

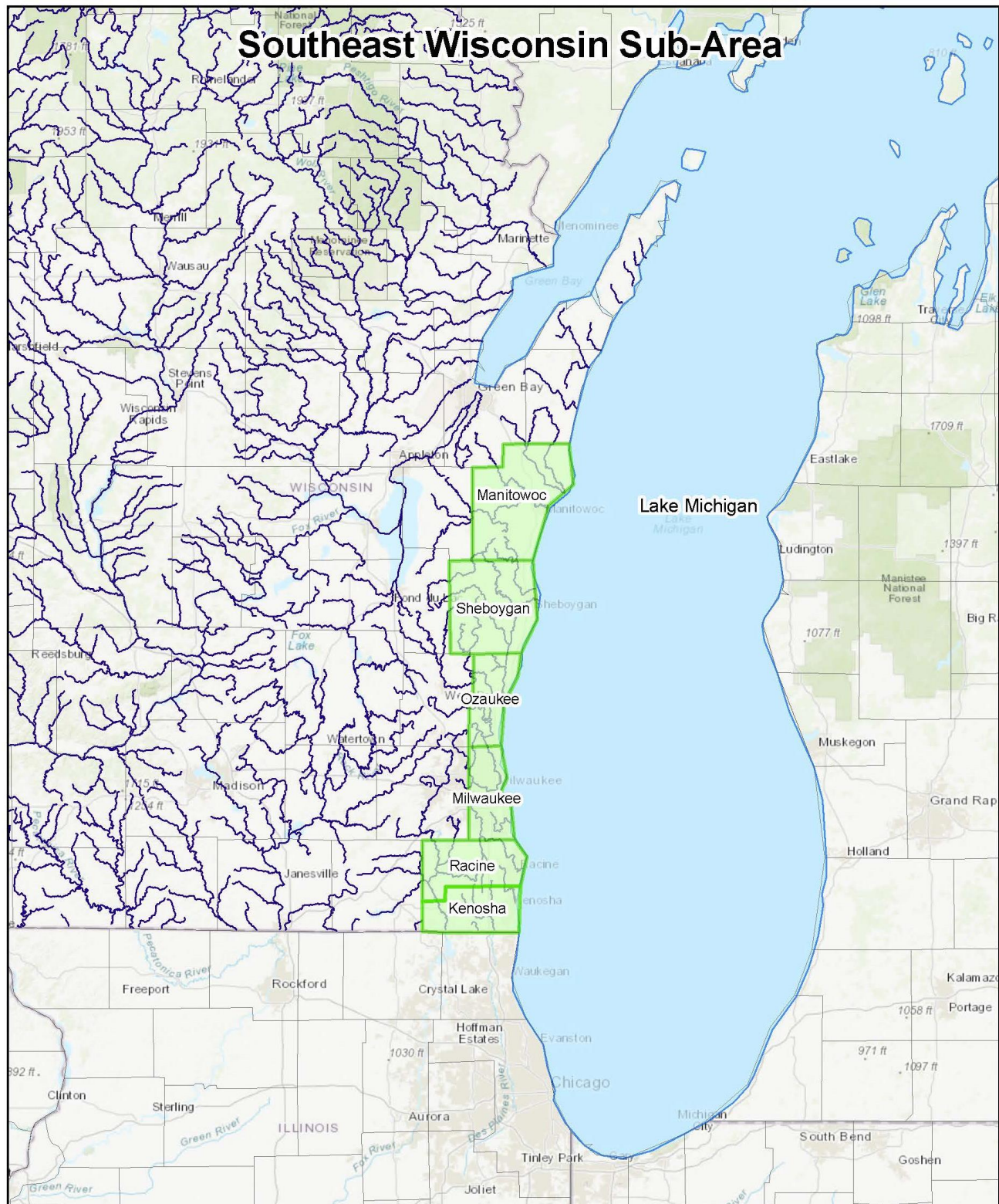


# EPA REGION 5 INLAND ZONE SUB-AREA CONTINGENCY PLAN



# Inland Zone Sub-Area Contingency Plan (SACP) for Southeast Wisconsin

May 2022/Version 1





# Letter of Review

## **Southeast Wisconsin Inland Zone Sub-Area Contingency Plan (SACP)**

This SACP has been prepared by the United States Environmental Protection Agency (EPA) under the direction of the Federal On-Scene Coordinator (OSC) with collaboration from stakeholders of the Southeast Wisconsin Inland Zone Sub-Area.

This SACP has been prepared for the use of all agencies engaged in responding to environmental emergencies and contains useful tools for responders, providing practical and accessible information about who and what they need to know for an effective response

A major goal of this SACP is to serve as a mechanism to ensure responders have access to essential sub-area specific information and to promote interagency coordination for an effective response. As such, this SACP has been prepared for the use of all agencies engaged in responding to environmental emergencies and contains useful tools for both government and private party responders. It includes response strategies that have proven to be effective in controlling and mitigating the impact of discharge, including worst case discharges. It also contains detailed lists of critical logistical information for effective and timely action.

This SACP includes links to documents and information on non-EPA sites. Links to non-EPA sites and documents do not imply any official EPA endorsement of, or responsibility for, the opinions, ideas, data or products presented at those locations, or guarantee the validity of the information provided.

Robert Kondreck  
Federal On-Scene Coordinator  
**United States Environmental Protection Agency**  
Superfund & Emergency Management Division  
Region 5

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## Record of Change

Change Number	SACP Section	Description of Change	Approval (Initials)	Date
1	N/A	Original Document	RK	5/20/2022

# Regulatory Crosswalk

## Clean Water Act (CWA) Section 311

Citation	Regulation	SACP
311.(j)(4)(C)(i)	when implemented in conjunction with the National Contingency Plan, be adequate to remove a worst case discharge, and to mitigate or prevent a substantial threat of such a discharge, from a vessel, offshore facility, or onshore facility operating in or near the area;	Section 4.3, Section 5, Appendices B, E, and F
311.(j)(4)(C)(ii)	describe the area covered by the plan, including the areas of special economic or environmental importance that might be damaged by a discharge;	Section 2
311.(j)(4)(C)(iii)	describe in detail the responsibilities of an owner or operator and of Federal, State, and local agencies in removing a discharge, and in mitigating or preventing a substantial threat of a discharge;	Section 1, Section 5 Appendices B and E
311.(j)(4)(C)(iv)	list the equipment (including firefighting equipment), dispersants or other mitigating substances and devices, and personnel available to an owner or operator and Federal, State, and local agencies, to ensure an effective and immediate removal of a discharge, and to ensure mitigation or prevention of a substantial threat of a discharge;	Section 3.3 Appendix F
311.(j)(4)(C)(v)	compile a list of local scientists, both inside and outside Federal Government service, with expertise in the environmental effects of spills of the types of oil typically transported in the area, who may be contacted to provide information or, where appropriate, participate in meetings of the scientific support team convened in response to a spill, and describe the procedures to be followed for obtaining an expedited decision regarding the use of dispersants;	Section 5.3
311.(j)(4)(C)(vi)	describe in detail how the plan is integrated into other Area Contingency Plans and vessel, offshore facility, and onshore facility response plans approved under this subsection, and into operating procedures of the National Response Unit;	Section 2.2
311.(j)(4)(C)(vii)	include a framework for advance planning and decision making with respect to the closing and reopening of fishing areas following a discharge, including protocols and standards for the closing and reopening of fishing areas;	NA
311.(j)(4)(C)(viii)	include any other information the President requires; and	NA
311.(j)(4)(C)(ix)	be updated periodically by the Area Committee.	Section 2.3

## National Contingency Plan (NCP) Part 300

Citation	Regulation	Location
300.210(c)(3)(i)	A description of the area covered by the plan, including the areas of special economic or environmental importance that might be damaged by a discharge;	Section 2
300.210(c)(3)(ii)	A description in detail of the responsibilities of an owner or operator and of federal, state, and local agencies in removing a discharge, and in mitigating or preventing a substantial threat of a discharge;	Section 1, Section 5 Appendices B, E
300.210(c)(3)(iii)	A list of equipment (including firefighting equipment), dispersants, or other mitigating substances and devices, and personnel available to an owner or operator and federal, state, and local agencies, to ensure an effective and immediate removal of a discharge, and to ensure mitigation or prevention of a substantial threat of a discharge (this may be provided in an appendix or by reference to other relevant emergency plans (e.g., state or LEPC plans), which may include such equipment lists);	Section 3.3 Appendix F
300.210(c)(3)(iv)	A description of procedures to be followed for obtaining an expedited decision regarding the use of dispersants;	See Region 5's RCP/ACP

300.210(c)(3)(v)	A detailed description of how the plan is integrated into other ACPs and tank vessel, offshore facility, and onshore facility response plans approved by the President, and into operating procedures of the NSFCC*	Section 2.2 <i>*NSFCC NA to EPA</i>
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## Contents

