

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILE 8672

2025 SCOMM 78: SENATE SPEC. COMM. ON OIL & GAS, 1991-1992

RECEIVED
STATE OF TENNESSEE

1980
BRYANT
SECRET
The Corporation shall be an independent body. The Corporation shall have nine (9) directors on its Board of Directors. The directors shall be divided into three (3) classes of three (3) directors each designated as Class I, Class II, and Class III. At the first meeting of the Board of Directors, the initial directors shall elect nine (9) directors, dividing such directors into Classes I, II, and III, with the terms of such directors expiring three (3), four (4), and five (5) years, respectively, after their election. Commencing with the expiration of the terms of the initial Class I directors, and thereafter on an annual basis, successors to the directors whose terms are expiring shall be elected by the Board of Directors (including the outgoing directors) to hold office for a three-year term, so that the term of office of one (1) class of directors shall expire each year. Any vacancy on the Board of Directors shall be filled by the remaining members of the Board of Directors. The qualifications, duties, and other matters relating to the Board of Directors shall be as provided in the By-laws, provided that a change in the number of directors shall be made only by amendment of the Charter pursuant to Article X hereof.

ARTICLE IX

The power to adopt, alter, amend, or repeal the By-laws of the Corporation shall be vested in the Board of Directors, provided that any such action to adopt, alter, amend, or repeal By-laws shall require the vote of two-thirds (2/3) of the directors.

ARTICLE X

An amendment of Article II or Article X of this Charter pursuant to the Tennessee Nonprofit Corporation Act shall require the unanimous vote of the directors, and any other amendment of this Charter pursuant to the Tennessee Nonprofit Corporation Act shall require the vote of two thirds (2/3) of the directors.

ARTICLE XI

The Corporation is a nonprofit corporation and shall have all of the powers, duties, authorizations, and responsibilities as provided in the Tennessee Nonprofit Corporation Act; provided, however, that the Corporation shall neither have nor exercise any power, nor shall it engage directly or indirectly in any activity, that would invalidate its status as a corporation that is exempt from federal income taxation as an organization described in Section 501(c)(4) of the Internal Revenue Code of 1986, as amended, or corresponding provisions of any subsequent federal tax law (hereinafter referred to as the "Code"). Since

1.13.55 13.1.13

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STATE OF TENNESSEE

501(c)(3) 501(c)(3) 501(c)(3)
1990 JAN 10 1990
BRYANT T. HARRIS
SECRETARY OF STATE

The Corporation is not an organization described in Section 501(c)(3) of the Code, for purposes of the Tennessee Nonprofit Corporation Act this Corporation is a mutual benefit corporation as defined in Section 48-68-104 of such Act.

ARTICLE XII

DEC 11 1990

A director of the Corporation shall not be personally liable to the Corporation for monetary damages for breach of fiduciary duty as a director except for liability (1) for any breach of the director's duty of loyalty to the Corporation, (2) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of the law, or (3) under Section 48-58-304 of the Tennessee Nonprofit Corporation Act. Any repeal or amendment of this Article XII by the Corporation shall be prospective only and shall not adversely affect any limitation on the personal liability of a director existing at the time of such repeal or amendment. In addition to the circumstances in which a director of the Corporation is not personally liable as set forth in the first sentence of this Article XII, a director shall not be liable to the Corporation to such further extent as permitted by applicable law and any law hereafter enacted, including, without limitation, any subsequent amendments of the Tennessee Nonprofit Corporation Act.

ARTICLE XIII

Upon the dissolution of the Corporation, no director, officer, or private person shall be entitled to any distribution or division of its remaining property or its proceeds, and the balance of all money and other property received by the Corporation from any source, after the payment of all debts and obligations of the Corporation, shall be used or distributed exclusively for purposes within the scope of Section 501(c)(3) or (c)(4) of the Code. Any such assets not so disposed of shall be disposed of by the appropriate court of the county in which the principal office of the Corporation is then located exclusively for the purposes described in the preceding sentence, or to such organization or organizations as said court shall determine which are organized and operated exclusively for such purposes.

