

Friday
April 24, 1992

FRONTIER
WATERWAYS

Part V

**Environmental Protection
Agency**

**Department of
Transportation**

Coast Guard

**Designation of Areas and Area
Committees Under the Oil Pollution Act
of 1990; Notices**

**ENVIRONMENTAL PROTECTION
AGENCY**

[SWH-FRL-4041-1]

**Designation of Areas and Area
Committees Under the Oil Pollution
Act of 1990**

AGENCY: U.S. Environmental Protection
Agency (EPA).

ACTION: Notice.

SUMMARY: The purpose of this notice is to designate Areas for planning purposes and to appoint qualified Federal, State, and local agency personnel as Area Committees to prepare Area Contingency Plans pursuant to section 311(j)(4) of the Clean Water Act (CWA), as amended by the Oil Pollution Act of 1990 (OPA). The OPA, signed into law on August 18, 1990, amends existing provisions of the CWA and creates major new authorities addressing oil spill prevention and response.

DATES: Comments must be received on or before May 26, 1992.

ADDRESSES: Comments should be submitted in triplicate to: Chemical Emergency Preparedness and Prevention Office, Superfund Docket Clerk, Docket Number OPA/AC, room 2427, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Ms. Sarah Bauer, Chemical Emergency Preparedness and Prevention Office (OS-120), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. (202) 260-8247.

AUTHORITY: Section 311(j)(4) of the Clean Water Act, 33 U.S.C. 1321(j)(4), as amended by the Oil Pollution Act of 1990 section 4202(b), Public Law 101-380.

BACKGROUND: Under CWA section 311(j)(4)(B), Area Contingency Plans must be developed by Area Committees, under the direction of the Federal On-Scene Coordinator (OSC) for their Area. Under section 311(j)(4)(D), these plans are reviewed and approved by the President.

Pursuant to OPA section 4202(b)(1)(A), the President designates areas for which Area Contingency Plans are established. Through section 1(b) of Executive Order 12777 (56 FR 54757; October 22, 1991), the President delegated to the Administrator of the U.S. Environmental Protection Agency (EPA), responsibility for designating the Areas and appointing the Committees for the "Inland Zone," as defined by the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR 300.5). The U.S. Coast Guard has responsibility for designating Areas and appointing Committees for the Coastal Zone as defined by the NCP.

EPA is currently developing a proposed rulemaking to revise the NCP as required by section CWA section 311(d), as amended. EPA anticipates that in that proposal, the Agency will address the relationship between Area Contingency Plans and the OSC Contingency Plans currently provided for in § 300.210(c)(1) of the NCP.

