

**VOLUME 7**

**“EMERGENCY PLANNING AND RESPONSE”**

**SUMMARY OF VOLUME 7 CHANGES**

Hyperlinks are denoted by *[bold, italic, blue and underlined font.](#)*

The original publication date of this Marine Corps Order (right header) will not change unless/until a full revision of the MCO has been conducted.

The date denoted by *blue font* (left header) will reflect the date this Volume was last updated.

All Volume changes denoted in *blue font* will reset to black font upon a full revision of this Volume.

VOLUME VERSION	SUMMARY OF CHANGE	ORIGINATION DATE	DATE OF CHANGES
ORIGINAL VOLUME	N/A	DD MMM YYYY	N/A

Submit recommended changes to this Volume, via the proper channels, to:

CMC (OFC CODE)  
 3000 Marine Corps Pentagon  
 Washington, DC 20350-3000

DISTRIBUTION STATEMENT A: Approved for public release; distribution is unlimited.

(This page intentionally left blank)

**VOLUME 7: EMERGENCY PLANNING AND RESPONSE**

**TABLE OF CONTENTS**

**REFERENCES.....REF-1**

**CHAPTER 1: SCOPE .....1-3**

    0101 PURPOSE .....1-3

    0102 APPLICABILITY .....1-3

    0103 BACKGROUND.....1-3

**CHAPTER 2: AUTHORITY .....2-3**

    0201 FEDERAL STATUTES .....2-3

**CHAPTER 3: REQUIREMENTS.....3-3**

    0301 GENERAL .....3-3

        030101 STATUTORY REQUIREMENTS .....3-3

        030102 REGULATORY REQUIREMENTS.....3-4

        030103 EXECUTIVE ORDER (E.O.) REQUIREMENTS.....3-4

        030104 DOD REQUIREMENTS .....3-5

        030105 INTEGRATED CONTINGENCY PLAN (ICP) GUIDANCE .....3-5

        030106 PROTECTIVE BOOMING .....3-6

    0302 SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) .....3-7

    0303 FACILITY RESPONSE PLANS (FRPs).....3-7

        030301 PURPOSE.....3-7

        030302 FACILITIES REQUIRES TO PREPARE FACILITY RESPONSE PLANS (FRPs).....3-7

        030303 NON-TRANSPORTATION-RELATED ONSHORE FACILITIES .....3-8

        030304 MARINE TRANSPORTATION-RELATED ONSHORE FACILITIES .....3-10

        030305 BULK PACKAGING CONTAINING OIL .....3-10

        030306 ONSHORE OIL PIPELINES.....3-11

**ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM**

**Volume 7**

**MCO 5090.2 – V7**

11 JUN 2018

030307 OIL COMPLEXES .....3-11

030308 REFERENCE.....3-12

0304 OIL AND HAZARDOUS SUBSTANCE SPILL CONTINGENCY PLANS (OHSSCPs) 3-12

030401 PURPOSE.....3-12

030402 FACILITIES REQUIRED TO PREPARE OHSSCPs.....3-12

030403 ON-SCENE COORDINATOR (OSC) PLANNING RESPONSIBILITIES .....3-12

030404 PLAN CONTENTS .....3-15

030405 PLAN CERTIFICATION .....3-15

030406 PLAN AMENDMENTS .....3-15

030407 REFERENCES .....3-15

0305 RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) FACILITY  
CONTINGENCY PLANS .....3-18

030501 PURPOSE .....3-18

030502 REGULATED FACILITIES .....3-18

030503 PLAN CONTENTS .....3-18

030504 PLAN CERTIFICATION .....3-19

030505 PLAN AVAILABILITY.....3-19

030506 PLAN AMENDMENTS .....3-20

030507 REFERENCE.....3-20

0306 CLEAN AIR ACT (CAA) RISK MANAGEMENT PLAN (RMP) .....3-20

030601 PURPOSE.....3-20

030602 FACILITIES REQUIRED TO IMPLEMENT AN RMP .....3-20

030603 HAZARD ASSESSMENT .....3-22

030604 RELEASE PREVENTION PROGRAMS .....3-22

030605 EMERGENCY RESPONSE PROGRAM .....3-22

**ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM**

**Volume 7**

**MCO 5090.2 – V7**

11 JUN 2018

030606 REGULATED SUBSTANCES FOR ACCIDENTAL RELEASE PREVENTION .....3-22

030607 RMP .....3-23

030608 RECORDKEEPING, PUBLIC INFORMATION, AIR PERMIT, AND AUDITING  
REQUIREMENTS.....3-23

0307 EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW (EPCRA)  
REPORTING .....3-24

030701 EPCRA SECTION 301 .....3-24

030702 EPCRA SECTION 302 .....3-24

030703 EPCRA SECTION 303 .....3-24

030704 EPCRA SECTION 304 .....3-24

030705 EPCRA SECTION 311 .....3-25

030706 EPCRA SECTION 312 .....3-25

030707 EPCRA SECTION 313 .....3-25

0308 RESPONSE TRAINING AND EXERCISES .....3-26

030801 TRAINING REQUIREMENTS .....3-26

030802 FACILITY RESPONSE PLAN (FRP) EXERCISES .....3-27

030803 REFERENCE.....3-27

0309 RELEASE NOTIFICATION REQUIREMENTS.....3-28

030901 RELEASE NOTIFICATION PURSUANT TO THE CWA .....3-28

030902 RELEASE NOTIFICATION PURSUANT TO COMPREHENSIVE  
ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT  
(CERCLA) .....3-28

030903 EMERGENCY RELEASE NOTIFICATION PURSUANT TO RCRA .....3-29

030904 RELEASE NOTIFICATION PURSUANT TO THE CAA .....3-29

030905 EMERGENCY RELEASE NOTIFICATION PURSUANT TO EPCRA .....3-29

030906 STORAGE TANK RELEASES .....3-30

**ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM**

**Volume 7**

**MCO 5090.2 – V7**

11 JUN 2018

0310 RESPONSE REQUIREMENTS .....3-30

    031001 RESPONSIBLE PARTY .....3-30

    031002 INCIDENT COMMAND SYSTEM (ICS).....3-30

    031003 OIL DISCHARGES .....3-30

    031004 HS RELEASES .....3-32

0311 NON-DOD RELEASE RESPONSE .....3-33

    031101 LOCAL RELEASES .....3-33

    031102 ASSISTANCE TO FEDERAL ON-SCENE COORDINATOR (OSC).....3-33

0312 MARINE CORPS NATURAL RESOURCE TRUSTEE RESPONSIBILITIES .....3-33

    031201 TRUSTEESHIP .....3-33

    031202 NATURAL RESOURCE DAMAGE ASSESSMENT (NRDA).....3-34

0313 MARINE CORPS ORGANIZATION FOR PLANNING AND RESPONSE .....3-35

0314 RELEASE NOTIFICATION TO THE CMC (LF)/MCICOM (GF).....3-36

0315 CONTINGENCY PLANNING .....3-36

0316 RESPONSE OPERATIONS .....3-37

0317 EPCRA .....3-38

0318 OIL SPILL RESPONSE PROGRAM .....3-40

FIGURE 3-1. RELATIONSHIPS OF CONTINGENCY AND RESPONSE PLANS .....3-9

FIGURE 3-2. MARINE CORPS OIL POLLUTION RESPONSE ORGANIZATION .....3-13

FIGURE 3-3. MARINE CORPS HS POLLUTION RESPONSE ORGANIZATION .....3-14

FIGURE 3-4. STANDARD REGIONAL BOUNDARIES OF EPA .....3-16

FIGURE 3-5. UNITED STATES COAST GUARD DISTRICT BOUNDARIES .....3-17

FIGURE 3-6. NATIONAL RESPONSE SYSTEM CONCEPTS: RESPONSE .....3-31

FIGURE 3-7. INCIDENT COMMAND SYSTEM .....3-32

**ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM**

**Volume 7**

**MCO 5090.2 – V7**

11 JUN 2018

**CHAPTER 4: RESPONSIBILITIES .....4-3**

0401 CMC (LF)/COMMANDER MCICOM (GF) .....4-3

0402 CG MARINE CORPS EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION.4-3

0403 COMMANDING GENERAL/COMMANDING OFFICER (CG/CO) OF MARINE CORPS  
INSTALLATIONS AND COMMARFORRES .....4-3

0404 UNIT/TENANT COMMANDERS .....4-6

**APPENDICES**

A FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD  
POLICIES .....A-1

REFERENCES

- (a) 42 U.S.C. 11001
- (b) Page 28642 of Volume 61, Federal Register, June 5, 1996 (61 FR 28642)
- (c) 33 U.S.C. 1251
- (d) 33 U.S.C. 2701
- (e) 42 U.S.C. 9601
- (f) 42 U.S.C. 6901
- (g) 42 U.S.C. 7401
- (h) E.O. 12088, "Federal Compliance with Pollution Control Standards," October 13, 1978
- (i) 7 U.S.C. 136
- (j) 33 U.S.C. 1401
- (k) Public Law 89-272, "Solid Waste Disposal Act of 1965," October 20, 1965
- (l) 42 U.S.C. 300f
- (m) 15 U.S.C. 2601
- (n) E.O. 12580, "Superfund Implementation," January 23, 1987
- (o) E.O. 12777, "Implementation of Section 311 of the Federal Water Pollution Control Act of 1972, as amended, and the Oil Pollution Act," October 18, 1991
- (p) E.O. 13693, "Planning for Federal Sustainability in the Next Decade," March 19, 2015
- (q) Council on Environmental Quality, "Instructions for Implementing E.O. 13693: Planning for Federal Sustainability in the Next Decade," June 10, 2015
- (r) 40 CFR 300
- (s) 40 CFR 112
- (t) 33 CFR 154
- (u) 49 CFR 194
- (v) 30 CFR 254
- (w) 40 CFR 68
- (x) 40 CFR 264
- (y) 40 CFR 265
- (z) 29 CFR 1910
- (aa) 49 CFR 130
- (ab) OPNAV Instruction 5090.1C, Chapter 15, "Hazardous Waste Management Ashore," October 30, 2007
- (ac) 40 CFR 58
- (ad) SECNAV M-5210.1
- (ae) 40 CFR 70
- (af) 40 CFR 71
- (ag) 40 CFR 355
- (ah) 40 CFR 370
- (ai) Department of Transportation, "National Preparedness for Response Exercise Program (PREP) Guidelines," August 2002
- (aj) 40 CFR 110
- (ak) 40 CFR 117
- (al) 40 CFR 116
- (am) 33 CFR 153
- (an) 40 CFR 302



**ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM**

**Volume 7**

**MCO 5090.2 – V7**

11 JUN 2018

- (ao) 40 CFR 310
- (ap) 43 CFR 11
- (aq) 15 CFR 990
- (ar) 42 U.S.C. 4321
- (as) 40 CFR 280
- (at) 49 CFR 171
- (au) 49 CFR 172
- (av) 49 CFR 173
- (aw) 46 CFR 7
- (ax) 33 CFR 80
- (ay) 40 CFR 113

**VOLUME 7: CHAPTER 1**

**“SCOPE”**

**SUMMARY OF SUBSTANTIVE CHANGES**

Hyperlinks are denoted by *bold, italic, blue and underlined font*.

The original publication date of this Marine Corps Order (MCO) Volume (right header) will not change unless/until a full revision of the MCO has been conducted.

All Volume changes denoted in blue font will reset to black font upon a full revision of this Volume.

CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

(This page intentionally left blank)

**CHAPTER 1**

**SCOPE**

0101 **PURPOSE**

This Volume establishes Marine Corps policy and responsibilities for compliance with statutory requirements for emergency planning and response. This Volume also identifies procedures for preventing oil discharges and hazardous substance (HS) releases to the air, land, and water and providing proper training for release response operations. It outlines the Marine Corps organizational structure for response to its own spills as well as to non-Marine Corps spills that occur on and off an installation. Finally, this Volume identifies the responsibilities of installation commanders; handlers of petroleum, oil, and lubricants and HSs; and response team members.

0102 **APPLICABILITY**

010201. See Volume 1, paragraph 0102.

010202. For Marine Corps activities outside the continental United States (OCONUS), international oil pollution laws require that marine oil spills that impact, or may impact, the waters or shoreline of any coastal nation shall be reported immediately to proper authorities in that nation.

0103 **BACKGROUND**

010301. Provisions within the major statutes, as described below, recognize the need for emergency planning for uncontrolled releases of pollutants to the Nation's air, land, and water. Accordingly, these statutes require facilities with the potential for such releases to develop procedures to prevent releases, to provide written emergency procedures, and to implement the response provisions in the event of a release. Further, Sections 11001 et seq. of Title 42, United States Code (42 U.S.C. 11001 et seq.) (also known and referred to in this Order as "Emergency Planning and Community Right-to-Know Act" (EPCRA)) (Reference (a)) requires that comprehensive information be provided to the public about potential hazards associated with toxic, hazardous, and extremely hazardous chemical releases.

010302. Many of these statutes contain overlapping requirements to prepare emergency plans and procedures, training, and recordkeeping and reporting. The National Response Team (NRT), on June 5, 1996, published its Integrated Contingency Plan (ICP) Guidance contained in Page 28642 of Volume 61, Federal Register (61 FR 28642) (Reference (b)), enabling facilities to meet multiple plan requirements in a single plan. Marine Corps installations are encouraged, as appropriate, to use this guidance.

010303. Many state regulatory programs contain provisions for oil and hazardous substance (OHS) spill contingency planning and for notification to state and local authorities when OHS spills occur. Most state regulations complement the federal OHS spill contingency planning and response efforts. However, some state regulations are more stringent than the federal requirements. Each Marine Corps installation should obtain copies of its respective state regulations to determine if it is subject to state requirements that go beyond the federal laws and regulations outlined herein.

**VOLUME 7: CHAPTER 2**

**“AUTHORITY”**

**SUMMARY OF SUBSTANTIVE CHANGES**

Hyperlinks are denoted by ***bold, italic, blue and underlined font.***

The original publication date of this Marine Corps Order (MCO) Volume (right header) will not change unless/until a full revision of the MCO has been conducted.

All Volume changes denoted in **blue font** will reset to black font upon a full revision of this Volume.

<b>CHAPTER VERSION</b>	<b>PAGE PARAGRAPH</b>	<b>SUMMARY OF SUBSTANTIVE CHANGES</b>	<b>DATE OF CHANGE</b>

(This page intentionally left blank)

**CHAPTER 2**

**AUTHORITY**

0201 **FEDERAL STATUTES**

020101. Water Quality Act of 1965 (Public Law 89-234); Water Quality Improvement Act of 1970 (Public Law 91-224); Federal Water Pollution Control Act of 1972, as Amended (33 U.S.C. 1251 et seq.); and Clean Water Act (CWA) of 1977, as Amended (33 U.S.C. 1251 et seq.).

020102. Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.).

020103. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as Amended (42 U.S.C. 9601 et seq.).

020104. Resource Conservation and Recovery Act (RCRA) of 1976 (42 U.S.C. 6901 et seq.).

020105. Clean Air Act (CAA) of 1970, as Amended (42 U.S.C. 7401 et seq.).

020106. EPCRA of 1986 (42 U.S.C. 11001 et seq.).



(This page intentionally left blank)

**VOLUME 7: CHAPTER 3**

**“REQUIREMENTS”**

**SUMMARY OF SUBSTANTIVE CHANGES**

Hyperlinks are denoted by *bold, italic, blue and underlined font*.