ARTICLE XIV

The name and street address of the incorporators are as follows:

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590 JUL 30 1990 52
John D. Costello

BRYANT MILLSAPS
SECRETARY OF STATE

Alan D. Breed

Stephen F. Saine

Address

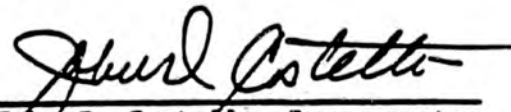
1220 L Street, N.W.
Suite 612
Washington, D.C. 20005

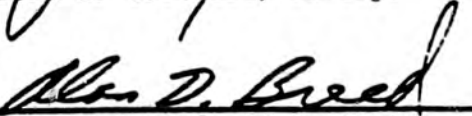
DEC 11 1990

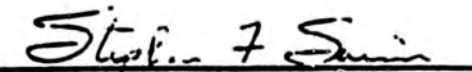
1220 L Street, N.W.
Suite 612
Washington, D.C. 20005

1220 L Street, N.W.
Suite 612
Washington, D.C. 20005

In witness whereof, we have signed and acknowledged this
Charter this 27th day of July, 1990.


John D. Costello, Incorporator


Alan D. Breed, Incorporator


Stephen F. Saine, Incorporator

**BY-LAWS
OF
MARINE SPILL RESPONSE CORPORATION**

**ARTICLE I
GOVERNING POLICIES**

1.1. Spills to Which the Corporation Will Respond. The corporation is organized to promote the welfare of the public by mitigating environmental damage to the coastal and certain upstream waters of the Continental U.S., Hawaii, Alaska, Puerto Rico and the Virgin Islands. The policies of the corporation with respect to the types of oil spills to which it will respond shall be as follows:

(a) Catastrophic Spills. Each region shall be designed to respond primarily to catastrophic and other oil spills of up to 216,000 barrels in coastal zone or tidal waters of the United States (including in particular open sea spills estimated to be in excess of 25,000 barrels and protected water spills estimated to be in excess of 40,000 barrels);

(b) Spills Exceeding Local Capability. Subject to any limitations contained in the Corporation's charter or these by-laws, each region shall use its best efforts to respond to any oil spill in U.S. coastal zone and tidal waters judged by the United States Coast Guard to be in excess of the local oil spill response capability.

(c) Certain Inland Waters. Subject to any limitations contained in the Corporation's charter or these by-laws, each region shall use its best efforts to respond to any spill of a cargo of a vessel traversing inland U.S. waters upstream from a river mouth on its way to or from an upstream facility, provided the cargo of the vessel would otherwise be (or have been) on its way to or from an upstream facility on a voyage that either took or would have taken it into the open sea, coastal zone or tidal waters of the United States, and provided the spill is judged by the U.S. Coast Guard to be in excess of the local oil spill response capability.

(d) Other Spills. Each region shall be authorized to respond to any other spill where the corporation is retained by the Coast Guard and directed to respond.

(e) Federal Coordination and Direction or Funding. The corporation shall not respond to any spill in excess of 1,200 barrels unless (I) the United States Government has exercised its authority to coordinate and direct or to federalize the spill and (II) either (A) the spiller is identified and is a member of Marine Preservation Association, an Arizona nonprofit corporation (the "Association"), or (B) either (1) the spiller is identified and is a member of the Association, or (2) the spiller is unidentified or is not a member of the Association and the U.S. government has entered into an agreement with the Corporation

guaranteeing reimbursement of the Corporation's costs incurred in responding.

(f) Minor Spills. For spills of less than 1,200 barrels where the Coast Guard has judged that the spill exceeds local oil spill response capabilities, the corporation shall be authorized to participate in the spill response as a subcontractor responsible only for providing equipment and equipment supervision, provided it has received acceptable indemnification assurances from the spiller.

1.2. Vessel and Facility Owner Contingency Plans. The corporation shall not participate directly or otherwise in the development of individual vessel or facility owner contingency plans, nor shall it advise on or approve the adequacy of any vessel or facility owner's contingency plans, except in regard to the corporation's own response capabilities.

1.3. Agreement to Provide Services. The corporation shall be authorized to enter into an agreement with the Association, obligating the corporation to provide oil spill response services in a manner consistent with its charter and these by-laws to the members of the Association and authorizing members of the Association to identify the corporation as their catastrophic spill subcontractor in the preparation of such member's oil spill contingency plans. In entering into any such agreement, the corporation shall require that it be given the opportunity to review in advance those portions of each Association member's contingency plans which relate to the obligations and abilities of the corporation to ascertain that such plans accurately describe the corporation's cleanup capabilities and responsibilities.

