

OIL/PETROLEUM PRODUCTS SPILL RESPONSE PLAN

December 2019

I. INTRODUCTION

A. PURPOSE

This appendix outlines the procedures for the mobilization and coordination of a multi-organizational response that will contain, control, and manage a discharge of oil or petroleum product(s) (further referred to as “Oil Spill”) that threatens the inland, coastal and offshore waters of North Carolina.

B. SCOPE

This appendix includes the anticipated actions of the State, local and Federal agencies and private sector organizations to an oil spill that affects the inland, coastal and offshore waters of the State.

II. SITUATION AND ASSUMPTIONS

A. SITUATION

North Carolina is located adjacent to major shipping lanes in the Atlantic Ocean and these shipping lanes carry a significant amount of ocean-going oil and petroleum products up and down the east coast of the United States. The State receives petroleum products through several methods such as, pipeline and terminal operations, vessel, port and terminal operations, as well as inter-state ground transportation.

Because petroleum products are transported in the adjacent waters and on roadways throughout the State, an oil spill can occur anywhere in the coastal zone, the contiguous waters of North Carolina or in the offshore waters of nearby States, or the roadways within the State.

Remediation of Underwater Legacy Environmental Threats (RULET) vessels present unique challenges. These vessels are primarily WWII casualties from the Battle of the Atlantic and may be considered as civilian or military gravesites and may be eligible for listing under the National Register of Historic Places. Due to their close proximity, a release from one of these vessels could impact the North Carolina coastal waters and land areas. In the event of a RULET vessel release, the United States Coast Guard (USCG) will assume command and control of the response efforts.

The State has, both within and beyond the waters lying three miles off the State’s coast, substantial interest in those activities that could affect the State’s coastal waters and land areas. Historically, oil spills have affected not

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only those in the local area but those hundreds of miles away, therefore North Carolina may be affected by a spill event that occurred in another State's waters.

B. ASSUMPTIONS

1. An oil spill could occur during severe weather, making control and cleanup operations dangerous and/or ineffective.
2. The oil spill may present a substantial threat to the health, safety and welfare of the public as well as the environment. Threats such as fire or explosion, surface and ground water contamination, marine and aquatic ecosystems contamination are likely to adversely affect the daily lives of citizens, tourism, and access to fisheries and/or natural resources.
3. The responsible party (RP) may not be immediately identified or available to assume containment and/or clean-up operations and prompt exercise of Federal control, with State and local support, will be required.
4. Initial efforts to contain and control the spill may fail or be impractical and the response activity may be limited to clean-up of the material and restoration of the affected human and natural resources.
5. There will be substantial interest by the public and the press in the circumstances surrounding the incident and the emergency response efforts and recovery efforts.
6. Timely deployment of resources (State, local and volunteer (personnel and equipment)) may be required to protect sensitive environmental areas of the State. State, local and volunteer response personnel who have been properly trained and equipped in hazardous material emergency response will be deployed by the SERT Leader, as required.
7. Emergency transportation of resources (inbound response and outbound disposal) may require permits, licenses, or exemptions.
8. A major oil spill will require joint Federal, State and local efforts to perform initial damage/needs assessment information concerning the number, type and magnitude of incidents.
9. A major oil spill will necessitate a long-term recovery program to restore the impacted area.

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10. The State will initiate appropriate actions to recover costs from response and recovery and well as damages from the RP.
11. Spills of minimal impact may only require the partial activation of this appendix and may involve coordination between the RP and the NC Department of Environmental Quality (DEQ).
12. The USCG and EPA have designated boundaries between coastal and inland zones for the purpose of providing On-Scene Coordinators (OSCs) for response operations as defined in 33 CFR 3. When a spill occurs in one zone and flows or threatens to flow into another, either: (1) the EPA will provide the OSC and the USCG will assist the EPA with waterside cleanup operations, or (2) by mutual agreement the USCG will provide the OSC and resources.

III. ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES

Primary and Support Rules for Various Agencies under Unified Command

Spill Location / Responsibility	ENVIRONMENTAL PROTECTION		PUBLIC PROTECTION	PROPERTY	ECONOMIC RECOVERY
	Lead	Support	Lead	Support	Lead
Marine / Coastal Water	USCG	SERT	SERT	USCG	NCEM
Inland Water	EPA	SERT	SERT	EPA	NCEM
Land	DEQ	SERT	NCEM/Local EM	SERT	NCEM

The local government representative will normally be the county Emergency Management Coordinator or other persons designated by the senior elected official of the governing jurisdiction in which the spill occurred.

A. LEAD STATE AGENCY

1. NC DEPARTMENT OF PUBLIC SAFETY (NCDPS)

NORTH CAROLINA EMERGENCY MANAGEMENT (NCEM)

- a. On receipt of a spill report which requires activation of the SERT, contact the USCG (Sector North Carolina Command Center) or EPA

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Region IV and obtain the proposed location of the command post (CP), the time the CP will be activated, and the name of the Federal

OSC (FOSC). Dispatch NCEM Area Coordinator to the CP, to provide on scene assessment, to affect coordination with Federal OSC, to establish communication with State EOC, and to notify other agencies of spill. Ensure either the RP or the State EOC notifies the National Response Center (NRC) of the spill.

- b. Provide radio communications support as needed. Establish incident in NC SPARTA when directed by SERT Leader.
- c. Through the Risk Management Section, maintain and graphically display current information on the status and extent of the oil spill.
- d. Activate the Environmental Technical Advisory Group (ETAG) when necessary.
- e. Obtain and provide data and information regarding the population, industrial, commercial, and natural resources within the State which may be endangered by the spill.
- f. Through the NCEM Area Coordinator, provide communication from the SERT to the party responsible for the spill as well as the Federal OSC in order to ensure that each receives timely consultations, advice and decisions regarding the State's position on actions necessary to respond to the spill.
- g. Provide communication from the SERT to the party responsible for the spill as well as the Federal OSC in order to ensure that this individual receives timely consultations, advice and decisions regarding the State's position on actions necessary to respond to the spill.
- h. Maintain contact with emergency management agencies in adjacent States and provide coordination if warranted by the location and magnitude of a spill.
- i. When a spill is of such magnitude that the two States have activated their respective EOCs, furnish a representative in the EOC of an adjacent State in order to facilitate communication and coordination.
- j. Provide representation on the Federal Region IV Regional Response Team (RRT).

