

HAZARDOUS MATERIALS - COASTAL (ESF-10)

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I. INTRODUCTION

A. PURPOSE

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

B. SCOPE

This appendix includes the anticipated actions of the state, local and federal agencies and private sector organizations to a release that affects the coastal and offshore waters of the state. It is applicable to all state departments and agencies with responsibilities and assets to support the local response to actual and potential discharges and releases of hazardous materials. Federal and state laws and regulations require oil releases, hazardous substance releases, or responses to weapons of mass destruction be managed with a trained and competent response management organization.

Response to oil discharges and hazardous substance releases will be in accordance with the North Carolina Area Contingency Plan (NCACP). These plans are based on the response powers and responsibilities created by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, the authorities established by Section 311 of the Clean Water Act (CWA), as amended, and the Oil Pollution Act (OPA). This appendix does not impede or negate the use of or request for the activation of the National Response Team (NRT) or federal Regional Response Team (RRT).

II. SITUATION AND ASSUMPTIONS

A. SITUATION

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

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Because hazardous materials and petroleum products are transported in the adjacent waters and on roadways throughout the state, a release can occur anywhere in the coastal zone, the contiguous waters of North Carolina, the offshore waters of nearby states, or the roadways within the state.

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

B. ASSUMPTIONS

1. A hazardous materials release could occur during severe weather, making control and cleanup operations dangerous and/or ineffective.
2. The release may present a substantial threat to the health, safety and welfare of the public as well as the environment. Threats such as fire or explosion, surface and ground water contamination, marine and aquatic ecosystems contamination are likely to adversely affect the daily lives of citizens, tourism, and access to fisheries and/or natural resources.
3. The Responsible Party (RP) may not be immediately identified or available to assume containment and/or cleanup operations and prompt exercise of federal control, with state and local support, will be required.
4. Initial efforts to contain and control the release may fail or be impractical and the response activity may be limited to clean-up of the material and restoration of the affected human and natural resources.
5. There will be substantial interest by the public and the press in the circumstances surrounding the incident and the emergency response efforts and recovery efforts.
6. Timely deployment of resources (state, local and volunteer personnel and equipment) may be required to protect sensitive environmental areas of the state. State, local and volunteer response personnel who have been properly trained and equipped in hazardous material emergency response will be deployed by the SERT Leader, as required.

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7. Emergency transportation of resources (inbound response and outbound disposal) may require permits, licenses, or exemptions.
8. A major release will require joint federal, state and local efforts to perform initial damage/needs assessment information concerning the number, type and magnitude of incidents and will necessitate a long-term recovery program to restore the impacted area.
9. For large scale ESF-10 response, the state will submit a federal resource request for ESF-10 mission assignment. This request will be made based on recommendations of NCEM Operations/Hazardous Materials, NC Wildlife Resources Commission, and NC Department of Environmental Quality (NCDEQ) staff and agencies.
10. The state will initiate appropriate actions to recover costs from response and recovery and well as damages from the RP during activation of the USCG ACP.
11. Releases of minimal impact may only require the partial activation of this appendix and may involve coordination between the RP and NCDEQ.
12. The USCG and EPA have designated boundaries between coastal and inland zones for the purpose of providing On-Scene Coordinators (OSCs) for response operations as defined in 33 CFR 3, Coast Guard Areas, Districts, Sectors, Marine Inspection Zones, and Captain of the Port Zones. When a release occurs in one zone and flows or threatens to flow into another, either: (1) the EPA will provide the OSC and the USCG will assist the EPA with waterside cleanup operations, or (2) by mutual agreement the USCG will provide the OSC and resources.

III. ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES

Primary and Support Rules for Various Agencies under Unified Command

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

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The local government representative will normally be the county emergency management coordinator or other people designated by the senior elected official of the governing jurisdiction in which the release occurred.