Inland Zone Sub-Area Contingency Plan (SACP) for Southeast Wisconsin .....	I
Letter of Review .....	III
Record of Change .....	IV
Regulatory Crosswalk .....	V
Section 1 Introduction .....	1
1.1 Legal Authority .....	1
1.2 Response Jurisdiction .....	2
1.3 Scope .....	2
Section 2 Coverage and Content .....	2
2.1 Areas of Special Economic Interest and Environmental Importance .....	3
2.1.1 Critical Infrastructure .....	4
2.1.2 Environmentally Sensitive Areas .....	5
2.1.3 Culturally Sensitive Areas .....	7
2.1.4 Economic Interest Locations .....	8
2.1.5 Natural Disaster Impact Areas .....	8
2.2 Identifying and Integrating with Other Plans .....	9
2.2.1 Private Sector Response Plans .....	9
2.2.2 Local Response Plans .....	10
2.2.3 State Response/Emergency Management Plans .....	10
2.2.4 United States Coast Guard Plans .....	11
2.2.5 Adjacent EPA Inland Zone Sub-Area Plans .....	11
2.2.6 Tribal Response Plans .....	11
2.3 Review and Revisions .....	11
Section 3 Essential Plan Elements .....	12
3.1 Figures and Mapping Projects .....	12
3.2 Contacts and Notifications .....	12
3.3 Resources .....	12
3.4 Mutual Aid Agreements .....	13
Section 4 Hazard Analysis .....	13
4.1 Historical Discharges .....	13
4.2 Most Probable Discharge Scenarios .....	15
4.3 Worst Case Discharge .....	16
Section 5 Response to Worst Case Discharge .....	20



5.1	Roles .....	20
5.2	Response Organization.....	20
5.3	Response Strategies .....	20
5.3.1	Command.....	20
5.3.2	Logistics.....	21
5.3.3	Operations .....	22
5.3.4	Planning .....	22
5.4	Model Incident Action Plan (IAP) .....	23
5.5	Response Expertise.....	23

## Appendices

- Appendix A – Figures
- Appendix B – Incident Action Plan(s)
- Appendix C – County Fact Sheets
- Appendix D – Habitat and Species Fact Sheets
- Appendix E – Response Plans
- Appendix F – Resource Inventory List
- Appendix G – Worst Case Discharge Analysis (*Redacted*)
- Appendix H – Acronyms

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# SOUTHEAST WISCONSIN INLAND ZONE SUB-AREA CONTINGENCY PLAN

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## Section 1 Introduction

This inland zone sub-area contingency plan (SACP) describes the strategy for a coordinated federal, tribal, state, and local response to a discharge or substantial threat of discharge of oil, or a release or substantial threat of release of hazardous substance(s) within the boundaries of the Southeast Wisconsin Inland Zone Sub-Area described in Section 1.2 and Section 2 below.

This SACP has been developed to expand upon the Environmental Protection Agency's (EPA) Region 5 and United States Coast Guard's (USCG) District 8 and District 9 joint Regional Contingency Plan and Inland Area Contingency Plan ("Region 5's RCP/ACP") by providing more detailed information for response actions related to a specific geographic area. The Area Committee (AC) responsible for Region 5's RCP/ACP has incorporated by reference and appended this SACP to Region 5's RCP/ACP.

This SACP includes:

1. A description of the area covered by the plan, including areas of special economic or environmental importance that might be damaged by a discharge. (*See Section 1.2 and 2 below and Appendices B, C, and E attached*);
2. An expansion of the description contained in Region 5's RCP/ACP of the responsibilities of owners, operators and federal, state and local agencies in removing a discharge and descriptions on how to mitigate or prevent a substantial threat of discharge to ensure optimum communication and coordination during a response (*See Section 5 below and Appendix B attached*);
3. An expansion of the list of resources (personnel, equipment and supplies) provided in Region 5's RCP/ACP available for response to discharges (*See Section 3.3 below and Appendices B and E*);
4. A list of local scientists, both inside and outside federal government service, with expertise in the environmental effects of spills of the types of oil typically transported in the area. This list may be used to provide information or participate in meetings of the scientific support team. (*See Section 5.5 below*); and
5. An expansion of the description of how the plan is integrated with other plans detailed in Region 5's RCP/ACP (*See Section 2.2 below*).

### 1.1 Legal Authority

The Oil Pollution Act of 1990 (OPA) amendment to the Clean Water Act (CWA) established planning entities and requirements for the National Response System to specifically address worst case discharges (WCD) of oil during preparedness and response. An ACP is statutorily required for the active interaction of response personnel before, during, and after spills. Within

the ACP boundaries, sub-areas may be defined where there are unique circumstances that may require tailored response strategies.

## 1.2 Response Jurisdiction

Executive Order 12777 establishes the EPA as the lead federal agency when a release or threatened release, or discharge or threatened discharge, occurs in the inland zone and the USCG as the lead when a release or threatened release, or discharge or threatened discharge, occurs in the coastal zone, unless otherwise agreed upon by the EPA and the USCG representatives (inland and coastal zones are defined in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP)).

Region 5's RCP/ACP sets forth the response jurisdiction for the entire RCP/ACP geographic area. To view an interactive map of response jurisdiction boundaries, visit [rrt5.org](http://rrt5.org) and choose the "[Interactive Mapping](#)" tab. Jurisdictional boundaries are available as a GIS layer within the mapping viewers.

The RCP portion of Region 5's RCP/ACP covers both USCG and EPA jurisdiction, while the ACP portion covers only EPA jurisdiction. USCG has created ACPs within their jurisdiction, which are separate from Region 5's RCP/ACP. For more information on USCG ACPs and how they relate to this SACP, see Section 2.2.4 below.

This SACP covers EPA's Inland Zone jurisdiction for the Southeast Wisconsin Inland Zone Sub-Area, which includes the Wisconsin counties of Kenosha, Racine, Milwaukee, Ozaukee, Sheboygan, and Manitowoc.

## 1.3 Scope

EPA Region 5 has selected inland zone sub-areas within the Region to augment planning efforts at the local level. The Southeast Wisconsin SACP has been selected as such an area and its geographic extent is described in Section 1.2 above and Section 2 below. Figures can be found in Appendix A.

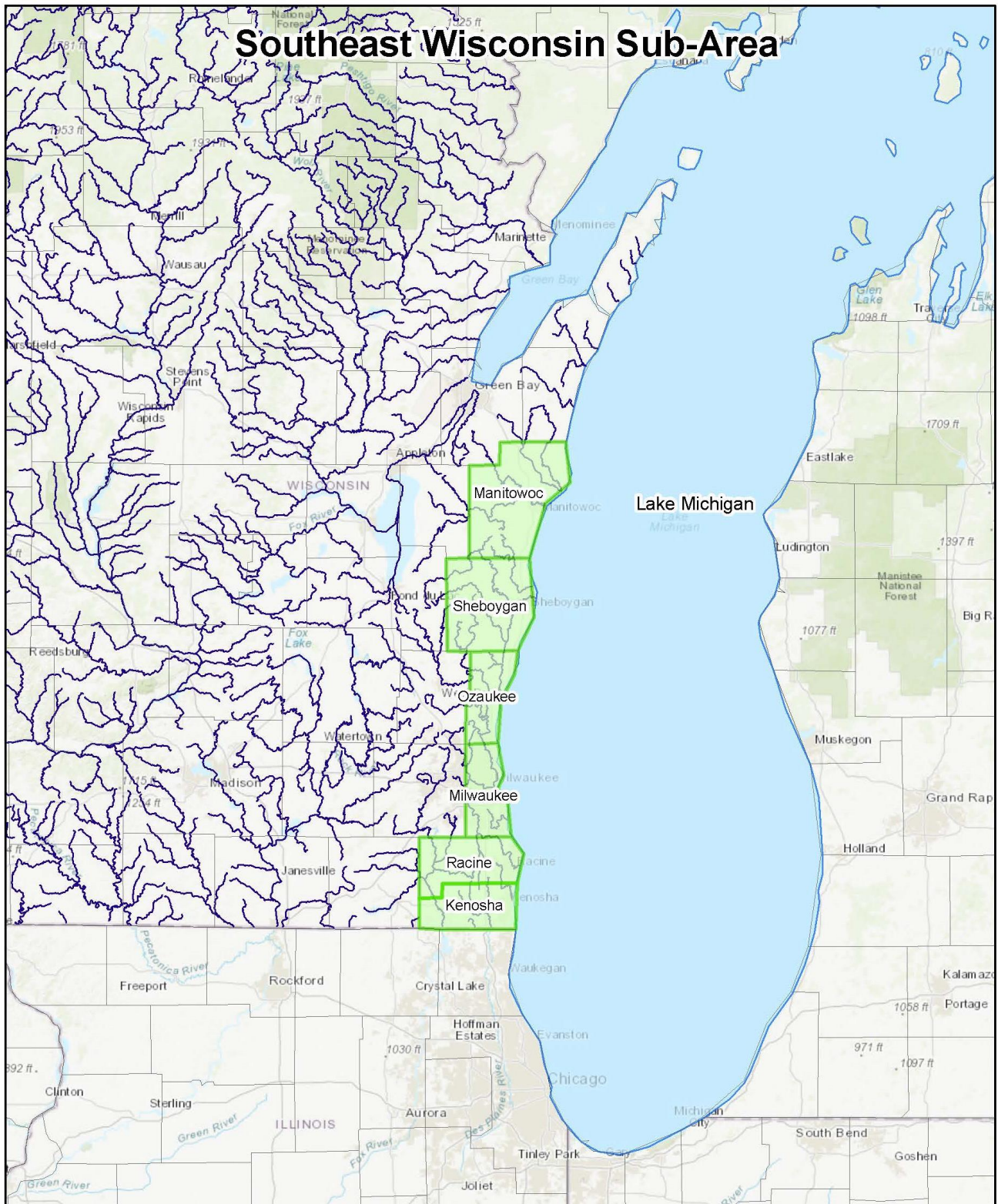
The plan applies to and is in effect for:

- (1) Discharges of oil into or upon the navigable waters, on the adjoining shorelines to the navigable waters, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (Section 311(b)(3) of the Clean Water Act); and
- (2) Releases into the environment of hazardous substances and pollutants or contaminants that may present an imminent and substantial danger to public health or welfare in the Sub-area.