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B. LEAD TECHNICAL AGENCY

1. NC DEPARTMENT OF ENVIRONMENTAL QUALITY (NCDEQ)

DIVISION OF COASTAL MANAGEMENT (DCM)

- a. Provide technical assessment of the impact of the spill and clean-up operations pertaining to the marine environment.
- b. Communicate to Federal permitting agencies, spill prevention and mitigation measures, which should be incorporated in Federal permits for facilities and activities.
- c. Advise the SERT Leader on emergency permits for activities within the areas of environmental concern; access points and routes least likely to harm areas of environmental concern; technical advice on any issue concerning the impact of the spill on the State Coastal Reserve; access points and routes least likely to harm the State Coastal Reserve, and identify sensitive estuarine resources and protective measures.
- d. Assist in determining the economic impact on coastal area resulting from the spill.
- e. Participate in the ETAG assisting the SERT Leader.
- f. Assist in coordinating the determination of damages done to natural resources within the coastal zone.
- g. Provide liaison to the SERT. Authorized to grant permission for response and cleanup activities as well as issue any required permits within State Coastal Reserve areas.
- h. Evacuate State Coastal Reserve areas when threat exists to public from spill.
- i. Assist in liaison with Minerals Management Service of the US Department of the Interior if the spill originates at oil or gas facilities on the Outer Continental Shelf.

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DIVISION OF WATER RESOURCES (DWR)

- a. Respond as appropriate to scene of spill, assess extent of environmental damage and provide on-scene liaison with NCEM, the USCG, or a Federal OSC concerning State environmental policies and regulations.
- b. Collect and analyze water and soil samples for possible contamination, maintaining proper chain-of-custody procedures. Provide SERT Leader with a summary of the analysis.
- c. Assert State jurisdiction and order cleanup actions if no Federal official has arrived on-scene and assumed control, or if spill is outside Federal jurisdiction.
- d. Review containment and cleanup methods proposed by RP if spill is within State jurisdiction. Monitor these methods if cleanup is within Federal jurisdiction.
- e. Advise the SERT Leader on the feasibility and effectiveness of the containment and cleanup methods being used.
- f. Provide on-scene liaison with Federal OSC concerning State environmental policies and regulations.
- g. Request activation of the Region IV RRT or request Federal assistance for containment and clean up.
- h. Assist in the technical decision to restrict use of water resources.
- i. Halt or restrict the use of non-drinking water as deemed necessary.
- j. Consult with Public Water Supply Section on restrictions to be placed on use of drinking water supply.
- k. In consultation with other DEQ agencies (Coastal Management, Wildlife Resources, Marine Fisheries, and Air Quality), develop and maintain a decision-making methodology concerning the use of dispersants, biological agents, solidifiers, Special Monitoring of Applied Response Technology (SMART), disposal of contact waters, or *in situ* burning.
 - Approval of the chemicals to be used to disperse the oil or approval for *in situ* burning would require authorization of the Director, Division of Water Resources, NC DEQ.

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- Any request of dispersants or *in situ* burning will be addressed on a case by case basis.
 - Guidelines for use are found at www.nrt.org.
- l. Serve on the Federal RRT IV and situate a Federal representative from the Federal RRT at State EOC in order to facilitate liaison between the SERT and the Federal RRT during such times as the SERT is activated for an oil spill response.
 - m. Enforce State environmental regulations and initiate prosecution under State law or regulations if circumstances warrant and assist the State Attorney General as required.
 - n. Participate in the assessment of damages and presentation of same to RP, the State and Federal OSCs, the SERT and the State Attorney General as appropriate.
 - o. Communicate with adjacent States' water quality officials concerning impact of spill.
 - p. Obtain and evaluate technical data and information for the SERT.
 - q. Participate in the ETAG assisting the SERT Leader.

DIVISION OF AIR QUALITY (DAQ)

- a. Respond as appropriate to scene of spill, assess extent of environmental damage and provide on-scene liaison with NCEM, the USCG, or a Federal OSC concerning State environmental policies and regulations.
- b. Collect and analyze air for possible contamination, maintaining proper chain-of-custody procedures. Provide the SERT Leader with a summary of the analysis.
- c. Participate in the ETAG assisting the SERT Leader. Advise the SERT Leader on the feasibility and effectiveness of the containment and cleanup methods being used.
- d. Evaluate potential risk to the public on air quality in the State's Class 1 air sheds, and on ozone and particulate non-attainment areas if *in situ* burning is requested. **Approval for *in situ* burning is required from the Director, Division of Air Quality, NC DEQ and is addressed on a case by case basis.

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- e. Serve on the Federal RRT IV and provide division representative with the Federal RRT at the State EOC in order to facilitate liaison between the SERT and the Federal RRT during such times as the SERT is activated for a Level 1, Level 2, or Level 3 oil spill response.
- f. Enforce State environmental regulations and initiate prosecution under State law or regulations if circumstances warrant; assist the Attorney General, as required, in this regard.
- g. Participate in assessment of damages and presentation of same to RP, the State and Federal OSCs, SERT and the State Attorney General as appropriate.
- h. Communicate with adjacent States' air quality officials concerning impact of spill.
- i. Obtain and evaluate technical data and information for the SERT.

DIVISION OF MARINE FISHERIES (DMF)

- a. Identify sensitive marine habitats and marine areas crucial to the fishing economy.
- b. Render law enforcement assistance as requested by the SERT.
- c. Provide land, sea and air transportation.
- d. Operate watercraft as directed by the SERT Leader in support of on-water operations such as booming as well as waterfowl rescue.
- e. Provide sampling and monitoring assistance; act as lead agency concerning fish sampling from marine waters.
- f. Contact appropriate Federal specialists and carry out technical consultations.
- g. Provide liaison with National Marine Fisheries Service.
- h. Participate in the ETAG assisting the SERT Leader.
- i. In conjunction with the Shellfish Sanitation Services Section of DHHS/DPH – Environmental Health Section, restrict the taking of fish and shellfish from marine waters suspected of contamination due to an oil spill.