The original publication date of this Marine Corps Order (MCO) Volume (right header) will not change unless/until a full revision of the MCO has been conducted.

All Volume changes denoted in **blue font** will reset to black font upon a full revision of this Volume.

<b>CHAPTER VERSION</b>	<b>PAGE PARAGRAPH</b>	<b>SUMMARY OF SUBSTANTIVE CHANGES</b>	<b>DATE OF CHANGE</b>

(This page intentionally left blank)

**CHAPTER 3**

**REQUIREMENTS**

0301 GENERAL

030101. Statutory Requirements

The statutes discussed in paragraph 0201 require regulated Marine Corps-owned and -operated activities to develop and implement various emergency response plans (ERPs) and to conduct related activities:

A. Spill prevention, control, and countermeasure (SPCC) plans mandated by 33 U.S.C. 1251 et seq. (also known and referred to in this Order as CWA as amended) (Reference (c)).

B. Facility response plans (FRPs) mandated by 33 U.S.C. 2701 et seq. (also known and referred to in this order as “Oil Pollution Act”) (Reference (d)).

C. OHS spill contingency plans (OHSSCPs) mandated by the CWA and by 42 U.S.C. 9601 et seq. (also known as CERCLA as amended) (Reference (e)).

D. Hazardous waste (HW) facility contingency plans mandated by 42 U.S.C. 6901 et seq. (also known as RCRA as amended) (Reference (f)).

E. Air emissions RMPs mandated by 42 U.S.C. 7401 et seq. (also known as CAA as amended) (Reference (g)).

F. Notifying the State Emergency Response Commission (SERC) that the facility is subject to emergency planning requirements, designating a Facility Emergency Coordinator (FEC), and notifying the Local Emergency Planning Committee (LEPC) of the FEC's identity as mandated by Reference (a).

G. Participating in development of a community comprehensive emergency response plan mandated by Reference (a).

H. Filing an Emergency and Hazardous Chemical Inventory Form mandated by Reference (a).

I. Filing a Toxic Release Inventory (TRI) Reporting Form (Form R) mandated by Reference (a).

030102. Regulatory Requirements

This section discusses regulations promulgated by various federal agencies to implement the statutory requirements identified above. These agencies include the U.S. Environmental Protection Agency (EPA), the United States Coast Guard, the Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA), the Department of the Interior (DOI) Bureau

of Safety and Environmental Enforcement (BSEE), the Occupational Safety and Health Administration (OSHA), the National Oceanic and Atmospheric Administration (NOAA), and the DOI U.S. Fish and Wildlife Service (USFWS).

030103.        Executive Order (E.O.) Requirements

Several Executive Order (E.O.s) issued by the President direct executive agencies, including the military departments, to comply with applicable requirements of federal laws. The E.O.s pertaining to emergency planning and response are as follows:

A.        E.O. 12088 (Reference (h)) requires federal facilities to comply with pollution control requirements pursuant to References (c), (f), and (g), 7 U.S.C. 136 et seq. (also known and referred to in this order as “Federal Insecticide, Fungicide, and Rodenticide Act,” (FIFRA) as amended) (Reference (i)), 33 U.S.C. 1401 et seq. and 16 U.S.C. 1431 et seq. (also known and referred to in this order as “Marine Protection Research and Sanctuaries Act,” as amended) (Reference (j)), Public Law 89-272, “Solid Waste Disposal Act of 1965,” (Reference (k)), 42 U.S.C. 300f et seq. (also known and referred to in this order as “Safe Drinking Water Act”) (Reference (l)), and 15 U.S.C. 2601 et seq. (also known and referred to in this order as “Toxic Substances Control Act” (TSCA)) (Reference (m)).

B.        E.O. 12580 (Reference (n)) designates federal agencies that form the NRT. In addition to placing the Department of Defense (DoD) on the NRT, the President designates the Secretary of Defense (SECDEF) as a federal trustee for natural resources. The President further delegates response authorities for releases or threatened releases from or on federal facilities to the SECDEF.

C.        E.O. 12777 (Reference (o)) amends Reference (n) to implement provisions of Reference (d). Reference (o) also delegates the President's responsibilities for promulgating regulations pertaining to oil FRPs to the EPA Administrator and to the Secretary of the department in which the Coast Guard operates.

D.        E.O. 13693 (Reference (p)) and Council on Environmental Quality “Instructions for Implementing E.O. 13693, Planning for federal Sustainability in the Next Decade,” June 10, 2015 (Reference (q)) require all installations to comply with sections 301-313 of Reference (a).

030104.        Department of Defense (DoD) Requirements

Several directives and instructions issued by DoD, mandating the military departments to comply with applicable requirements of federal laws, pertain to emergency planning and response as follows:

A.        Oil and Hazardous Substance (OHS) Pollution Prevention and Contingency Program

A DoD OHS Pollution Prevention and Contingency Program is required of DoD installations for responding to OHS discharges in a manner consistent with Part 300 of Title 40, Code

of Federal Regulations (40 CFR 300) (also known and referred to in this order as “National Oil and Hazardous Substance Pollution Contingency Plan”) (Reference (r)). Regulated installations shall develop and implement SPCC plans and OHSSCPs.

B. Environmental Compliance

See Volume 4 of this Order for information on policy, responsibility, and procedures for achieving compliance with applicable E.O.s and federal, state, interstate, regional, and intrastate statutory and regulatory environmental requirements. DoD policy identifies the Department of the Navy as the DoD Executive Agent for the NRT and Regional Response Team (RRT).

C. Environmental Management

See Volume 2 of this Order for information on how emergency planning and response is required part of an effective installation Environmental Management System.

030105. Integrated Contingency Plan (ICP) Guidance

A. The NRT, in conjunction with representatives from state and local agencies, industry, and environmental groups, developed the ICP Guidance contained in Reference (b) to provide facilities with a way to consolidate multiple contingency plans into a single functional response plan. The EPA, DOT, DOI, and OSHA signed the ICP Guidance and agree that integrated response plans prepared in the format provided by Reference (b) will be acceptable and will be the federally preferred method of response planning.

B. The purposes of the ICP Guidance are to:

1. Provide a mechanism for consolidating multiple FRPs into one plan that can actually be used in an emergency.
2. Improve coordination of planning and response activities within the facility and with public and commercial responders.
3. Minimize duplication and simplify plan development and maintenance.

C. The ICP Guidance addresses planning requirements in the following federal regulations:

1. Sections 20 and 21 of 40 CFR 112 (Reference (s)), subpart F of 33 CFR 154 (Reference (t)), and 49 CFR 194 (Reference (u)), and 30 CFR 254 (Reference (v)).
2. Subpart G of 40 CFR 68 (Reference (w)), Reference (s), and subpart D of 40 CFR 264 (Reference (x)), and 40 CFR 265 (Reference (y)).
3. Sections 38, 119, and 120 of 29 CFR 1910 (Reference (z)).

D. The ICP Guidance format includes the following three sections:

1. Plan introduction.
2. A core plan that serves as the primary response tool.
3. A series of annexes that provide more detailed supporting information and regulatory compliance documentation.

E. The ICP Guidance format is based upon the Incident Command System (ICS). This organization allows the plan to dovetail with established response management practices, thereby promoting its usefulness in an emergency. The ICP Guidance format also promotes a system of linkages to facilitate coordination with other facility plans as well as external plans, such as the LEPC Comprehensive Emergency Response Plan and the Oil Pollution Act Area Contingency Plan (ACP).

F. Obtain copies of ICP Guidance via the Superfund, TRI, EPCRA, RMP & Oil Information Center through the EPA website.

030106. Protective Booming

Protective booming strategies shall be developed and implemented for petroleum, oil, and lubricant transfer operations when any of the following conditions exist:

- A. Protective booming is required by law or regulation.
- B. The nature or volume of fuels to be transferred is of sufficient magnitude that prudent operational risk management dictates that protective booming is required.
- C. When environmentally sensitive areas are likely to be negatively impacted in the event of a spill.
- D. When a potential spill could generate significant negative public perception or so adversely affect political relations with a host nation or local jurisdiction that continued port access may be jeopardized.

0302 SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC)

Refer to Volume 18 of this Order for SPCC requirements.

0303 FACILITY RESPONSE PLANS (FRPs)

030301. Purpose

The purpose of an FRP is to assure that appropriate successful removal actions can and will be initiated in response to oil discharges.

030302. Facilities Required to Prepare Facility response plans (FRPs)

Reference (d) amended section 311(d) of Reference (c) to require facilities to prepare contingency plans for “worst case” discharges and to demonstrate response capabilities through planning, equipment, training, and exercises. Facilities that store, transport, or handle oil and meet the threshold requirements of Reference (d) shall develop an FRP and review/revise the FRP within 60 days of each facility change that materially may affect the response to a worst case discharge. Facilities, as defined in Reference (d), subject to these requirements include the following:

- A. Non-transportation-related onshore facilities, regulated by EPA in section 20 of Reference (s).
- B. Marine transportation-related facilities, regulated by the Coast Guard in Reference (t).
- C. Facilities that manage bulk packaging containing oil, regulated by the DOT PHMSA in 49 CFR 130 (Reference (aa)).
- D. Onshore oil pipelines, regulated by the PHMSA in Reference (u).
- E. Offshore facilities and pipelines, regulated by the DOI BSEE in Reference (v).

030303. Non-transportation-Related Onshore Facilities

A. Reference (d) required facilities to submit oil response plans to EPA by February 18, 1993. Reference (d) also stated that a facility may operate without an EPA-approved response plan for up to two years after the facility submits the plan for review, provided that the owner or operator has certified, by contract or other approved means, the personnel and equipment availability necessary for a worst case discharge response.

B. EPA regulations in section 20 of Reference (s) require the owner or operator of any non-transportation-related onshore facility that, because of its location, might cause substantial harm to the environment by discharging oil into or upon navigable waters of the United States or adjoining shorelines to prepare an FRP that satisfies the requirements of section 20 of Reference (s), and to submit the plan to the cognizant EPA Regional Administrator.

C. Facilities that meet the following criteria, when applied in accordance with the flowchart in attachment C-I in Appendix C of section 20 of Reference (s), shall prepare and submit a response plan and conform to all applicable requirements in section 20 of Reference (s):

1. A facility that transfers oil over water to or from vessels and has a total storage capacity greater than or equal to 42,000 gallons (gal).
2. A facility with a total oil storage capacity greater than or equal to 1 million gal and which meets one of the four criteria provided in sections 12(f)(1)(ii)(A)-(D) of Reference (s).



D. The owner or operator of a facility located aboard a Marine Corps installation who determines that the facility, because of its location, is not expected to cause substantial harm to the environment by discharging oil into or upon United States navigable waters or adjoining shorelines shall complete and maintain at the facility the certification form contained in Appendix C of Reference (s). The owner/operator should also send a copy to the cognizant regulatory agency.

E. As required in section 20(g) of Reference (s), an FRP shall be consistent with the requirements of Reference (r) and the applicable ACP. It should also be coordinated with the local community emergency response plan developed by the LEPC pursuant to Reference (a). The facility shall review annually the relevant portions of Reference (r) and applicable ACP and, if necessary, revise its plan to ensure consistency with the two. Figure 3-1 depicts the relationships of these plans with the FRP.

F. The FRP shall follow the format outlined in Appendix F of section 20 of Reference (s). If it does not, the plan should at least include an emergency response action plan, as set forth in section 20(h)(1) of Reference (s), and be supplemented with a cross-reference section to identify the location of elements listed in paragraphs (h)(2) through (h)(10) of section 20 of Reference (s).

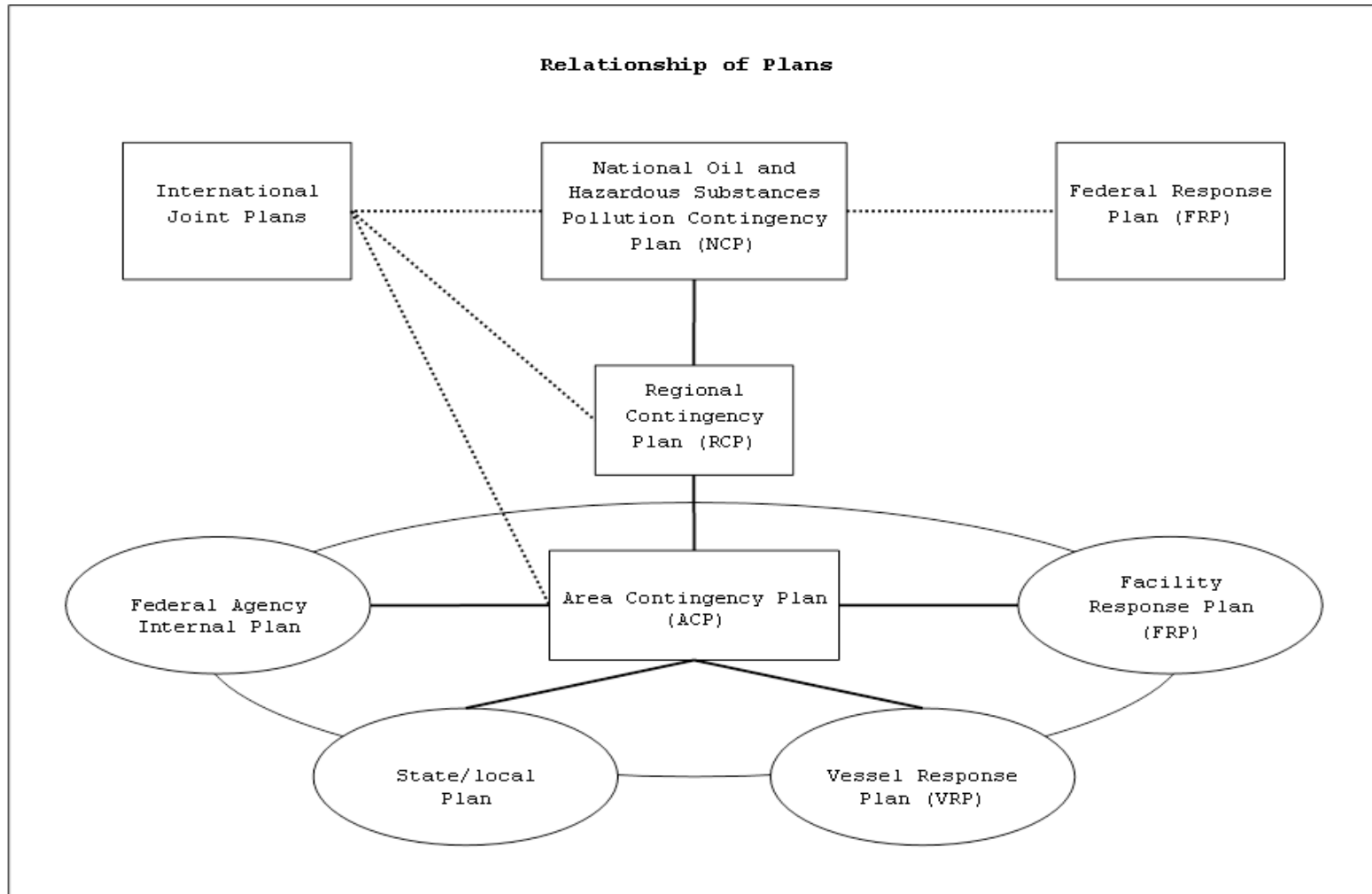


Figure 3-1.--Relationships of Contingency and Response Plans

030304. Marine Transportation-Related Onshore Facilities

A. Pursuant to Coast Guard regulations in Reference (t), an oil FRP is required of the owner or operator of any mobile or fixed facility that is capable of transferring bulk oil or hazardous material (HM) to or from a vessel with a capacity of 250 barrels (10,500 gal) or more and which, because of its location, might cause substantial harm to the environment by discharging oil into or upon navigable waters of the United States or adjoining shorelines.