This SACP shall be used as a framework for response mechanisms and a tool to evaluate shortfalls and weakness in the response structure before an incident.

## Section 2 Coverage and Content

This sub-area plan applies to the Southeast Wisconsin Sub-Area, depicted below as well as in Appendix A.



The Southeast Wisconsin Inland Zone Sub-Area encompasses six counties in Wisconsin: Manitowoc, Sheboygan, Ozaukee, Milwaukee, Racine, and Kenosha.

## 2.1 Areas of Special Economic Interest and Environmental Importance

Mitigation and cleanup of spills requires knowledge of resources at risk. Because many source locations and pollution paths are possible, strict prioritization of protection strategies is difficult.

However, identification of resources potentially at risk before an incident and discussion of their relative importance by the appropriate trustees are useful processes, both technically and from communications and human standpoints.

The following subsections highlight general areas of economic interest and environmental importance in the Southeast Wisconsin Sub Area.

### 2.1.1 Critical Infrastructure

Utilities (such as drinking water intakes, water and wastewater treatment plants, and major electrical power plants and transmission lines), transportation infrastructure locations, corridors and facilities, and other infrastructure elements may require specific protection measures, special notification or access protocols, or have other unique attributes that may affect a response. Other examples may be recreational or commercially-significant areas.

Critical infrastructure for this subarea can be identified using online tools available in Wisconsin Government Viewer. The County Fact Sheets located in Appendix C and Incident Action Plan (IAP) found in Appendix B include information on critical infrastructure for the Southeast Wisconsin Sub-Area. A subset of critical infrastructure taken from the aforementioned sources is tabulated below to provide a snapshot of locations that may cause a disruption to communities or a release would potentially warrant a large-scale response.

**Subset of Critical Infrastructure**

Infrastructure <sup>1</sup>	Total	Kenosha	Racine	Milwaukee	Ozaukee	Sheboygan	Manitowoc
Petroleum Pipelines <sup>2</sup> (miles)	102.38	13.06	12.82	42.56	0	26.07	7.87
Railroad – Class 1 (miles)	310.69	45.16	44.75	95.49	42.52	25.81	56.96
FRP Facility (No.)	13	0	1	12	0	0	0
Municipal Water Intakes (No.)	20	2	3	8	2	2	3
Power Plants <sup>3</sup> >5 MW (No.)	16	2	1	6	1	2	4

FRP = Facility Response Plan

MW = megawatt

1 = Source of infrastructure is from Wisconsin Government Viewer except when noted,

[https://response.epa.gov/site/site\\_profile.aspx?site\\_id=14407](https://response.epa.gov/site/site_profile.aspx?site_id=14407) (4/2020)

2 = US DOT National Pipeline Mapping System: <https://www.npms.phmsa.dot.gov/GeneralPublic.aspx> (US DOT 4/2020)

3 = US Energy Information Administration: <https://www.eia.gov/state/?sid=WV> (EIA 4/2020)

In general, petroleum pipelines are located along the western extent in each of the six counties with the exception to the petroleum pipelines near General Mitchell International Airport in Milwaukee County. Facilities required to have Facility Response Plans (FRP) per 40 CFR Part 112 (i.e. FRP facility) are typically storage facilities for large quantities of oil that have the potential to discharge into or on navigable waters. These facilities in the Southeast Wisconsin Sub-Area are found close to the petroleum pipelines except for Jones Island (located in Milwaukee near the confluence of Milwaukee, Menomonee, and Kinnickinnic Rivers) where facilities are located adjacent to Lake Michigan. Rail-Road lines are distributed throughout the counties. Water intakes and power plants are in general located adjacent to Lake Michigan. Most power plants are combustion turbine except for the Point Beach nuclear power plant in Two Rivers.



Other critical infrastructure not included in the above table is the Port of Milwaukee in Milwaukee on Jones Island. The port can handle the loading and storage of a variety of construction aggregates, salt, and dry and liquid commodities. Modifications to the port have allowed a bulk storage facility to offload liquid oil products. The port also serves as a periodic dock to the EPA Lake Guardian and Cruise Ships.

Response to any future discharge or natural disaster-related threats to any of these examples of critical infrastructure should be aided by this plan and most importantly by the area planning and networking processes that drive it.

## 2.1.2 Environmentally Sensitive Areas

Region 5's RCP/ACP explains that Environmentally and Economically Sensitive Areas are identified in the Inland Sensitivity Atlas (ISA), a set of GIS products intended to provide contingency planners and spill responders in Region 5 with the most accurate and relevant information possible for spill preparedness and response.

While Region 5's RCP/ACP does include information on environmentally sensitive areas, this plan attempts to identify those specific to this defined sub-area.

To the best of EPA's knowledge, these environmentally sensitive areas and endangered species are provided in County Fact Sheets (found in Appendix C), Habitat Fact Sheets (found in Appendix D), and guidance on how responders should incorporate the needs of these areas into response strategies are provided in the Incident Action Plans (IAPs) found in Appendix B. Response strategies for environmentally sensitive areas are listed in Section 5.3.

The County Fact Sheets contain a summary of threatened and endangered species such as the type of species over a certain area (e.g. Whooping crane, 17,335.40 acres). The WI Stakeholder Viewer depicts a general location for these species. To provide more detail EPA has contacted United States Fish and Wildlife Service (USFWS) and requested a list of federally threatened and endangered species along with the county and habitat those species inhabit. The exact location of these species is not publicly available to prevent potential poaching or harming of these species. If a release affects a habitat in a county listed in the table below the responder is encouraged to contact USFWS for a detailed assessment.

### Federally listed threatened and endangered species found in Southeast Wisconsin Sub-Area.

Species	Federal Status	Counties	Habitat
Northern long-eared bat ( <i>Myotis septentrionalis</i> )	Threatened	WI Statewide	Hibernates in caves and mines. Swarms in surrounding wooded areas in autumn. Roosts and forages in upland forests and woods.
Piping plover ( <i>Charadrius melodus</i> )	Endangered	Racine, Kenosha, Milwaukee, Ozaukee, and Manitowoc	Sandy beaches, bare alluvial, and dredge spoil islands along Lake Michigan.
Rufa red knot* ( <i>Calidris canutus rufa</i> )	Threatened	Racine, Kenosha, Milwaukee, Ozaukee, Sheboygan, and Manitowoc	Sandy beaches, bare alluvial, dredge spoil islands, and open bay-fronts along Lake Michigan.
Hine's emerald dragonfly ( <i>Somatochlora hineana</i> )	Endangered	Ozaukee	Calcareous spring-fed marshes and sedge meadows overlaying dolomite bedrock.

Rusty patched bumble bee ( <i>Bombus affinis</i> )	Endangered	Racine, Kenosha, Milwaukee, Ozaukee, Sheboygan, and Manitowoc	Prairies, woodlands, marshes, agricultural landscapes, and residential parks and gardens.
Eastern prairie fringed orchid ( <i>Platanthera leucophaea</i> )	Threatened	Kenosha, Ozaukee	Mesic to wet prairies and meadows.
Pitcher's thistle ( <i>Cirsium pitcheri</i> )	Threatened	Manitowoc and Sheboygan	Found on open sand dunes adjacent to Lake Michigan.
Whooping crane ( <i>Grus americana</i> )	Endangered	Kenosha	Open wetlands and lakeshores

Source: USFWS Staff provided information (1/2020).

\*Species only migrates through WI.

In addition to Federally listed threatened and endangered species, USFWS identified two Federally Critical Habitats in two Southeast Wisconsin Sub-Area counties. These habitats designated under federal law (Endangered Species Act of 1973 and others) contain features essential to the conservation of the species and may require special management considerations or protection. Below is a table showing the critical habitats in Southeast Wisconsin.

**Designated Federal Critical Habitat found in Southeast Wisconsin Sub-Area.**

Critical Habitat	Counties
Piping plover ( <i>Charadrius melodus</i> )	Manitowoc
Hine's emerald dragonfly ( <i>Somatochlora hineana</i> )	Ozaukee

Source: USFWS Staff provided information (1/2020)

Wisconsin Department of Natural Resources (WDNR) expanded upon the federal list with its inclusion of endangered, threatened, and special concern species. Special concern species include further subsets ranging from fully protected (SC/P), to no laws regulating use, possession, or harvesting (SC/H). All species and designations can be viewed through the WDNR Natural Heritage Inventory (NHI) available on-line at: <https://dnr.wi.gov/topic/NHI/Data.asp?tool=county>. WDNR should be consulted for specific species location during a response. WDNR contact information is provided in the IAP located in Appendix B.