**SUPPLEMENTARY INFORMATION:
Designation of Areas**

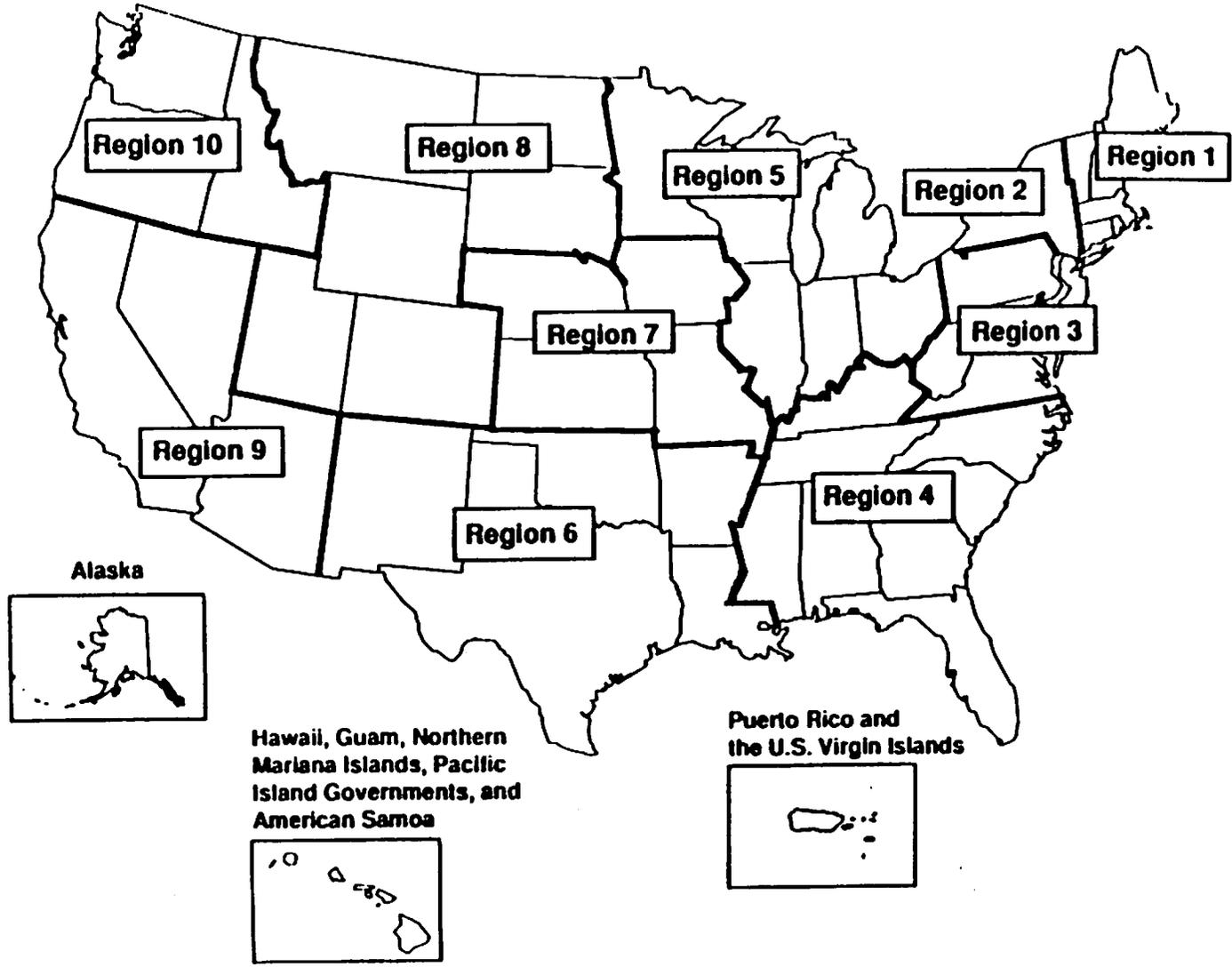
EPA is publishing today's notice to meet the requirement to designate Areas under OPA section 4202(b)(1)(A). Under the existing response and planning framework under the NCP, the territory of the United States is covered by 13 Regional Response Teams (RRTs) and Regional Contingency Plans (RCPs). The zones of the 13 RRTs follow the 10 standard Federal regions except for the following 3 subregional areas that have their own RRT: (1) Puerto Rico and the U.S. Virgin Islands; (2) Alaska; and (3) Hawaii, Guam, Northern Mariana Islands, Pacific Island Governments, and American Samoa (see Figure 1). The inland areas of the 13 RRTs will serve as the designated Areas for the Inland Zone. The U.S. Coast Guard will be issuing a notice to designate Areas for the Coastal Zone. These Coastal Zone Areas will be based on the 48 U.S. Coast Guard Captains of the Port (COTP) areas. The areas covered by COTPs are smaller than the RRT areas and include major river systems associated with the ports.

OPA section 4202(b)(1)(A) also requires that in designating areas, "the President shall ensure that all navigable waters, adjoining shorelines, and waters of the exclusive economic zone are subject to an Area Contingency Plan." EPA believes that its approach for designating Areas for the Inland Zone will most effectively allow the Agency to meet the statutory requirement that all navigable waters and adjoining shorelines be subject to a Plan by initially building upon the basic existing oil spill planning and response structure.