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- j. Identify otherwise unaffected marine areas and species and advise the SERT Leader concerning advisories to the public about the edibility of fish products taken from marine waters.
- k. Participate in development decision-making methodology concerning use of dispersants, biological agents, solidifiers, and SMART in marine waters.
- l. Conduct damage assessment and determine valuation of economic losses in marine fishing and shellfish industries for economic recovery from the RP.
- m. Provide liaison with marine fishing interests in coordination of response and recovery activities.
- n. Provide liaison with the Wildlife Resources Commission for impacted areas and/or species from waters within the jurisdiction of both agencies.
- o. Provide watercraft and crews to support enforcement of USCG-initiated restrictions on waterway use.
- p. Provide aircraft and crews for surveillance/reconnaissance.

DIVISION OF WASTE MANAGEMENT (DWM)

- a. Identify procedures for storage of oil debris pending disposal.
- b. If oil debris is determined to be hazardous, provide a vendor list to the RP for proper waste management.
- c. Issue emergency permits for treatment, storage, disposal, and transportation of debris from oil spill and associated clean-up activities.
- d. Provide vendor list to RP to facilitate cost assessment for proper waste management.
- e. Participate on the ETAG assisting the SERT Leader.
- f. Provide oversight for waste stream management.

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- g. Identify landfills that will accept oil contaminated solid waste and facilities/vendors that will accept and treat oil contaminated liquid waste.

WILDLIFE RESOURCES COMMISSION

- a. Render law enforcement assistance as requested by the SERT.
- b. Identify sensitive inland water habitats.
- c. Provide air, water, and land transportation as requested by the SERT.
- d. Provide sampling and monitoring assistance; act as lead agency concerning fish sampling from inland waters.
- e. Provide liaison to and carry out technical consultations with the US Fish & Wildlife Service and other appropriate Federal fish and wildlife specialists.
- f. Participate in the ETAG assisting the SERT Leader.
- g. Operate watercraft as directed by SERT Leader to support on-water operations such as booming as well as wildlife and waterfowl rescue.
- h. Restrict the taking of fish from inland waters suspected of contamination.
- i. In accordance with the US Fish and Wildlife Service's Wildlife Contingency Plan for North Carolina Coastal Areas 1995, cooperate with the US Fish and Wildlife Service. This Wildlife Contingency Plan describes the cooperative actions which will be implemented by the US Fish and Wildlife Services and the NC Wildlife Resources Commission in the event wildlife is threatened or harmed by an oil spill event in North Carolina. For details of this plan, contact the NC Wildlife Resources Commission, or the US Fish and Wildlife Commission.
- j. Calculate and communicate to the Planning and Assessment Branch of the Division of Coastal Management assessment of damage done to fish, wildlife and waterfowl from any State waters and/or adjacent habitat including calculation of values for litigation purposes.
- k. Act as liaison between the SERT and interested environmental and conservation groups.

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- l. Participate on the ETAG Team assisting the SERT Leader.
- m. Identify otherwise unaffected areas of inland waters and species and advise the public concerning their use.
- n. Participate in development of decision making methodology concerning use of dispersants and/or biological agents in inland waters.
- o. Provide liaison with the NC Division of Marine Fisheries for impacted areas and/or species from waters under the jurisdiction of both agencies.
- p. Provide watercraft and crews to support enforcement of USCG-initiated restrictions on waterway use.

C. SUPPORTING STATE AGENCIES

1. NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES (NCDNR)

DIVISION OF PARKS AND RECREATION (DPR)

- a. Provide to the SERT Leader technical advice on any issue concerning impact of spill on State park facilities.
- b. Evacuation of State parks when threats exist to public safety.
- c. Coordination with other law enforcement agencies.
- d. Provide areas on park property for use as assembly or staging areas for equipment and personnel.
- e. Provide transportation and communication within State park areas.
- f. Determine access points and routes least likely to harm park facilities and advise the SERT Leader of same.
- g. Provide a liaison to the SERT authorized to grant permission for response and cleanup activities as well as issue any required permits concerning State park facilities.

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- h. Advise the SERT Leader concerning damages to State park facilities due to spill.
- i. Provide liaison and carry out technical consultations with US National Park Service if a national park/seashore is threatened.
- j. Evaluate impact of spill on privately owned lands in the Natural Heritage program and serve as liaison between the owner and the SERT. Recommend appropriate cleanup actions on such lands.
- k. Advise the SERT Leader concerning protection of natural areas from oil spills.
- l. Participate on the ETAG assisting the SERT Leader.

2. NC DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (NCDA&CS)

EMERGENCY PROGRAMS DIVISION

- a. Coordinate food and agriculture response for DA&CS and partners.
- b. Provide veterinary expertise and coordinate animal response support as requested by NCDEQ.
- c. Provide SERT Liaison as needed.

FOOD AND DRUG PROTECTION DIVISION

- a. Assess the impact of spill on the edibility of food produced or gathered within the affected area.
- b. Restrict the sale, production and distribution, and warehousing of produce, and processed food products suspected of contamination.
- c. Provide food product sampling and monitoring assistance as requested by the SERT and within the scope of the competency of the laboratory.

FOOD DISTRIBUTION DIVISION

- a. Provide surplus food commodities for evacuees when directed.
- b. Coordinate with NGOs to provide meals and potable water.

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AGRONOMIC SERVICES DIVISION

- a. Assess the damage to agricultural lands and turf (golf courses) negatively impacted by the oil that is carried inland by winds and or flooding.
- b. Assess the impact of oil on water sources used for irrigation.
- c. Serve as technical resource for recovery of damaged agricultural lands and turf.

RESEARCH STATIONS DIVISION

- a. Provide open space for staging of equipment and personnel at the Tidewater Research Station in Plymouth, NC.

OFFICE OF THE COMMISSIONER

- a. Advise the SERT Leader concerning advisories to the public about safety of food products.
- b. Provide liaison with US Department of Agriculture and the US Food and Drug Administration on questions of food safety and acquisition of emergency food supplies.
- c. Monitor availability of food supplies in affected areas.
- d. Assist in public and media information through participation in the SERT and the Joint Information System (JIS).

NC FOREST SERVICE (NCFS)

- a. Provide heavy equipment for gaining access to remote or inaccessible spill locations.
- b. Within the available resources provide equipment and personnel for contaminated debris removal.
- c. Provide air and land transportation as directed by the SERT Leader.