Migratory birds present a challenge to contingency planning due to the seasonal influx of certain species along many stopover sites along Lake Michigan. USFWS manages waterfowl production areas in Ozaukee, Sheboygan, and Manitowoc Counties to preserve, restore, and enhance wildlife habitat for the benefit of migratory birds and other wildlife in addition to some recreational activities. Migratory birds can be assessed by using USFW Information for Planning and Consultation (IPaC) viewer found here: <https://ipac.ecosphere.fws.gov/location/index>

WDNR has also identified stopover sites and protected areas for the benefit of wildlife and recreation. Stopover sites and protected areas are found in each county with the exception of Racine. WDNR has described each stopover site, the importance, and conservation opportunities in a document entitled "A planning tool for Migratory Bird Conservation along Lake Michigan" that is included in Appendix D.

In planning, responding, and providing post-response follow-up to an oil discharge with listed species or critical habitats the 2001 Inter-agency Memorandum of Agreement (MOU) should be

followed. This MOU signed by USCG, EPA, the Department of the Interior (DOI) Office of Environmental Policy and Compliance, USFWS, and the National Oceanic and Atmospheric Administration's (NOAA's) - National Marine Fisheries Service (NMFS) and National Ocean Service (NOS) describes response activities under the Federal Water Pollution Control Act's National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act. Additional details on the MOU can be found here: [2001 Inter-agency MOU](#). Specific response strategies under this MOU are described in Section 5.3 Response Strategies.

### 2.1.3 Culturally Sensitive Areas

While Region 5's RCP/ACP includes information on culturally sensitive areas, this plan attempts to identify historical landmarks, archeological sites, tribal lands and other features that may require special protective measures or interaction with trustees or tribal authorities specific to the Southeast Wisconsin Sub-Area.

To the best of EPA's knowledge, these culturally sensitive areas are provided in County Fact Sheets found in Appendix C and guidance on how responders should incorporate special protective measures or interaction with trustees or tribal authorities are provided in the Incident Action Plans (IAPs) found in Appendix B. In addition, for sub-areas with Tribal land, Tribal Fact Sheets are included in Appendix I. There are not any Tribal Fact sheets for this sub-area at the time of this writing but may be added at a future date. Response strategies for culturally sensitive areas are listed in Section 5.3.

The State Register is Wisconsin's official list of state properties determined to be significant to Wisconsin's heritage. The State Historic Preservation Office (SHPO) at the Wisconsin Historical Society administers both the National Register and State Register of Historic Places in Wisconsin in their on-line database at [www.wisconsinhistory.org](http://www.wisconsinhistory.org). Both registers include historic locations such as buildings, sites, districts, structures, and objects that are significant in national, state or local history. In addition, both registers include resources related to architecture, archaeology, engineering or culture. The quantity of total historic locations within the six county Southeast Wisconsin Sub-Area are too numerous and widespread to list and therefore a tabulated quantity is provided below to provide situational awareness.

		Kenosha	Racine	Milwaukee	Ozaukee	Sheboygan	Manitowoc
National or State Historic Places	#	29	56	286	42	56	36

Source: <https://www.wisconsinhistory.org/> (12/2019); filtered by county

Areas lining Lake Michigan are also host to culturally significant shipwrecks, some which are listed on the National and/or State Register of Historic Places. In general, the shipwrecks are located in Lake Michigan and thus USCG jurisdiction, however a site referenced by the Wisconsin Historical Society also list shipwrecks that may be in EPA's inland jurisdiction. For planning purposes if a discharge or spill occurs in an area suspect of having a shipwreck, or a shipwreck site may be impacted by a discharge or spill, the Wisconsin Historical Society should be notified.

All burial sites in Wisconsin, no matter how old they are or who is buried in them, and no matter if they are marked or unmarked, are protected by State Law (Wis. Stats. 157.70). State law requires the Wisconsin Historical Society to maintain the catalog of these burial sites. It is part of the Wisconsin Archaeological Sites Inventory (ASI) in the Wisconsin Historic Preservation Database (WHPD). Information in the burial sites catalog is confidential and exempt from the open records requests. For planning purposes if a discharge or spill occurs in an area suspect of



having burial sites, or burial sites are impacted by a discharge or spill, the Wisconsin Historical Society should be notified.

Tribal territory in the Southeast Wisconsin Sub-Area is limited to several Forest County Potawatomi urban properties in Milwaukee County. Culturally sensitive areas may extend beyond that county and property. Sensitive areas where tribal artifacts are located are not available to the public. Therefore, the Forest County Potawatomi tribe should be notified if an artifact is found. The SHPO should be contacted if no tribal information appears in this plan.

#### 2.1.4 Economic Interest Locations.

There are a wide variety of economic interests within Southeast Wisconsin Inland Zone Sub-Area. A sampling of attractions that generate economic activity include:

- Summer Fest is an 11-day music festival that takes place every summer in Milwaukee, Milwaukee County and attracts between 800,000 and 900,000 people each year.
- Milwaukee is home to two professional sports teams, the Bucks National Basketball Association (NBA) team and Brewers Major League Baseball (MLB) team, who play 41 and 82 regular season home games per season, respectively.
- Road America is a race-track located near Elkhart Lake in Sheboygan County, which currently hosts a variety of different racing events throughout the year, including NASCAR and IndyCar Series. Crowds of 150,000 can be accommodated during race events.

The Port of Milwaukee is a port located on Lake Michigan which serves Southeast Wisconsin, Southeastern Minnesota, and Northern Illinois. There was over \$100 Million in business revenue generated in the region in 2017 through this port.

As with much of Wisconsin, the Southeast Wisconsin sub-area's natural resources are a foundation of the area's recreational and tourism infrastructure and economy. Hunting and fishing are year-round activities which are enjoyed by residents but also draw tourists from out of state. There are also many state parks and recreation areas within this sub-area that provide a venue for a variety of outdoor activities including hiking, biking, skiing, swimming, etc. To the best of EPA's knowledge, these recreation areas are provided in the County Fact Sheets (found in Appendix C).

#### 2.1.5 Natural Disaster Impact Areas

This inland zone sub-area plan attempts to incorporate information relating to locations that may be susceptible to natural disaster impact (e.g., flooding, straight line winds, tornados, etc.). References or links to available related disaster response plans at the federal, state, and local levels are provided in Appendix E.

An assessment of natural disasters for counties in the Southeast Wisconsin Sub-Area was performed by reviewing Federal Emergency Management Agency (FEMA) disaster declarations since 2010. The President may authorize disaster declarations through the Stafford Act to provide supplemental federal assistance for emergency services (Emergency Declarations) or a severe natural event (Major Disaster Declarations). Four Major Disaster Declarations have been declared in the Southeast Wisconsin Sub-Area as a result of natural weather events (see table below).

These declarations indicate severe weather events can and do occur in the Southeast Wisconsin Sub-Area at irregular frequencies.

#### 2010 to Present FEMA Disaster Declarations

County	Dates	Type	Declaration	Declaration Type	Description
Milwaukee	July 20, 2010 - July 24, 2010	Severe Storms, Tornadoes, and Flooding	FEMA-DR-1933	Major Disaster Declaration	Damage to homes, roads, and bridges
Milwaukee, Racine, Kenosha	January 31, 2011 - February 03, 2011	Severe Winter Storm and Snowstorm	FEMA-DR-1966	Major Disaster Declaration	Emergency protective services
Ozaukee	August 17, 2018 - September 14, 2018	Severe Storms, Tornadoes, Straight-line Winds, Flooding, And Landslides	FEMA-DR-4402	Major Disaster Declaration	Damage to homes, parks, and recreation facilities
Kenosha, Milwaukee, Racine	January 10, 2020 - January 12, 2020	Severe Winter Storm and Flooding	FEMA-DR-4477	Major Disaster Declaration	Damage to homes, parks, and recreation facilities
Kenosha, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan	January 10, 2020 – Continuing	Covid-19 Pandemic	FEMA-DR-4520	Major Disaster Declaration	Pandemic support

Source: <https://www.fema.gov/disaster/declarations> (4/2022)

Disasters not captured in the above table may involve the continued erosion of the Lake Michigan shoreline due to the recent rise in Lake levels. The Great Lakes water levels are monitored, modeled, and forecasted by several federal agencies. The NOAA operates a water level monitoring network of over 50 stations throughout the Great Lakes. A monthly Great Lakes water level forecast is jointly prepared and issued by US Army Corps of Engineers (USACE) and Environment and Climate Change Canada's Great Lakes-St. Lawrence Regulation Office. These resources can be accessed on NOAA's Great Lakes Environmental Research Laboratory's (GLERL) website: <https://www.glerl.noaa.gov/>.

In 2019 various news outlets covered erosion threatening private and public property. Several power plants and water infrastructure that border Lake Michigan could be affected. In 2011 EPA responded to an incident at a powerplant where a bluff failed releasing native soils, coal/fly ash, sea/land containers, road vehicles, construction vehicles, and fuel containers into Lake Michigan. While the 2011 incident was the result of faulty construction controls it illustrates nearby infrastructure that may be impacted by the rise in Lake levels.

## 2.2 Identifying and Integrating with Other Plans

In addition to the description provided in Region 5's RCP/ACP (Section 2), this SACP attempts to identify and define its relationship to other contingency plans that are within, adjacent to, or overlapping the area defined in Section 2.2. References and links, if available, to these plans are provided in Appendix E.