A. LEAD STATE AGENCY

1. NC DEPARTMENT OF PUBLIC SAFETY (NCDPS)

NORTH CAROLINA EMERGENCY MANAGEMENT (NCEM)

- a. On receipt of a release report which requires activation of the SERT, contact the United States Coast Guard (USCG) (Sector North Carolina Command Center) or US Environmental Protection Agency (EPA) Region IV and obtain the proposed location of the Command Post (CP), the time the CP will be activated, and the name of the federal On-Scene Coordinator (OSC).
- b. Dispatch NCEM Area Coordinator or Hazardous Materials Section Staff to the CP to coordinate with the federal OSC, establish communication with the State Emergency Operations Center (EOC), and notify other agencies of release.
- c. Ensure either the RP or the State EOC notifies the National Response Center (NRC) of the release.
- d. Maintain and graphically display current information on the status and extent of the hazardous material release.
- e. Activate the Environmental Technical Advisory Group (ETAG) when necessary.
- f. Obtain and provide data and information regarding the population, industrial, commercial, and natural resources within the state which may be endangered by the release.
- g. Provide communication from the SERT to the RP as well as the federal OSC to ensure that each receives timely consultations, advice and decisions regarding the state's position on actions necessary to respond to the release.
- h. Maintain contact with emergency management agencies in adjacent states and provide coordination if warranted by the location and magnitude of a release.

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- i. Coordinate with all agencies within NC with responsibility and authority of coastal waterways on recommendations to the SERT.
- j. When a release is of such magnitude that the two states have activated their respective EOCs, furnish a representative in the EOC of an adjacent state to facilitate communication and coordination.
- k. Provide representation on the federal RRT.

B. LEAD TECHNICAL AGENCY

1. NC DEPARTMENT OF ENVIRONMENTAL QUALITY (NCDEQ)

DIVISION OF COASTAL MANAGEMENT (DCM)

- a. Assist with the technical assessment of the impact of the release and cleanup operations pertaining to the marine environment.
- b. Advise the SERT Leader on emergency permits for activities within the areas of environmental concern; access points and routes least likely to harm areas of environmental concern; technical advice on any issue concerning the impact of the release on the State Coastal Reserve; access points and routes least likely to harm the State Coastal Reserve; and identify sensitive estuarine resources and protective measures.
- c. Assist in determining the economic impact on coastal areas resulting from the release.
- d. Participate in the ETAG assisting the SERT Leader.
- e. Assist in coordinating the determination of damage done to natural resources within the coastal zone.
- f. Provide a liaison to the SERT authorized to grant permission for response and cleanup activities as well as issue any required permits within State Coastal Reserve areas.
- g. Evacuate State Coastal Reserve areas when threats exist to the public from the release.
- h. Assist in liaising with the Minerals Management Service of the US Department of the Interior if the release originates at oil or gas facilities on the Outer Continental Shelf.

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DIVISION OF WATER RESOURCES (DWR)

- a. Respond as appropriate to scene of release, assess extent of environmental damage and provide on-scene liaison with NCEM, the USCG, or a federal OSC concerning state environmental policies and regulations.
- b. Serve on Unified Command (UC) during ESF-10 Mission Assignments where an ICP is established and serves as the lead environmental response authority.
- c. Collect and analyze water and soil samples for possible contamination, maintaining proper chain-of-custody procedures. Provide SERT Leader with a summary of the analysis.
- d. Assert state jurisdiction and order cleanup actions if no federal official has arrived on-scene and assumed control, or if the release is outside federal jurisdiction.
- e. Review containment and cleanup methods proposed by RP if a release is within state jurisdiction. Monitor these methods if cleanup is within federal jurisdiction.
- f. Advise the SERT Leader on the feasibility and effectiveness of the containment and cleanup methods being used.
- g. Provide an on-scene liaison with the federal OSC concerning state environmental policies and regulations.
- h. Request activation of the federal RRT or request federal assistance for containment and cleanup.
- i. Assist in the technical decision to restrict use of water resources.
- j. Halt or restrict the use of non-drinking water as deemed necessary.
- k. Consult with Public Water Supply Section on restrictions to be placed on use of drinking water supply.
- l. In consultation with other NCDEQ agencies (Coastal Management, Wildlife Resources Commission, Marine Fisheries, and Air Quality), develop and maintain a decision-making methodology concerning the use of dispersants, biological agents, solidifiers, Special Monitoring of Applied Response Technology (SMART), disposal of contact waters, or *in situ* burning.

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- Approval of the chemicals to be used to disperse the oil or approval for *in situ* burning would require authorization of the Director, Division of Water Resources, NCDEQ;
- Any request of dispersants or *in situ* burning will be addressed on a case-by-case basis; and
- Guidelines for use are found at www.nrt.org.

- m. Serve on the federal RRT and place a federal representative from the federal RRT at the State EOC to facilitate liaison between the SERT and the federal RRT during such times as the SERT is activated for a hazardous material response.
- n. Enforce state environmental regulations and initiate prosecution under state law or regulations if circumstances warrant and assist the state Attorney General as required.
- o. Participate in the assessment of damages and presentation of same to RP, the state and federal OSCs, the SERT and the state Attorney General as appropriate.
- p. Communicate with adjacent states' water quality officials concerning the impact of a release.
- q. Obtain and evaluate technical data and information for the SERT.
- r. Participate in the ETAG assisting the SERT Leader.