B. The FRP shall follow the format outlined in subpart F of Reference (t) and shall be submitted to the appropriate Captain of the Port.

C. Section 1041 of Reference (t) contains specific response information which mobile facilities shall maintain.

D. As required in section 1050 of Reference (t), the response plan shall identify the training to be provided to each individual with responsibilities pursuant to the plan. It also shall detail the type and frequency of response drills to be conducted pursuant to the plan, which are specified in section 1055 of Reference (t). See section 1057 of Reference (t) for spill response equipment inspection and maintenance requirements.

030305. Bulk Packaging Containing Oil

A. PHMSA regulations in section 1 of Reference (aa) prescribe prevention, containment, and response requirements of the DOT applicable to oil transportation. Intended to prevent and contain spills of oil during transportation, these regulations apply to any petroleum oil in bulk packaging (i.e., cargo tanks, tank trucks, railroad tank cars, and portable tank cars), shipments with capacities of 3,500 gal or more, and oil bulk packaging shipments of 42,000 gal or more. This regulation applies to Marine Corps fuel storage and transportation equipment, such as 5,000-gal fuel tankers.

B. PHMSA regulations in sections 11 and 31 of Reference (aa) prohibit any person, including Marine Corps units and activities, from transporting oil in bulk packaging unless a readily available document indicating that the shipment contains oil is in the possession of the transport vehicle operator during transportation and the vehicle operator has a current written response plan. The regulations do not require the plan to be submitted to PHMSA unless the bulk packaging is greater than 42,000 gal.

C. As specified in section 31 of Reference (aa), the plan shall:

1. Describe the necessary response methods in the event of a discharge during transportation.
2. Account for the maximum potential discharge.
3. Identify who will respond to the discharge.

4. Identify the appropriate persons and agencies, including the National Response Center (NRC), to be contacted in the event of a discharge, along with their telephone numbers.

D. The owning unit or activity shall maintain a copy of the plan at its headquarters location and at each location where vehicle dispatching occurs.

E. Marine Corps installations through which a railroad passes that transport oil by train should request a copy of the railroad's response plan for the response zone in which the installation is located.

030306. Onshore Oil Pipelines

A. PHMSA regulations in Reference (u) require the owner or operator of any onshore pipeline that, because of its location, might cause substantial harm to the environment by discharging oil into or upon navigable waters of the United States or adjoining shorelines to prepare FRP that satisfies the requirements in section 20 of Reference (s) and to submit an FRP to PHMSA. Section 101 of Reference (u) specifies exceptions to this requirement.

B. Pipeline operators shall determine the worst case discharge in each response zone according to procedures specified in section 105 of Reference (u).

C. The FRP shall meet the requirements prescribed in section 107 of Reference (u), contain the information summary requirements specified in section 113 of Reference (u), and list response resources as required in section 115 of Reference (u).

D. Section 121 of Reference (u) specifies that response plans shall be reviewed every five years.

E. Marine Corps installations through which commercially-owned or -operated oil or HS pipeline pass should request a copy of the pipeline operator's response plan for the response zone(s) in which the installation is located.

030307. Oil Complexes

Oil complexes that are subject to the requirements of more than one federal agency and are required to develop response plans under each agency's regulations, can prepare a single plan using Reference (b), as discussed in paragraph 030105 of this Order. The plan can be supplemented with a cross-reference section to identify the locations of all required elements for each agency's regulation and, in the case of EPA requirements, include an emergency response action plan as specified in section 20(h)(1) of Reference (s). The plan should be submitted to each of the regulatory agencies.

030308. Reference

For more information on FRPs, refer to Office of the Chief of Naval Operations Instruction 5090.1C, Chapter 15 (Reference (ab)).

0304 OIL AND HAZARDOUS SUBSTANCE SPILL CONTINGENCY PLANS (OHSSCPs)

030401.      Purpose

The purpose of an OHSSCP is to identify those areas where spill incidents are likely to occur and to predetermine responses appropriate to future spills and releases.

030402.      Facilities Required to Prepare OHSSCPs

Any facility that stores oil or HSs and does not meet federal requirements for preparing an FRP (regardless of similar state requirements) shall maintain an OHSSCP, pursuant to Reference (r).

030403.      On-Scene Coordinator (OSC) Planning Responsibilities

A.      Section 120(c) of Reference (r) predesignates DoD as the federal OSC for HS releases when the release is on, or the sole source of the release is from, any DoD facility or vessel. The federal OSC directs response efforts and coordinates all other efforts at the scene of a discharge or release. In section 120(d) of Reference (r), DoD is also designated as the removal response authority for incidents involving DoD military weapons. Additionally, CERCLA enables federal OSCs to conduct cleanup.

B.      Since DoD does not provide federal OSCs for DoD component HS releases, the individual services predesignate and provide their own federal OSCs. The Commandant of the Marine Corps, Facilities and Services Division (CMC (LF))/Marine Corps Installations Command, Facilities Division (MCICOM) (GF)) has designated each installation's Commanding General/Commanding Officer (CG/CO) to serve as the federal OSC for Marine Corps HS releases originating aboard or threatening the installation. This authority may not be delegated. Figures 3-2 and 3-3 show the personnel relationships of the Marine Corps OSC for oil and HS pollution response incidents, respectively.

C.      As the federal OSC, the installation CG/CO should predesignate an On-Scene Commander (OSCDR) to manage and direct all response operations for the activity. The OSCDR should be accustomed to obligating and managing resources. The OSCDR leads the On-Scene Operations Team (OSOT); establishes a spill reporting center; notifies OSOT members of a spill; provides the initial response, containment, and emergency functions; delegates appropriate duties to support personnel; and keeps the installation DoD/Command Duty Officer informed.

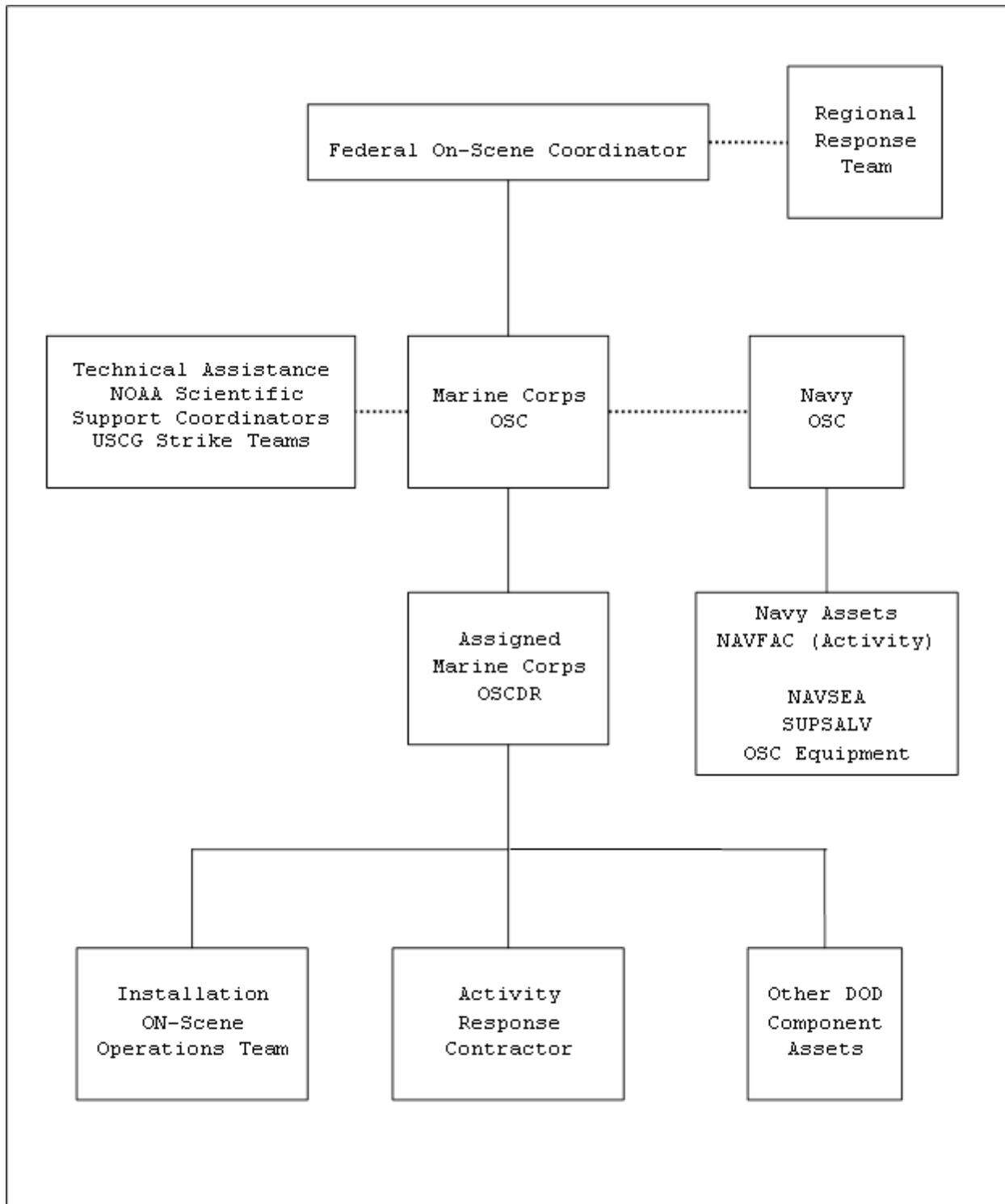


Figure 3-2.--Marine Corps Oil Pollution Response Organization

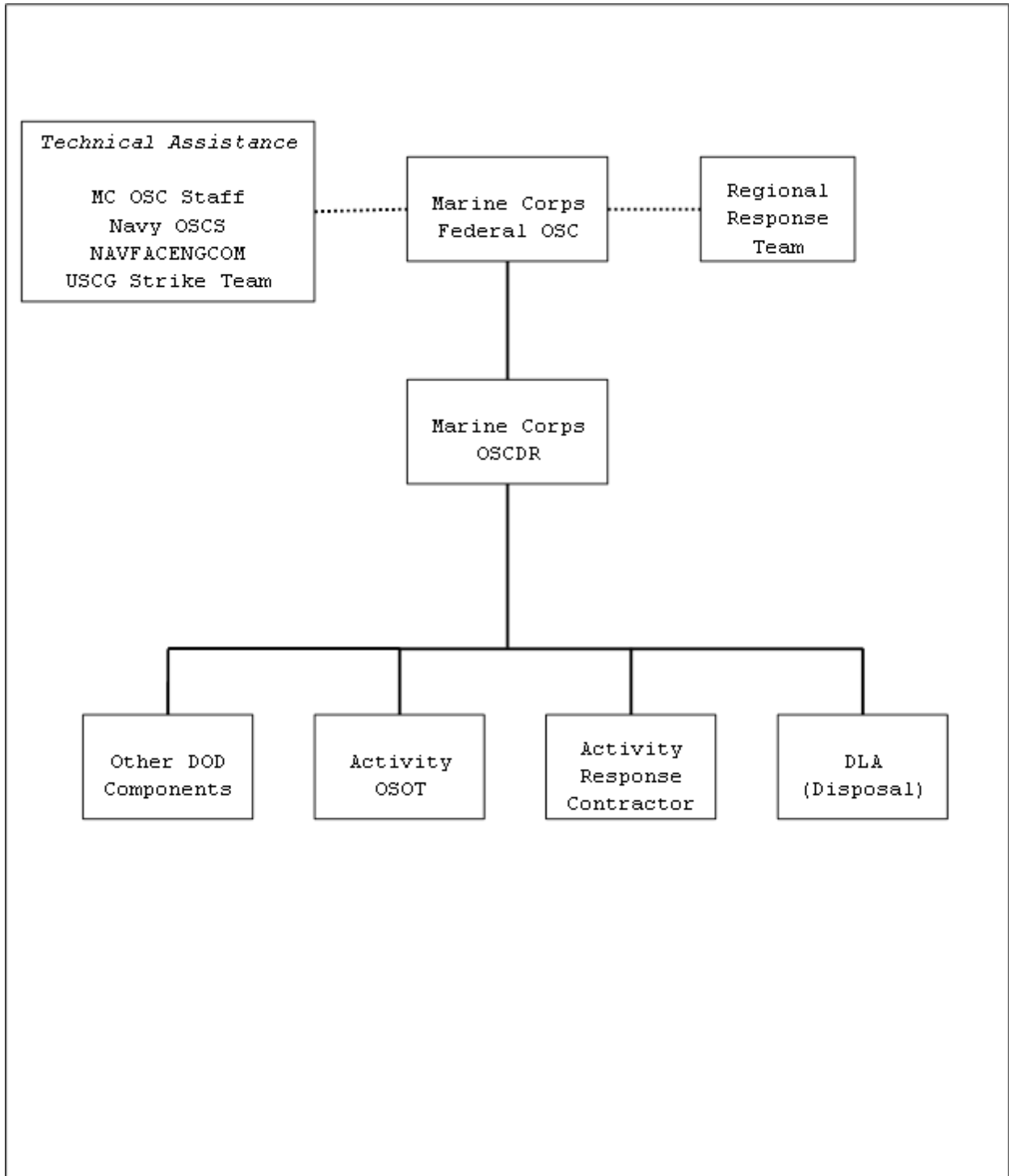


Figure 3-3.--Marine Corps HS Pollution Response Organization

D. In accordance with CWA and CERCLA, for oil releases, the federal OSC is the Coast Guard for coastal zones (releases into or upon the navigable waters of the United States, its contiguous zone (generally within 12 nautical miles of U.S. shores), and adjacent shorelines.) or EPA for inland zone releases. Agreements between EPA and the Coast Guard define the boundaries for federal response actions as identified in federal regional contingency plans.

E. Regulated installations shall develop and implement OHSSCPs. These plans shall be consistent with the relevant ACPs, as discussed in section 210 of Reference (r).

030404. Plan Contents

A. The OHSSCP shall be consistent with the applicable ACP as discussed in section 210 of Reference (r). To obtain a copy of the local ACP, installations located in the inland zone should contact the appropriate EPA regional office while installations located in the coastal zone should contact the appropriate Coast Guard Captain of the Port. Figures 3-4 and 3-5 display EPA Regions and Coast Guard Districts, respectively.

B. The OHSSCP should be compatible and coordinated with the LEPC Comprehensive Emergency Response Plan for the adjacent community. Compatibility is important because a Marine Corps incident could threaten surrounding areas and local agencies may need to request trained Marine Corps response personnel to assist during a nonmilitary incident. Marine Corps installations should contact the LEPC to obtain a copy of its response plan.

C. The OHSSCP should include information from RCRA facility plans for those facilities located aboard the installation.

030405. Plan Certification

OHSSCPs shall be approved by the installation CG/CO.

030406. Plan Amendments

The OHSSCP should be reviewed annually to incorporate any changes that have occurred in facilities aboard the installation, in the response organization, or in related plans.

030407. References

For guidance on developing and implementing OHSSCPs, refer to Reference (ab).



