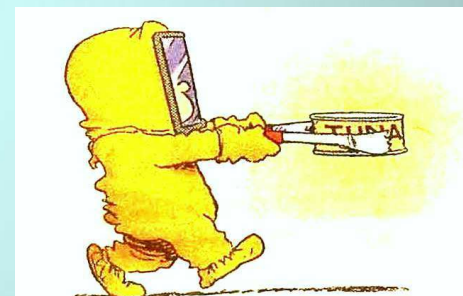




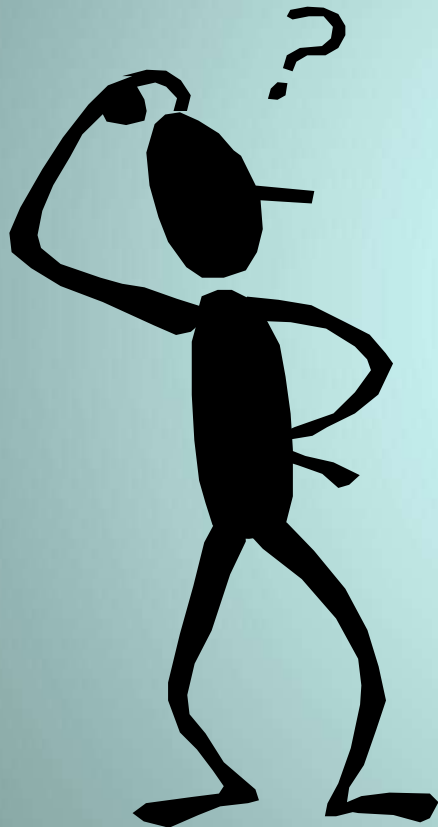
Tier II Module 5

**CERCLA 128(a):
Tribal Response Program
Emergency Response**





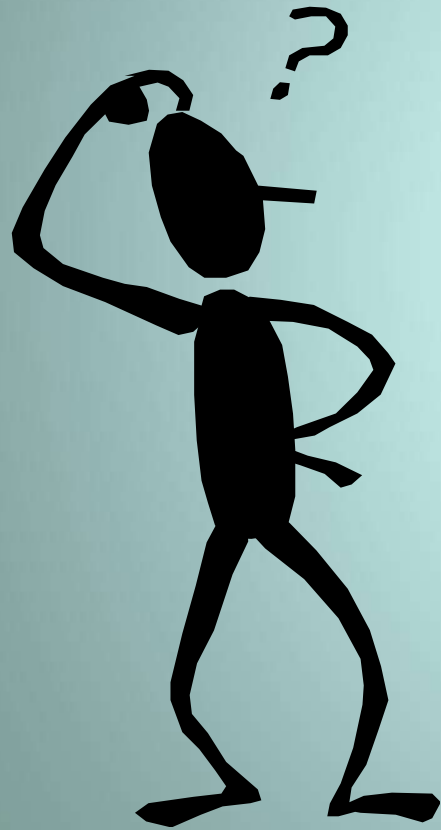
What is the role of the TRP in Emergency Response (ER)?



I think you need to respond to the puddle in the kitchen!



What types of "incidents" have the TRPs been asked to respond to?



I REALLY think you need to go to the kitchen!



Oil Spills

Releases from transportation Incidents



Example: Chemical spill at a water treatment plant

A Response Team conducts initial response:

- Containment
- Treatment
- Testing
- Removal & Disposal



The TRP Staff may provide oversight of the response and any follow up needed

TRP provide “Compliance Assistance”?

- Ensure copies of MSDS sheets for all chemicals stored in community
- Post MSDS sheets
- Determine equipment & supplies needed to respond to chemical spills
- Assist with development of Chemical Spill Plan(s)



Should TRP be Proactive as well as Reactive?



Who is Responsible for a Spill?

- The individual, governmental entity, or industry who owns or operates the facility or piece of equipment that caused the spill is responsible
- The EPA, U.S. Coast Guard, or ADEC may assist in cleaning up the spill, but will give a bill of payment due to the responsible party

Who is responsible for the health and safety of the Tribe and the environment?



Who Do You Call?



National Response Center

1-800-424-8802



Report Spills to the NRC at:

1 800 424-8802

The National Response Center is the **SOLE** national point of contact for reporting Oil, Chemical, Radiological and Biological discharges.