DIVISION OF AIR QUALITY (DAQ)

- a. Respond as appropriate to the scene of a release, assess extent of environmental damage and provide an on-scene liaison with NCEM, the USCG, or a federal OSC concerning state environmental policies and regulations.
- b. Collect and analyze air for possible contamination, maintaining proper chain-of-custody procedures. Provide the SERT Leader with a summary of the analysis.
- c. Participate in the ETAG assisting the SERT Leader. Advise the SERT Leader on the feasibility and effectiveness of the containment and cleanup methods being used.

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- d. Evaluate potential risk to the public on air quality in the state's Class 1 air sheds, and on ozone and particulate non-attainment areas if *in situ* burning is requested. **Approval for *in situ* burning is required from the Director, Division of Air Quality, NCDEQ and is addressed on a case-by-case basis.
- e. Serve on the federal RRT and provide division representative with the federal RRT at the State EOC to facilitate liaison between the SERT and the federal RRT during such times as the SERT is activated for a Level 1, Level 2, or Level 3 release response.
- f. Enforce state environmental regulations and initiate prosecution under state law or regulations if circumstances warrant. Assist the Attorney General, as required, in this regard.
- g. Participate in the assessment and presentation of damages to RP, the state and federal OSCs, SERT and the state Attorney General as appropriate.
- h. Communicate with adjacent states' air quality officials concerning the impact of the release.
- i. Obtain and evaluate technical data and information for the SERT.

DIVISION OF MARINE FISHERIES (DMF)

- a. Identify sensitive marine habitats and marine areas crucial to the fishing economy.
- b. Render law enforcement assistance as requested by the SERT.
- c. Provide land, sea and air transportation.
- d. Operate watercraft as directed by the SERT Leader in support of on-water operations such as boozing as well as waterfowl rescue.
- e. Provide sampling and monitoring assistance and act as lead agency concerning fish sampling from marine waters.
- f. Contact appropriate federal specialists and carry out technical consultations.
- g. Provide a liaison with the National Marine Fisheries Service.

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- h. Participate in the ETAG assisting the SERT Leader.
- i. In conjunction with the Shellfish Sanitation Services Section of DHHS/DPH – Environmental Health Section, restrict the taking of fish and shellfish from marine waters suspected of contamination due to a release.
- j. Identify otherwise unaffected marine areas and species and advise the SERT Leader concerning advisories to the public about the edibility of fish products taken from marine waters.
- k. Participate in the development of decision-making methodology concerning use of dispersants, biological agents, solidifiers, and SMART in marine waters.
- l. Conduct damage assessment and determine valuation of economic losses in marine fishing and shellfish industries for economic recovery from the RP.
- m. Provide a liaison with marine fishing interests in coordination of response and recovery activities.
- n. Provide a liaison with the Wildlife Resources Commission for impacted areas and/or species from waters within the jurisdiction of both agencies.
- o. Provide watercraft and crews to support enforcement of USCG-initiated restrictions on waterway use.
- p. Provide aircraft and crews for surveillance/reconnaissance.

DIVISION OF WASTE MANAGEMENT (DWM)

- a. Identify procedures for storage of oil/hazardous materials debris pending disposal.
- b. If oil/hazardous materials debris is determined to be hazardous, provide a vendor list to the RP for proper waste management.
- c. Issue emergency permits for treatment, storage, disposal, and transportation of debris from a hazardous material release and associated cleanup activities.

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- d. Provide vendor list to RP to facilitate cost assessment for proper waste management.
- e. Participate on the ETAG assisting the SERT Leader.
- f. Provide oversight into waste stream management.
- g. Identify landfills that will accept oil/hazardous materials contaminated solid waste and facilities/vendors that will accept and treat oil/hazardous materials contaminated liquid waste.

C. SUPPORTING STATE AGENCIES

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

EMERGENCY PROGRAMS DIVISION

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

FOOD AND DRUG PROTECTION DIVISION

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

FOOD DISTRIBUTION DIVISION

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

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AGRONOMIC SERVICES DIVISION

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

RESEARCH STATIONS DIVISION

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

OFFICE OF THE COMMISSIONER

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

NORTH CAROLINA FOREST SERVICE (NCFS)

- a. Coordinate equipment and personnel for decontamination operations, including earth moving and wash down. Dozers and other earth moving equipment are for moving non-contaminated materials only. Engines used for wash down will be with water or non-corrosive detergent only.
- b. Provide air and land transportation for responders when access to the incident is limited.
- c. Support operations by acting as Field Observers, Line Locators or Guides in forest areas.