### 2.2.1 Private Sector Response Plans

Private sector response and contingency planning are required under certain circumstances through federal and state laws and regulation or through company policy. For example, facilities

that could reasonably be expected to cause "substantial harm" to the environment by discharging oil into or on navigable waters are required to prepare and submit Facility Response Plans (FRPs) under Section 311(j)(5) of the Clean Water Act. Similarly, smaller facilities with less oil capacity that could cause harm under similar situations would need to submit Spill Prevention, Control, and Countermeasure (SPCC) plans under Section 311(j)(1)(C) of the Clean Water Act as amended by the Oil Pollution Act of 1990. Both these plans contain sections on how to mitigate spills that may include booming locations.

Other private sector response plans could be as simple as a gas station having protocols for containing or removing a small amount of oil spilled by a customer. Utility companies have their own plans to contain and cleanup spills caused by capacitor leakage through malfunction or disaster. Likewise, trucking companies typically have cleanup companies under contract that have their own response plans for those scenarios.

Due to the substantial amount of private sector response plans and issues concerning the public release of these plans the responder should request these plans during an actual spill. Therefore, these plans are not provided as part of this Sub Area Contingency Plan unless private entities give permission on the releasability.

Private sector response plans related to the Southeast Wisconsin Sub-Area that have been made available to EPA are listed in Appendix E.

## 2.2.2 Local Response Plans

Many counties and cities in the defined sub-area are required by the State to maintain emergency operations plans that detail area response procedures, agency roles, resources, and training for public response agencies. These include plans developed by the local emergency planning committees (LEPCs) under the Emergency Planning and Community Right-to-Know Act (EPCRA).

Each of the six counties in the Southeast Wisconsin Sub-Area has created an emergency management plan for emergencies that cannot be adequately addressed within the routine operations of government. Appendix E contains local response plans for each of the six counties.

Local response plans related to the Southeast Wisconsin Sub-Area that have been made available to EPA are listed in Appendix E.

## 2.2.3 State Response/Emergency Management Plans

Region 5's RCP/ACP provides information on state agencies that could be involved in a response. This SACP expands upon the general discussion for state agencies and involvement within the Southeast Wisconsin Sub-Area.

The Wisconsin Emergency Response Plan (WERP) is the comprehensive, all-hazard plan that coordinates the emergency management activities of mitigation, preparedness, response, and recovery within the State of Wisconsin. The WERP is a policy document developed and maintained by Wisconsin Emergency Management (WEM). The WERP coordinates the activities, personnel, and resources of state agencies in mitigating against, preparing for, responding to, and recovering from a variety of natural and technological disasters and emergencies to which the state is vulnerable.

State and/or Emergency Management response plans related to the Southeast Wisconsin Sub-Area that have been made available to EPA are listed in Appendix E.

## 2.2.4 United States Coast Guard Plans

The USCG has ACPs within Region 5 that are separate documents which are compatible with and may be used in conjunction with Region 5's RCP/ACP and this SACP for discharges or releases that impact both the inland and coastal zones. The following link provides USCG ACPs that overlap, coincide, or are adjacent to the Southeast Wisconsin Inland Zone Sub-Area:

<https://homeport.uscg.mil/port-directory/lake-michigan> These USCG ACPs are listed in Appendix E and can also be found on [rtr5.org](http://rtr5.org); and the above referenced website.

## 2.2.5 Adjacent EPA Inland Zone Sub-Area Plans

The following inland zone sub-areas are adjacent to the Southeast Wisconsin Inland Zone Sub-Area:

- Northeast Wisconsin Inland Zone Sub-Area;
- Horicon Marsh Inland Zone Sub-Area;
- Chicago Inland Zone Sub-Area;
- Northern Lower West Michigan Inland Zone Sub-Area;
- Southern Lower West Michigan Inland Zone Sub-Area.

These plans can be found on [rtr5.org](http://rtr5.org) and are referenced in Appendix E.

## 2.2.6 Tribal Response Plans

Region 5's RCP/ACP provides a general discussion of tribal response. This SACP expands upon the general discussion for tribes located within the Southeast Wisconsin Sub-Area.

EPA is aware of only one tribe, the Forest County Potawatomi, in the Southeast Wisconsin sub-area. There are five locations owned or occupied by the Forest County Potawatomi which are all situated in an urban area near the Menominee River in Milwaukee, Milwaukee County. These properties are occupied by several schools, casino, business, and council buildings. These urban areas do not provide the traditional challenges of a discharge or spill with impacts to natural resources, culturally significant, or sacred objects. However, discharges or spills occurring on these properties should follow similar protocol as other tribal land.

## 2.3 Review and Revisions

Section 311(j)(4)(C)(ix) of the CWA requires that the Area Committee update the ACP, and subsequently any sub-area plans, periodically. Technological advances, jurisdictional and organizational changes, infrastructure changes, and other factors may lead to a perceived need to modify or update the SACP. This SACP will follow a management and maintenance process to keep the information within as current as possible and to incorporate improvements as necessary.

It has been determined that the Southeast Wisconsin SACP will be reviewed and updated as needed once every three years. Response equipment, notification contacts, sensitive area listings, and worst-case discharge scenarios may be updated more frequently. In addition, to limit updates, EPA has asked all outside stakeholders (e.g., local, state, tribal, industry, etc.) to provide their own server space for links to outside plans and documents.

Version control, date stamping, and a table of changes will be utilized for updated documents.

## Section 3 Essential Plan Elements

### 3.1 Figures and Mapping Projects

Figures and mapping tools are central to plan development and utilization. While figures are provided in Appendix A, the use of GIS programs are vital for planning and response. EPA Region 5 utilizes both regional and individual state mapping projects found on the [rrt5.org](http://rrt5.org) website for planning and response purposes.

During an emergency response, federal and state On-Scene Coordinators (OSCs) can use regional and state mapping projects to gain situational awareness of downstream/downwind vulnerabilities, as well as upstream/upwind potential responsible parties. For contingency planning, the state mapping projects (e.g. WI Stakeholder Viewer) can introduce facilities to the communities which may be impacted during a hazardous substance release and/or petroleum discharge. These state mapping projects can also be used during exercises of FRPs by providing participants access to response layers such as: endangered/protected species and habitats; facility discharge and permit discharge points; water supplies; other pollution sources (facilities, oil wells, pipelines, rail lines, etc.); and vulnerable populations (schools, nursing homes, daycare facilities, hospitals, etc.).

The Wisconsin Stakeholder Viewer can be accessed on the [rrt5.org](http://rrt5.org) website by selecting the “[Interactive Mapping](#)” tab. Similar to the Wisconsin Stakeholder Viewer the Wisconsin Government Viewer mirrors the Stakeholder Viewer but also contains sensitive information that is only available to government agencies. Access to both sites follow the same procedures.

### 3.2 Contacts and Notifications

Contact and notification information and lists are vital to contingency plans. Lists of this type are not intended to supplant existing notification protocols, such as those outlined in Region 5’s RCP/ACP (see Section 2.7) or internal to an agency, company, or organization, but to reinforce and supplement them by adding information specific to inland zone sub-areas.

To the best of EPA’s knowledge, all appropriate contact and notification information and lists for the Southeast Wisconsin Sub-Area are provided in the IAPs found in Appendix B as well as in the County Fact Sheets found in Appendix C. In addition, for sub-areas with Tribal land, Tribal contact information can be found in the Tribal Fact Sheets included in Appendix I and the EPA Tribal Liaison listed in the Tribal Fact Sheet can assist with notifications to Tribes.

### 3.3 Resources

Region 5’s RCP/ACP contains general information on resources (e.g., personnel, equipment and supplies) available for a response. This SACP attempts to expand upon the personnel, equipment, and supplies available for a response in the Southeast Wisconsin Sub-Area.

General capabilities of agencies that may be involved in a response within the Southeast Wisconsin Sub-Area are provided in the IAPs found in Appendix B. Response resources for agencies (e.g., federal, state, local, tribal, etc.) and facilities (along with their Oil Spill Removal Organization (OSRO)), may also be included in response plans listed in Appendix E. Tribal resources that may be available for a response are included in Tribal Fact Sheets in Appendix I.

Response equipment and capabilities for EPA Region 5 are detailed in the Region 5 Equipment Catalog and Response Capabilities Catalog found in Appendix F. In addition, outside response resources that may be available are listed in Appendix F.

### 3.4 Mutual Aid Agreements

Mutual aid agreements may exist at the federal, state, and local levels. While formal federal and state mutual aid agreements are contained in Region 5's RCP/ACP, local mutual aid agreements and informal aid agreements are not.

Mutual aid agreements, both formal and informal, may be available for use or assistance in the event of a discharge or release in the Southeast Wisconsin Sub-Area. These may include co-ops, facility owned response equipment, or other equipment or resource aid in an area. Area-specific considerations for the availability of assistance during a discharge or release have been assessed and are discussed below. It is important to note that these agreements should not be relied upon in the event of a discharge or release (unless a formal agreement is in place) and is based on availability and ability to assist.

At this time, no additional mutual aid agreements for the Southeast Wisconsin Inland Zone Sub-Area have been identified.

## Section 4 Hazard Analysis

Potential major sources of discharges of oil and releases of hazardous substances within the defined sub-area, such as fixed facilities or transportation routes with high volumes of oil or hazardous substances in transit, have been considered.