EPA and USCG

REPORT ALL

OIL AND HAZARDOUS SUBSTANCE SPILLS

ALASKA LAW REQUIRES REPORTING OF ALL SPILLS

During normal business hours

contact the nearest DEC Area Response Team office:

Central Area Response Team:	Anchorage	269-3063 fax: 269-7648
Northern Area Response Team:	Fairbanks	451-2121 fax: 451-2362
Southeast Area Response Team:	Juneau	465-5340 fax: 465-2237

Outside normal business hours, call: 1-800-478-9300



Alaska Department of Environmental Conservation
Division of Spill Prevention and Response

rev. 4/2002

ADEC



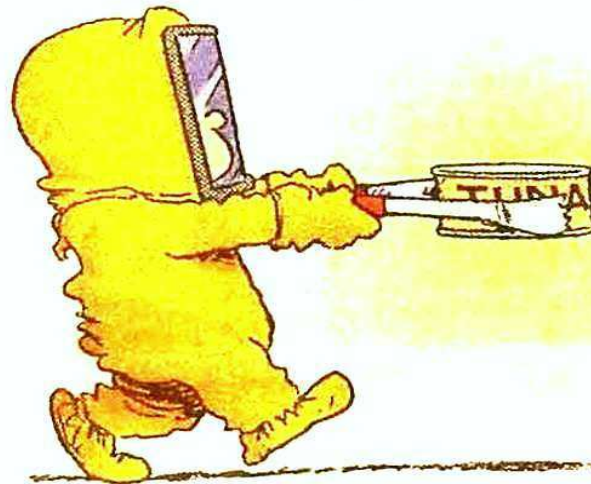
Who do you call locally?

- Do you have a local or Tribal Response Center?
- Do you have a local or tribal Emergency Telephone Number or person?
- Do you have a local or tribal response team?
- Who is in charge until the federal or ADEC response team arrives?



TRP and E.R.

The immediate response to a spill or other type of release of a hazardous substance is generally handled by the “First Responders”. They may be federal, tribal, state, local county/municipal, private industry and/or contractors, or a combination of these. The First Responders require specific types of training and equipment.





TRP and E.R.

- Tribal Response Programs (TRPs) may address releases of hazardous substances pollutants and contaminants; petroleum releases; etc.
- Such releases may not always be from past activities or brownfields but a release that happens today or tomorrow that in some cases may trigger the need for an immediate or emergency response action.



TRP and E.R.

- Typically an emergency response action is intended to address the immediate hazard or threat to public health or the environment.
- However, there may also be long term impacts that remain to be assessed or addressed to ensure the release does not require any follow up action or monitoring.



Types of E.R. Support Functions:

- Contacting all relevant parties/officials and program coordination
- Site control (access, traffic, evacuations)
- Public outreach and communications
- Site monitoring (during and after response)
- Follow up assessment of the site
- Verification & Certification
- Engineering and/or Inst. Controls
- Public Record and files



Goals of EPA TRP Funding

Generally to increase tribal cleanup capacity and:

to provide funding for other activities* that increase the number of response actions conducted or overseen, by a tribal response program. (**including Site Specific Activities*)



Use of TRP Grant Funds

- The use of TRP Grant funds for actual emergency response is generally subject to the same restrictions as other site specific activities. That is, site specific work may be limited to “eligible sites” as determined by the EPA
- All other TRP funded activities may need to be those that are considered oversight activities such as ensuring adequacy and completion of a cleanup, verification and certification of a cleanup, screening for release of hazardous substances, etc.



TRP Activities & Funding

Grant fundable activities or items could possibly include:

- Staff training/travel
- Attending coordination and planning meetings with EPA, ADEC and others
- Responding to an incident and attending responder meetings (during and after the response)
- Equipment & supplies
- Post response evaluation of the site for the Inventory (Element 1)
- Ensuring response is adequate and completed (Element 2)
- Public outreach and information (Element 3)



TRP Activities & Funding

Grant fundable activities or items could possibly include:

- Follow up assessment of a site or area impacted by a release (Element 2 & 4)
- Verification and Certification of the response action/cleanup (Element 4)
- Including the response in the Public Record
- Implementation and monitoring of Institutional and/or engineering controls for the impacted area
- Short or long term area or media monitoring



Tribal Requirements

Establishing tribal requirements when there is a release from a spill or accident to include:

- Notification requirements
- Response authority(s)
- Responsibility requirements
- Tribal response cost recovery
- Ensuring compliance



EPCRA

42 U.S.C. §11001 et seq. (1986)

- Authorized by Title III of the Superfund Amendments and Reauthorization Act (SARA), **the Emergency Planning & Community Right-to-Know Act (EPCRA)** was enacted by Congress as the national legislation on community safety. This law is designed to help local communities protect public health, safety, and the environment from chemical hazards.