1.4. Deeming Option. For purposes of Section 1.3 above, any vessel whose cargo is destined for delivery to a member of the Association shall be deemed to be a vessel of a member of the Association for a particular voyage, if (1) the receiving member elects in advance such treatment for the cargo by notifying the Corporation in writing, (2) the receiving member accepts responsibility for reimbursing the corporation in the event of a spill by such vessel, and (3) such vessel otherwise meets any federal certification requirements.

1.5. Disposal of Waste and Hazardous Material. To the extent possible, the corporation shall avoid undertaking management of the disposal of waste oils and other materials collected during cleanup and removal operations. With respect to the removal of waste oils and other regulated materials, the corporation shall delegate these removal obligations to subcontractors to the maximum extent permissible under law.

1.6. Borrowing and Liabilities. In addition to the powers provided by law, the corporation shall be authorized to borrow money and to assume or become secondarily liable for the obligations of the Association when such obligations are undertaken for the benefit of the corporation.

ARTICLE II BOARD OF DIRECTORS

2.1. Number, Qualifications, Tenure, and Election. The direction and management of the affairs of the corporation and the control and disposition of its properties and funds shall be vested in a Board of Directors (the "Board"). A director need not be a resident of the State of Tennessee. The directors named in the charter shall hold office until the first annual meeting of the Board and until their successors are elected and qualified. At the first annual meeting of the Board, there shall be elected nine (9) directors, who shall be divided into three (3) classes, designated as Class I, II and III, of three (3) directors each. Class I shall serve for three (3) years, Class II for four (4) years, and Class III for five (5) years, from the date of the first annual meeting. Commencing with the expiration of the terms of the initial Class I directors, and thereafter on an annual basis, successors to the directors whose terms are expiring shall be elected to the Board to serve three (3) year terms, so that the term of office of one class of directors shall expire each year. Of the nine (9) persons serving as directors at any time, seven (7) of such persons shall be either current or retired senior-level business or government executives, former military (including Coast Guard) officers, or members of the legal or accounting professions. The remaining two (2) directors shall be persons from the environmental science, academic, or not-for-profit fields. No person shall serve as a director of the corporation if such person has ever served as a director of the Association; if at the same time such person is serving as an officer of the corporation (other than as president); or if such person has within the previous two (2) years been employed by any member of the petroleum or energy industries or the related petroleum transportation industry. Each director shall serve as such for his term of office and until his successor shall have been duly elected and qualified or until his earlier death, resignation, disability or removal. A director may serve for more than one (1) term and may be elected for unlimited successive terms.

2.2. Vacancies. A vacancy shall be declared in any seat on the Board upon the death or resignation of the occupant thereof, upon the disability of any occupant rendering him permanently incapable of participating in the management and affairs of the corporation, or upon removal for cause by the affirmative vote of two-thirds (2/3) of the directors (other than the director being voted on) then serving at a special meeting of the directors called for such purpose. For this purpose, "cause" for removal shall be deemed to exist if a director willfully and materially breaches or habitually neglects his duties as a director of the corporation, is grossly negligent in carrying out his duties as a director, engages in fraud on the corporation, engages in any other act materially detrimental to the best interests of the corporation, or is convicted of a felony. In the event of a vacancy in any seat on the Board, the remaining directors shall, as soon as reasonably possible, eliminate such vacancy by selecting a new person to be director for a term equal to the unexpired term of the former occupant thereof.

2.3. Annual Meeting. The annual meeting of the Board shall be held at a time and place to be determined by the Board on the first Tuesday in April of each year and if not so held, then as soon thereafter as convenient. At such meeting, officers shall be elected, annual reports considered and acted upon, and such other business as shall properly come before the meeting shall be transacted.

2.4. Regular Meetings. Regular meetings of the Board may be held at such time and place as shall from time to time be determined by the Board. At least ten (10) days notice of each regular meeting shall be given to each director.