These include:

- Aboveground Storage Tanks (AST) facilities, specifically those that require FRPs
- Pipelines
- Railroads
- Highways
- Hazardous Materials (Hazmat) facilities

For each potential source identified, an effort has been made to include or reference the following information in this plan:

- Source location
- Operator, with contact and access information
- Types and quantities of materials that may be discharged or released from a vessel, onshore facility, or offshore facility operating in or near the defined area
- Special considerations for responders, including hazards
- Response capabilities of the operator

To the best of EPA's knowledge, potential sources of discharges and releases in the Southeast Wisconsin Sub-Area are provided in the County Fact Sheets found in Appendix C and within industry response plans listed in Appendix E. Potential major sources of discharge are provided in Section 4.3 below.

### 4.1 Historical Discharges

A review of historical discharges is beneficial as it allows for consideration of reoccurrence of an actual discharge and potential lessons learned. To provide context for historical discharges in the Southeast Wisconsin Sub-Area a review of National Response Center (NRC) reports was

conducted for a period of 10 years (i.e. 1/1/2012 through 12/31/2021). The NRC is the designated federal point of contact for reporting all oil, chemical, radiological, biological and etiological discharges into the environment, anywhere in the United States and its territories. In some cases, a release of a certain quantity of “extremely hazardous substances” needs to be reported to the NRC by law. Discharges of oil are also encouraged and required by law in some cases. Therefore, the NRC represents an appropriate database to gauge historical discharges. Due to redundant reports, erroneous coding, and other minor issues with the NRC database the following numbers are considered approximate.

**2012 to 2021 National Response Center Reporting in Southeast Wisconsin**

County	Total Spills	Oil <sup>1</sup>	Hazardous <sup>2</sup>	Other <sup>3</sup>	Unknown <sup>4</sup>	Ammonia <sup>5</sup>
Racine	19	9	3	2	2	3
Kenosha	13	8	0	2	1	2
Milwaukee	92	62	10	9	10	1
Ozaukee	6	4	1	1	0	0
Sheboygan	27	9	11	6	0	1
Manitowoc	9	4	1	3	0	1
<b>Total</b>	<b>166</b>	<b>96</b>	<b>26</b>	<b>23</b>	<b>13</b>	<b>8</b>

Source: <https://webeoc.epa.gov/> (4/2022); removed duplicates, drills, security threats, and non-releases

1 – Includes any oil (i.e. gasoline, diesel, unknown, mineral, etc.)

2 – Includes mostly EPCRA Section 302 and CERCLA hazardous substances

3 – Ranges from milk, coal, lead dust, unknown material, wastewater, etc.

4 – Anything listed as “unknown”, includes oil and hazardous material

5 – All ammonia is anhydrous.

These data provided in the above table indicate the most common release reported to the NRC is oil followed by hazardous substances. The reason for oil being the most reportable may be attributed to educating the industry on reporting practices and the ubiquity of the substance. It is difficult to discern any information from unknown substances reporting other than the public, private industry, and government are aware of reporting releases to the NRC.

From 2012 through 2021 US EPA has responded to 7 incidents in the Southeast Wisconsin Sub-Area (NRC reports and [response.epa.gov](https://response.epa.gov/)). The most notable hazardous waste response involved failure of a lakefront bluff near a powerplant releasing construction equipment, fly ash, fuel containers and other items into Lake Michigan. EPA, USCG, and the responsible party participated in the response. The most notable oil discharge occurred at an airport when a pipeline delivering Jet A fuel leaked causing over 9,000-gallons of fuel to be released into a nearby creek. Other responses involved several unsecured container sites, another Jet A release, and a gas station fuel release.

A State level review of historical discharges was performed by analyzing all Wisconsin spill data from the spill hotline. The review was completed for the six counties that make up the Southeast Wisconsin sub-area. State spill reporting is different from NRC reporting due to quantity and type of substance that may be recorded. For example, the NRC does not record manure spills which were among the most reported release in Wisconsin. However, manure spills may be a threat to human health and the environment depending on the amount and nearby receptors. Additional explanations on reporting are provided below the table. The table provided below shows the amount of the most common discharges or spills reported to the WDNR Spill Hotline from 2012 to 2021.



### 2012 to 2021 Wisconsin Spill Hotline Reporting in Southeast Wisconsin

	Petroleum	Mineral Oil	Industrial Chemical	Other	Wastewater	Manure
Total	1049	224	182	120	75	70
	Unknown	Antifreeze	Metals	Food Product	Agricultural Chemicals	Animal Products
Total	43	39	32	26	23	8

Source: Provided by WDNR (4/2022), approximate; Includes substance counts for open (Spill Electronic Reporting and Tracking System) SERTS Incidents not uploaded to Bureau for Remediation and Redevelopment Tracking System (BRRTS).

Oils (i.e. petroleum and mineral oil) were the most common released substance in Wisconsin from 2012 through 2021. Reported releases in Wisconsin were significantly higher than NRC reports primarily because oil reporting in Wisconsin requires the spiller to notify WDNR depending on the amount and where the oil is spilled while EPA requires reporting based on the threat or presence of the oil to a waterway. Agriculture also makes up a significant amount of WDNR spill reporting as shown by manure and agricultural chemical spills.

## 4.2 Most Probable Discharge Scenarios

A review of most probable discharge scenarios is beneficial as it allows for consideration of resource availability and any logistical challenges that may arise in response to a discharge in the Southeast Wisconsin Sub-Area.

The data set from the NRC (used in Section 4.1) was used to evaluate the most probable discharge scenario based on substance. This data set contains information such as how the incidents are caused based on prescribed categories. The table provided below compares the substance released or discharged to the incident cause as recorded by NRC.

### 2010 to 2019 NRC Reporting Incident Cause by Substance<sup>1</sup>

	Derailment	Dumping	Equipment Failure	Operator Error	Other	Transport Accident	Unknown	Vessel Sinking
Oil	2	6	55	17	27	5	125	9
Hazardous	1	9	30	7	14	1	24	0
Other	4	1	14	4	14	1	29	1
Total	7	16	99	28	55	7	178	10

Source: <https://webeoc.epa.gov/> (3/2020); removed duplicates, drills, security threats, and non-releases.

Note: NRC reports are generated by a rotating staff of USCG personnel and may be recorded differently based on the preference and experience of each person. While the release information needed to respond is sufficiently reported, some elements such as the cause of the incident (i.e. equipment failure, operator error, other, etc.) are subjective. Therefore, the reported values above are considered an estimated.

1 – Total of top 8 reported incidents, unique incidents or incident occurrences below five are not shown.

It was established in Section 4.1 that the most common substance reported to the NRC is oil. Further evaluation indicates that the most probable discharge scenario for an oil spill is unknown. Typically, an unknown oil spill is reported when someone identifies an oil discharge and cannot conclusively determine where the oil was coming from. The second most probable discharge scenario for oil being discharged is due to an equipment failure. Hazardous waste spills and “Other” spills follow a similar most probable discharge scenario.

Only yearly spill numbers were provided for WDNR Spill Reports and therefore probable discharge scenarios cannot be tabulated. WDNR spill reports are received by EPA daily and therefore a qualitative assessment can be performed of the most probable discharge scenario. In



general, the most probable spill scenario is a transportation accident where oil is discharged. Fire and Police departments are trained to report releases and therefore the most probable spill may be the product of efficient reporting and a lower oil reporting threshold compared to EPA (see Section 4.1 discussion).

### 4.3 Worst Case Discharge

When implemented in conjunction with the NCP, the ACP must provide adequate information for responders to deploy to a WCD, and to mitigate or prevent a substantial threat of such discharge from a vessel, offshore facility, or onshore facility operating in or near the area. A WCD means: 1) in the case of a vessel, a discharge in adverse weather conditions of its entire cargo, and 2) in the case of an offshore facility or onshore facility, the largest foreseeable discharge in adverse weather conditions.

WCDs in the Southeast Wisconsin Sub-Area for onshore facilities are identified in the FRPs approved by EPA and are listed in Appendix E (and also in the R5 RCP/ACP) and Appendix G. For facilities that submit response plans to the United States Department of Transportation (DOT) for review and approval (e.g., pipelines and railroads), WCDs specific to the Southeast Wisconsin Sub-Area that have been considered.

A discussion of WCD scenarios for the Southeast Wisconsin Sub-Area is compiled below. A determination of the Southeast Wisconsin Sub-Area Plan's adequacy to prevent or mitigate a WCD, are memorialized in Appendix G, which has been redacted for security purposes. Each scenario describes what the impact to human health and the environment may be

#### **Vessel**

The WCD scenario for a tank vessel could be a bulk oil transportation ship rupturing nearshore thereby releasing all of its contents into Lake Michigan and subsequently to nearby lakefront. The Port of Milwaukee has a liquid cargo pier for the on and offloading of product to a nearby facility. At least one vessel that delivers petroleum products at the Port of Milwaukee is capable of carrying approximately 3,000,000 gallons. In the 2018 USCG Sector Lake Michigan Area Contingency Plan it is stated that various foreigner flagged tank ships make trips to Burns Harbor, IN (bottom of Lake Michigan) with a capacity of 6,300,000 gallons. A vessel arriving or departing at the Port of Milwaukee or traveling to Burns Harbor may experience a mechanical failure or an act of god that could cause a WCD of all of its contents into EPA jurisdiction in the Southeast Wisconsin Sub-Area. A WCD scenario for a tank vessel in the circumstances previously described would generally be covered under USCG jurisdiction.