EPCRA

Title III of the SARA: 4 main provisions

- 1) Planning for chemical emergencies**
- 2) Emergency notification of chemical accidents and releases**
- 3) Reporting of hazardous chemical inventories; and**
- 4) Toxic chemical release reporting**



Emergency Planning

EPCRA Sections 301-303:

- State Emergency Response Commissions (SERCs)
- Tribal Emergency Response Commissions (TERCs)
- Local Emergency Response Planning Committees (LERCs) – tribal and non-tribal

Are you aware of these and your Tribes role?



Statutory Requirements

- Oil Pollution Act of 1990 requires USCG and EPA to create Regional and Area Contingency Plans (ACPs) throughout the country
 - *The entire State of Alaska is one federal “Region.” Three “Area” plans are required for USCG and one “Area” plan for EPA*
- Alaska Statute requires ADEC to develop one State Master Plan and spill response contingency plans for ten “regions” of the state



Emergency Response in Alaska

Planning, Response Authorities & Related Response Organizations in Alaska





Alaska Contingency Planning

***Why Plan for
Spill
Response?***



RESULTS OF AN IMPROPER SPILL RESPONSE

**We plan
in order
to avoid
a poorly
organized
or executed
response.**



Planning and Preparedness

TRP Role in development of Emergency Response Plan (ERP)?

(Also known as – Emergency Operation Plan -EOP)

A local plan that details :

- ❖ location of hazardous materials
- ❖ procedures for response to a spill
- ❖ ways to notify the public
- ❖ names of response coordinators



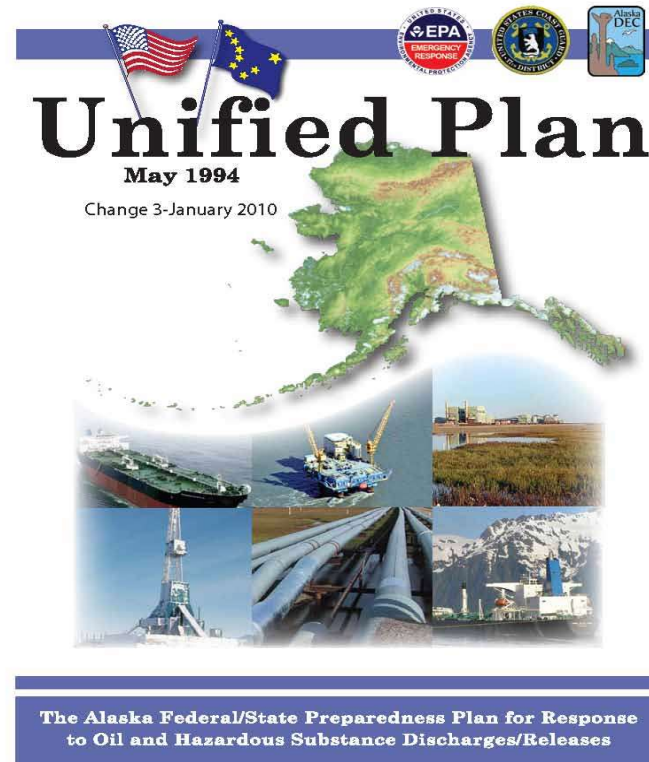
Planning and Preparedness

- "*Emergency Response Planning*" done at the local level - with local information and contacts
- Compliments the "*Subarea Plans*" and "*Unified Plan*" for the State of Alaska



Joint State & Federal Planning

- **ADEC, EPA & USCG** decide to conduct joint planning
- Unified Plan meets both federal Regional Contingency Plan (RCP) and State of Alaska Master Plan requirements