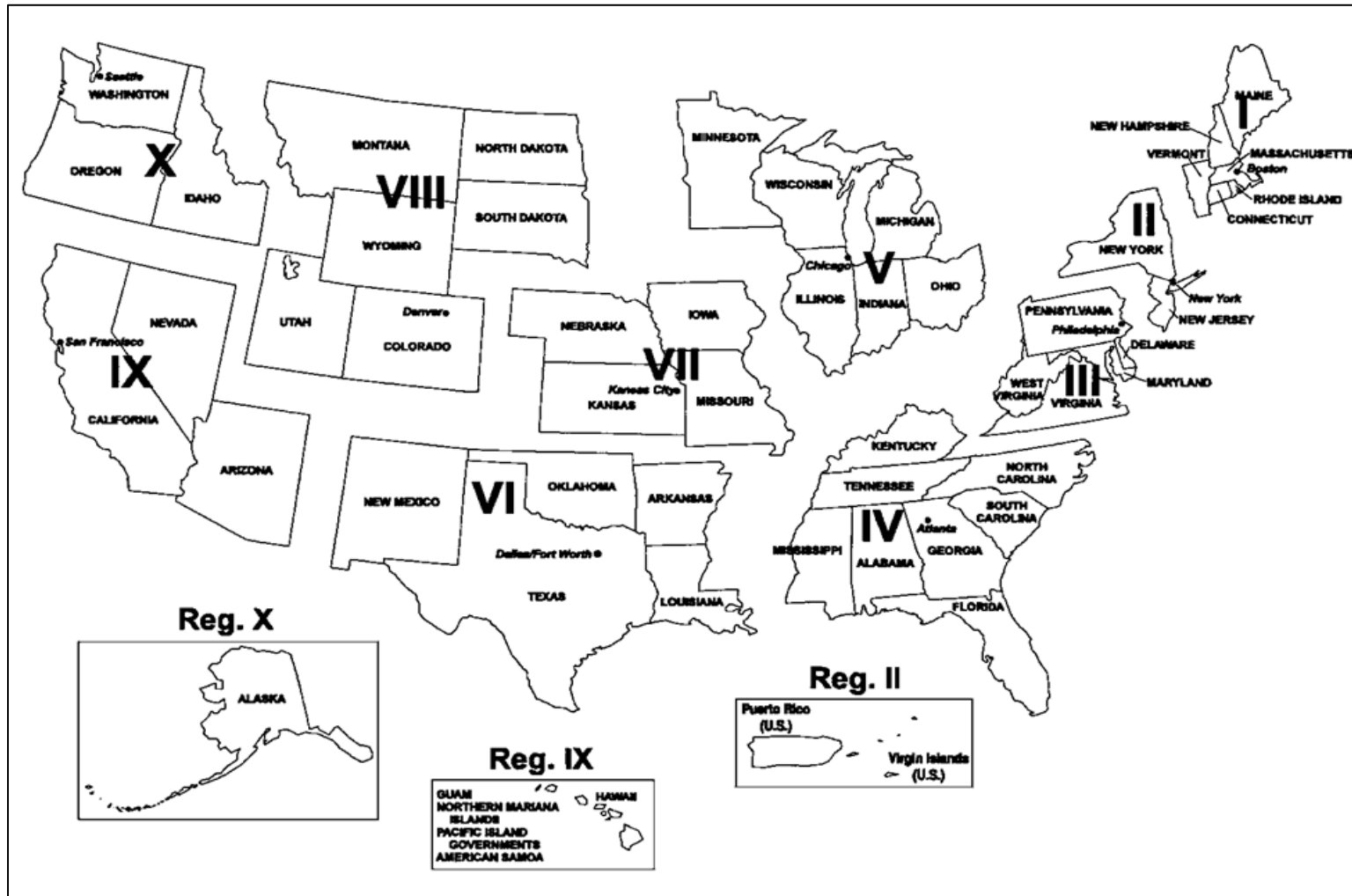


Figure 3-4.--Standard Regional Boundaries of EPA

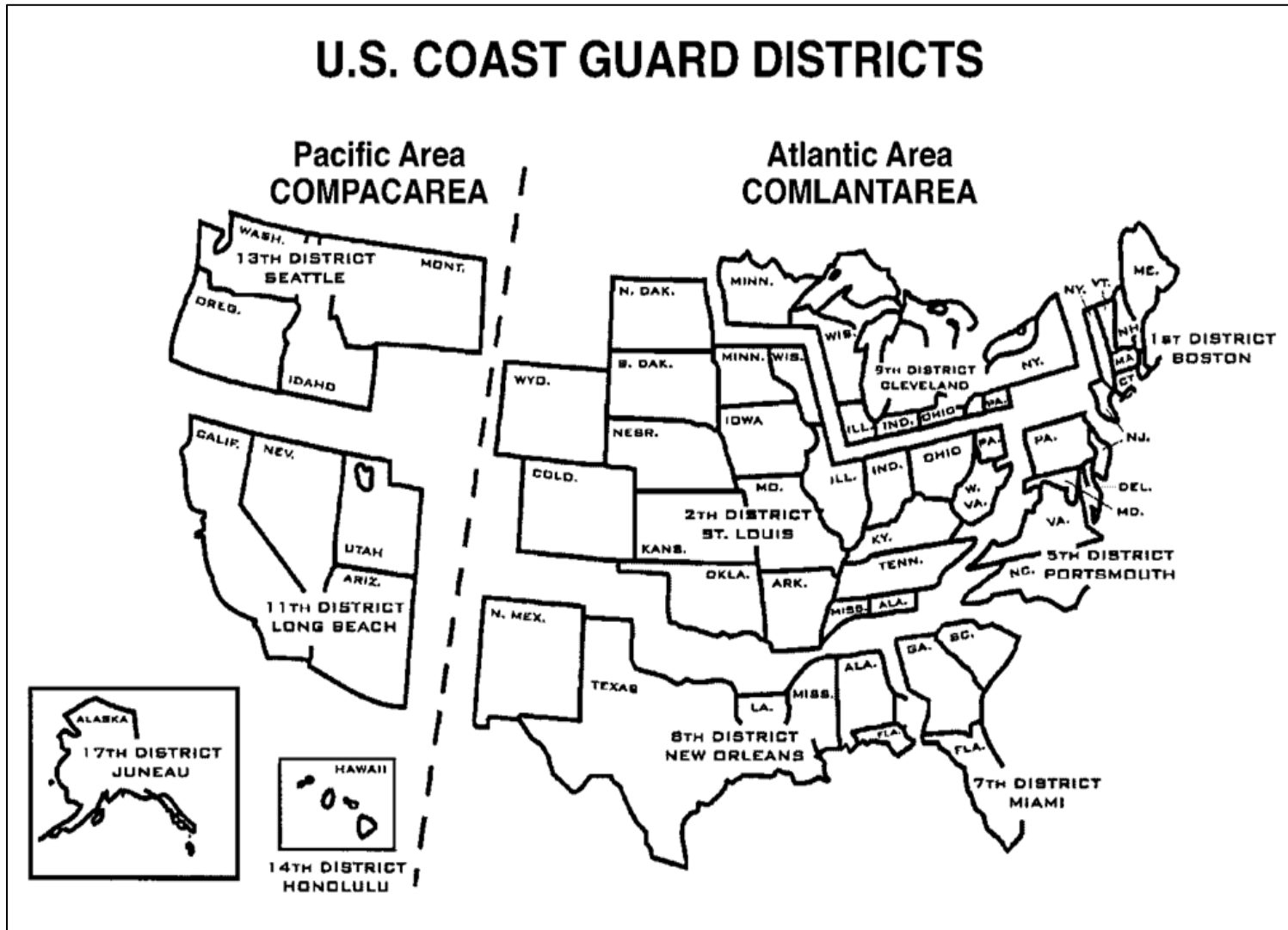


Figure 3-5.—United States Coast Guard District Boundaries

0305 RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) FACILITY CONTINGENCY PLANS

030501. Purpose

RCRA facility contingency plans exist to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of HW or HW constituents to air, soil, or surface water.

030502. Regulated Facilities

Owners and operators of permitted HW treatment, storage, and/or disposal facilities shall develop contingency plans in accordance with section 51 of Reference (x). Large quantity generators are also required to have formal written contingency plans and emergency procedures in the event of a spill or release pursuant to section 50 of Reference (y).

030503. Plan Contents

A. Section 52 of Reference (x) specifies the contingency plan's contents. In particular, the plan shall describe the actions that facility personnel shall take to be in compliance with the emergency procedures specified in section 56 of Reference (x).

B. The contingency plan shall include:

1. Personnel response action to fires, explosions, or unplanned sudden or non-sudden releases of HW.
2. Coordination of emergency response services with local and state entities.
3. Names, addresses, and phone numbers of emergency coordinators.
4. Emergency equipment at the facility (including location, physical description, and capabilities).
5. An evacuation plan.

C. If the activity already has a certified oil SPCC plan that complies with applicable requirements in section 7 of Reference (s), or a compliant OHSSCP, the existing plan can be amended, as noted in section 52(b) of Reference (x), to incorporate HW management provisions into the existing oil SPCC or OHSSCP plan.

D. The contingency plan also should incorporate OSHA requirements in section 120(p) of Reference (z) for an emergency response plan to protect facility operators. These requirements include:

1. Procedures for conducting pre-emergency planning and coordination with outside parties such as the SERC, LEPC, and local emergency response teams.

2. Personnel roles, lines of authority/command, and lines of communication.
3. Emergency recognition and prevention schemes.
4. Safe distances and places of refuge during an emergency situation.
5. Site security and access control.
6. Evacuation routes and procedures.
7. Decontamination procedures.
8. Emergency medical treatment and first aid.
9. Emergency alert and response procedures.
10. Critique of response actions and follow-up discussions.
11. Use of personal protective equipment and emergency equipment.

030504. Plan Certification

A. If the contingency plan is incorporated into an oil SPCC plan, it shall be recertified by a registered Professional Engineer (PE). Subsequently, the plan shall be reviewed, updated, and recertified by a registered PE at 3-year intervals. Tier I or II Qualified Facilities may self-certify SPCC plans in accordance with section 6 of Reference (s).

B. If the contingency plan is incorporated into an OHSSCP, it does not require certification by a registered PE. However, it shall be approved by the installation CG/CO.

030505. Plan Availability

A. As required by section 53 of Reference (x), maintain complete copies of the contingency plan and all revisions at the subject facility and submit it to all local police and fire departments, hospitals, and state and local emergency response teams that may provide assistance.

B. Provide copies of the plan to the installation fire department, the Provost Marshal's Office, the explosive ordnance demolition detachment, the Naval hospital or health clinic, and the public affairs office.

030506. Plan Amendments

Pursuant to section 54 of Reference (x), the owner or operator of a facility shall amend its contingency plan whenever one of the following occurs:

- A. The facility HW operating permit is revised.

- B. The plan fails in an emergency.
- C. The facility changes in its design, construction, operation, maintenance, or other circumstance in a manner that materially increases the potential for fires, explosions, or releases of HW or HW constituents, or in a manner that changes the type of emergency response necessary.
- D. The list of emergency coordinators changes.
- E. The list of emergency equipment changes.

030507. Reference

For information on incorporating HW management provisions into an existing SPCC plan or OHSSCP, refer to Reference (ab).

0306 CLEAN AIR ACT (CAA) RISK MANAGEMENT PLAN (RMP)

030601. Purpose

A CAA RMP provides facilities with an integrated approach to identifying and managing the hazards to human health or the environment posed by CAA-regulated substances. Section 130 of Reference (w) contains the list of regulated substances and threshold quantities for accidental release prevention.

030602. Facilities Required to Implement an RMP

- A. As required in section 10(a) of Reference (w), an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined by section 115 of Reference (w), shall comply with the RMP requirements no later than the latest of the following dates:
  - 1. June 21, 1999.
  - 2. Three years after the date on which a regulated substance is first listed in section 130 of Reference (w).
  - 3. The date on which a regulated substance is first present above a threshold quantity in a process.
- B. Covered processes fall into one of three program categories, as specified in section 10 of Reference (w):
  - 1. Program 1 for processes with low risk.
  - 2. Program 2 for processes with moderate risk.

3. Program 3 for processes with high risk, such as those in petroleum refineries, chemical manufacturing plants, and pulp mills.

C. A Marine Corps process is eligible for Program 1, as provided in section 12(b) of Reference (w), if it meets all of the following requirements:

1. For the five years prior to the submission of an RMP, the process has not had an accidental release of a regulated substance where exposure to the substance, its reaction products, overpressure generated by an explosion involving the substance, or radiant heat generated by a fire involving the substance led to any of the following events offsite: death, injury, or response or restoration activities for an exposure of an environmental receptor.

2. The distance to a toxic or flammable endpoint for a worst case release assessment conducted in accordance with subpart B and section 25 of Reference (w), is less than the distance to any public receptor, as defined in section 30 of Reference (w).

3. Emergency response procedures have been coordinated between the stationary source and local emergency planning and response organizations.

D. When a covered process no longer meets the eligibility criteria of its program level, the owner or operator shall comply with the requirements of the new program level that applies to the process and update the RMP as provided in section 190 of Reference (w).

E. In accordance with the general requirements specified in section 12 of Reference (w), the owner or operator of a covered stationary source shall submit a single RMP, as provided in sections 150 to 185 of Reference (w). Additional requirements for each of the three program requirements also are contained in section 12 of Reference (w). The RMP shall include a registration that reflects all covered processes.

F. The owner or operator of a stationary source with processes subject to Program 2 or Program 3 requirements shall develop a management system to oversee the implementation of the RMP elements, as required in section 15 of Reference (w).

030603. Hazard Assessment

A. Subpart B of Reference (w) contains requirements for conducting a hazard assessment for each regulated substance present at the stationary source above the threshold quantity. The purpose of each hazard assessment is to evaluate the impact of significant accidental releases of regulated substances on the public and environment.

B. Owners and operators of Program 1 processes shall analyze and report in the RMP one worst case release scenario for each Program 1 process as provided in section 25 of Reference (w) and shall complete the 5-year accident history as provided in section 42 of Reference (w). The owner or operator of a Program 2 or 3 process shall comply with all sections in subpart B for these processes.

030604. Release Prevention Programs

Owners and operators of covered processes shall implement a multi-element prevention program tailored to suit the degree of hazards present at the source and the degree of complexity of the source's operations. While Program 1 facilities have no such requirements, subparts C and D of Reference (w) specify the requirements for Program 2 and Program 3 prevention programs.

030605.        Emergency Response Program

Subpart E of Reference (w) contains emergency response requirements for Program 2 and Program 3 processes. An emergency response program is required to prepare for response to, and mitigation of, accidental releases in order to limit the severity of such releases and their impact on the public health and environment.

030606.        Regulated Substances for Accidental Release Prevention

Subpart F of Reference (w) designates substances to be listed pursuant to section 112(r) of the Reference (g), identifies their threshold quantities, and establishes the requirements for petitioning to add or delete substances from the list.

030607.        RMP

A.        The owner or operator shall submit a single RMP that includes the information required by subpart G of 40 CFR 58 (Reference (ac)) for all covered processes to a central point in a method and format as specified by EPA as of the date of submission. The facility owner or operator shall submit the first RMP no later than the latest of the following dates:

1. June 21, 1999.
2. Three years after the date on which a regulated substance is first listed pursuant to section 130 of Reference (w).
3. The date on which a regulated substance is first present above a threshold quantity in a process. Subsequent submissions of RMPs shall be in accordance with section 190 of Reference (w).

B.        The RMP shall exclude classified information. Classified data or information excluded from the RMP may be made available in a classified annex to the RMP for review by federal and state representatives who have received the appropriate security clearances.