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Figure 1

13 REGIONAL RESPONSE TEAM AREAS



The Agency is now evaluating smaller or subregional Areas for possible designation, and anticipates that the authority to designate smaller or subregional Areas will be delegated to the Agency's Regional Administrators. In the process of designating these Areas, every section in a Region will be screened. Designation of such Areas would be based on an analysis of the potential risk of oil spills and the environmental sensitivity of areas within each Region. If smaller or subregional Areas are designated, they will be published in the Federal Register. The analysis of these geographic Areas will include site-specific information and will include consideration of the following criteria:

- The pattern of past spills and the likelihood of future spills;
- The presence and proximity of natural resources, environmentally sensitive areas, and population concentrations;
- The concentration of facilities, pipelines, and transportation routes within the Region;
- The location of drainage basins and appropriate geographic and/or topographic features;
- The location of water supplies; and
- The location and capabilities of existing preparedness and response organizations

These criteria are consistent with the requirements in CWA section 311(j)(4)(C) that each Area Contingency Plan "describe the area covered by the plan, including the areas of special economic or environmental importance that might be damaged by a discharge" and with EPA's understanding that the relevant information is generally available.

Boundaries of subregional geographic areas would not be limited by political boundaries of Regions or States and their political subdivisions because oil spills can cause environmental harm in more than one Region or State. Regional Administrators would coordinate on any Area designations that extend beyond Regional boundaries. Such designations would require the approval of all Regional Administrators whose Regions are affected.

RRTs should be involved in both the designation process and plan development process to facilitate long-term coordination between the RRTs and the Area Committees. Likewise, each Area Committee shall consult with the appropriate RRT and address its concerns in developing Area Contingency Plans.

As provided in OPA section 4202(b)(1)(B), Area Contingency Plans were to be submitted to EPA no later

than February 18, 1992. The Regional Administrator will request each RRT to review the appropriate Area Contingency Plan and provide recommendations regarding approval. The Regional Administrators, however, shall approve Area Contingency Plans. The Agency believes that RRTs should serve in an advisory role because their expertise in oil spill response will be a valuable asset to the Regional Administrators in evaluating Area Contingency Plans.

Rather than use the entire Inland Zone of the Region as an Area, a Regional Administrator may designate new Areas and Area Committees or start a process to designate subregional geographic Areas and Area Committees. Some such Areas may be designated during the initial implementation of the area contingency planning requirements, while others may be designated at a later date. For example, one EPA Region is considering designating 14 areas covering the entire region. Other Regions may act in accordance with the designation of the initial Area while considering subdesignations within that Area.

Designation of Area Committees

I hereby designate the 13 individual RRTs as the initial Area Committees. I also plan to delegate the authority to the Regional Administrators to designate a different committee or committee members. If a Regional Administrator designates new Areas, the RRT will serve as the Area Committee for the balance of the RRT's area, unless the Regional Administrator designates a different committee for the balance of the Region. The Regional Administrator should consult with the RRT on Area designations, and appointments to Area Committees.

For any areas other than the 13 RRT areas, representatives of each agency comprising the RRT should be considered for membership on the Area Committee. Each RRT agency may recommend representatives to serve on such Area Committee. EPA Regional Administrators would appoint qualified individuals to Area Committees for subregional Areas designated. To facilitate coordination between the two organizations, the Regional Administrator may designate RRT representatives for membership on Area Committees, especially for Federal and State representation.

In addition to any RRT agency representatives, there will be appropriate representatives from each State and from local government in the

Area, including representatives of State Emergency Response Commissions (SERCs) and Local Emergency Planning Committees (LEPCs) established under the Emergency Planning and Community Right-to-Know Act. Furthermore, the Area Committee may consult with other appropriate representatives where the knowledge and expertise of these representatives may facilitate the work of the Area Committee. These other representatives may include facility owners or operators, cleanup contractors, emergency planning and response officials, members of academia, environmental groups, and other persons with a demonstrated interest in environmental matters in the Area. The primary purpose of an Area Committee will be to develop a plan for the Area under the supervision of the EPA OSC to anticipate and avoid potential spill response problems prior to an oil spill.