Alaska Regional Response Team

Unified Plan

10 Subarea Contingency Plans

- ❖ Alaska Incident Management System (AIMS) Guide
- ❖ Wildlife Protection Guidelines
- ❖ Alaska Implementation Guidelines for Protection of Archaeological and Historic Properties
- ❖ Useful Maps for Spills Response

{<http://www.akrrt.org/plans.shtm>}



Emergency Response Templates and Guidelines

<http://www.epa.gov/r10earth>

COMMUNITY RESPONSE PLANNING MANUAL AND TEMPLATE

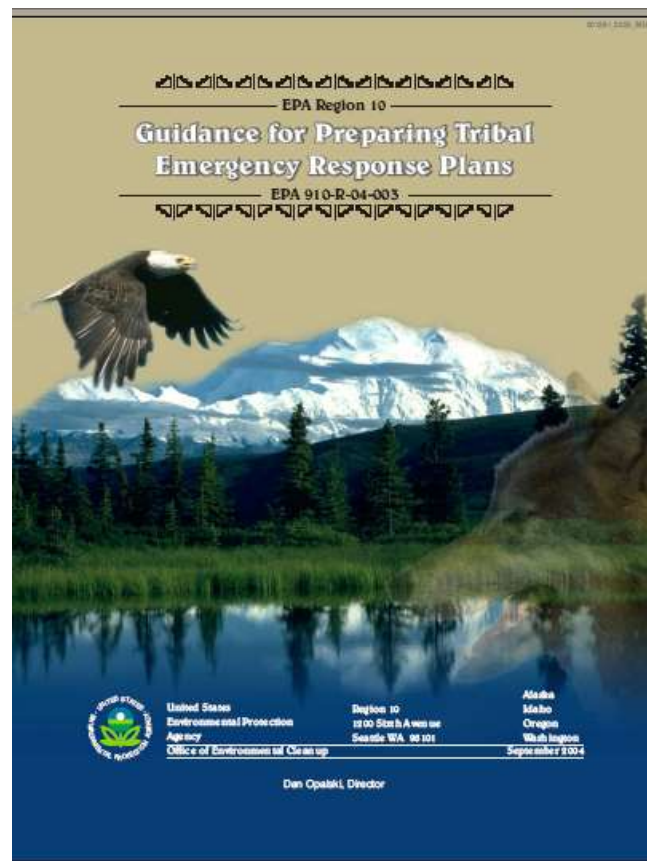
For Tribes, Villages and
Other Small Communities

January 2006

Developed for:



By





Community Response Planning Manual and Template

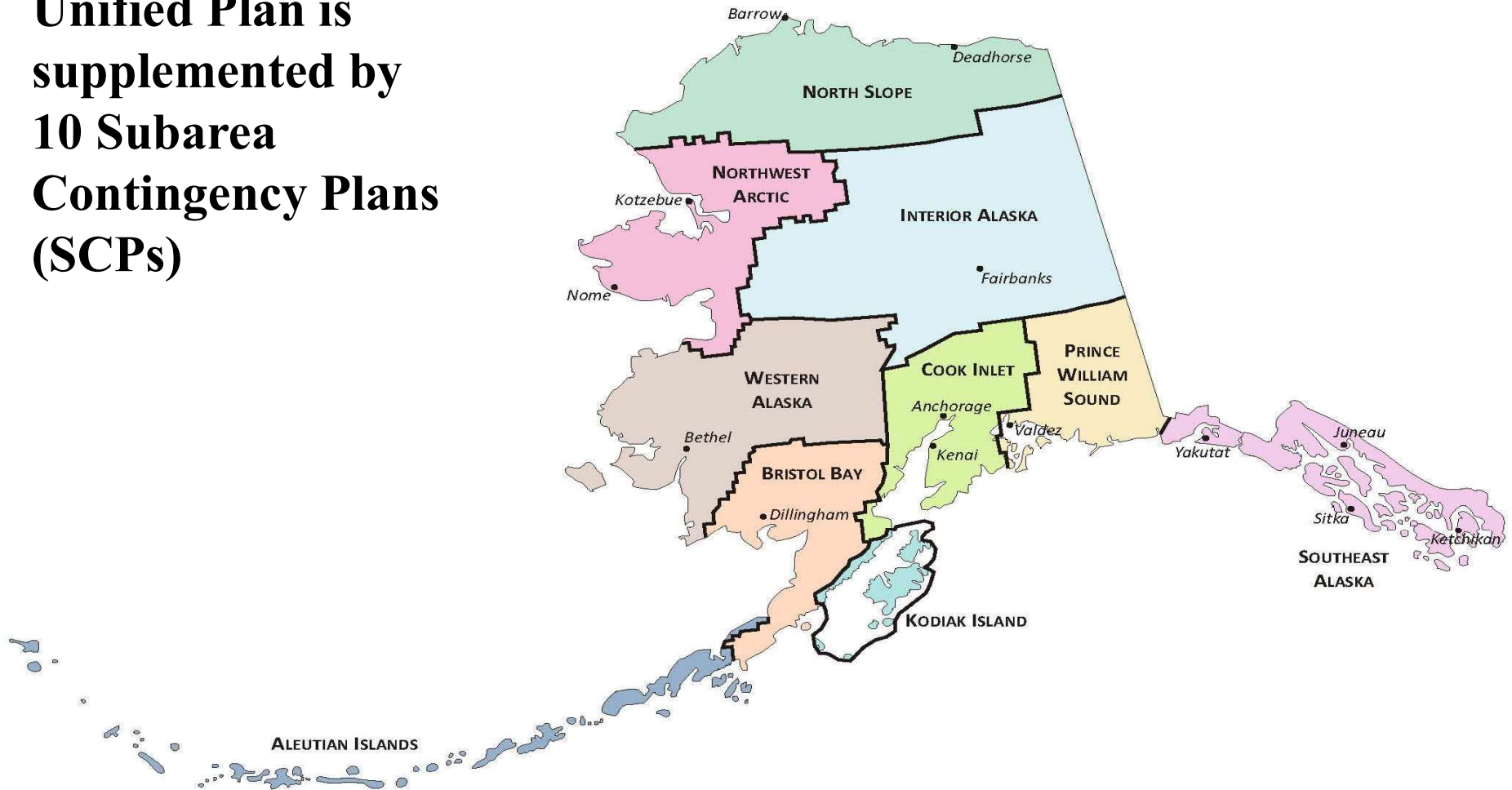
For Tribes, Villages and Other Small Communities

- A set of CD files were developed under the Environmental Protection Agency (EPA) \Community Response Plan (CRP) Pilot Project. The files include a manual for Model Community Response Plan (CRP) manual and CRP template for tribal entities within Region 10 (Pacific Northwest).
- The CRP template may be used as a boiler-plate for the development of community-specific response plans by Alaska Native villages, American Indian communities, or other tribal entities.