2.5. Special Meetings. Special meetings of the Board shall be held whenever called by the secretary of the corporation upon the direction of the president of the corporation or upon written request of any two (2) directors; and it shall be the duty of the secretary to give sufficient notice of such meetings in person or by mail, telex, or telegraph to enable the directors so notified to attend such meetings.

2.6. Quorum for Meetings. A majority of the directors shall constitute a quorum for the transaction of business at all meetings convened according to these by-laws. The act of a majority of the directors present at any meeting at which there is a quorum shall be the act of the Board, except as may be otherwise provided by law, the charter or these by-laws.

2.7. Telephone Attendance. At any meeting of the Board, a director may attend by telephone, radio, television, or other similar means of communication, provided that all persons participating in the meeting can hear each other. A director so attending shall be deemed to be present at the meeting for all purposes, including a determination of whether a quorum is present.

2.8. Notice. It shall be the duty of the secretary to give sufficient notice of all regular and special meetings to enable the directors so notified to attend such meetings. Whenever under any provision of an applicable statute, the charter or these by-laws, notice is required to be given to a director and no provision is made as to how such notice shall be given, it shall not be construed to mean personal notice, but any such notice may be given in writing by mail, postage prepaid, addressed to such director at such address as appears on the books of the corporation. Any notice required or permitted to be given by mail shall be deemed to be given at the time when the same shall be deposited in the United States mails as aforesaid.

2.9. Waiver of Notice. Notice of a meeting may be waived if before or after the meeting each of the directors not present signs a written waiver of notice or consent to the holding of such meeting, or in writing approves the minutes thereof. All such waivers, consents or approvals shall be filed with the corporate records or made a part of the minutes of the meeting.

2.10. Attendance as Waiver. Attendance of a director at a meeting shall constitute

a waiver of notice of such meeting except where a director attends a meeting for the express purpose of objecting to the transaction of any business on the ground that the meeting is not lawfully called or convened.

2.11. Business to be Transacted. The business to be transacted at any annual, regular or special meeting need not be specified in the notice or waiver of notice of such meeting, unless specifically required by law.

2.12. Consent to Action. All actions taken at a meeting of the Board which is not regularly called or noticed shall be valid as if taken at a meeting regularly called and noticed if all directors consent in one of the following manners: either by a writing on the records of a meeting of the Board filed with the secretary, or by presence at such meeting and oral consent entered in the minutes of such meeting, or by taking part in the deliberations undertaken at such meeting without objection. At such meeting any business may be transacted which is not excepted from the written consent or which is not objected to at such meeting for want of notice. If any meeting of the Board is irregular for want of notice, the proceedings may be ratified, approved and rendered valid, and the irregularity or defect therein waived, by a writing signed by all directors, provided a quorum was present at such meeting.

2.13. Action Without a Meeting. Any action required to be taken at a meeting of the directors of the corporation, or any action which may be taken at a meeting of the directors of the corporation or of any committee, may be taken without a meeting if a consent in writing setting forth the action to be taken shall be signed by all of the directors, or all of the members of the committee, as the case may be.

2.14. Compensation. Directors, in their capacity as directors, may receive, by resolution of the Board, a fixed sum and expenses of attendance for attending meetings of the Board or a stated annual remuneration or both. No director shall, except as provided above, be precluded from serving the corporation in any other capacity or receiving compensation therefor.

ARTICLE III GENERAL OFFICERS

3.1. Election, Term and Removal. The Board shall nominate and elect officers. The officers of this corporation shall include a chairman of the board, and a president, both of whom shall be elected from among the nine (9) directors of the corporation; one (1) or more vice presidents; a secretary and a treasurer; and such other officers as may be determined and selected by the Board. Any person otherwise qualified may hold two (2) offices in the corporation except the office of president and vice president, or president and secretary, or president and treasurer, and except that the chairman of the board cannot

otherwise be an officer of the corporation.

The officers shall hold office until their successors are elected at a meeting of the Board called for such purpose and such successors qualify, provided that any office will become vacant upon the death, resignation, removal, or disqualification for any reason of the officeholder. Any officer elected or appointed by the Board may be removed by the Board at any time with or without cause whenever in its judgment the best interests of the corporation would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the officer so removed. Election or appointment of an officer shall not of itself create contract rights.