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- d. Within the available resources provide equipment and personnel for contaminated debris removal.

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

DIVISION OF PARKS AND RECREATION (DPR) (STATE PARKS)

- a. Provide the SERT Leader with technical advice on any issue concerning the impact of release on state park facilities.
- b. Evacuation of state parks when threats exist to public safety.
- c. Coordinate with other law enforcement agencies.
- d. Provide areas on park property for use as assembly or staging areas for equipment and personnel.
- e. Provide transportation and communication within state park areas.
- f. Determine access points and routes least likely to harm park facilities and advise the SERT Leader of the same.
- g. Provide a liaison to the SERT authorized to grant permission for response and cleanup activities as well as issue any required permits concerning state park facilities.
- h. Advise the SERT Leader concerning damages to state park facilities due to a release.
- i. Provide a liaison and carry out technical consultations with US National Park Service if a national park/seashore is threatened.
- j. Evaluate the impact of release on privately owned lands in the Natural Heritage program and serve as liaison between the owner and the SERT. Recommend appropriate cleanup actions on such lands.
- k. Advise the SERT Leader concerning protection of natural areas from hazardous material releases.
- l. Participate on the ETAG assisting the SERT Leader.

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STATE HISTORIC PRESERVATION OFFICE (HPO)

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

DIVISION OF STATE HISTORIC SITES OFFICE OF ARCHIVES AND HISTORY

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

3. NC WILDLIFE RESOURCES COMMISSION (NCWR)

- a. Provide personnel and equipment to support law enforcement.

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- b. Identify sensitive inland water habitats that have potential to be impacted.
- c. Provide air, water, and land transportation.
- d. Provide sampling and monitoring assistance and act as lead agency concerning fish sampling from inland waters.
- e. Provide a liaison to and carry out technical consultations with the US Fish & Wildlife Service and other appropriate federal fish and wildlife specialists.
- f. Participate in the ETAG assisting the SERT Leader.
- g. Operate watercraft as directed by SERT Leader to support on-water operations such as boozing as well as wildlife and waterfowl rescue.
- h. Restrict the taking of fish from inland waters suspected of contamination.
- i. In accordance with the US Fish and Wildlife Service's Wildlife Contingency Plan for North Carolina Coastal Areas 1995, cooperate with the US Fish and Wildlife Service. This Wildlife Contingency Plan describes the cooperative actions which will be implemented by the US Fish and Wildlife Services and the NC Wildlife Resources Commission in the event wildlife is threatened or harmed by a hazardous material release event in North Carolina.
- j. Calculate and communicate with the N.C. Department of Justice an assessment of damage done to fish, wildlife and waterfowl from any state waters and/or adjacent habitat including calculation of values for litigation purposes.
- k. Act as liaison between the SERT and interested environmental and conservation groups.
- l. Participate on the ETAG Team assisting the SERT Leader.
- m. Identify otherwise unaffected areas of inland waters and species and advise the public concerning their use.
- n. Technical lead in ICP during activation of an ESF-10 Mission assignment for derelict vessels. Serve as a member of Unified Command.

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- o. Participate in the development of decision-making methodology concerning use of dispersants and/or biological agents in inland waters.
- p. Provide a liaison with the NC Division of Marine Fisheries for impacted areas and/or species from waters under the jurisdiction of both agencies.
- q. Provide watercraft and crews to support enforcement of USCG-initiated restrictions on waterway use.

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

DIVISION OF SOCIAL SERVICES (DSS)

- a. Coordinate with mass care support agencies to support local operations.

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

- a. Provide leadership in coordinating and integrating the overall state efforts that provide medical assistance to a disaster-affected area.
- b. Coordinate and direct the activation and deployment of state resources of medical personnel, supplies, equipment, pharmaceuticals, and assets.
- c. Assist in the development of local capabilities for the coordination of all healthcare services needed for triage, treatment, transportation, tracking, and evacuation of the affected population with medical concerns.
- d. Establish and maintain the cooperation of the various state medical and related professional organizations in coordinating the shifting of healthcare services resources from unaffected areas to areas of need.
- e. Coordinate with the SERT Military Support Branch to arrange for medical support from military installations.
- f. Coordinate the clinical support and/or movement of patients from an impacted area when higher level of care or evacuation is deemed necessary.