Alaska Subarea Plans

Joint Subarea Contingency Plans

**Unified Plan is
supplemented by
10 Subarea
Contingency Plans
(SCPs)**

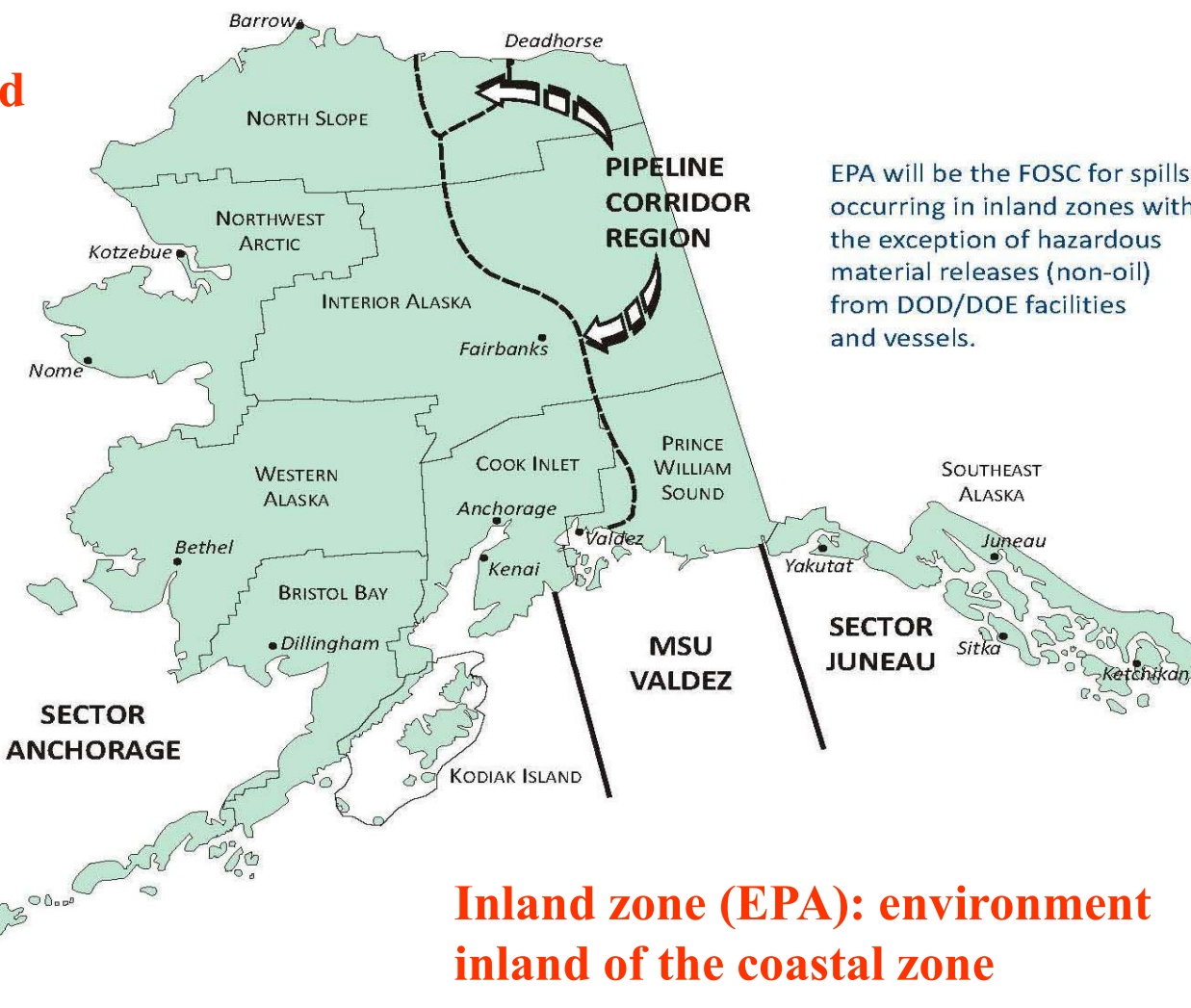


Federal Jurisdictional Boundaries

Pre-Designated Federal On-Scene Coordinators (FOSC) – Areas of Responsibility

Coastal zone (USCG): all US waters subject to the tide and all land surface or land substrata & groundwaters 1,000 yards inland

USCG will be the FOSC for spills occurring in the Coastal Zone with the exception of hazardous material releases (non-oil) from DOD/DOE facilities and vessels.



