Further information on the USCG Technical Operating Procedures (TOPS) for State Access Under Section 1012(d)(1) of OPA can be accessed on-line at:

<http://www.uscg.mil/NPFC/docs/PDFs/urg/Ch4/NPFTOPSstate.pdf>

Additional information on Pollution Removal Funding Authorizations can be found in Chapter 10 of the Technical Operation Procedures for Resource Documentation:

<http://www.uscg.mil/npfc/Response/Cost%20Documentation/prfa.asp>

Additional information on Claims can be found in the NPFC's Claimant Information Guide, which can be accessed at: <http://www.uscg.mil/npfc/Claims/default.asp>

National Incident Management System: <http://www.nimsonline.com/>

The National Response Framework core document, along with the ESF Annexes and Support Annexes, is available at the NRF Resource Center: <http://www.fema.gov/emergency/nrf/>

National Response Plan: http://www.dhs.gov/xprepresp/committees/editorial_0566.shtm

Aerial Photography Maps of the Missouri River Ponca State Park, NE to Rulo, NE can be viewed at:

http://www.nwo.usace.army.mil/html/Lake_Proj/BRMaps/Ponca_Rulo/guide.html

For warrant verification purposes, all on-scene coordinators with current Delegated Procurement Authority are listed at URL <http://www.epa.gov/Qam/srpod/oscs.pdf>

CORRECTIONS AND UPDATES FORM

Corrections, updates or suggested additions to the Omaha/Council Bluffs Sub-area Contingency Plan should be provided to the EPA Region 7 Emergency Response and Removals (ER&R) program. Because the OSC responsible for this specific plan will change with the passage of time, changes should be addressed to the address indicated below. If there are questions, the name of the current OSC for the Omaha/Council Bluffs Sub-area can be obtained from the Chief of the ER&R program: (913) 551-7952.

Please complete the following information to effect a change in the sub-area plan:

Page number where change indicated. _____

Section and subsection numbers of the paragraph to be changed: _____

Other description: (e.g., third sentence, in second full paragraph on page:) _____

Corrections or suggested changes:

Mail to: On-Scene Coordinator for Omaha/Council Bluffs Sub-area Contingency Plan
Emergency Response & Removals Program
U.S. Environmental Protection Agency
901 North 5th Street
Kansas City, KS 66101

E-mail to: Kroone.Janice@epa.gov