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- g. Coordinate the healthcare services for state-operated shelters by implementing the Healthcare Services in Shelters annex.

DIVISION OF PUBLIC HEALTH (DPH)

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

5. NC DEPARTMENT OF ADMINISTRATION (NCDOA)

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

6. NC DEPARTMENT OF COMMERCE (NCDOC)

ECONOMIC DEVELOPMENT PARTNERSHIP OF NC (EDPNC)

- a. Provide economic assessments of the impact of the release on tourism.
- b. Prepare public information materials regarding the effect of the release on tourism and travel in the state.

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- c. Assist the SERT in assessing the economic impact of a release on affected local governments.
- d. Advise the SERT Leader on interim strategies for community economic maintenance until disaster recovery resources and operations are fully available.

DIVISION OF EMPLOYMENT SECURITY (DES)

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

7. NC DEPARTMENT OF JUSTICE (NCDOJ)

OFFICE OF THE ATTORNEY GENERAL

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

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8. NC DEPARTMENT OF LABOR (NCDOL)

OCCUPATIONAL SAFETY AND HEALTH DIVISION (OSH)

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

9. NC DEPARTMENT OF TRANSPORTATION (NCDOT)

DIVISION OF HIGHWAYS (DOH)

- a. Erect and maintain such signs, lights, barricades or other traffic control devices as deemed appropriate to maintain or control traffic along the affected routes or detour routes.
- b. Remove contaminated sand/soil debris from state-maintained rights of way and dispose at NCDEQ approved sites.
- c. Provide SERT partners lists of contractors/suppliers to assist in the cleanup effort of sites outside the state-maintained right of way.

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- d. When directed by NCEM, the Division of Highways will develop and administer contracts for the removal of oil/hazardous materials from private roads. Such contracts will be pre-approved by NCEM prior to advertising and award.

FERRY DIVISION

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

10. NC DEPARTMENT OF PUBLIC SAFETY (NCDPS)

CIVIL AIR PATROL (CAP)

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

NORTH CAROLINA NATIONAL GUARD (NCNG)

- a. Provide technical expertise on the hazardous material, CBRNE or Civil Support Team as requested by the SERT or Governor. Assist with hazardous material identification, assessment of hazards, and advise civil authorities during an incident.
- b. Provide aviation and ground support as directed by the SERT Leader.
- c. Provide aviation support through short notice helicopter transportation as directed, aerial evacuation of personnel from threatened areas, and transportation of needed supplies and equipment.
- d. Furnish ground transportation by providing drivers for trucks and buses to transport individuals and groups being evacuated from contaminated or threatened areas; trucks and drivers for transporting supplies and equipment; operators to drive equipment required during an evacuation, and trucks, water tanks, and drivers for hauling drinking water.

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- e. Assist in decontamination operations by providing a limited number of trained personnel and equipment to operate decontamination showers, providing trained personnel and equipment to support decontamination of equipment, and assisting in operating decontamination points as required.
- f. Make armories and other NCNG facilities available for support functions when not required for NCNG use.
- g. Manage hazardous materials exposure of NCNG personnel and maintain exposure records.

11. NC STATE HIGHWAY PATROL (NCSHP)

- a. Isolate the impacted area as needed.
- b. Regulate motor vehicle traffic where indicated.
- c. Establish and maintain communication links between and among local authorities, the SERT, and the site of the emergency.

12. STATE BUREAU OF INVESTIGATION (SBI)

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

13. UNIVERSITY OF NORTH CAROLINA SYSTEM (UNC SYSTEM)

UNC SEA GRANT COLLEGE PROGRAM

UNC WATER RESOURCES RESEARCH INSTITUTE

UNC COASTAL STUDIES INSTITUTE

UNC-CH INSTITUTE OF MARINE SCIENCE

UNC-W CENTER FOR MARINE RESEARCH

ECU INSTITUTE FOR COASTAL SCIENCES AND POLICY

NCSU CENTER FOR MARINE SCIENCES AND TECHNOLOGY

- a. Assist in assessing the impact of a major hazardous material release on the environment or on the health of North Carolina residents.