RRTs are composed of representatives of the 14 Federal agencies having broad environmental responsibilities, State agency representatives, Indian tribes, and local representatives (as arranged by the States' representatives). RRTs are officially designated by the NCP for interagency and intergovernmental planning and coordination of preparedness and response actions at the regional level. They are responsible for developing Regional Contingency Plans (RCPs) to address oil and hazardous substance spills (40 CFR 300.115). The RRT/RCP structure was developed over 20 years ago and was originally designed to address oil spills and later expanded to include hazardous substance releases. Hence, RRTs have the desired composition, functions, and experience to fulfill the role of Area Committees.

In developing the guidance provided in this notice for designating Areas and Area Committees under CWA section 311(j), the Agency has consulted extensively with EPA Regional representatives, the U.S. Coast Guard, and other interested agencies. EPA is interested in obtaining public comment on this notice to ensure that it best fulfills statutory objectives and requirements, and to facilitate the public's understanding of how Area Committees will function.

Dated: April 14, 1992.

William K. Reilly,
Administrator.

[FR Doc. 92-9223 Filed 4-23-92; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION**Coast Guard**

[CGD 91-010]

Oil Pollution Act of 1990; Designating Areas For Area Committees**AGENCY:** Coast Guard, DOT.**ACTION:** Notice.

SUMMARY: The Coast Guard is providing notice of designated areas for which Area Committees are required to conduct local oil spill contingency planning under the Oil Pollution Act of 1990. Other areas will be designated by the Environmental Protection Agency in a separate notice. This division of responsibility reflects the working arrangements between the two agencies under existing national and regional oil spill contingency planning. This notice will permit planning to begin.

FOR FURTHER INFORMATION CONTACT: Pamela M. Pelcovits, Project Manager, Oil Pollution Act Staff, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001. (202) 267-6403.

SUPPLEMENTARY INFORMATION: The Oil Pollution Act of 1990 (Pub. L. 101-380) (OPA 90) was enacted to reduce oil spills and to improve the nation's preparedness and ability to respond to them. OPA 90 creates a comprehensive prevention, response, liability, and compensation regime for dealing with vessel and facility-generated oil pollution.

Subtitle (b) of title IV of OPA 90 amends section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) (FWPCA) and contains certain stand alone provisions requiring enhanced response systems to clean up oil spills. In particular, section 4202(a) of OPA 90 amends section 311(j) of the FWPCA, to define the role of Area Committees in the contingency planning process and production of Area Contingency Plans (ACPs). Each ACP must include worst case scenarios and lists of equipment and personnel that are available for the removal of worst case spills. In case of an oil spill, an ACP would be implemented in conjunction with the amended National Contingency Plan (NCP), to be developed under section 311(d) of the FWPCA, as amended by section 4201 of OPA 90.

Section 4202(b)(1) of OPA 90 directs the President to designate the areas for which Area Committees (whose members are to be appointed by the President) are to prepare ACPs under amended section 311(j)(4) of the FWPCA. Each Area Committee is to

submit an ACP to the President by February 18, 1992, for approval.

Executive Order (EO) 12777 of 22 October 1991, delegates the President's many responsibilities under OPA 90 to appropriate executive agencies. Pursuant to this EO, the authority of the President to designate areas for the "coastal zone" is delegated to the Secretary of Transportation. The Secretary has redelegated this authority to the Commandant, U.S. Coast Guard. The term "coastal zone," is defined in the current NCP (40 CFR 300.5), to mean all United States waters subject to the tide, United States waters of the Great Lakes, specified ports and harbors on inland rivers, and the waters of the Exclusive Economic Zone (EEZ). The Coast Guard's Notice of Intent (56 FR 33481), which was published on 22 July 1991, considered coastal zone areas to be published in a later notice, so that advanced planning could be initiated to meet the mandated deadlines.

In addition, under the EO, the authority to designate areas for the "inland zone," also defined in the NCP, is delegated to the Administrator of the Environmental Protection Agency (EPA). Accordingly, a separate notice to designate areas for the "inland zone" will be issued by the EPA.