030608.        Recordkeeping, Public Information, Air Permit, and Auditing Requirements

A.        The stationary source owner or operator shall retain records supporting the implementation of the RMP. These records shall be retained as specified in section 200 of Reference (w) and pursuant to SECNAV M-5210.1 (Reference (ad)).

B.        Although section 210 of Reference (w) requires that the RMP be made available to the public, Marine Corps facilities do not have to disclose classified information except as controlled by applicable laws, regulations, or E.O.s concerning its release.

C. Permit content and air permitting authority or designated agency requirements apply to any stationary source subject to Reference (w) and 40 CFR 70 (Reference (ae)) or 40 CFR 71 (Reference (af)). These requirements are specified in section 215 of Reference (w).

D. The implementing agency can conduct periodic audits of the RMP in addition to requiring revisions when necessary to ensure compliance with subpart G of Reference (w), as specified in section 220 of Reference (w).

**0307 EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW (EPCRA) REPORTING**

In compliance with Reference (p), sections 2(e)(i), 3(a)(vi), and 3(g) and Reference (q), all federal agencies are required to comply with the provisions in sections 301-304 and 311-313 of Reference (a), all implementing regulations, and future amendments.

030701. EPCRA Section 301

Section 301 requires the establishment of SERCs, emergency planning districts, and LEPCs. In designating emergency planning districts, the SERCs shall indicate which facilities subject to Reference (a) are within the planning district and appoint the members of the LEPC for each emergency planning district. Marine Corps facilities subject to EPCRA reporting requirements shall be represented on the local committee. Responsibilities of the LEPC are to provide public notification of committee activities, hold public meetings to discuss the emergency plan, receive and respond to public comments on the plan, receive and process requests for information, and distribute the emergency plan.

030702. EPCRA Section 302

A facility that has present onsite any extremely hazardous substance (EHS) in a quantity greater than the applicable threshold planning quantity (TPQ) will provide one-time notification to the SERC and LEPC that the facility is subject to the emergency planning requirements of Reference (a) for that substance. Thereafter, if an EHS becomes present at the facility in excess of its TPQ, or if the EHS list is revised and the facility has present an EHS in excess of the TPQ, the facility shall notify the SERC and LEPC within 60 days after becoming subject to the requirements.

030703. EPCRA Section 303

A covered facility will provide any emergency planning information requested by the LEPC for developing and implementing the LEPC's emergency plan, to the extent practical, while taking into consideration national security issues. At a minimum, a facility subject to EPCRA reporting requirements will appoint an FEC, a facility representative to serve as a liaison with the LEPC, and notify the LEPC of that representative.

030704. EPCRA Section 304

A facility where an EHS or CERCLA HS is produced, used, or stored will provide an immediate verbal and written follow-up notice, as soon as practical, of a substance released over a



24-hour period, to any environmental media, that exceeds the established reportable quantity (RQ) to all SERCs and all LEPCs for areas likely to be affected by the release. This notice does not relieve the facility of any notification requirements covered by other environmental regulations. Releases that result in exposure to personnel solely within the boundaries of the facility do not require notification to the LEPC or SERC regardless of whether the RQ for the substance was exceeded. Notification to the LEPCs or SERCs is not required for releases exempted by section 40 of 40 CFR 355 (Reference (ag)). CERCLA and EPCRA RQs have similar reporting obligations, but a substance can be covered by both, CERCLA only, EPCRA only, or neither. If the substance is covered by both CERCLA and EPCRA, it shall be reported to the NRC, SERC, LEPC, and the appropriate fire departments. If a substance is covered by CERCLA only, it shall be reported only to the NRC. If a substance is covered by EPCRA only, it shall be reported to SERC, LEPC, and the appropriate fire departments. If the substance is neither covered by CERCLA nor EPCRA, none of these reporting requirements apply.

030705.        EPCRA Section 311

A facility is required to submit applicable Material Safety Data Sheets (MSDSs) or Safety Data Sheets (SDS), or a list of the hazardous chemicals (HCs) present onsite, grouped by hazard category, to the SERC, LEPC, and the fire department with jurisdiction over the facility. This is a one-time requirement for submittal, unless the chemical or product changes.

- A.        If the HCs present onsite are greater than or equal to 10,000 pounds (lb), or the HCs are EHSs and the amount present onsite is greater than or equal to 500 lb (or approximately 55 gal), or its TPQ (whichever is less).
- B.        If the HCs present onsite require an MSDS/SDS pursuant to OSHA.
- C.        If a newly-identified chemical is discovered at the facility, an MSDS/SDS or revised list of HCs shall be submitted within 3 months to the SERC, LEPC, and the local fire department.

030706.        EPCRA Section 312

A facility meeting section 311 reporting requirements shall submit an annual Emergency and Hazardous Chemical Inventory Form (Tier I or Tier II) for applicable HCs to the LEPC, State Emergency Planning Commission, and local fire departments. The annual submission is due by March 1 for the previous calendar year.

030707.        EPCRA Section 313

All Marine Corps installations in the customs territory of the United States shall comply with section 313 of Reference (a) in accordance with DoD policy and guidance, available from the Defense Environmental Network Information Exchange website. A facility meeting section 313 reporting requirements shall annually submit a TRI Report (Form R). All Marine Corps installations required to submit a TRI Report to EPA shall use the EPA TRI reporting software to prepare electronic format submittals. A copy of the electronic TRI Report submittal shall be provided to the CMC (LF)/MCICOM (GF) concurrent with their submission to EPA. The annual submission is due

by July 1 for the previous calendar year. For more information on EPA's TRI Program, visit the EPA website.

0308 RESPONSE TRAINING AND EXERCISES

030801. Training Requirements

A. Train Marine Corps installation response personnel in compliance with the OSHA requirements specified in section 120(e) of Reference (z).

B. For SPCC plans, refer to Volume 18 of this Order.

C. For oil FRPs, the following training requirements apply to each facility:

1. Non-transportation-related onshore facilities regulated by EPA, pursuant to section 21(b) of Reference (s), shall develop and implement a facility response training program and a drill/exercise program. Section 21(b) of Reference (s) recommends basing the program upon the Coast Guard's Training Elements for Oil Spill Response, as applicable to facility operations.

2. For marine transportation-related facilities regulated by the Coast Guard, section 1050 of Reference (t) identifies training requirements for facility response personnel.

3. For bulk packaging containing less than 42,000 gal of oil regulated by PHMSA, pursuant to Reference (aa), the response plan need not describe the training for response personnel.

4. For onshore oil pipelines, pursuant to section 117 of Reference (u), operators shall conduct appropriate training for each individual with responsibilities pursuant to the plan and shall maintain proper records for this training pursuant to Reference (ad), SSIC 1510.4 for enlisted personnel, 1520.1 for officers, and 12410.4 for civilian personnel.

D. Reference (r) does not specify training requirements for OHSSCPs.

E. For RCRA facility contingency plans, section 16 of Reference (x) specifies requirements for training HW facility personnel.

F. For CAA risk management programs, sections 54 and 71 of Reference (w), respectively, provide training requirements as part of the Program 2 and Program 3 prevention programs. In addition, section 95 of Reference (w) would require the facility owner or operator to train all employees in relevant emergency response.

G. References (ag) or 40 CFR 370 (Reference (ah)) do not specify training requirements for facilities subject to Reference (a).

030802. Facility response plans (FRP) Exercises

A. For oil FRPs, facility drilling, and exercise requirements follow:

1. For non-transportation-related onshore facilities regulated by EPA, section 21(c) of Reference (s) requires the facility owner or operator to develop a program of facility response drills/exercises, including evaluation procedures. A program that follows the National Preparedness for Response Exercise Program meets this requirement.

2. For marine transportation-related facilities regulated by the Coast Guard, section 1055 of Reference (t) identifies drill requirements which shall be included within the FRP.

3. For bulk packaging containing less than 42,000 gal of oil regulated by PHMSA, Reference (aa) does not require drill information in the response plan.

4. For onshore oil pipelines, section 107(c)(1)(ix) of Reference (u) requires the FRP to contain a section on the drill program.

B. Although section 212 of Reference (r) requires OSCs to conduct periodic drills of removal capability without prior notice, these requirements are designed for federal OSCs in areas for which ACPs are required. Marine Corps OSCs, however, should conduct annual “no notice” drills to ensure that their OSCDRs and OSOTs are prepared to respond to OHS releases.

C. No exercise requirements are specified for RCRA facility contingency plans. However, section 33 of Reference (x) requires testing of facility alarm and communications systems, fire protection and spill control equipment, and decontamination equipment in order to ensure proper operation.

D. Section 95(a)(2) of Reference (w) provides drilling requirements to test and inspect emergency response equipment used for CAA risk management programs.

E. References (ag) or (ah) do not specify exercise requirements for facilities subject to Reference (a).

030803. Reference

Department of Transportation, “National Preparedness for Response Exercise Program (PREP) Guidelines,” August 2002 (Reference (ai)) establishes consistent national standards for all exercises and minimum guidelines for ensuring overall preparedness within the response community. These guidelines can be obtained by contacting the TASC DEPT Warehouse, 33141Q 75th Avenue, Landover, Maryland; via fax at (301) 386-5394; or via the Internet on the U.S. NRT website.

0309 RELEASE NOTIFICATION REQUIREMENTS

030901. Release Notification Pursuant to the CWA

A. EPA regulations in section 10 of 40 CFR 110 (Reference (aj)) and section 21 of 40 CFR 117 (Reference (ak)) specify the CWA notification requirements for oil discharges and HS releases, respectively. Immediately report all harmful quantity oil discharges and all RQ HS releases to waters of the United States from a vessel, offshore facility, or onshore facility to the NRC at Coast Guard Headquarters at (800) 424-8802 or (202) 372-2428 by voice communication.

1. Harmful quantities of oil (and oil-derived petroleum, oil, and lubricant) discharged to navigable waters are those amounts which, according to section 3 of Reference (aj), violate applicable water quality standards; cause a film on, sheen upon, or discoloration of the water surface or adjoining shorelines; or cause sludge or emulsion to be deposited beneath the water surface or upon adjoining shorelines.

2. EPA regulations in section 4 of 40 CFR 116 (Reference (al)) and section 3 of Reference (ak) specify the HSs designated by Reference (c) and their RQs, respectively.

B. Do not delay notification for lack of complete information or for the RQ to be reached when the release cannot be stopped in a timely manner. Immediately voice notify the NRC, thereby fulfilling federal notification requirements and ensuring that the predesignated EPA or Coast Guard federal OSC will be notified. Pursuant to Coast Guard regulations in section 203 of 33 CFR 153 (Reference (am)), if direct reporting to the NRC is not practicable, report directly to the Coast Guard or EPA predesignated OSC for the geographic area in which the discharge occurs. If the NRC or OSC cannot be notified immediately, contact the nearest Coast Guard unit. State or territorial reporting requirements may apply as well.

C. For OCONUS Marine Corps activities, international oil pollution laws require that marine oil spills that impact, or may impact, the waters or shoreline of any coastal nation shall be reported immediately to proper authorities in that nation.

030902. Release Notification Pursuant to Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

A. EPA regulations in section 6 of 40 CFR 302 (Reference (an)) specify the notification requirements for CERCLA HS releases. Immediately report all RQ HS releases from a vessel, offshore facility, or onshore facility to the NRC at Coast Guard Headquarters at (800) 424-8802 or (202) 267-2675 by voice communication.

B. EPA regulations in sections 4 and 5 of Reference (an) specify the HSs designated by Reference (e) and their RQs, respectively.

030903. Emergency Release Notification Pursuant to RCRA

A. As required in section 56(a) of Reference (x), the RCRA FEC shall notify appropriate state or local emergency agencies if their assistance is needed in the event of an imminent or actual emergency.

B. If the facility has had a release, fire, or explosion that could threaten human health or the environment outside the facility, section 56(d)(1) in Reference (x) requires the emergency coordinator to notify appropriate local authorities if an evacuation of the local area may be advisable. Additionally, the emergency coordinator shall notify the CG/CO, as the federal OSC for Marine Corps HS releases. Section 56(d)(2) of Reference (x) provides requirements for notifying the NRC of the release.

C. Section 56(h)(2)(i) of Reference (x) requires the facility to provide a written report to the EPA Regional Administrator within 15 days of the release.

030904. Release Notification Pursuant to the CAA

A. Reference (w) does not contain specific release notification requirements for accidental releases of HCs. However, section 95(a)(1)(i) of Reference (w) requires the emergency response plan to include notification procedures for informing the public and emergency response agencies about such releases.

B. EPA regulations in section 130 of Reference (w) specify the list of CAA-regulated substances and thresholds for accidental release prevention.

030905. Emergency Release Notification Pursuant to EPCRA

A. As required in section 40 of Reference (ag), Marine Corps-owned and -operated facilities that release an RQ of any EHS or CERCLA HS shall immediately notify the local community emergency coordinator for the LEPC of any area likely to be affected by the release and the SERC of any state likely to be affected. A written follow-up emergency notice is required as soon as practicable after the release. Commanders whose units release an RQ of any EHS or CERCLA HS at a location other than a DoD-owned and -operated facility shall immediately notify the local community emergency coordinator for the LEPC of any area likely to be affected by the release and the SERC of any state likely to be affected.

B. Section 40(b)(2) of Reference (ag) identifies specific required elements to be included in the notice.

C. Appendix A of Reference (ag) specifies the RQs of EPCRA EHSs.

030906. Storage Tank Releases

For above and underground storage tank releases, refer to Volume 18 of this Order.

0310 RESPONSE REQUIREMENTS

031001. Responsible Party

The party responsible for the release shall take all necessary actions to contain and recover the release, if possible, and to mitigate natural resource damages. The responsible party is financially responsible for all response and restoration costs, whether incurred by it or another party. If a local government entity responds to an HS release aboard a Marine Corps installation, 40 CFR 310 (Reference (ao)) specifies procedures for reimbursing the local government for its expenses in connection with the response. Figure 3-6 displays the response process provided in Reference (r).

031002. Incident Command System (ICS)

As required by Reference (d), the Marine Corps will use the ICS to facilitate coordination with its own contractor, regulatory personnel, and the public during a spill event. Figure 3-7 displays the structure of the ICS.

031003.      Oil Discharges

A.      The Marine Corps shall respond to the discharge and coordinate response efforts with the federal OSC. EPA is the predesignated federal OSC in the inland zone, and the Coast Guard is the federal OSC in the coastal zone. The federal OSC will monitor the response efforts of the Marine Corps and, if necessary, will advise the Marine Corps of appropriate actions. The federal OSC may direct or take charge of response efforts if the Marine Corps response is determined to be inadequate. Subpart D of Reference (r) outlines the operational response phases for oil removal. These phases are as follows:

1. Discovery or notification.
2. Preliminary assessment and initiation of action.
3. Containment, countermeasures, cleanup, and disposal (including testing and mitigation).
4. Documentation and cost recovery.

ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM

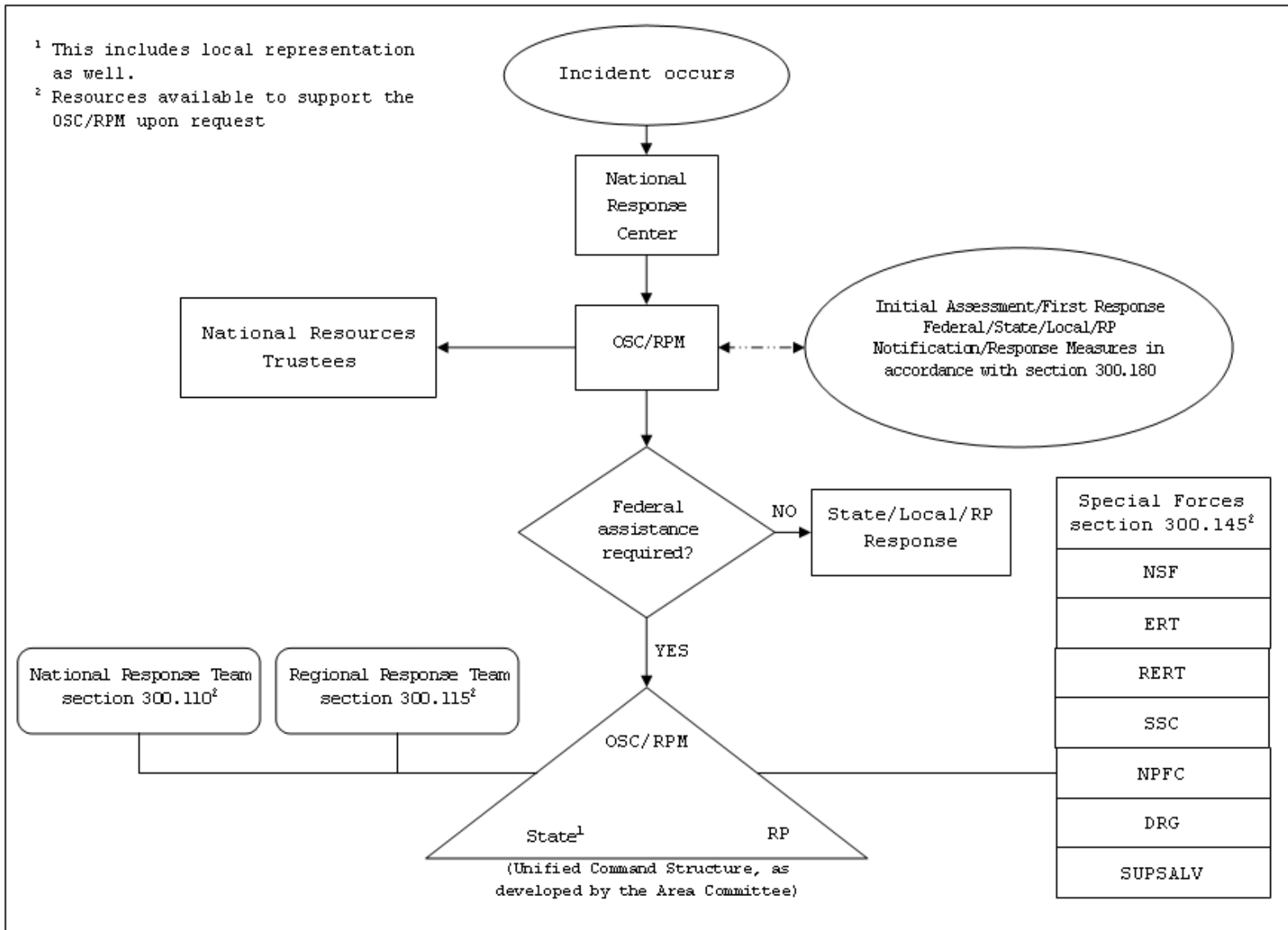


Figure 3-6.--National Response System Concepts: Response



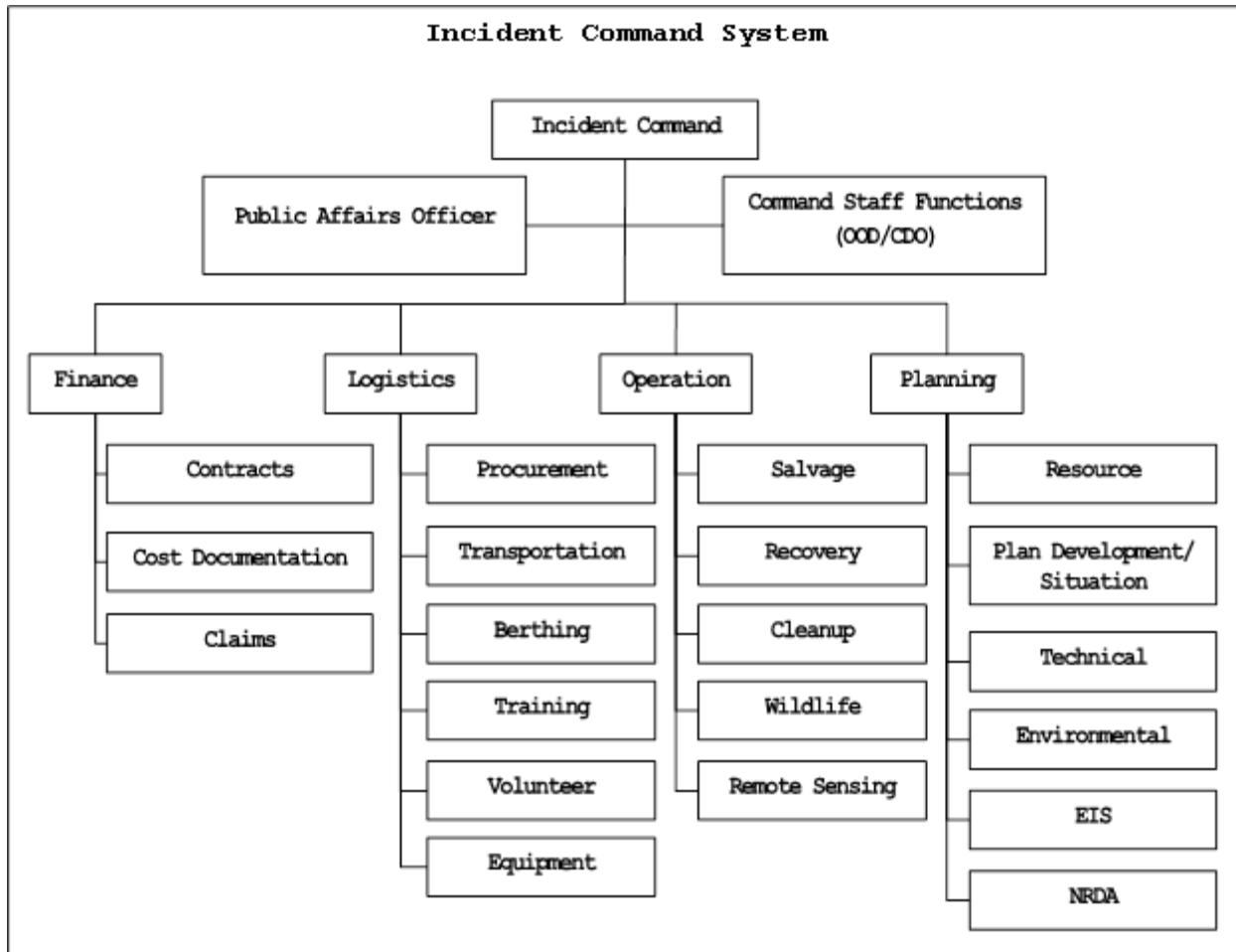


Figure 3-7.--Incident Command System

B. The response should be conducted in accordance with the oil FRP. The primary response asset available to the CG/CO is the activity’s oil OSOT.

031004. HS Releases

A. References (c), (d), and (e) require the Marine Corps, as the responsible party, to contain, mitigate, and remove the release. As the federal OSC for its HS releases, the Marine Corps CG/CO, through the OSCDR, directs the federal response effort, including coordination with concerned federal, state, and local authorities. Subpart E of Reference (r) outlines the procedures for HS response. These procedures include discovery or notification, removal site evaluation, and removal actions. The response should be conducted in accordance with the appropriate response plan. As with oil spills, the primary response asset available to the CG/CO is the activity’s HS OSOT.

B. Reference (f) and section 56(e)-(h) of Reference (x) specify response requirements to imminent or actual emergency situations.

C. Reference (g) and section 95 of Reference (w) contain the requirements for emergency response to releases of listed chemicals.

D. Reference (a) and section 40 of Reference (ag) contain requirements for emergency release notification of HCs and RQ EHSs.

0311 NON-DOD RELEASE RESPONSE

031101. Local Releases

A. Local non-DoD OHS releases can require responses by Marine Corps personnel and equipment. Some releases can originate off the installation and threaten to migrate onto it. Other releases may originate from a commercial pipeline, tank car on a railroad, or tank truck on a highway which directly crosses Marine Corps property through an easement. In any of these cases, Marine Corps assets may be the closest responders.

B. The installation CG/CO represents the SECDEF as the trustee for natural resources located aboard the installation. In this role, the CG/CO may need to activate installation response assets or simply monitor the response being conducted by the responsible party. Paragraph 0312 below outlines procedures for assessing the damages to natural resources resulting from OHS releases.

031102. Assistance to Federal On-Scene Coordinator (OSC)

Section 175(b)(4) of Reference (r) specifies DoD's responsibilities for responding to non-DoD releases when requested by the federal OSC. As a participating NRT member, DoD and its component services shall provide any assistance requested by the federal OSC in responding to OHS releases.

0312 MARINE CORPS NATURAL RESOURCE TRUSTEE RESPONSIBILITIES

031201. Trusteeship

Section 600 of Reference (r) assigns responsibilities to federal officials for the protection of natural resources that are held in trust by the federal government for the public. The SECDEF is responsible for natural resources located on, over, or under land administered by DoD. Consequently, the installation commander is responsible for protecting natural resources aboard Marine Corps installations from any environmental damage, including OHS releases.

031202. Natural Resource Damage Assessment (NRDA)

A. As a trustee of federal natural resources, the Marine Corps shall assess the amount of damage suffered due to OHS spills using the appropriate NRDA procedures. Installation commanders and their staffs shall use these procedures to determine the extent of injuries to the environment, determine the value of natural resources loss, develop a restoration plan, select a preferred alternative, and present the plan to the responsible party for implementation or to fund the trustee's costs of implementing the plan. Following the procedures will provide the installation with

a defensible plan and a rebuttable presumption should the responsible party decline to settle a claim and litigation becomes necessary to recover monetary damages. Damages may be recovered for those natural resource injuries and losses that are not fully remediated by response actions. All money recovered in compensation for natural resource injuries shall be used to restore, rehabilitate, replace, or acquire the equivalent of injured natural resources. Trustee officials may also recover the reasonable costs of assessing natural resource damages and any prejudgment interest.

B. In 43 CFR 11 (Reference (ap)), DOI published the required procedures in accordance with Reference (e) for assessing natural resource damages resulting from a discharge of oil or an HS release. Two types of NRDA's have been developed by DOI. The type A assessment involves standard procedures for a simplified assessment requiring minimal field observations. The type B assessment involves site-specific procedures for detailed assessments in individual cases. Under both NRDA types, assessments consist of the following four phases:

1. Phase I: Pre-Assessment Screen. This phase involves the activities that precede the actual assessment. Trustee officials, once notified of a discharge or release, perform a pre-assessment screening to ascertain whether further assessment actions are warranted. Subpart B of Reference (ap) describes this phase.

2. Phase II: Assessment Plan. This phase involves the preparation of an Assessment Plan, which is subject to public review and comment. The Assessment Plan assists the involvement of potentially responsible parties, other trustee officials, the general public, and other interested parties. Subpart C of Reference (ap) describes the procedures used to develop an Assessment Plan.

3. Phase III: Assessment Implementation. Trustee officials conduct the work described in the Assessment Plan. The work involves three steps: injury determination, quantification, and damage determination. Subparts D and E of Reference (ap) describe the procedures for conducting type A and type B assessments.

4. Phase IV: Post-Assessment. Whether a type A or type B assessment, this phase consists of post-assessment activities such as preparation of a report of assessment, establishment of an account for damage assessment awards, and development of a restoration plan for use of the awards. Subpart F of Reference (ap) describes the procedures used for this phase.

C. In 15 CFR 990 (Reference (aq)), NOAA published required procedures for assessing natural resource damages resulting from a discharge of oil or an HS release to navigable waters in accordance with References (d) and (c). These regulations discuss the meaning of a rebuttable presumption, coordination procedures, considerations for facility restoration, legal authorities and relationships with References (e) and (r), complying with 42 U.S.C. §4321 et seq. (also known and referred to in this order as "National Environmental Policy Act" (NEPA)) (Reference (ar)) and its implementing regulations, settlement procedures, and provisions for emergency restoration. Unlike DOI four-phase NRDA procedures, the NOAA NRDA has the following three phases:

1. Pre-Assessment Phase. This phase requires the trustee officials to determine whether natural resources or services have been injured by the discharge or release. If

response actions are not expected to eliminate the threat of ongoing injury and feasible restoration alternatives exist, trustees should proceed with the assessment. Subpart D of Reference (aq) outlines jurisdiction, the determination to conduct restoration planning, data collection procedures, filing a Notice of Intent to conduct restoration planning, and maintaining an Administrative Record. Administrative Records are maintained in accordance with Reference (ad).

2. Restoration Planning Phase. This phase evaluates potential injuries to natural resources and services and uses that information to determine the need for, and scale of, restoration actions. Subpart E of Reference (aq) describes injury assessment determination and quantification, developing and evaluating restoration alternatives, selecting a preferred alternative, and developing a restoration plan or participating in a regional restoration plan.

3. Restoration Implementation Phase. Subpart F of Reference (aq) outlines closing the Administrative Record for restoration planning, presenting a written demand for damages to the responsible party, resolving unsatisfied demands, and opening an account for recovered damages.

D. If a discharge or release of a mixture of oil and HS injures natural resources or services, trustees shall use Reference (ap) regulations to obtain a rebuttable presumption.

E. Trustees may request assistance for conducting an NRDA from the local USFWS representative and the NOAA regional scientific support coordinator.

### 0313 MARINE CORPS ORGANIZATION FOR PLANNING AND RESPONSE

031301. The Marine Corps shall plan and prepare fully for oil discharges and HS releases, and when such incidents occur, shall undertake immediate, direct action to contain and remove the spill while minimizing any harmful effects to the environment. If appropriate, the Marine Corps will coordinate its response efforts with other DoD commands.

031302. Commanders whose activities are subject to the regulations discussed in Chapter 1 of this volume shall establish emergency planning and response policies consistent with this Order.

031303. The installation CG/CO shall act as the federal OSC for HS releases originating on, or from, their installations to include the movement of an HS from the installation until it reaches its destination.

031304. Marine Corps installations where OHS spill risks exist shall fully train and equip OSOTs to control, contain, and clean up OHS spills. These teams can be supplemented by OHS pollution response contracts or arrangements to access such contracts with trained, ready response contractors who can rapidly respond to spills that are beyond the capability of the OSOTs. All such contracts shall be coordinated with the OSC in accordance with section 120(e) of Reference (r).

0314 RELEASE NOTIFICATION TO THE CMC (LF)/MCICOM (GF)

031401. In addition to notifying the NRC, SERC, LEPC, and other appropriate agencies, all harmful quantity oil spills, RQ HS releases, and sewage spills occurring within the continental United States (CONUS) and OCONUS shall be reported to the CMC (LF)/MCICOM (GF) as discussed below.

031402. For releases that result in serious environmental harm, impact sensitive ecosystems, may generate adverse publicity, or for sewage spills over 5,000 gallons and entering waters of the US, notify the CMC (LF)/MCICOM (GF) within 24 hours of the release by telephone at DSN 426-2138 or commercial 703-695-8302.