Outside of the commercial vessels docking at the Port of Milwaukee, vessels within the Southeast Wisconsin inland zone sub-area are typically Class A and I recreational boats. The majority of these vessels have small built-in fuel tanks (<100 gallons). A WCD scenario for a tank vessel within the Southeast Wisconsin inland zone sub-area would not match or exceed the FRP worst case discharge identified above.

#### **FRP Facility**

Based on the WI Government Viewer and EPA FRP submittals there are 13 FRP facilities storing oil in above ground storage tanks in the Southeast Wisconsin Sub-Area with most of them located next to navigable waters. EPA determined that an appropriate WCD scenario to address for the Southeast Wisconsin Sub-Area is a discharge from the US Venture facility located at 9135 and 9125 N. 107<sup>th</sup> Street, Milwaukee, Milwaukee County, Wisconsin 53224. The total storage capacity and WCD amount can be found in Appendix G.

A WCD from the facility would flow into a ditch to the east of the facility, then into the Little Menomonee River. The Little Menomonee River discharges into the Menomonee River. A WCD would flow through several sensitive species habitats, including two endangered species areas. Additionally, a worst case discharge from the US Venture facility has the potential to affect 10 managed land areas and three conservation and recreation lands.

### **Pipelines**

Wisconsin is not a producer of crude or natural gas and contains very little refining capacity to produce petroleum products. However, Wisconsin relies on pipeline commodities as a key economic input to the economy (<https://wisconsin.gov/Documents/projects/sfp/chap7.pdf>). Based on data from the US DOT National Pipeline Mapping System there are approximately 100 miles of petroleum pipelines in the Southeast Wisconsin Sub-Area. The pipelines are mostly located on the western side of most counties with the exception of one segment of pipeline that services General Mitchell Airport. These pipelines mostly carry consumer product such as gasoline and diesel. Crude oil from the United States and Canada are transported through Wisconsin on pipelines to the west of the Southeast Wisconsin Sub-Area. The closest county with a crude oil pipeline is Walworth, which is located to the west of Kenosha and Racine Counties. It does not appear a release from a crude oil pipelines would affect this planning area.

The pipelines within this planning area range in size from 10-inches to 16-inches. The amount of petroleum in one-mile of 10-inch pipeline is 22,260-gallons and a 16-inch pipeline contains 50,400-gallons of petroleum. At least one facility within the planning area receives petroleum at a rate of 4,900-gallons per minute. The most recent oil spill occurred in 2012 where a 10-inch pipeline that enters this planning area had leaked over a 4-minute period and resulted in a 54,684-gallon gasoline discharge.

During the 2012 discharge the pipeline operator or automated system noticed a pressure drop and shut off the pipeline. Depending on the grade of nearby piping and how quickly a response takes place this scenario could be considered a probable discharge scenario if a pipeline were to leak. A WCD assumes that all safe-guards fail. The size of the pipeline in this planning area are 10-to-16-inches and therefore the WCD amount released is anticipated to be similar to or double the 2012 discharge.

EPA has requested voluntary information from pipeline operators in order to evaluate discharge scenarios. A list of pipelines that cross the major rivers are provided in Appendix G. Based on the pipeline operator responses, the pipeline discharge scenarios do not match or exceed the FRP worst case discharge identified above.

### **Railroad**

Based on the WI Government Viewer there are approximately 300 miles of Class 1 railroads in the Southeast Wisconsin Sub-Area. All hazardous materials are submitted to the Spill Electronic Reporting and Tracking System (SERTS) for community planning. It is assumed that multiple classifications of hazardous materials and oil may be transported throughout the Southeast Wisconsin Sub-Area. An evaluation of publicly available documents was conducted by EPA and is described in more detailed below.

The Wisconsin Department of Transportation's projects an increase in tonnage for oil and hazardous materials from 2013 to 2040. The greatest projected increase in rail tonnage for all of Wisconsin is Crude Petroleum or Natural Gas (52,387,430 tons, 86.5 percent growth) followed by chemicals or Allied Products (45,055,110 tons, 109.8 percent growth)

(<https://wisconsindot.gov/Documents/projects/sfp/chap7.pdf>). In the same document the projected tonnage increases in several of the rail-lines in the Southeast Wisconsin Sub-Area have a 75% to 125% increase in tonnage.

Several railroads cross navigable waters within the Southeast Wisconsin sub-area. Derailments over or near navigable water could result in releases of hazardous materials or discharges of oil. A worst case discharge as described in the PHMSA's 2014 FAST Act is the greater of 300,000-gallons or 15% of the total carrying capacity of the entire unit train (i.e. 100 car unit train with each car carrying 30,000-gallons would result in a 450,000-gallons spill). A worst case from a unit train traveling through the sub-area is not anticipated to exceed the FRP facility WCD.

### **Roadway Transportation**

Major roadway transportation routes within the Southeast Wisconsin Sub-Area include Interstate Highway I-94/I-41 from the border of Illinois to Milwaukee, various Interstates around Milwaukee, and Interstate Highway I-43 from Milwaukee to Green Bay. Traffic count maps provided by the Wisconsin Department of Transportation indicate annual average daily traffic (AADT) in 2019 ranges from 93,400 AADT on I-94/I-41 at the border with Illinois, 163,000 AADT on I-41 west of Milwaukee, and 28,600 AADT on I-43 in Ozaukee county (<https://wisconsindot.gov/Pages/projects/data-plan/traf-counts/default.aspx>).

According to the Federal Motor Carrier Safety Administration (FMCSA) there are no designated or restricted routes for hazardous materials as of March 31, 2018 (<https://www.fmcsa.dot.gov/regulations/hazardous-materials/national-hazardous-materials-route-registry-state>) making the release of hazardous materials possible throughout the planning area. The probability of a WCD via roadway is most likely increased with the amount of traffic and weather conditions. Therefore, Kenosha, Racine, and Milwaukee Counties will have a higher probability of a WCD.

A WCD involving oil would most likely occur via a bulk tanker truck. These discharges may occur during loading and unloading or during transit. Anecdotally, tank trucks are relatively common when traveling on the interstate system. Typically, a bulk tanker truck containing oil is able to store around 8,000-gallons.

A WCD involving hazardous materials may occur from a bulk tanker truck or from packaged product in a tractor trailer. Statistics on hazardous materials release by county are difficult to segregate so instead a statewide metric will be used. In 2019 there were 364 hazardous materials releases reported to the Federal Motor Carrier Safety Administration (<https://portal.phmsa.dot.gov/analytics/saw.dll?Dashboard>). Most of these releases were reported by UPS or FedEx and occurred during loading and unloading shipments. Nationwide data on the hazard class indicates paint related commodities (classified as Flammable – Combustible Liquid) are the top two most common incidents. Corrosive materials hold the 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> place spot for the most common commodity to be released historically. A brief review of hazardous materials spills in Wisconsin indicate spills are typically below 100-gallons and most are around 10-gallons.

A WCD discharge for oil or hazardous materials will likely come from a bulk tanker truck carrying 8,000-gallons of product. Due to collision the tanker truck could release all 8,000-gallons of its content into a nearby stream or sensitive habitat. A worst case from a motor vehicle traveling through the planning area is not anticipated to exceed the FRP facility WCD.

### **Hazardous Materials Facilities**

An assessment on the WCD for Hazardous Materials Facilities was performed by summarizing the quantity of facilities in the Southeast Wisconsin Sub-Area that, under law, require EPA or state permits, notifications, or planning documentation for handling, storing, emitting hazardous materials (see table below). Hazardous materials facilities were aggregated into the EPA County Fact Sheets by linking multiple EPA databases, based on the regulatory program that they fall under, into a common viewer where these data could be viewed and extracted. Each regulatory program has the commonality of reporting a hazardous substance. In some cases, one facility may be counted multiple times, report for the quantity of the chemical under one regulatory program and how its emitted under another regulatory program.

A brief discussion of the regulatory authority each facility is bound by is described in the bullets below:

- Resource Conservation and Recovery Act (RCRA) is a combination of the first federal solid waste statutes and all subsequent amendments created the framework for proper management of hazardous and non-hazardous waste.
- Risk Management Plan (RMPs) are required by Section 112(r) of the 1990 Clean Air Act Amendments for facilities that use certain extremely hazardous substances.
- Tier II Facilities are required by Section 311 of the EPCRA to report their inventory of hazardous chemicals above a certain limit on a Tier II form.
- Toxic Release Inventory (TRI) is required by EPCRA of 1986 and the Pollution Prevention Act of 1990 for certain industrial facilities to report what chemicals they release (emissions or discharges to the air, water, and/or land) and what they are doing to prevent or reduce pollution (over 675 toxic chemicals).

#### **Hazardous Materials Facilities in Southeast Wisconsin Sub-Area**

Hazardous Materials Facility <sup>1</sup>	Kenosha	Racine	Milwaukee	Ozaukee	Sheboygan	Manitowoc
RCRA	291	425	2,635	249	309	240
RMP	20	17	25	2	14	6
Tier II Facilities	106	135	666	65	82	79
TRI	52	64	330	45	62	54

1 = Source of infrastructure is Wisconsin Government Viewer except when noted, [https://response.epa.gov/site/site\\_profile.aspx?site\\_id=14407](https://response.epa.gov/site/site_profile.aspx?site_id=14407) (4/2020)

FRP = Facility Response Plan

RCRA = Resource Conservation and Recovery Act

RMP = Risk Management Plan

TRI= Toxic Release Inventory

Based on the above table Milwaukee County contains the most facilities that report to EPA or Wisconsin concerning hazardous waste. Instead of attempting to place a hierarchy on what regulatory authority involves the most hazardous materials when handled improperly to determine a WCD, the alternative approach would be to discuss a natural disaster in an area. As discussed in Section 2.1.5 there have been five FEMA disaster declarations within the six county area. Several of those disaster declarations involve a tornado.