3.2. Attendance at Board Meetings. The chairman of the board, and in his absence the president, shall call meetings of the Board to order, and shall act as chairman of such meetings, and the secretary of the corporation shall act as secretary of all such meetings, but in the absence of the secretary the chairman may appoint any person present to act as secretary of the meeting.

3.3. Duties. The principal duties of the several officers are as follows:

(a) **Chairman of the Board.** The chairman of the board shall, if present, preside at all meetings of the Board and shall exercise and perform such other powers and duties as may be from time to time assigned to him by the Board or prescribed by the by-laws.

(b) **President.** Subject to such supervisory powers, if any, as may be given by the Board to the chairman of the board, the president shall be the chief executive officer of the corporation and shall have general charge and supervision of the administration and management of the affairs and business of the corporation. The president shall see that all orders and resolutions of the Board are carried into effect. The president may sign, with the secretary or any other proper officer of the corporation authorized by the Board, any deeds, mortgages, bonds, contracts, or other instruments that the Board has authorized, generally or specifically, to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board, by these by-laws, or by statute, to some other officer or agent of the corporation; and, in general, the president shall perform all duties incident to the office of president and such other duties as may be prescribed by the Board from time to time. The president shall be required to report to the Board at least annually with respect to the oil spill cleanup activities undertaken by the corporation in the preceding year, the state of readiness of the corporation to clean up oil spills in the future, and such other matters as may be appropriate.

(c) **Vice Presidents.** The vice presidents shall, in the order of their seniority, discharge the duties of the president in the event of his absence or disability for any cause whatever, and shall perform such additional duties as may be prescribed from time to time by the Board.

(d) Secretary. The secretary shall have charge of the records and correspondence of the corporation under the direction of the president, and shall be the custodian of the seal, if any, of the corporation. He shall give notice of and attend all meetings of the Board. He shall take and keep true minutes of all meetings of the Board of which, ex officio, he shall be the secretary. He shall discharge such other duties as shall be assigned to him by the president or the Board. In case of the absence or disability of the secretary, the Board may appoint an assistant secretary to perform the duties of the secretary during such absence or disability.

(e) Treasurer. The treasurer shall keep account of all moneys, credits and property of the corporation which shall come into his hands and keep an accurate account of all moneys received and discharged. Except as otherwise ordered by the Board, he shall have the custody of all the funds and securities of the corporation and shall deposit the same in such banks or depositories as the Board shall designate. He shall keep proper books of account and other books showing at all times the amount of the funds and other property belonging to the corporation, all of which books shall be open at all times to the inspection of the Board. He shall submit a report of the accounts and financial condition of the corporation at each annual meeting of the Board or when the president or Board so requires. He shall also make such transfers and alterations in the securities of the corporation, if any, as may be ordered by the Board. In general, the treasurer shall perform all the duties which are incident to the office of treasurer, subject to the Board, and shall perform such additional duties as may be prescribed from time to time by the Board. The treasurer shall give bond only if required by the Board. In case of absence or disability of the treasurer, the Board may appoint an assistant treasurer to perform the duties of the treasurer during such absence or disability.

3.4. Compensation. The compensation, if any, of officers shall be fixed from time to time by the Board; provided that the Board may by resolution delegate to any one (1) or more officers of the corporation the authority to fix such compensation.

ARTICLE IV APPOINTIVE OFFICERS AND AGENTS

The Board may appoint such officers and agents in addition to those provided for in Article III, as may be deemed necessary, who shall have such authority and perform such duties as shall from time to time be prescribed by the Board. All appointive officers and agents shall hold their respective offices or positions at the pleasure of the Board, and may be removed from office or discharged at any time with or without cause; provided that removal without cause shall not prejudice the contract rights, if any, of such officers and agents.

ARTICLE V COMMITTEES

5.1. Committees of Directors. The Board by resolution adopted by a majority of the directors in office, may designate one (1) or more committees, including an executive committee, which committees, to the extent provided in said resolution, shall have and exercise the authority of the Board in the management of the corporation. Each such committee shall consist of two (2) or more directors. The designation of such committees and the delegation thereto of authority shall not operate to relieve the Board, or any individual director, of any responsibility imposed on it, him or her by law. The Board shall elect an audit committee of three or more directors (not including the president). The audit committee shall appoint a reputable accounting firm to conduct an annual audit of the corporation, shall review the report of the auditors, and shall recommend to the Board any actions that should, in its judgment, be taken as a result thereof.