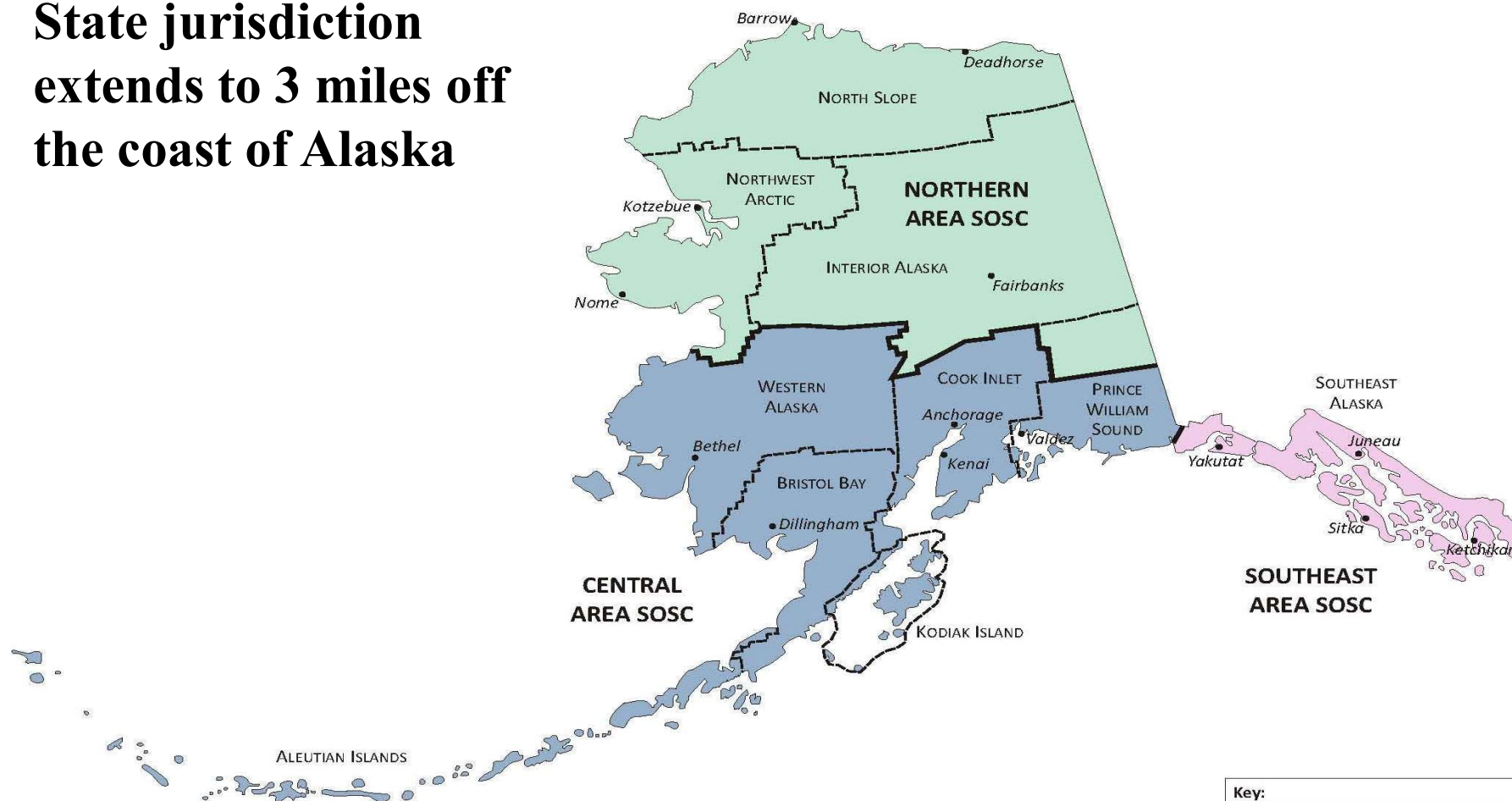
EPA will be the FOSC for spills occurring in inland zones with the exception of hazardous material releases (non-oil) from DOD/DOE facilities and vessels.