## Section 5 Response to Worst Case Discharge

### 5.1 Roles

Region 5's RCP/ACP includes a list of Federal Agencies that have duties established by statute, executive order, or Presidential directive which may apply to Federal response actions following, or in prevention of a worst-case discharge of oil. Some of these agencies also have duties relating to the rehabilitation, restoration, or replacement of natural resources injured or lost as a result of such discharge.

State, tribal, local, private industry, or other federal agencies that may be involved in responding to a WCD in the Southeast Wisconsin SACP Inland Zone Sub-Area can be found in the initial IAPs located in Appendix B.

### 5.2 Response Organization

Any WCD in the Southeast Wisconsin SACP must be managed pursuant to the National Incident Management System (NIMS). NIMS is a structure for management of incidents and is a collection of principles and methods that can be utilized by local, state, federal emergency managers as well as industry. NIMS defines operational systems including the Incident Command System (ICS), Emergency Operations Center (EOC) structures, Multiagency Coordination Groups (MAC Groups), and Joint Information Systems (JIS) that guide how personnel work together during incidents. NIMS applies to all incidents, from traffic accidents to major disasters. The jurisdictions and organizations involved in managing incidents vary in their authorities, management structures, communication capabilities and protocols, and many other factors. NIMS provides a common framework to integrate these diverse capabilities and achieve common goals. This SACP commits to the use of NIMS when applicable and warranted during an incident in the Southeast Wisconsin Inland Zone Sub-Area.

ICS is a standardized on-scene incident management concept designed specifically to allow responders to adopt an integrated organizational structure equal to the complexity and demands of any single incident or multiple incidents without being hindered by jurisdictional boundaries. In ICS considerable emphasis is placed on developing effective IAPs.

Early operational period IAPs have been developed for the Southeast Wisconsin SACP Inland Zone Sub-Area and can be found in Appendix B. These IAPs describe roles and responsibilities for agencies and responders, incident objectives, work analysis matrices, incident organization charts, assignment lists, incident communication plans, emergency contact lists, medical plans, health and safety messages, and unit activities logs.

### 5.3 Response Strategies

Within the ICS organizational concepts described in the preceding sub-section, EPA's management for response to an Inland Zone WCD will be characterized by the strategic considerations outlined below. When applicable, general response strategies or response strategies specific to the Southeast Wisconsin SACP are provided below each item.

#### 5.3.1 Command

- Protection of Public Health and Safety (PHS)
  - During federalized responses, the Federal OSC may coordinate the protection of PHS with the US Department of Human Health Services (HHS).

- The primary response to hazardous materials emergencies within PHS comes from the Agency of Toxic Substances and Disease Registry (ATSDR) and the Centers for Disease Control and Prevention (CDC). Both ATSDR and CDC have 24-hour emergency response capabilities where scientific and technical personnel are available. Technical assistance is provided to the lead federal agency and state and local response agencies on human health threat assessment and analysis, and exposure prevention and mitigation. Such assistance is used in situations requiring evacuation of affected areas, dealing with human exposure to hazardous materials, or advice on mitigation and prevention.
- Protection of Responder Safety
  - The ACP/RCP provides guidance on the protection of worker health and safety during responses.
- Communication on response status with the public, media, and other stakeholders
  - The IAP ICS Form 205 (Communication Plan) contains federal, state, local and private contacts within the Southeast Wisconsin Sub-Area. Every effort has been made to ensure that all response contacts have been identified and recorded for the Southeast Wisconsin Sub-Area.
- Protection of cultural and historical resources
  - The ISA includes data about sensitive historic and cultural resources. This tool provides and contingency planners and spill responders with the most accurate and relevant information possible for spill response and preparedness.
- Coordination with Natural Resource Damage Assessment (NRDA) trustees
  - The Regional Coordinator (RC) provides planning and coordination with NRDA.
- Net Environmental Benefit Analysis (NEBA)
  - NEBA is a process by which variables are identified and prioritized to minimize the impacts of an oil discharge or hazardous substance release.
- Consultation with states on endpoints

### 5.3.2 Logistics

- Site control
  - When a spill poses public safety and property threats via potential fires, explosions, toxic clouds, or other means, local officials are typically in command of the incident.
  - The Federal OSC is the point of contact for the coordination of federal efforts with those of the local response community. The Federal OSC will be in support of local command unless asked to assume control.
- Communications
  - The National Response Center is the national communications center for reporting spills and releases. The NRC acts as the single point of contact for all federal pollution incident reporting.

- The Remediation and Redevelopment (RR) Program under the Wisconsin DNR is the state response mechanism for incidents involving discharges or releases to soil or waters of the state. Wisconsin DNR emergency responders receive spill reports, provide response assistance, and coordinate the response efforts of local, federal, and other state responders.
- Connectivity

### 5.3.3 Operations

- Containment and recovery of oil
  - The IAP provides an ICS 204 specific to oil containment and recovery. The 204 lists agencies associated with oil containment and management, as well as appropriate tactics and strategies.
- Management and disposal of waste
  - Refer to the description above.
- Shoreline Cleanup Assessment Technique (SCAT)
  - SCAT guidelines are specified in the RCP/ACP. These guidelines address the use of specific countermeasures on various shoreline habitats for four oil types. The SCAT guidelines applicable to the shoreline habitats identified in this SACP will be utilized during a response.
- Wildlife recovery and rehabilitation
  - The RCP/ACP provides information on wildlife recovery and rehabilitation resources.
  - The IAP provides an ICS 204 specific to Wildlife Recovery and Rehabilitation Group. The 204 lists agencies that might play a role in the operations, as well as recommended strategies and tactics.
- Monitoring of all potentially affected environmental media
  - The IAP provides an ICS 204 specific to reconnaissance and monitoring. The ICS 204 lists potential agencies and strategies involved in this response task.

### 5.3.4 Planning

- Response end point planning (e.g., NEBA)
  - Response endpoint planning utilizes NEBA, a process by which variables are identified and prioritized to minimize the impacts of a spill.
- Use of Science
  - The RCP/ACP identifies federal agencies with specialized knowledge and expertise that the Federal OSC may consult with during a response.
  - In accordance with the NCP, a Scientific Support Coordinator (SSC) provides scientific advice to support the Federal OSC. The SSC is a resource for operational decisions that will protect the environment effectively, mitigate collateral harm, and facilitate environmental recovery. The SSC advises on the technical issues (as requested by the Federal OSC) after consulting with the appropriate NOAA

Emergency Response Division (ERD) resources or other federal, state, or academic networks.

- Documentation (preservation of response record)
  - The RCP/ACP details the role of the Federal OSC in the preservation of the response record for the use in cost recovery.
- GIS (situation and data management)
  - Individuals within EPA with GIS expertise have been identified in Section 5.5.

## 5.4 Model Incident Action Plan (IAP)

Early operational IAPs have been developed for the Southeast Wisconsin SACP Inland Zone Sub-Area and can be found in Appendix B. These initial IAPs include roles and responsibilities for agencies and responders, incident objectives, work analysis matrices, incident organization charts, assignment lists, incident communication plans, emergency contact lists, medical plans, health and safety messages, and unit activity logs. It is recommended that leaner versions of these templates be used to fulfill the requirements of NIMS during response to events less severe than a WCD.

## 5.5 Response Expertise

A list of local scientists, both inside and outside federal government service, with expertise in the environmental effects of spills of the types of oil typically transported for the Southeast Wisconsin SACP Inland Zone Sub-Area has been compiled.

To the best of EPA's knowledge, the following have been recognized as having response expertise that can be utilized for a response in the Southeast Wisconsin SACP Inland Zone Sub-Area.

Name	Affiliation	Area of Expertise	Contact Email	Contact Phone
Brian Cooper	EPA	<ul style="list-style-type: none"><li>• GIS</li><li>• Data Management</li></ul>	Cooper.Brian@epa.gov	(312) 353-8651
Paul Winters	EPA	<ul style="list-style-type: none"><li>• Tribal Liaison</li></ul>	winters.paul@epa.gov	(312) 353-4543
Dr. Faith Fitzpatrick	United States Geological Survey (USGS)	<ul style="list-style-type: none"><li>• Fluvial Geomorphology</li></ul>	fafitzpa@usgs.gov	(608) 821-3818
Greg Powell	EPA Environmental Response Team (ERT)	<ul style="list-style-type: none"><li>• Oil Spill Dynamics and Behavior</li></ul>	Powell.Greg@epa.gov	(859) 594-6549
Betsy Galbraith	United States Fish and Wildlife Service (USFWS)	<ul style="list-style-type: none"><li>• Natural Resource Damage Assessment</li><li>• Wildlife Recovery and Rehabilitation</li></ul>	betsy_galbraith@fws.gov	(920) 866-1753