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3. NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES (NCDNCR)

STATE HISTORIC PRESERVATION OFFICE (HPO)

- a. Identify sensitive terrestrial and submerged archaeological and historical areas.
- b. Advise the SERT Leader concerning impact of spill on known archaeological or historical sites.
- c. Inspect spill areas to determine presence and significance of historical or archaeological sites.
- d. Provide liaison on-scene to: assist the SERT in choosing least-impact access points and staging areas; monitor clean-up activities and advise the SERT concerning impact on archeological and historical sites by machinery and cleanup crews; assess potential for vandalism to burial sites and advise the SERT concerning security needs, and provide damage assessments.
- e. Serve as liaison with appropriate Federal officials concerning Section 106 of the National Historic Preservation Act.
- f. Participate on the ETAG to assist the SERT Leader.

OFFICE OF ARCHIVES AND HISTORY DIVISION OF STATE HISTORIC SITES

- a. Advise the SERT Leader concerning impact of spill on historic facilities owned by the State.
- b. Evaluate historic sites when circumstances warrant.
- c. Provide coordination with law enforcement agencies.
- d. Provide assembly or staging areas for equipment and personnel needed at other locations.
- e. Advise the SERT Leader concerning access points and routes least likely to harm historic sites owned by the State.
- f. Provide damage assessments to the SERT Leader.

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4. NC DEPARTMENT OF HEALTH AND HUMAN SERVICES (NCDHHS)

DIVISION OF SOCIAL SERVICES (DSS)

- a. Carry out appropriate sheltering activities.
- b. Support the American Red Cross and other agencies in shelter staffing at designated Red Cross Shelters.

DIVISION OF HEALTH SERVICE REGULATION (DHSR) OFFICE OF EMERGENCY MEDICAL SERVICES (OEMS)

- a. Provide leadership in coordinating and integrating the overall State efforts that provide medical assistance to a disaster-affected area.
- b. Coordinate and direct the activation and deployment of State resources of medical personnel, supplies, equipment, and pharmaceuticals with Public Health as needed.
- c. Assist in the development of local capabilities for the on-site coordination of all emergency medical services needed for triage, treatment, transportations, tracking, and evacuation of the affected population with medical needs.
- d. Establish and maintain the cooperation of the various State medical and related professional organizations in coordinating the shifting of Emergency Medical Services resources from unaffected areas to areas of need.
- e. Coordinate with the SERT Military Support Branch to arrange for medical support from military installations.
- f. Coordinate the evacuation of patients from the disaster area when evacuation is deemed necessary.
- g. Coordinate the catastrophic medical sheltering response by implementing the Medical Support Sheltering Plan.

DIVISION OF PUBLIC HEALTH (DPH)

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- a. Develop human health risk assessment for ingestion, inhalation, and direct contact related to the spill utilizing data and information provided by partners within the SERT.
- b. Develop and implement disease surveillance to determine the impact of the spill on human health.
- c. Assist in developing prevention messaging as a result of the risk assessment and surveillance activities.
- d. Provide technical support and expertise in the training of workers and of the public related to possible hazards related to the spill.
- e. Coordinate activities with local health departments.
- f. Coordinate public health nurses.
- g. Monitor health of shelter populations for potential infectious disease outbreaks.
- h. Coordinate well water testing for contaminants to render safe to drink after flooding.

5. DEPARTMENT OF ADMINISTRATION (DOA)

- a. Coordinate with the Human Relations Council to provide assistance and advice pertaining to non-discrimination and other similar activities during response and recovery operations.

6. NC DEPARTMENT OF COMMERCE (NCDOC)

ECONOMIC DEVELOPMENT PARTNERSHIP OF NC (EDPNC)

- a. Provide economic assessments of the impact of the spill on tourism.
- b. Prepare public information materials regarding the effect of the spill on tourism and travel in the State.
- c. Assist the SERT in assessing economic impact of a spill on affected local governments.
- d. Advise the SERT Leader on interim strategies for community economic maintenance until disaster recovery resources and operations are fully available.

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DIVISION OF EMPLOYMENT SECURITY (DES)

- a. Assist the SERT in locating cleanup personnel.
- b. Assess the impact on employment within the affected area.

7. NC DEPARTMENT OF JUSTICE (NCDOJ)

OFFICE OF THE ATTORNEY GENERAL

- a. Prosecution of civil cases including enforcement of cases, and litigation for recovery of damages arising from spills.
- b. Develop and assist local district attorneys in prosecution of criminal cases arising from spills.
- c. Assist in preparation of standard operating procedures for collection of evidence by agencies involved in assessment of damages to natural resources of the State.
- d. Provide technical assistance to the SERT during a Level 2 or 1 spill response regarding procedures to be followed to enhance cost recovery following the spill.
- e. Provide consultation and liaison with legal staff of the Federal OSC and legal representatives of the RP as needed.
- f. Request SBI assistance in criminal investigations related to an oil spill and coordinate SBI's activities with respect to investigation and potential prosecution related to the spill.
- g. Support the American Red Cross and other agencies in shelter staffing at designated Red Cross Shelters.

8. NC DEPARTMENT OF LABOR (NCDOL)

THE OCCUPATIONAL SAFETY AND HEALTH OFFICE (OSH)

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- a. Provide technical assistance and consultation in determination of the potential for, or cause of, worker illness, injury or death, related to oil spills.
- b. Provide technical assistance and consultation with regard to compliance with occupational safety and health standards.
- c. Provide technical assistance and consultation with regard to safety and health monitoring needs.
- d. Provide technical assistance with regard to appropriate safety and health measures.
- e. Provide technical assistance and consultation with regard to NIOSH training requirements.
- f. Enforce North Carolina occupational safety and health regulations, as warranted.
- g. Make technical assistance and consultative services available to the SERT Leader on request to the appropriate persons in the Department of Labor.

9. NC DEPARTMENT OF TRANSPORTATION (NCDOT)

DIVISION OF HIGHWAYS (DOH)

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

DIVISION OF FERRIES

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- a. Coordinate movement of ferries through affected waterways with USCG.
- b. Provide transportation or oil spill response personnel and equipment as needed.
- c. Assist in the evacuation of the affected population.

10. NC DEPARTMENT OF PUBLIC SAFETY (NCDPS)

STATE HIGHWAY PATROL (SHP)

- a. Isolate the impacted area as needed.
- b. Regulate motor vehicle traffic where indicated.
- c. Provide communications support as requested by the SERT Leader.

CIVIL AIR PATROL (CAP)

- a. Provide aircraft and crews for surveillance and reconnaissance.

STATE BUREAU OF INVESTIGATION (SBI)

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

NORTH CAROLINA NATIONAL GUARD (NCNG)

- a. Provide aviation and ground support as directed by the SERT Leader.
- b. Provide security at established shelters.