031403. For less serious releases or spills (over 1,000 gallons), and to provide more detailed information on serious releases or spills (over 5,000 gallons), notify the CMC (LF)/MCICOM (GF) via the Spill Reporting module on the EM Portal (available at <https://em.usmc.mil/>) within three working days for harmful quantity oil discharges, RQ HS releases, and sewage spills.

031404. For releases involving Marine Corps commands that are tenants of another service or agency or under the operational command of another service (e.g., Commander, Naval Base Norfolk), report the release to the host installation environmental office. All Marine Corps commands/units and tenants and non-Marine Corps tenants on Marine Corps property, even if under the operational command of another service, should report the release to the installation environmental office in accordance with local spill reporting procedures. This includes oil spills as described by Reference (am) for fueling operations.

0315 CONTINGENCY PLANNING

031501. Marine Corps installations, including overseas activities, shall prepare appropriate contingency plans providing geographic coverage for regulated Marine Corps-owned and -leased land or activities, including outlying or remote airfields, Reserve units, or mobile detachments.

031502. Marine Corps installations may use a single contingency plan to meet all the diverse planning requirements but only if the plan meets the NRT ICP Guidance.

031503. To meet federal OSC contingency planning requirements, installation plans shall identify and prepare for responding to “most probable” incidents and “worst case” discharges; identify Marine Corps, Navy, federal, and commercial regional response assets; and be coordinated with other applicable federal OSC plans. To meet state, local, and DoD planning requirements, these plans also shall be tailored to the specific functions and risks of the installation.

031504. Marine Corps tactical units that transport oil in bulk packaging or operate mobile facilities shall provide a copy of the PHMSA-required response plan, as appropriate, to the host installation’s environmental office. Units deployed to another installation for training shall provide a copy of the plan to that installation’s environmental office upon arrival.

0316 RESPONSE OPERATIONS

031601. Safety is the top priority for all Marine Corps response operations, both CONUS and OCONUS. The safety and health of response personnel should not be compromised at any point during on-scene response. All emergency response personnel should be trained in accordance with the requirements in sections 120, 38 and 146(k) of Reference (z).

031602. Each installation will conduct response exercises in accordance with the applicable regulations and each response plan's requirements. Following the exercise, if necessary, the plan should be revised to incorporate improvements.

031603. The Marine Corps shall respond promptly to all Marine Corps OHS releases. For Marine Corps HS releases, in accordance with Reference (e), the Marine Corps, as the pre-designated federal OSC, directs all required cleanup actions. For Marine Corps oil discharges, in accordance with Reference (c), either EPA (inland zone) or the Coast Guard (coastal zone) is the pre-designated federal OSC and has statutory authority to assume control of the response if the OSC determines that Marine Corps actions are ineffective or inadequate. Marine Corps policy is to retain control of all Marine Corps OHS pollution responsibilities. This policy is consistent with provisions in Reference (r) that define federal agency response requirements. For HS releases, in accordance with References (a), (f), and (g), the responses will be consistent with applicable regulations and the appropriate response plans.

031604. Pursuant to the terms and conditions of Reference (r), the federal OSC may request Marine Corps response assistance for non-Marine Corps spills. If the federal OSC seeks Marine Corps assistance, this request will come to the Marine Corps through the DoD representative to the NRT or the RRT. The Marine Corps shall respond to these requests to the extent that such response does not compromise essential mission requirements. Marine Corps resources also may respond to OHS releases in adjacent communities in accordance with the terms of mutual aid agreements.

0317 EPCRA

Marine Corps policy is to comply with all requirements of Reference (a) as required by Reference (p). Marine Corps facilities should comply with state EPCRA program requirements to the extent that resources allow, provided that such compliance does not interfere with command mission accomplishment or other legal obligations. The following procedures shall be used by all Marine Corps installations in the customs territory of the United States:

031701. All facilities shall define the facility fenceline and the primary mission of the facility in support of EPCRA requirements. Intra (or inter)-service support agreements (ISSAs) shall be updated to reflect the data collection requirements of the tenants to the host.

A. The facility fenceline is most appropriately defined by class I property lines with the fenceline owner responsible for all DoD tenants. The fenceline owner, otherwise known as the "host" command, shall file one report for the entire facility for each section of Reference (a) requiring a report. Marine Corps facilities are not responsible for reporting actions of non-DoD federal agencies.

B. The primary mission should be a broad vision of the overall requirements of the installation and should be consistent with the Installation Master Plan.

031702. All facilities shall determine whether they meet or exceed threshold requirements for an EHS or HS used at the facility. Each Marine Corps facility that exceeds a threshold is subject to the reporting requirements of Reference (a) for emergency planning, providing of information, and emergency notification. Host commands shall ensure that thresholds are calculated using the entire facility inventory.

A. Each facility that exceeds a TPQ for an EHS shall notify the SERC and the LEPC and provide a facility POC, telephone number, and an alternate POC.

B. Each covered facility shall request participation in local emergency planning functions and shall appoint a facility representative to actively serve on the LEPC. As much as possible, each covered facility shall provide any emergency planning information requested by the LEPC while taking into consideration national security issues.

C. Each facility that releases an EHS or HS in excess of the RQ for that substance (into any environmental media) shall:

1. Immediately provide verbal notification to all LEPCs and SERCs in the area(s) likely to be affected.

2. Submit a written follow-up notification of the release and actions taken as soon as practicable after the release.

3. Prepare a standard facility form with approval chain identified to expedite the notification of covered releases.

4. Notify the activity's higher headquarters in message form as soon as possible after the release has occurred.

D. Releases that result in exposure to personnel solely within the boundaries of the facility do not require notification to the LEPC or SERC regardless of whether the RQ for that substance was exceeded.

031703. All facilities shall determine whether they meet or exceed threshold requirements for all HCs they possess that require an MSDS/SDS. Each Marine Corps facility that exceeds the threshold is subject to the reporting requirements of Reference (a) for community right-to-know provisions. Host commands shall ensure that thresholds are calculated using the entire facility inventory.

A. In general, if the quantity of an HC is present in amounts equal to or greater than 10,000 pounds, it is reportable; if the substance is an EHS and the amount present is equal to or greater than 500 pounds (or 55 gal) or its TPQ, whichever is less, it is also reportable. For each reportable HC, facilities shall provide a one-time submission of a copy of the MSDS/SDS or a list of reportable HCs, grouped by hazard category, to the LEPC, the SERC, and the fire department with

jurisdiction over the facility. A hard copy MSDS/SDS obtained from the Hazardous Material Information System is sufficient. The MSDS/SDS shall be submitted to the fire department that would routinely be the first alerted during an emergency. While this generally would be the fire department located on the installation, it may be a fire department separate from the facility.

B. If a list is submitted, it shall contain the following information:

1. A list of the HCs for which an MSDS/SDS is required by OSHA regulations, grouped by hazard category. That list need only include those chemicals (either in mixtures or in the pure form) that meet or exceed threshold levels.

2. The HCs listed by all applicable hazard categories.

3. The chemical and common name of each HC as provided on the MSDS/SDS.

4. Amendments to this submission shall be made within a three-month period after significant new information is received.

031704. Facilities meeting or exceeding HC threshold requirements shall annually submit Emergency and Hazardous Chemical Inventory Forms for those HCs to the LEPC, the SERC, and the fire department with jurisdiction over the facility by March 1 covering the previous calendar year's inventory.

A. Facilities may submit either Tier I or Tier II information; however, they are not required to comply with requests to use any form other than the federal Tier I or Tier II forms.

B. The SERC and the LEPC have the authority to request a Tier II submission for HCs present at the facility below threshold levels if the requester provides a written statement of need.

031705. All facilities shall determine whether they have exceeded any of the reporting thresholds for toxic chemicals used each calendar year. Each Marine Corps facility that exceeds the threshold is required to complete the Toxic Chemical Release Reporting Form (Form R). Host commands shall ensure that thresholds are calculated using the entire facility inventory.

031706. Prior to the release of any reports, installations shall review the information to prevent the release of classified information. In cases where information regarding the use of a substance is classified, the activity shall develop alternative procedures for protecting activity and off-site personnel.

#### 0318 OIL SPILL RESPONSE PROGRAM

031801. In the past, some Marine Corps installations received support from the Naval Facilities Engineering Command (NAVFAC) Engineering Support Center through the NAVFAC Oil Spill Response Program (OSRP). As of FY13, NAVFAC ceased most oil spill-related support to



Marine Corps installations. In an effort to reduce the burden on installation oil spill response staff, CMC (LF)/MCICOM (GF) contracted with NAVFAC to continue to provide some OSRP support.

031802. Installations that received this specific type of NAVFAC support in the past should review the following:

A. Annual Allowance and Requirement Review (A2R2) Surveys

The MARINE CORPS continues to contract with the NAVFAC OSRP for A2R2 surveys to continue to identify equipment needs for the purpose of justifying oil spill response equipment requirements through the Marine Corps Program Objective Memorandum process. This process continues as previously. The NAVFAC OSRP will initiate the A2R2 Survey on an annual basis via email with appropriate instructions for completion and submission. Each impacted installation shall complete and submit an A2R2 Survey by the requested due date each year.

B. Equipment Requisitions

Installations may purchase small spill response equipment (such as oil spill containment boom and other related support equipment) as allowed under current federal acquisition regulations. Major equipment items (such as oil spill response boats and vacuum trucks) will be replaced as available and appropriate funding allows in accordance with federal acquisition regulations requirements.

C. Inventory Tracking

All large USMC spill equipment (e.g., boats, containment boom) shall be appropriately tracked within the Defense Property Accountability System (DPAS). In accordance with DoD Instruction 5000.64 dated 19 May 2011 and SECNAV Instruction 7320.10A dated 1 Apr 2004, all equipment valued at greater than \$5,000 shall be entered into the system (this includes capital or operating lease equipment). Any equipment valued at less than \$5,000 need not be entered into DPAS unless it is 1) hard to replace, 2) pilferable; and 3) critical to the mission. All three criteria shall apply to require entry into DPAS. Large equipment licensed and maintained by MARINE CORPS as part of Motor Transportation (e.g., trailers, vacuum trucks) should already be captured in DPAS under Motor-T and should not be duplicated by installations as oil spill equipment.

D. Training

The 3-day and 5-day FRT compliance courses that are provided through the NAVFAC OSRP contract vehicle are centrally funded by Headquarters Marine Corps and shall continue uninterrupted.

(This page intentionally left blank)

**VOLUME 7: CHAPTER 4**

**“RESPONSIBILITIES”**

**SUMMARY OF SUBSTANTIVE CHANGES**

Hyperlinks are denoted by *bold, italic, blue and underlined font*.

The original publication date of this Marine Corps Order (MCO) Volume (right header) will not change unless/until a full revision of the MCO has been conducted.

All Volume changes denoted in **blue font** will reset to black font upon a full revision of this Volume.

<b>CHAPTER VERSION</b>	<b>PAGE PARAGRAPH</b>	<b>SUMMARY OF SUBSTANTIVE CHANGES</b>	<b>DATE OF CHANGE</b>

(This page intentionally left blank)

**CHAPTER 4**

**RESPONSIBILITIES**

0401 CMC (LF)/COMMANDER MCICOM (GF)

CMC (LF)/Commander MCICOM (GF) shall:

040101. Provide information and advice to installation commanders regarding proposed and final rules and regulations pertaining to emergency planning and response, and uniformly apply Marine Corps policy as set forth in this Order.

040102. Advise installation commanders on preparing required plans and conducting response exercises.

040103. Include requests for resources to meet emergency planning and response requirements in the Program Objectives Memorandum/budget submissions.

040104. Assist installations in resolving disputes with federal, state, local, and foreign regulatory agencies as required.

040105. Ensure, through field visits and the Environmental Compliance Evaluation Program, Marine Corps cooperation and compliance with federal, state, and local agencies with regard to emergency planning and response.

0402 CG MARINE CORPS EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION

CG Marine Corps East, West, Pacific, and National Capital Region shall Identify and promote opportunities for regional environmental initiatives and contracting support to gain efficiencies. Create environmental program efficiencies by collectively funding studies, coordinating common training programs, developing appropriate Memorandums of Agreement between stakeholders (e.g., Marine Corps TECOM installations, Marine Aircraft Wings, Resident Officer In Charge of Construction offices, etc.) and the Region, and facilitating mutual support between installations as practicable.

0403 COMMANDING GENERAL/COMMANDING OFFICER (CG/CO) OF MARINE CORPS INSTALLATIONS AND COMMARFORRES

CG/CO of Marine Corps installations and COMMARFORRES shall:

040301. Identify and submit, to the CMC (LF)/MCICOM (GF), project documentation and funding requests for emergency planning and response activities that are required to maintain compliance with applicable existing and emerging regulations and permits. Program and budget for personnel, equipment, materials, training, and monitoring required to comply with emergency planning and response requirements. Pay appropriate federal, state, and local fees. Ensure that the environmental management hierarchy is employed, pollution prevention alternatives are evaluated,

and life-cycle cost impacts are assessed in evaluating and selecting projects that address compliance requirements.

040302. Ensure that all required federal, state, and local permits are applied for and obtained. Sign certifications and permit applications, as required, for construction of all emergency planning and response projects.

040303. Ensure that an installation or station order or an environmental compliance and protection standard operating procedure (ECPSOP) is written implementing this volume. This requirement can be accomplished either by writing an ECPSOP to implement all of the requirements from this Order or by writing a separate installation order to implement this volume alone.

040304. Oversee response efforts for Marine Corps OHS releases within pre-assigned areas and support other Marine Corps and DoD installation response efforts, as necessary.

A. Serve as the federal OSC in accordance with Reference (r) for Marine Corps HS releases and, as such, direct the total response effort to the incident.

B. Initiate and direct response operations for Marine Corps oil spills unless officially relieved by the Coast Guard or the EPA federal OSC.

C. Coordinate response operations with adjacent commands and communities for OHS releases that may impact more than one installation or activity or the surrounding community. Coordinate response operations with RRT DoD representatives.

040305. Notify all required federal, state, and local agencies of Marine Corps OHS releases, and make Marine Corps chain of command notifications up to the CMC (LF)/MCICOM (GF).

040306. Identify and program sufficient funds for hiring and training personnel; conducting exercises and drills; providing, operating, and maintaining response equipment; and constructing facilities required for implementing the installation's ERPs.

040307. Develop, review, and update ERPs using standard formats consistent with regulatory requirements.

A. Coordinate ERPs with appropriate federal OSCs and state and local environmental and emergency planning authorities.

B. Develop OHSSCPs and, within the United States, coordinate the development of the plans with overlapping ACPs, as prescribed in Reference (r).

C. Annually review and certify that OHS spill contingency plans are current.

040308. Ensure that the installation and tenant activities meet applicable EPA and state requirements related to the prevention of oil spills.

040309. Retain responsibility for OHS in transit until the OHS has been accepted for disposition at its destination.

040310. Establish, train, and exercise OSOTs, spill management teams, and other response personnel for OHS responses.

040311. Ensure that Installation Natural Disaster Plans incorporate the requirement for each unit to gather an inventory of HM and HW as part of the preparation process. The inventories will provide a commander with an accurate list of items to be accounted for should a natural disaster remove them from their storage or accumulation points.

040312. Comply with the reporting requirements in sections 302-312 of Reference (a), as described in paragraph 0307 and:

A. Define the facility fenceline, including all tenants, and the primary mission of the facility to support EPCRA reporting requirements. Revise and update ISSAs to support these requirements.