The existing NCP divides the United States, its territories, and its possessions including portions of the high seas, into 13 areas of responsibility. Each of the 13 areas of responsibility is divided further into coastal and inland zones. These areas correspond to the 10 standard Federal regions with the exception of the separate areas established for (1) Puerto Rico and the U.S. Virgin Islands of Region II; (2) Alaska of Region X; and (3) Hawaii, Guam, Northern Mariana Islands, Pacific Island Governments, and American Samoa of Region IX. Each of these areas is covered by its own Regional Response Team (RRT) and Regional Contingency Plan (RCP).

The Coast Guard further divides the United States, its territories, and its possessions into 47 Captain of the Port (COTP) zones which cover all of the United States, including portions of the high seas. Each COTP zone is described in the Coast Guard regulations at 33 CFR part 3. Within their respective zones, COTPs and their representatives enforce port safety, security, and marine environmental protection regulations. Each Coast Guard COTP is also the pre-designated Federal On-Scene Coordinator (OSC) under the NCP for the coastal portion of a COTP zone.

In the Coast Guard's Notice of Intent (56 FR 33481), published on 22 July 1991, it was indicated that the coastal zone areas would be called "Port Areas" due

to a different, and specific meaning of the term "area" for the Coast Guard. In reevaluating naming the coastal zone areas "Port Areas", we found it more important to maintain consistency and avoid confusion within the National Response System (NRS), rather than internally within the Coast Guard. Therefore, the term "Area" will be used in lieu of the term "Port Area" in the coastal zone as well as in the inland zone.

The Coast Guard has designated as areas, those portions of the COTP zones which are within the coastal zone, for which Area Committees will prepare ACPs. The specific Area boundaries are not listed in this notice. The boundaries for inland and coastal zones have been defined clearly by the Coast Guard COTPs and the EPA Regional Administrators through Memoranda-of-Understanding. The precise boundaries are described in the RCPs published for each of the 13 areas of responsibility under the NCP. The boundaries also are found in the current local contingency plan for each COTP. RCPs are available for viewing at the Coast Guard District and COTP Offices listed in Table I. COTP local contingency plans within each Coast Guard District are available for viewing at each District Office and at respective COTP Offices.

When published, the amended NCP will delegate to each COTP as OSC, the authority to further divide an Area, to address significant local requirements or concerns. If an Area is divided, each portion then will constitute a separate Area for which a separate Area Committee will prepare and submit a separate ACP. Some Areas in the coastal zone may be divided during the initial implementation of the contingency planning requirements of OPA 90, while other Areas may be divided at a later date.

By using COTP zones as a basis for defining Areas, the Coast Guard will meet the requirement of section 4202(b)(1) (of OPA 90), to ensure that all navigable waters, adjoining shorelines, and waters of the EEZ, within the coastal zone, are subject to an ACP.

The Coast Guard encourages representatives of State and local government agencies and interested members of the public to contact the Port Operations Department at COTP Offices for further information concerning OPA 90, including coastal zone Area boundaries. The addresses and telephone numbers for COTP Offices are listed in Table I.

Dated: March 11, 1992.