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11. UNIVERSITY OF NORTH CAROLINA SYSTEM (UNC SYSTEM)

**UNC SEA GRANT COLLEGE PROGRAM
UNC WATER RESOURCES RESEARCH INSTITUTE
UNC COASTAL STUDIES INSTITUTE
UNC-CH INSTITUTE OF MARINE SCIENCE
UNC-W CENTER FOR MARINE RESEARCH
ECU INSTITUTE FOR COASTAL SCIENCES AND POLICY
NCSU CENTER FOR MARINE SCIENCES AND TECHNOLOGY**

- a. Assist in assessing the impact of a major oil spill on the environment or on the health of North Carolina residents.

12. NORTH CAROLINA VOLUNTARY ORGANIZATIONS ACTIVE IN DISASTER MEMBER AGENCIES

- a. Assist in the staffing and maintenance of shelters.
- b. Provide water and other supplies at distribution points.

D. SUPPORTING FEDERAL AGENCIES

1. US ENVIRONMENTAL PROTECTION AGENCY (EPA)

- a. Provide the Federal On-Scene Coordinator for spills that occur in the inland waters.
- b. Coordinate, direct, and review the work of other agencies, responsible parties, and contractors to ensure compliance with the NCP, RCP and any other documents such as decision documents, consent decrees, administrative orders, and/or lead agency-approved plans.
- c. Notify the appropriate State and Federal agencies of any reported discharges or potential discharges.
- d. Determine whether proper response actions have been initiated. If the party responsible for the release or spill does not act promptly in accordance with directions of the OSC, or does not take appropriate actions, or if the party is unknown, the OSC shall respond in accordance with provisions of the NCP, RCP, ACP and agency guidance.

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- e. Collects pertinent information on the discharge or release: source and cause; responsible parties; nature, amount, location, direction, and time of discharge; pathways to human and environmental exposure; potential impact on and protection priorities for human health, welfare, and safety, and the environment; possible impact on natural resources and property, and estimated response costs.
- f. Consults with and informs RRT members of reported discharges and releases through Pollution Reports (POLREPs).
- g. Consults with the appropriate Regional or District office regarding situations potentially requiring temporary or permanent relocation. In the event of a declared Federal disaster, coordinates with the FEMA Federal Coordinating Officer (FCO) as appropriate.
- h. Appropriately addresses worker health and safety issues prior to and during a response operation.
- i. Coordinates with Scientific Advisors from various agencies, as the OSC deems necessary, regarding possible public health risks and environmental sensitivity.
- j. Support for hazardous materials and coordination with DEQ as well as the USCG.

2. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

- a. Provide financial support for damages to property.
- b. Educate State and local officials to inform of the assistance available and how to apply for it.
- c. Monitor recovery process to ensure the timely delivery of eligible assistance and compliance with the law and regulations.

3. US FISH AND WILDLIFE SERVICE (FWS)

- a. The Federal OSC may notify the Department of the Interior, Office of Environmental Policy and Compliance Regional Environmental Officer, who may coordinate a response team consisting of a Spill Response Coordinator and Field Response Coordinator. When activation, the team may provide an ecological risk assessment and identify endangered species that may be affected by the spill.

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4. UNITED STATES COAST GUARD (USCG)

- a. Support for hazardous materials along the coast.
- b. Search and rescue response.
- c. Serve as the Federal OSC for spills that occur in navigable waters, coastal waters, and deep water ports.
- d. Investigate and identify the source of the discharge or the potential discharge.
- e. Identify and notify the RP.
- f. Provide aerial support as required.

IV. CONCEPT OF OPERATIONS

A. GENERAL

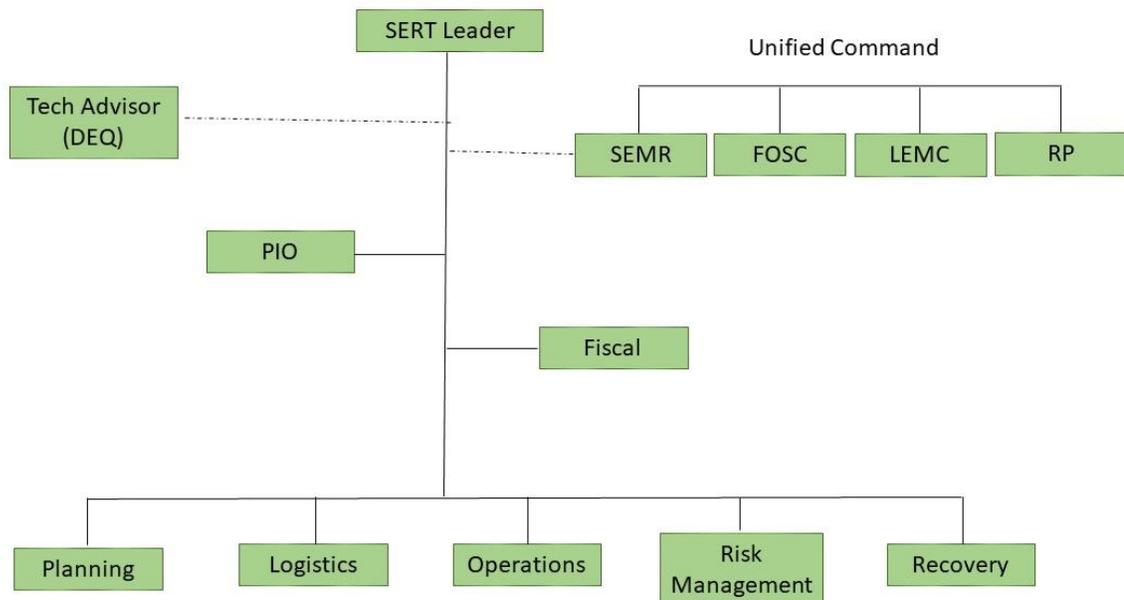
A multi-organizational oil spill response network will be deployed when oil poses a threat to the public health and welfare of the environment. Included in this network are resources of the Federal, State, and local governments, the RP, oil spill response contractors and cooperatives, and volunteer groups and individuals. The USCG or EPA using the Incident Command System (ICS) concept will lead this response.