B. Ensure that all thresholds are calculated using the entire facility inventory and that all reporting requirements for that facility, as defined by Reference (a), are met.

C. Ensure that all publicly available data have been reviewed to prevent sensitive or classified information from being released.

D. Use data provided from EPCRA reporting to revise and maintain the installation EMS objectives, targets, and POA&Ms or a separate pollution prevention plan required by state or local regulations.

040313. Ensure that coordination occurs as appropriate with the Safety Office and federal fire departments in matters relating to emergency planning and emergency response actions.

#### 0404 UNIT/TENANT COMMANDERS

Unit/Tenant Commanders shall:

040401. Assist their installation commander emergency response efforts to the extent resources allow, provided such compliance does not interfere with command mission accomplishment or other legal obligations.

040402. Notify all required federal, state, and local agencies of off-installation releases and make Marine Corps chain of command notifications up to the CMC (LF)/MCICOM (GF).

**VOLUME 7: APPENDIX A**

**“FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD POLICIES”**

**SUMMARY OF SUBSTANTIVE CHANGES**

Hyperlinks are denoted by ***bold, italic, blue and underlined font.***

The original publication date of this Marine Corps Order (MCO) Volume (right header) will not change unless/until a full revision of the MCO has been conducted.

All Volume changes denoted in **blue font** will reset to black font upon a full revision of this Volume.

<b>CHAPTER VERSION</b>	<b>PAGE PARAGRAPH</b>	<b>SUMMARY OF SUBSTANTIVE CHANGES</b>	<b>DATE OF CHANGE</b>



(This page intentionally left blank)

**APPENDIX A**  
**FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD**  
**POLICIES**

1 **FEDERAL STATUTES**

a. Water Quality Act of 1965, Public Law 89-234; Water Quality Improvement Act of 1970, Public Law 91-224; Federal Water Pollution Control Act of 1972, as Amended, 33 U.S.C. 1251 et seq.; Clean Water Act of 1977, (Federal Water Pollution Control Act), 33 U.S.C. 1251 et seq.

(1) The Federal Water Pollution Control Act, commonly referred to as the CWA, made the U.S. Environmental Protection Agency (EPA) responsible for setting nationwide effluent standards on an industry-by-industry basis. This Act provided effluent and water quality standards and instituted a permit system for the regulation of oxygen-demanding pollutant discharges. The CWA Section 402 amended the permit system, which is now the National Pollutant Discharge Elimination System (NPDES). The CWA was amended in 1987 to include the regulation of stormwater runoff and to strengthen enforcement mechanisms.

(2) CWA also regulates the discharge of OHS and pollutants into or upon navigable waters including the contiguous zone, exclusive economic zone (EEZ), and adjoining shorelines. It provides for the establishment of the NRT, NRC, and National OHS Pollution Contingency Plan. For additional information, see the Oil Pollution Act of 1990.

(3) Section 311 of the CWA addresses OHS liability. Important statutory requirements contained in section 311 are summarized as follows:

(a) Section 311(b)(3) prohibits the discharge of oil or HSs in harmful quantities into or upon the navigable waters of the United States. As noted in 40 CFR 110.3, discharges of oil in harmful quantities include those that violate applicable water quality standards, cause a film or sheen upon, or discoloration of, the water surface or adjoining shorelines, or cause a sludge or emulsion to be deposited beneath the water surface or upon adjoining shorelines.

(b) Section 311(b)(5) requires the individual in charge of an onshore facility to notify immediately the NRC of any discharge of oil or HS from the facility in violation of section 311(b)(3). Failure to notify the Government is punishable by a fine or by imprisonment for no more than five years or both.

(c) Section 311(b)(6) provides for various classes of administrative penalties for violating the OHS discharge prohibition or for failure to comply with regulations pertaining to Oil FRPs under the National Response System.

(d) Section 311(b)(7) provides for civil penalty actions for violating the OHS discharge prohibition or for failure to comply with regulations pertaining to Oil FRPs under the National Response System.

(e) Section 311(c) authorizes the federal government to ensure the effective and immediate removal of a discharge, and the mitigation or prevention of a substantial threat of discharge, of oil or an HS.

(f) Section 311(d) requires the development and revision of a National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which provides for organizational structure and procedures necessary to prepare for, and respond to, oil discharges and releases of HSs, contaminants, and pollutants. It assigns responsibilities for contingency planning and response to various federal agencies, including the DoD, and outlines state and local government and public and private interest group participation in these areas. The NCP also specifies notification procedures for certain oil discharges and HS releases.

(g) Section 311(e) provides for civil enforcement procedures, including orders to protect public health, for violating the OHS discharge prohibition, or for failure to comply with regulations pertaining to Oil FRPs under the National Response System.

(h) Section 311(f) specifies liability limits for discharges. This section further authorizes the President (and installation commanders as duly appointed representatives) to act on behalf of the United States to recover all costs for restoring or replacing natural resources damaged by OHS spills.

(i) Section 311(j) establishes the National Response System. This section requires the President to issue regulations mandating the development of Oil FRPs by owners or operators of tank vessels and oil transfer and storage facilities.

(j) Section 311(m) requires facilities to maintain records, to allow entry and inspection of premises, and to provide public access to records.

b. Oil Pollution Act (OPA) of 1990, 33 U.S.C. 2701 et seq.

(1) The OPA amends section 311 of the CWA to augment federal response authority, to increase penalties for oil spills, to expand the organizational structure of the federal response framework, and to provide an emphasis on preparedness and response activities. The OPA requires contingency planning for “worst case” discharges and demonstrated response capabilities through planning, equipment, training, and exercises and does not preempt states' rights for establishing more stringent planning requirements.

(2) Important statutory requirements of the OPA are:

(a) Section 1002 specifies that each responsible party for a vessel or a facility from which oil is discharged, or which poses the substantial threat of a discharge of oil, into or upon the navigable waters, adjoining shorelines, or the exclusive economic zone is liable for removal costs and damages that result from the discharge. Damages can include those for natural resources, real or personal property, subsistence use of natural resources, loss of revenue, loss of profits or impairment of earning capacity, and provision of public services during or after removal activities.

(b) Section 1003 establishes defenses to liability, such as discharges due to acts of God, acts of war, an act or omission by a third party, or any combination thereof.

(c) Section 1004 establishes limits of liability for responsible parties.

(d) Section 1006 specifies conditions pertaining to damages to natural resources. The President has designated Marine Corps installation commanders as the federal trustees for all natural resources under their control.

(e) Section 1011 specifies Presidential consultation with the affected trustees on the appropriate removal action to be taken in connection with any discharge of oil.

(f) Section 1012 discusses uses of the Oil Spill Liability Trust Fund.

(g) Section 1018 specifies that the OPA must not be construed to authorize or create a cause of action against a federal officer or employee in the officer's or employee's personal or individual capacity for any act or omission while acting within the scope of the officer's or employee's office or employment.

(h) Section 2002 of the OPA amends section 311 of the CWA such that subsections (f), (g), (h), and (i) do not apply with respect to any incident for which liability is established pursuant to section 1002 of the OPA.

c. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as Amended, 42 U.S.C. 9601 et seq.

(1) Since the initial passage of CERCLA, Congress has amended it over 20 times. CERCLA authorizes federal action to respond to the release or threatened release of an HS from any source into the environment. Remedial actions (RAs) for past releases are covered by the Installation Restoration program, which is discussed in Volume 10 of this Order.

(2) Important statutory requirements of CERCLA pertaining to emergency planning and response are summarized as follows:

(a) Section 102 directs the EPA Administrator to promulgate and revise regulations that designate as HSs such elements, compounds, mixtures, solutions, and substances that, when released into the environment, may present substantial danger to the public health or the environment. These regulations also must specify the quantities of any released HS that necessitates a report to the NRC.

(b) Section 103 requires the individual in charge of an onshore facility to notify immediately the NRC of any release from the facility of an HS equal to or in excess of the RQ established by regulation pursuant to section 102. Section 103 also establishes civil and criminal penalties for failure to notify the NRC in the event of a release.

(c) Section 104 authorizes the federal government to ensure the effective and immediate removal and remediation of a release, and the mitigation or prevention of a substantial

threat of release, of an HS, contaminant, or pollutant that may pose an imminent and substantial danger to public health, welfare, or the environment.

(d) Section 105 requires that the NCP be revised to include a national HS response plan to the NCP which was developed under the CWA.

(e) Section 106 authorizes the President to take any necessary measures, including securing judicial orders, to protect public health from an actual or threatened HS release.

(f) Section 107 specifies conditions of liability for costs incurred for the removal or remedial action taken to abate a release; other necessary costs; damages to, or destruction of, natural resources; or health assessment study costs. This section further establishes defenses to liability, such as discharges due to acts of God, acts of war, acts or omission by a third party, or any combination thereof. Section 107 also establishes limits to liability. It authorizes the President (and installation commanders as duly appointed representatives) to act on behalf of the United States to recover all costs for restoring or replacing natural resources.

(g) Section 109 provides for civil penalty actions for violating the HS release prohibition or for failure to comply with applicable regulations promulgated under CERCLA.

(h) Section 120 applies CERCLA to federal departments, agencies, and installations in the same manner as any nongovernmental entity. Section 120(j) authorizes the President, when necessary, to protect the national security interests of the United States, to issue site-specific orders at any DoD facility to exempt it from compliance with any CERCLA title I or Superfund Amendments and Reauthorization Act (SARA) title III requirement. The exemption must be for a specified period not to exceed one year, although additional exemptions may be granted upon suitable justification.

(i) Section 310 allows citizens to file suits in a United States District Court against any individual, including a Marine Corps installation, allegedly violating CERCLA requirements.

d. Resource Conservation and Recovery Act (RCRA) of 1976, 42 U.S.C. 6901 et seq.

(1) Congress enacted RCRA to protect human health and the environment from the hazards associated with HW generation, transportation, treatment, storage, and disposal. Major revisions resulted from the Hazardous and Solid Waste Amendments (HSWA), and the Federal Facility Compliance Act (FFCA).

(2) Subtitle C of RCRA requires the owners and operators of HW facilities to develop comprehensive HW management plans that address spill prevention and cleanup for these facilities. If the facility has already prepared an emergency or contingency plan (e.g. SPCC Plan) in accordance with other regulations, the existing plan can be amended to incorporate HW management provisions.

(3) Important statutory requirements of RCRA pertaining to emergency planning and response are summarized as follows:

(a) Section 3004(a)(5) requires the EPA Administrator to develop regulations applicable to owners and operators of HW treatment, storage, and disposal facilities (TSDFs) pertaining to contingency plans to minimize unanticipated damage from treatment, storage, or disposal of any HW.

(b) Section 3007 specifies the rights of the EPA and state agency personnel to enter and inspect the premises, facilities, and records of TSDF owners or operators to determine compliance with applicable requirements of RCRA. Section 3007(c) authorizes annual EPA and state inspections of federal facilities.

(c) Section 3008 provides for federal enforcement of RCRA requirements, including compliance orders issuance and civil and criminal penalties assessment for RCRA violations.

(d) Section 3013 authorizes the EPA Administrator to order the owner or operator of a TSDF suspected of releasing any HW that may impact human health or the environment to conduct such monitoring, testing, analyzing, and reporting as the EPA Administrator deems necessary.

(e) Section 3016 requires each federal agency to commit to an ongoing biannual program to complete, publish, and submit to EPA and authorized states an inventory of each site that the agency owns, operates, or has owned or operated, at which HW has been treated, stored, or disposed of at any time. The inventory must describe any response actions initiated or contemplated at contaminated sites.

(f) Section 6001 requires that the following comply with all federal, state, interstate, and local requirements: instrumentalities of the federal government executive branch, such as Marine Corps activities which have solid waste (SW) management facilities or disposal sites or which engage in activities that potentially result in SW or HW disposal or management.

(g) Section 7002 provides for citizen suits to be filed against any individual or the United States, allegedly in violation of any permit, standard, regulation, condition, requirement, prohibition, or order which has become effective pursuant to RCRA.

(h) Section 7003 authorizes the EPA Administrator to bring suit in United States District Court against any individual or a Marine Corps installation that is presenting an imminent and substantial danger to human health or to the environment due to present or past HW management practices.

(i) Section 9003 prescribes requirements for promulgating Underground Storage Tank (UST) regulations for release detection, prevention, and correction regulations (see Volume 18 of this Order for further discussion of these regulations).

e. Clean Air Act (CAA) of 1970, as Amended, 42 U.S.C. 7401 et seq.

(1) The CAA is the federal statute mandating the prevention and control of air emissions from both stationary and mobile sources.

(2) The CAA Amendments of 1990 added section 112(r), entitled “Prevention of Accidental Releases.” The purpose of this section is to prevent the accidental release and to minimize the consequences of any such release of any regulated or EHS. The authority of section 112(r) requires certain facilities to develop a Risk Management Program, prepare a Risk Management Plan (RMP), and submit the RMP to the EPA. The essential provisions of section 112(r) are as follows:

(a) Subsection 112(r)(1) requires that section 112(r) must not be interpreted, construed, implied, or applied to create any liability or basis for compensatory suit for bodily injury or any other injury or property damages to any person which may result from accidental releases of substances regulated under section 112(r).

(b) Subsections 112(r)(3) - (5) require the EPA Administrator to promulgate a list of substances that, in the case of an accidental release, are known to cause death, injury, or serious adverse effects to human health or the environment. The list also includes a threshold quantity for each substance, which accounts for its toxicity, reactivity, volatility, dispersability, combustibility, or flammability, and the amount which would result in death, injury, or serious and adverse effects to human health in the event of a release. The complete list of high-risk air pollutants is published as table 1 in 40 CFR 63.74.

(c) Subsection 112(r)(6) establishes an independent Chemical Safety and Hazard Investigation Board, which is responsible for investigating the cause of accidental releases of regulated substances resulting in a fatality, serious injury, or substantial property damages, for recommending ways to reduce the likelihood or consequences of accidental releases, and for establishing regulations for facilities to report accidental releases of regulated substances into the air.

(d) Subsection 112(r)(7)(A) authorizes the EPA Administrator to promulgate release prevention, detection, and correction requirements, including monitoring; recordkeeping; reporting; training; vapor recovery; secondary containment; and other design, equipment work practice, and operational requirements.

(e) Subsection 112(r)(7)(B) authorizes the EPA Administrator to promulgate regulations and guidelines to provide for the prevention and detection of accidental releases by owners and operators of such release sources. After this regulation is promulgated, subsection 112(r)(7)(E) makes it unlawful for any individual to operate in violation of these requirements any stationary source subject to them.

(f) Subsection 112(r)(9) authorizes the EPA Administrator to issue orders to, or to bring suit in United States District Court against, any individual or a Marine Corps installation presenting an imminent and substantial danger to human health or to the environment because of an actual or threatened accidental release of a regulated substance.

f. Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986, 42 U.S.C. 11001 et seq.

This Act, which is title III of SARA, is intended to encourage and support emergency planning and to provide timely and comprehensive information to the public about possible or potential hazards associated with chemicals present at a facility and from toxic chemical releases. Most notably, specific sections of EPCRA require immediate notification of releases of EHSs and HSs defined under CERCLA to state and local emergency response planners. EPCRA requires state and local coordination in planning response actions to chemical emergencies through the involvement of state Emergency Response Commissions and Local Emergency Planning Committees. The Act also requires the submission of information on chemical inventories and releases.



(This page intentionally left blank)