- A.E. Henn,**
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.
- Table 1.—U.S. Coast Guard District and Captain of the Port Offices**
- First Coast Guard District, Commander,**
Coast Guard Bldg., 408 Atlantic Ave., Boston, MA 02210-2209, 517/223-8441
- Commanding Officer, Marine Safety Office**
Portland, 76 Pearl St., Portland, ME 04112-0196, 207/780-3251
- Commanding Officer, Marine Safety Office**
Providence, John O'Pastore Federal Building, Providence, RI 02903-1790, 401/528-5335.
- Captain of the Port, Long Island Sound, c/o USCG Group, 120 Woodward Ave., New Haven, CT 06512-3698, 203/468-4484**
- Commanding Officer, Marine Safety Office**
Boston, 455 Commercial Street, Boston, MA 02109-1045, 617/223-3025
- Captain of the Port, New York, c/o USCG Group, Governors Island, New York, NY 10004-5000, 212/668-7917**
- Second Coast Guard District, Commander,**
1430 Olive Street, St. Louis, MO 63103-2398, 314/539-2655
- Commanding Officer, Marine Safety Office**
St. Louis, Suite 1.215, 1222 Spruce St., St. Louis, MO 63102-2835, 314/539-3091
- Commanding Officer, Marine Safety Office**
Huntington, 1415 6th Ave., Huntington, WV 25701-2420, 304/529-5524
- Commanding Officer, Marine Safety Office**
Louisville, Room 360, 600 Martin Luther King Jr. Place, Louisville, KY 40202-2230, 502/582-5194
- Commanding Officer, Marine Safety Office**
Paducah, P.O. Box 7509, 200 Katterjohn Bldg., 1501 Broadway, Paducah, KY 42002-7509, 502/442-1621
- Commanding Officer, Marine Safety Office**
Memphis, Suite 1301, 200 Jefferson Ave., Memphis, TN 38103-2300, 901/544-3941
- Commanding Officer, Marine Safety Office**
Pittsburgh, Suite 700, Kossman Bldg., Forbes Ave. & Stanwick St., Pittsburgh, PA 15222-1371, 412/644-5808
- Fifth Coast Guard District, Commander,**
Federal Bldg., 431 Crawford St., Portsmouth, VA 23704-5004, 804/398-6638
- Commanding Officer, Marine Safety Office**
Baltimore, Customhouse, 40 S. Gay St., Baltimore, MD 21202-4022, 301/982-5121
- Commanding Officer, Marine Safety Office,**
Philadelphia, 1 Washington Ave., Philadelphia, PA 19147-4395, 215/271-4803
- Commanding Officer, Marine Safety Office**
Hampton Roads, Norfolk Federal Bldg., 200 Granby St., Norfolk, VA 23510-1888, 804/441-3302
- Commanding Officer, Marine Safety Office**
Wilmington, Suite 500, 272 N. Front St., Wilmington, NC 28401-3907, 919/343-4882
- Seventh Coast Guard District, Commander,**
Brickell Plaza Bldg., 909 S.E. 1st Ave., Miami, FL 33131-3050, 305/536-5651
- Commanding Officer, Marine Safety Office**
Miami, 155 S. Miami Ave., Miami, FL 33130-1609, 305/536-5691
- Commanding Officer, Marine Safety Office**
Jacksonville, Room 213, 2831 Talleyrand Ave., Jacksonville, FL 32206-3497, 904/791-2940
- Commanding Officer, Marine Safety Office**
Tampa, 155 Columbia Dr., Tampa, FL 33606-3598, 813/228-2194
- Commanding Officer, Marine Safety Office**
Charleston, 196 Tradd St., Charleston, SC 29401-1899, 803/724-8689
- Commanding Officer, Marine Safety Office**
Savannah, P.O. Box 8191, Savannah, GA 31412-8191, 912/944-4371
- Commanding Officer, Marine Safety Office**
San Juan, P.O. Box S-3686, Old San Juan, PR, 00902-3686, 809/944-2697
- Eighth Coast Guard District, Commander,**
Hale Boggs Federal Bldg., rm. 1331, 501 Magazine St., New Orleans, LA 70130-3396, 504/589-8901
- Commanding Officer, Marine Safety Office**
New Orleans, Tidewater Bldg., 1440 Canal Street, New Orleans, LA 70112-2711, 504/589-4256
- Commanding Officer, Marine Safety Office**
Corpus Christi, P.O. Box 1621, Corpus Christi, TX 78403-1621, 512/888-3182