Federal statutes and regulations require that any person in charge of a vessel or facility shall, as soon as he/she has knowledge of any discharge from such vessel or facility in violation of section 311(b)(3) of the Clean Water Act, immediately notify the National Response Center (NRC) or the USCG or EPA OSC for the geographic area where the discharge occurs.

On receipt of notification of a discharge, the NRC will promptly notify the appropriate Federal OSC, and the State EOC. The OSC shall ensure notification of the appropriate State agency of any State that is or may reasonably be expected to be affected by the discharge.

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B. RESPONSE ACTIONS

The RP is required to take immediate and effective actions to mitigate the effects of any spill and to cleanup and restore the incident site. While nearly all discharges will involve some level of response by appropriate governmental agencies, discharges which pose or present a substantial threat to public health or welfare will involve local, State, and Federal response personnel, and the RP, and will follow the priorities listed below:

- First: Protection of human life, health, and safety of the general public and the emergency personnel.
- Second: Protection of valuable environmental, cultural, historical and archeological resources.
- Third: Protection of business and commerce.

In any emergency event, the State will provide coordination of all measures taken with respect to public safety and protection.

Only properly equipped and trained personnel will be permitted to engage in containment, control or clean-up activities, whether such personnel are from Federal, State, or local agencies or from private contractors, cooperatives or volunteer organizations.

The State's response to an oil spill incident will be based on the following system to classify the severity of the release. On-scene personnel or the

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Unified Command shall advise the State EOC of the size of the spill and the NCEM Area Coordinator shall recommend to the SERT Leader a level to be assigned to the incident.

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

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

At any level of response, on-scene personnel are encouraged to advise NCEM if circumstances indicate the serious likelihood for further deterioration of the situation with regard to the size of the spill, increases in the area impacted, or unanticipated involvement of sensitive resources or vulnerable property.

- **Level 4** is a situation in which no oil has yet reached the waters of the State but there is significant potential for the spill to enter these waters. Under Federal terminology, this is a **potential oil spill** and the report given by the Federal authorities might also indicate a likely size of the spill. Therefore the information received might indicate a potential minor, potential medium, or potential major spill.
 - Response activities at **Level 4** will be undertaken by on scene Federal, State or local personnel toward the rescue of any endangered persons, followed by efforts at containment of the oil or hazardous substance in order to prevent a release into the waters. If available data indicates that the potential for a major spill is highly likely, appropriate State and local personnel will be notified of this potential.

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- Spill **Level 4** is designated as a situation in which no spill has occurred but there is a potential for a spill. The NCEM Emergency Management Officer (EMO) shall initiate notifications consistent with the current “Oil/Petroleum Spill” checklist found in the *Operations Guide*. At this level the EMO may also contact the USCG, EPA, or other organization which has personnel on scene, to determine the potential for a spill and its probable size.
- A **Level 3** oil spill emergency involves an incident in which oil or petroleum products are spilled in the following amounts:
 - Less than 10,000 gallons of oil or product enters the coastal or marine waters; or
 - Less than 1,000 gallons enter the inland waters
 - The Federal terminology for such a situation is a **minor spill**
 - For spills of **Levels 3-1** in State waters, the NCEM communications duty officer shall always contact either USCG Sector North Carolina [Command Center], or the EPA Region IV Telephone Duty OSC (See Tab D for telephone numbers), as appropriate, to determine if there is a need for NCEM and DEQ personnel to respond. If such a need arises, obtain the following information: (1) name of On-Scene Coordinator, (2) location of Command Post, (3) time of activation of Command Post.
 - State response in a **Level 3** oil spill may include the following steps:
 - a. Response by regional DEQ Division of Water Quality and an NCEM area coordinator
 - b. On scene efforts by Federal, State and local personnel towards rescue of endangered persons, containment of the spill, recovery of oil or product, and an appropriate assessment of potentially adverse environmental consequences
 - c. Notifications per the “Oil/Petroleum Spill” checklist.
 - d. Alert SERT Agencies
 - e. Alert ETAG
 - f. Additional response to the situation will be dictated by circumstances
- A **Level 2** oil spill involves:
 - Release of between 10,000 and 100,000 gallons in the marine or coastal waters; or

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- Between 1,000 and 10,000 gallons in the inland waters.
- The Federal terminology for such a situation is a **medium spill**
- State response in a **Level 2** oil spill may include the following steps:
 - a. Notifications per the “Oil/Petroleum Spill” checklist.
 - b. Level of SERT activation, including ETAG, at the discretion of the SERT Leader.
 - c. Additional response to the situation will be dictated by circumstances.
 - d. Response by regional DEQ Division of Water Quality and a NCEM Area Coordinator / Branch Manager.
- A **Level 1** oil spill involves the following spill:
 - More than 100,000 gallons of oil into the coastal or marine waters; or
 - More than 10,000 gallons of oil or product in the inland waters
 - The Federal terminology for such a situation is a **major spill**
 - **Level 1** spill is considered a major emergency. Significant State and local resources will be required, and the State EOC will be activated for the purposes of coordinating the response.

1. INITIAL

The initial public safety response is normally initiated by the local emergency response organizations. The RP’s initial response will be directed toward stopping the discharge, containing the discharged product, and commencement of cleanup and removal of the oil. Oversight and surveillance of the RP’s actions are done at the State and Federal levels.

When a discharge is within or potentially affecting the coastal waters of North Carolina, the initial response and monitoring of the RP’s response will be taken by the USCG. Response to discharges into or upon navigable waters in the inland zone will be monitored by an EPA OSC. The roles of both the USCG and EPA OSC are to ensure an effective and immediate removal of the discharge or mitigation or prevention of a substantial threat of a discharge. All of the actions by the Federal OSC will be closely coordinated with the NCEM Area Coordinator.

Through NCEM Area Coordinators or Regional Coordination Centers (RCC), the State will provide guidance and assistance to local government and volunteer agencies engaged in the response activities. When so directed by the SERT Leader, or if so requested by a county emergency management coordinator, the NCEM Area Coordinator in whose area the spill occurs, or

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duty area coordinator, will become the State Emergency Management On-Scene Representative (SEMR) and will coordinate the use of all State resources through the Unified Command system with the USCG or EPA Federal OSC as appropriate.

2. CONTINUING

For a discharge in which the party responsible is unable or unwilling to respond effectively, the State or Federal OSC, to the extent possible under the circumstances, will so advise the RP of his/her responsibilities. If the situation continues, the OSC shall take necessary response actions to include removing or arranging for the removal of the discharge through the appropriate DEQ division representative.