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D. SUPPORTING FEDERAL AGENCIES

1. US ENVIRONMENTAL PROTECTION AGENCY (EPA)

- a. Provide the federal OSC for releases that occur in the inland waters.
- b. Coordinate, direct, and review the work of other agencies, the RP, and contractors to ensure compliance with the NCP, RCP and any other documents such as decision documents, consent decrees, administrative orders, and/or lead agency-approved plans.
- c. Notify the appropriate state and federal agencies of any reported discharges or potential discharges.
- d. Determine whether proper response actions have been initiated. If the RP does not act promptly in accordance with the directions of the OSC, does not take appropriate actions, or if the party is unknown, the OSC shall respond in accordance with provisions of the NCP, RCP, ACP and agency guidance.
- e. Collects pertinent information on the discharge or release including: source and cause; RP; nature, amount, location, direction, and time of discharge; pathways to human and environmental exposure; potential impact on and protection priorities for human health, welfare, and safety, and the environment; possible impact on natural resources and property, and estimated response costs.
- f. Consults with and informs RRT members of reported discharges and releases through Pollution Reports (POLREPs).
- g. Consults with the appropriate Regional or District office regarding situations potentially requiring temporary or permanent relocation. In the event of a declared federal disaster, coordinates with the FEMA Federal Coordinating Officer (FCO) as appropriate.
- h. Appropriately addresses worker health and safety issues prior to and during a response operation.
- i. Coordinates with scientific advisors from various agencies, as the OSC deems necessary, regarding possible public health risks and environmental sensitivity.
- j. Support for hazardous materials and coordination with NCDEQ as well as the USCG.

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2. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

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

3. US FISH AND WILDLIFE SERVICE (FWS)

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

4. UNITED STATES COAST GUARD (USCG)

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

IV. CONCEPT OF OPERATIONS

A. GENERAL

A multi-organizational hazardous material release response network will be deployed when oil/hazardous materials pose a threat to the public health and welfare of the environment. Included in this network are resources of the federal, state, and local governments, the RP, hazardous material release response contractors and cooperatives, and volunteer groups and

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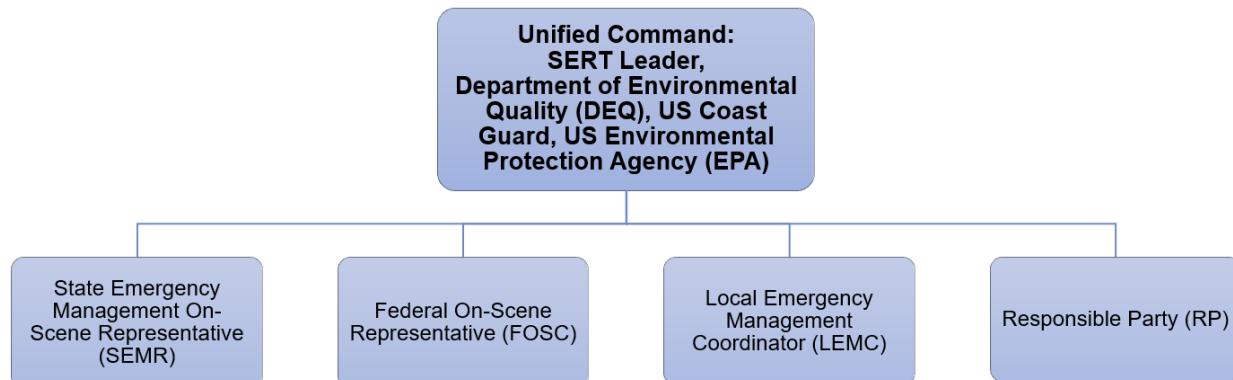
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individuals. The USCG or EPA, using the Incident Command System (ICS) concept, will lead this response.

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

On receipt of notification of a discharge, the NRC will notify the appropriate federal OSC and the State EOC. The OSC shall ensure notification of the appropriate state agency of any state that is or may reasonably be expected to be affected by the discharge. The State EOC may elevate from daily operations to an Enhanced Watch with NCEM Functional Leads meeting daily. NCEM or SERT Functional Leads will notify SERT agency representatives of the possible SERT activation. Depending on the extent of release, SERT agencies will report to the State EOC for a SERT activation.



B. RESPONSE ACTIONS

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

1. First: Protection of human life, health, and safety of the public and emergency personnel;
2. Second: Protection of valuable environmental, cultural, historical and archeological resources; and

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3. Third: Protection of business and commerce.

In any emergency event, the state will provide coordination of all measures taken with respect to public safety and protection. Only properly equipped and trained personnel will be permitted to engage in containment, control or cleanup activities, whether such personnel are from federal, state, or local agencies or from private contractors, cooperatives or volunteer organizations. On-scene personnel or the Unified Command should advise the State EOC of the size of the release and the NCEM Operations Section should recommend to the SERT Leader a level to be assigned to the incident.