Inland zone (EPA): environment inland of the coastal zone

Alaska DEC Boundaries

SOSC Response Boundaries

State jurisdiction
extends to 3 miles off
the coast of Alaska



ADEC Community Response Agreements

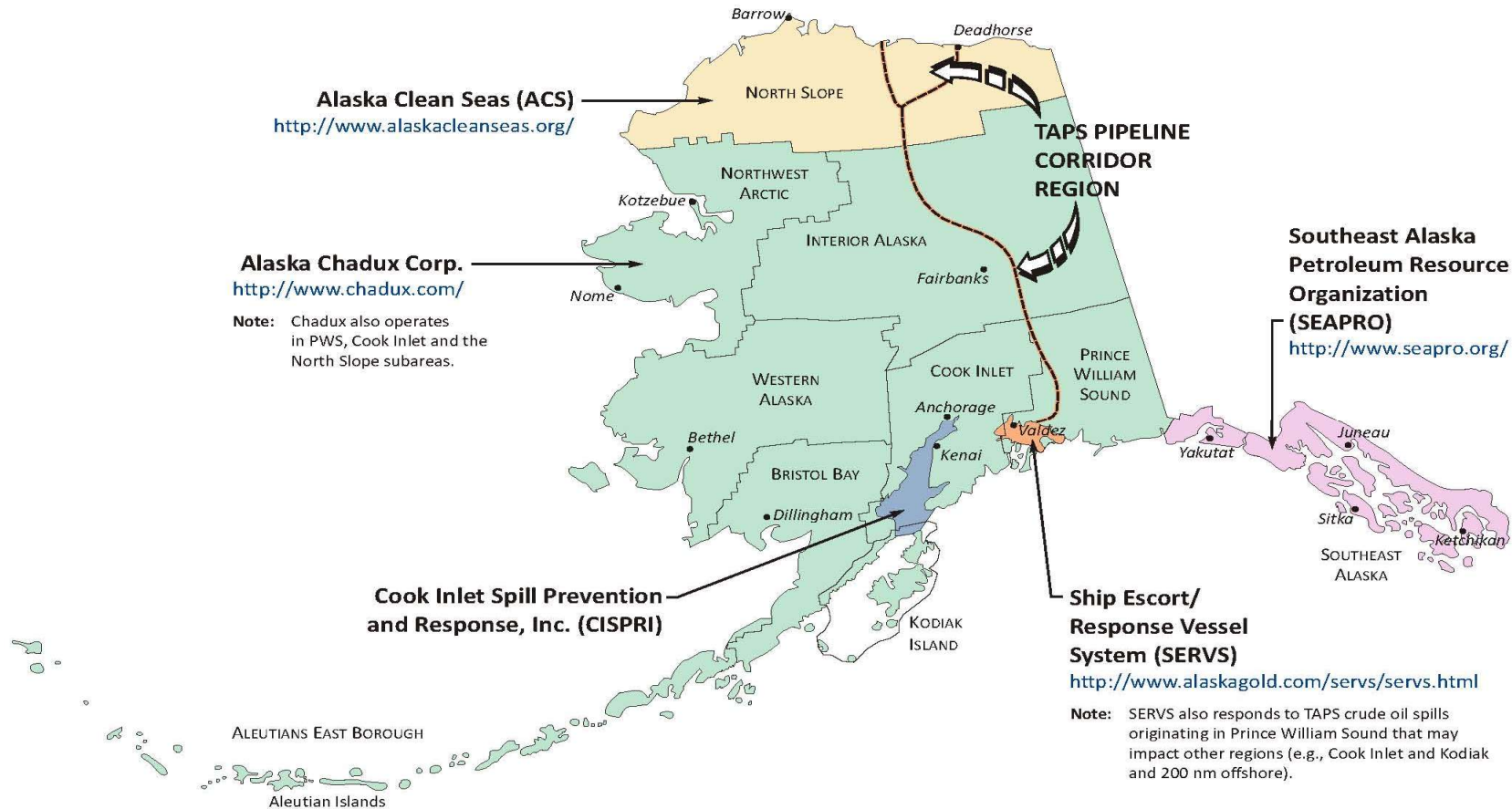
Map of Community Spill Response Agreements, Response Equipment Containers, and Emergency Towing Packages in Alaska

as of January 27, 2010



AK Oil Spill Response Organizations

Oil Spill Response Organization (OSRO) – Areas of Responsibility



- Note:**
1. SERVS also responds to TAPS releases.
 2. Website not available for CISPRI.
 3. SERVS is a division of Alyeska Pipeline Service Company.



Guidance for Preparing Tribal Emergency Response Plans

*For more information, please contact:
United States Environmental Protection
Agency, Region 10
Office of Environmental Cleanup
Emergency Response Unit
Telephone: (206) 553-1200*



TRP Role?

- The Tribal Response Program should determine what their role is in regards to emergency response for their tribe and area/reservation.
- Consult the EPA Regional project manager on:
 - How to address ER in their TRP grant work plan and what is fundable under their grant.
 - Training and other technical support .



TRP Role

- TRP staff should not act outside the scope of their training or qualifications or they may be risking great liability to themselves and others.
- The emergency responders need to be specifically trained and equipped for carrying out such duties.



Tribal E. R. Issues

- How much of 128(a) funding to train and supply tribal emergency response staff?;
- Coordination of multiple jurisdictions and programs and attending the meetings;
- Determination of lead agency or responder by location and/or type of incident; and
- Maintaining staff training and certifications.
- Releases less than Federal or State Reportable Quantities (RQs)



Tribal Lessons Learned

- Need to determine the TRP role and the level of training and equipment needed
- Need to determine what other tribal programs or persons are involved
- Need to identify and work with all parties and groups involved
- Need long term capacity and plans



Further Implementation

- Further dialogue and planning with EPA, ADEC and other entities
- Improved coordination between all parties involved (including intra-tribal)
- Improved recognition of the tribal role
- Improved tribal capabilities and capacity
- Training & equipment



The End