If the discharge results in a substantial threat to the public health or welfare of North Carolina, including but not limited to fish, shellfish, wildlife, other natural resources, and public and private beaches and shorelines, the Federal OSC, under the direction of the NCP, must direct all Federal, State, and private actions to remove the discharge or prevent the threat of such discharge. In such situations, North Carolina will assume a position of support to this response.

C. RECOVERY ACTIONS

1. INITIAL

If initial efforts to contain and control the release or spill are unsuccessful, the State's efforts will be principally directed toward supporting rapid and safe clean-up of the spilled material and the restoration of damaged natural and man-made resources to their normal state.

Volunteer and Donations Management will be conducted by the NC Commission on Volunteerism and Community Services under the Office of the Governor in accordance with the State Emergency Operations Plan. All volunteers handling or coming in contact with petroleum products must be appropriately trained and outfitted.

2. CONTINUING

Damage assessments will be conducted by Federal, State and local personnel within their areas of expertise or responsibility to determine the value of property and resources damaged or destroyed by the effects of the spill. The NCEM Recovery Section and DEQ will lead the State's damage assessment and restoration efforts, and will coordinate with the Federal and

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local agencies involved in assessing local damages.

The State will seek compensation for expenses and damages from the party responsible for the spill, and all such expenses and damages will be documented from the outset of the incident. States have access up to \$250,000, without a FOSC request, from the Federal Oil Spill Liability Trust Fund established under OPA'90, and administered by the National Pollution Funds Center.

V. DIRECTION, CONTROL AND COORDINATION

When the spill is within the inland zone under the jurisdiction of EPA, local government first responders will usually be the first government agencies on-scene. The local Incident Commander (IC) will attempt to contact the RP's representative and determine what threats exist to the health and safety of the local population. These threats may include the products involved, fire, explosion, and presence of airborne toxins.

If the RP is not present or available, the IC will establish a Command Post (CP) and initiate public safety protection actions under the Incident Command System (ICS). If the RP is represented and a CP has not already been established by the RP, the IC, in conjunction with the RP, will establish a CP and begin coordinating first response functions. Through this effort, the transition to a Unified Command (UC) begins.

Once public safety concerns have been addressed, local efforts will be concentrated on environmental and public health concerns until the arrival of a SEMR or Federal OSC. Direction and control of continuing local efforts will remain with the IC. On arrival of the State EMR, the ICS further transitions toward an UC. At this time, direction and control of the incident may be transferred to the State EMR if the IC so desires and the State EMR agrees. If the RP is not already represented at the CP, they should be encouraged to do so as soon as possible.

Depending on the location of the spill, the CP may be located at the RP's business location or at a site selected by the local IC. In any case, there will be only one CP.

On the arrival of the Federal OSC, a fully-functional UCS, consisting of the three levels of government and the RP, assumes overall management of the response to the spill. The UC overlay to the ICS provides a mechanism to involve all the stakeholders in the management of the response so that all responding agencies can work together to solve the common problems that arise during a significant spill. The NCP Section 300.305(c) stipulates where practicable, the framework for the response management structure is a system (e.g., a unified command system), that brings together the functions of the Federal government, the State government, and

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the RP to achieve an effective and efficient response, where the Federal OSC maintains authority.

Under section 311(c)(1) of the Clean Water Act (CWA), as amended, the Federal OSC has the authority to direct or monitor all Federal, State, and private actions to remove a discharge, and, in case of a substantial threat to the public health and welfare of the United States, the Federal OSC must direct such actions. The Federal OSC, in coordination with the State EMR, will assume responsibility for the environmental protection aspects of the response. The techniques and procedures to be used in containing, removing, and disposal of the spill will be determined cooperatively through the UC.

When the spill is within the jurisdiction of the USCG, the USCG has ultimate responsibility for final direction and control decisions after appropriate consultation with local government representatives, the State EMR, and the RP.

VI. REFERENCES

- A. Public Law 96-510, December 1980, Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), commonly known as Superfund.
- B. Public Law 99-499, October, 1986, Superfund Amendments and Reauthorization Act, Title III, Emergency Planning and Community Right to Know, also known as SARA Title III.
- C. Public Law 92-500, Federal Water Pollution Control Act, commonly known as the Clean Water Act (CWA) as amended.
- D. Public Law 101-380 August, 1990; commonly known as the Oil Pollution Act of 1990.
- E. Chapter 166A of the North Carolina General Statutes, North Carolina Emergency Management Act, as amended
- F. Chapter 143.215.75 et seq. of the North Carolina General Statutes, The North Carolina Oil Pollution and Hazardous Substances Control Act of 1978.
- G. 15A North Carolina Administrative Code 02A.0005(a)(Z)
- H. Executive Order 73, State of North Carolina.
- I. National Hazardous Substances Contingency Plan, 40 CFR, Part 300, September 1994.
- J. Federal Region IV Oil and Hazardous Substance Pollution Contingency Plan. December 1994.
- K. United States Coast Guard, Sector North Carolina Area Contingency Plan, December, 2006.
- L. United States Coast Guard, Sector Hampton Roads, Mid-Atlantic Area Contingency Plan, September, 2007.
- M. Common law, and any other State or Federal statutes, as applicable.

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- N. Technical Operating Procedures for State Access under Section 1012 (d) (1) of the
- O. Oil Pollution Act of 1990 (P.L. 101-380)

VII. TABS

- A. Oil Spill Communications
- B. USCG-EPA Boundary
- C. Oil Spill Telephone Alerts
- D. Dispersants and Bioremediation

OIL SPILL COMMUNICATIONS

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Notification of spills of oil or hazardous substances shall be made to North Carolina Emergency Management (NCEM) at 1-800-858-0368. This telephone number is answered at the State EOC 24 hours per day.

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

Coast Guard Radio

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

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

Private Sector Communications

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

Intersystem Coordination

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

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

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

USCG/EPA BOUNDARY IN NORTH CAROLINA

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Effective Date Note: By way of docket number USCG-2011-0368, 76 FR 26603, May 9, 2011, Sec. 3.25-20 was amended and reflected in paragraphs (III, IV & V) effective May 9, 2011. For the convenience of the user the revised text is set forth as follows:

33 CFR Sec. 3.25-20 USCG Sector North Carolina Marine Inspection Zone and Captain of the Port Zone. These are the only marine inspection and captain of the port zones in North Carolina.