NCEM Emergency Services will serve as liaison for ESF-10 derelict vessel coordination. All Mission Assignments request through the RRF process will follow recommendations from NC Wildlife Resource Commission, NCDEQ DWM, NCEM Hazardous materials through review of anticipated impacts for tropical systems.

NCEM Hazardous Materials Section will maintain direct communication with USCG Sector NC emergency management staff and will provide staff to the ICP during activation of an ESF-10 Mission assignment once established by USCG.

All spills of hazardous chemicals shall base the activation level on a review and recommendation from NCEM Hazardous Materials Branch and NCEM Branch staff.

The table illustrates the relationship between the amount released and the federal terminology for sizing up the release. In federal terminology, the word "potential" is used in conjunction with "minor", "medium" or "major" to indicate the size of the potential release, should there be a release.

Amount Released	Federal Terminology
None, but substantial risk	Potential
<1,000 gallons (Inland) <10,000 gallons (Coastal)	Minor
1,000-10,000 gal (Inland) 10,000-100,000 gal (Coastal)	Medium
>10,000 gallons (Inland) >100,000 gallons (Coastal)	Major

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

The State EOC change from daily operations to an Enhanced Watch or SERT Activation is dependent upon the observed and expected impact. The following are general guidelines that may support a change in activation level. For information on staffing and general responses associated with an activation, please refer to the North Carolina Emergency Operations Basic Plan.

- **A potential oil spill** is a situation in which no oil has yet reached the waters of the state but there is significant potential for the spill to enter these waters. The report given by the federal authorities might also indicate a likely size of the spill. Therefore, the information received might indicate a potential minor, potential medium, or potential major spill.
 - Response activities for a potential oil spill will be undertaken by on scene federal, state or local personnel toward the rescue of any endangered persons, followed by efforts at containment of the oil or hazardous substance in order to prevent a release into the waters. If available data indicates that the potential for a major spill is highly likely, the appropriate state and local personnel will be notified of this potential.
 - A potential oil spill is designated as a situation in which no spill has occurred but there is a potential for a spill. The NCEM Watch Officer (EMO) should initiate notifications consistent with the current "Oil/Petroleum Spill" checklist found in the *Operations Guide*. At this level the EMO may also contact the USCG, EPA, or other organizations which have personnel on scene, to determine the potential for a spill and its probable size.
- **A minor** oil spill emergency involves an incident in which oil or petroleum products are spilled in the following amounts:
 - a. Less than 10,000 gallons of oil or product enters the coastal or marine waters; or
 - b. Less than 1,000 gallons enter the inland waters

For spills in state waters, the NCEM Watch Officer should always contact either USCG Sector North Carolina [Command Center], or the EPA Region IV Telephone Duty OSC (See Tab D for telephone numbers), as appropriate,

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to determine if there is a need for NCEM and NCDEQ personnel to respond. If such a need arises, obtain the following information:

- a. Name of On-Scene Coordinator
- b. Location of Command Post
- c. Time of activation of Command Post

State response to a **minor** oil spill may include the following steps:

- a. Response by regional NCDEQ Division of Water Quality and an NCEM Area Coordinator.
- b. On the scene efforts by federal, state and local personnel towards rescue of endangered persons, containment of the spill, recovery of oil or product, and an appropriate assessment of potentially adverse environmental consequences
- c. Notifications per the "Oil/Petroleum Spill" checklist
- d. Alert SERT Agencies
- e. Alert ETAG
- f. An additional response to the situation will be dictated by circumstances

- A **medium** oil spill involves:

- a. Release of between 10,000 and 100,000 gallons in the marine or coastal waters; or
- b. Between 1,000 and 10,000 gallons in the inland waters.

State response in a **medium** oil spill may include the following steps:

- a. Notifications per the "Oil/Petroleum Spill" checklist;
- b. Level of SERT activation, including ETAG, at the discretion of the SERT Leader;
- c. Additional responses to the situation will be dictated by circumstances; and

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- d. Response by regional NCDEQ Division of Water Quality and a NCEM Area Coordinator / Branch Manager.
- A **major** oil spill involves the following spill:
 - a. More than 100,000 gallons of oil into the coastal or marine waters; or
 - b. More than 10,000 gallons of oil or product in the inland waters

A **major** spill will require significant state and local resources, and the State EOC maybe activated for the purposes of coordinating the response.