- Commanding Officer, Marine Safety Office**
Houston, P.O. Box 446, Galena Park, TX 77547-0446, 713/671-5122
- Commanding Officer, Marine Safety Office**
Port Arthur, Federal Bldg., 2875 75th St. & Hwy 69, Port Arthur, TX 77640-2099, 409/723-6506
- Commanding Officer, Marine Safety Office**
Morgan City, rm 232, 800 David Dr., Morgan City, LA, 70380-1304, 504/384-2406
- Commanding Officer, Marine Safety Office**
Galveston, Post Office Bldg. rm. 313, 601 Rosenberg, Galveston, TX 77550-1705, 409/766-3678
- Commanding Officer, Marine Safety Office**
Mobile, P.O. Box 2924, Mobile AL 36652-2924, 205/690-2286
- Ninth Coast Guard District, Commander, 1240**
E. 9th Street, Cleveland, OH 44199-2060, 216/552-3994
- Commanding Officer, Marine Safety Office**
Buffalo, Rm. 1111, Federal Bldg., 111 West Huron St., Buffalo, NY 14202-2395, 716/846-4168
- Commanding Officer, Marine Safety Office**
Cleveland, 1055 East 9th St., Cleveland, OH 44114-1092, 216/522-4405
- Commanding Officer, Marine Safety Office**
Duluth, Canal Park, Duluth, MI 55802-2352, 218/720-5288
- Commanding Officer, Marine Safety Office**
Milwaukee, 2420 S. Lincoln Memorial Dr., Milwaukee, WI 53207-1997, 414/747-7159
- Commanding Officer, Marine Safety Office**
Toledo, Rm. 501, Federal Bldg., 234 Summit St., Toledo, OH 43604-1590, 419/259-8372
- Commanding Officer, Marine Safety Office**
Chicago, 810 S. Canal St., Chicago, IL 60607-4573, 312/353-3827
- Commanding Officer, Marine Safety Office**
Detroit, Ft. of Mt. Elliot Ave., Detroit, MI 48207-4380, 313/568-9498
- Captain of the Port, Grand Haven, c/o USCG Group, 650 Harbor Ave., Grand Haven, MI 49417, 616/847-4504**
- Captain of the Port, Sault Ste. Marie, c/o USCG Group, Sault Ste. Marie, MI, 49783-9501, 906/372-3210**
- Eleventh Coast Guard District, Commander,**
400 Oceangate, Long Beach, CA 90822-5399, 213/499-5330
- Commanding Officer, Marine Safety Office**
Long Beach, Los Angeles/Long Beach, 165 N. Pico Ave., Long Beach, CA 90802-1096, 213/499-5573
- Commanding Officer, Marine Safety Office**
San Francisco, Bldg. 14 Coast Guard Island, Alameda, CA 94501-5100, 415/437-3082
- Commanding Officer, Marine Safety Office,**
San Diego, 2710 N. Harbor Dr., San Diego, CA 92101-1064, 619/557-5877
- Thirteenth Coast Guard District, Commander,**
Jackson Federal Bldg., 915 Second Ave., Seattle, WA 98174-1067, 206/442-5233
- Commanding Officer, Marine Safety Office**
Portland, 6767 N. Basin Avenue, Portland, OR 97217-3929, 503/240-0317
- Commanding Officer, Marine Safety Office**
Puget Sound, Bldg. 1/Pier 36, 1519 Alaskan Way S., Seattle, WA 98134-1192, 206/286-5530
- Fourteenth Coast Guard District,**
Commander, 9th Floor, room 9153, Prince Kalaniana'ole Federal Bldg., 300 Ala Moana Blvd., Honolulu, HI 96850-4982, 808/541-2114
- Commanding Officer, Marine Safety Office**
Honolulu, Rm. 1, 433 Ala Moana Blvd., Honolulu, HI 96813-4909, 808/541-2068
- Commanding Officer, Marine Safety Office**
Guam, Box 176, FPO San Francisco, CA, 96630/5000, 671/477-3340
- Seventeenth Coast Guard, Commander, P.O.**
Box 3-5000, Juneau, AK 99802-1217, 907/463-2210
- Commanding Officer, Marine Safety Office**
Juneau, Suite 2A, 2760 Sherwood Ln. Juneau, AK 99801-8545, 907/586-7288
- Commanding Officer, Marine Safety Office**
Valdez, P.O. Box 486, Valdez, AK 99686-0486, 907/835-4791
- Commanding Officer, Marine Safety Office**
Anchorage, Federal Bldg. & U.S. Courthouse Box 17, 701 C St., Anchorage, AK 99513-0065, 907/271-5137

[FR Doc. 92-9272 Filed 4-23-92; 8:45 am]

BILLING CODE 4910-14-M