Captain of the Port (COTP): Means any US Coast Guard commissioned, warrant or petty officer who has been authorized by the official Captain of the Port, North Carolina to act on his or her behalf. The official COTP for North Carolina is actually a commissioned US Coast Guard officer (Captain / O-6).

Coast Guard Sector North Carolina is located in Wilmington, NC. A subordinate unit, Sector Field Office (SFO) Fort Macon, is located in Atlantic Beach, NC. The COTP North Carolina (Wilmington, NC) will be the pre-designated OSC in the following areas within Federal Region 4. When a roadway is used to delineate a boundary, that boundary shall be to, but shall not include, the roadway.

The boundaries of Sector North Carolina's Marine Inspection Zone and Captain of the Port Zone start at the sea on the North Carolina-Virginia border at latitude 36°33'00" N, longitude 75°52'00" W, proceeding west along the North Carolina-Virginia boundary to the Tennessee boundary; thence southwest along the North Carolina-Tennessee boundary to the Georgia boundary; thence east along the North Carolina-Georgia boundary to the South Carolina boundary; thence east along the North Carolina-South Carolina boundary to the sea at latitude 33°51'04" N, longitude 78°32'28" W; thence southeast on a bearing of 122°T to a point at latitude 33°17'55" N, longitude 77°31'46" W; thence southeast to the outermost extent of the EEZ at latitude 31°42'32" N, longitude 74°29'53.3" W; thence northeast along the outermost extent of the EEZ to a point at latitude 36°33'00" N, longitude 71°29'34" W; thence west to the point of origin; and in addition, all the area described in paragraph (b) of this section.

In addition, Sector North Carolina is responsible for the Marine Inspection and COTP Zones, starting at a point at latitude 34°26'26" N, longitude 77°31'05" W at the intersection of the Pender County and Onslow County lines on the Atlantic Coast, proceeding north along the boundary of Pender County and Onslow County to the intersection of the Pender County, Duplin County, and Onslow County lines; thence north along the boundary of Duplin County and Onslow County to the intersection of the Duplin County, Onslow County, and Jones County lines; thence northwest along the boundary of Duplin County and Jones County to the intersection of the Duplin County, Jones County, and Lenoir County lines; thence northwest along the boundary of Duplin County and Lenoir County to the intersection of the Duplin County, Lenoir County, and Wayne County lines; thence west along the boundary of Duplin County and Wayne County to the intersection of the Duplin County, Wayne County, and Sampson County

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lines; thence north along the boundary of Sampson County and Wayne County to the intersection of the Sampson County, Wayne County, and Johnston County lines; thence west along the boundary of Sampson County and Johnston County to the intersection of the Sampson County, Johnston County, and Harnett County lines; thence southwest along the boundary of Sampson County and Harnett County to the intersection of the Sampson County, Harnett County, and Cumberland County lines; thence west along the boundary of Cumberland County and Harnett County to the intersection of the Cumberland County, Harnett County, and Moore County lines; thence south along the boundary of Cumberland County and Moore County to the intersection of the Cumberland County, Moore County, and Hoke County lines; thence west along the boundary of Hoke County and Moore County to the intersection of the Hoke County, Moore County, Richmond County, and Scotland County lines; thence southeast along the boundary of Hoke County and Scotland County to the intersection of the Hoke County, Scotland County, and Robeson County lines; thence southwest along the boundary of Robeson County and Scotland County to the intersection of the Robeson County, Scotland County, and North Carolina-South Carolina boundaries; thence southeast along the North Carolina-South Carolina boundary to a point at latitude 33°51'30" N, longitude 78°33'00" W along the North Carolina-South Carolina boundary; thence to the Atlantic Coast at latitude 33°51'04" N, longitude 78°32'28" W; thence southeast to a point on a bearing of 122° T at latitude 33°17'55" N, longitude 77°31'46" W; thence north to a point at latitude 34°26'26" N, longitude 77°31'05" W.

All spills originating from the Marine Transportation Related portion of a facility within the city limits of New Bern, Jacksonville, or Wilmington, NC will have USCG Sector North Carolina as the pre-designated OSC.



NORTH CAROLINA EMERGENCY OPERATIONS PLAN (NCEOP)

ANNEX B | APPENDIX 5 | TAB C

OIL SPILL TELEPHONE ALERT LIST

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Federal Agencies

USCG - National Response Center (NRC) Washington, D.C.	800-424-8802
USCG - Sector North Carolina (24-Hour) Wilmington, NC	910-343-3880 / 3881 / 3882
EPA Region IV Tel Duty OSC	404-562-8700

Neighboring States

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

NC State Agencies

DEQ/Wildlife Resources Commission (24-hour dispatch) Raleigh	919-707-0040 919-707-0047 919-707-0048 Fax 919-662-4385
DEQ/Marine Fisheries Division (24-hour dispatch) Morehead City	800-682-2632 252-726-7021 Fax 252-726-1654
University of North Carolina System UNC Water Resources Research Institute NC Sea Grant College Program UNC-W Chief Research Officer UNC-CH Institute of Marine Sciences ECU Inst. for Science and Policy ECU School of Medicine, Dean's Office	919-515-2815 919-515-2454 910-962-4117 252-726-6841 252-328-6220 252-816-2201

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

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1. General. The Division of Water Quality of the NC Department of Environmental Quality is responsible for advising the Federal OSC of the state's position on the use of dispersant and bioremediation techniques in response to oil spills. If dispersant or bioremediation techniques are being considered for use in a spill, the SERT representative from the Division of Water Quality should be consulted for information on products acceptable to the State and EPA as shown in the NCP Product Schedule.
2. When the OSC proposes the use of dispersants or requests the state's position on use of dispersants in any given oil spill situation, the Division of Water Quality will be contacted (919-733-5083).
3. NCGS 143-215.84(a) contains the following statement that requires the Environmental Management Commission to approve the usage of a dispersant. The Environmental Management Commission is a 15-member Commission appointed by the Governor, the Senate Pro Tempore and the Speaker of the House. They are responsible for adopting rules for the protection, preservation, and enhancement of the State's air and water resources.

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

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

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

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

Dispersant Information

- Dispersant proposed
- Toxicity information
- Proposed applicator

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

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- Proposed application rate
- Time frame for dispersant application

Incident Information

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

5. Applicability

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

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