1. INITIAL

The initial public safety response is normally initiated by the local emergency response organizations. The RP's initial response will be directed toward stopping the discharge, containing the discharged product, and commencement of clean-up and removal of the hazardous material. Oversight and surveillance of the RP's actions are maintained at the state and federal levels.

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

Through the NCEM Operations Section or Regional Coordination Centers (RCCs), the state will provide guidance and assistance to local government and volunteer agencies engaged in the response activities. When directed by the SERT Leader, or if requested by a county emergency management coordinator, the NCEM Area Coordinator in whose area the spill occurs, or On-Call Area Coordinator, will become the initial State Emergency Management On-Scene Representative (SEMR) and will coordinate the use of all state resources through the Unified Command system with the USCG or EPA federal OSC as appropriate. Should the RCC determine the response reaches the need a request through the Operations Chief for NCEM Hazardous Material Section staff to assume these responsibilities.

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2. CONTINUING

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

If the discharge results in a substantial threat to the public health or welfare of North Carolina, including but not limited to fish, shellfish, wildlife, other natural resources, and public and private beaches and shorelines, the federal OSC, under the direction of the NCP, must direct all federal, state, and private actions to remove the discharge or prevent the threat of such discharge. In such situations, North Carolina will assume a position of support to this response. If initial efforts to contain and control the release or spill are unsuccessful, the state's efforts will be principally directed toward supporting rapid and safe clean-up of the spilled material and the restoration of damaged natural and man-made resources to their normal state.

Damage assessments will be conducted by federal, state and local personnel within their areas of expertise or responsibility to determine the value of property and resources damaged or destroyed by the effects of the spill. NCEM and NCDEQ will lead the state's damage assessment and restoration efforts and will coordinate with the federal and local agencies involved in assessing local damages. The state will seek compensation for expenses and damages from the RP, and all such expenses and damages will be documented from the outset of the incident. States have access up to \$250,000, without a federal OSC request, from the Federal Oil Spill Liability Trust Fund established under OPA'90 and administered by the National Pollution Funds Center.

V. DIRECTION, CONTROL AND COORDINATION

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

If the RP is not present or available, the IC will establish a Command Post (CP) and initiate public safety protection actions under the Incident Command System. If the RP is represented and a CP has not already been established by the RP, the IC, in

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conjunction with the RP, will establish a CP and begin coordinating first response functions. Through this effort, the transition to a Unified Command begins.

Once public safety concerns have been addressed, local efforts will concentrate on environmental and public health concerns until the arrival of a SEMR or federal OSC. Direction and control of continuing local efforts will remain with the IC. On arrival of the state EMR, the ICS further transitions toward an UC. At this time, direction and control of the incident may be transferred to the state EMR if the IC so desires and the state EMR agrees. If the RP is not already represented at the CP, they should be encouraged to do so as soon as possible. Depending on the location of the release, the CP may be located at the RP's business location or at a site selected by the local IC. In any case, there will be only one CP.

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

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

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

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VI. REFERENCES

- A. Public Law 96-510, December 1980, Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), commonly known as Superfund.
- B. Public Law 99-499, October 1986, Superfund Amendments and Reauthorization Act, Title III, Emergency Planning and Community Right to Know, also known as SARA Title III.
- C. Public Law 92-500, Federal Water Pollution Control Act, commonly known as the Clean Water Act (CWA) as amended.
- D. Public Law 101-380 August 1990; commonly known as the Oil Pollution Act of 1990.
- E. Chapter 166A of the North Carolina General Statutes, North Carolina Emergency Management Act, as amended
- F. Chapter 143.215.75 et seq. of the North Carolina General Statutes, The North Carolina Oil Pollution and Hazardous Substances Control Act of 1978.
- G. 15A North Carolina Administrative Code 02A.0005(a)(Z).
- H. Executive Order 73, State of North Carolina.
- I. National Hazardous Substances Contingency Plan, 40 CFR, Part 300, September 1994.
- J. Federal Region IV Oil and Hazardous Substance Pollution Contingency Plan. December 1994.
- K. United States Coast Guard, Sector North Carolina Area Contingency Plan, December 2006.
- L. United States Coast Guard, Sector Hampton Roads, Mid-Atlantic Area Contingency Plan, September 2007.
- M. Common law, and any other state or federal statutes, as applicable.
- N. Technical Operating Procedures for State Access under Section 1012 (d) (1) of the Oil Pollution Act of 1990 (P.L. 101-380)