5.2. Advisory Boards or Committees. Advisory boards or committees not having and exercising the authority, responsibility, or duties of the Board in the management of the corporation may be designated by a resolution adopted by a majority of the directors present at a meeting at which a quorum is present. Except as otherwise provided in such resolution, members of each such advisory board or committee need not be directors of the corporation, the president of the corporation shall appoint the members thereof, and any member thereof may be removed by the president whenever in the president's judgment the best interests of the corporation shall be served by such removal.

5.3. Term of Office. Each member of a committee of directors or advisory board or committee shall continue as such until the next annual meeting of the Board of the corporation and until his or her successor is appointed, unless the board or committee is sooner terminated, or unless such member is removed from such board or committee or unless such member shall cease to qualify as a member thereof.

5.4. Chairman. Unless otherwise provided in the resolution of the Board designating a committee of directors or advisory board or committee, one (1) or more members of each directors' committee or advisory board or committee shall be appointed chairman, or co-chairman, by the person or persons authorized to appoint the members thereof.

5.5. Vacancies. Vacancies in the membership of any committee of directors or advisory board or committee may be filled by appointments made in the same manner as provided in the case of the original appointments.

5.6. Quorum; Manner of Acting. Unless otherwise provided in the resolution of the Board designating a committee of directors or advisory board or committee, a majority of the whole board or committee shall constitute a quorum, and the act of the majority of the members present at a meeting at which a quorum is present shall be the act of the board

or committee.

5.7. Rules. Each committee of directors or advisory board or committee may adopt rules for its own government not inconsistent with these by-laws or with rules adopted by the Board.

ARTICLE VI CONTRACTS, CHECKS, DEPOSITS AND FUNDS

6.1. Contracts. The Board may authorize any officer or officers, or agent or agents, of the corporation, in addition to the officers so authorized by these by-laws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, and such authority may be general or confined to specific instances.

6.2. Checks, Drafts, or Orders for Payment. All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the corporation shall be signed by such officer or officers, or agent or agents, of the corporation and in such manner as shall from time to time be determined by resolution of the Board. In the absence of such determination by the Board, such instruments shall be signed by the president and countersigned by the treasurer of the corporation.

6.3. Deposits. All funds of the corporation shall be deposited from time to time to the credit of the corporation in such banks, trust companies, or other depositories as the Board may select.

6.4. Investments. The corporation shall have the right to retain all or any part of any property, real, personal, tangible or intangible, acquired by it in whatever manner, and pursuant to the direction and judgment of the Board, to invest and reinvest any funds held by it without being restricted to the class of investments available to directors by law or any similar restriction; provided, however, that no action shall be taken by or on behalf of the corporation if such action would result in denial of the corporation's exemption from federal income taxation under the Internal Revenue Code and its regulations.

ARTICLE VII AMENDMENTS

The by-laws may be amended, altered or repealed by a vote of two-thirds (2/3) of the directors of the corporation.

ARTICLE VIII INDEMNIFICATION OF DIRECTORS AND OFFICERS

Directors and officers of the corporation shall be indemnified to the fullest extent now or hereafter permitted by law in connection with any actual or threatened action or proceeding (including civil, criminal, administrative or investigative proceedings) arising out of their service to the corporation or to another organization or enterprise at the corporation's request. Persons who are not directors or officers of the corporation may be similarly indemnified in respect of such service to the extent authorized at any time by the Board of Directors. The corporation may at any time, to the extent authorized by the Board of Directors, take such steps as may be deemed appropriate by the corporation, including purchasing and maintaining insurance, entering into contracts (including, without limitation, contracts of indemnification between the corporation and its directors and officers), creating a trust fund, granting security interests or using other means to insure the payment of such amount as may be necessary to effect such indemnification. Neither the amendment nor repeal of this Article VIII shall affect any right of protection of a person with respect of any act or omission occurring prior to the time of such repeal or modification. The indemnification provided by this Article VIII shall not be deemed exclusive of any other rights to which a director or officer or former director or officer may be entitled under any by-law, agreement, insurance policy or otherwise.

ARTICLE IX MISCELLANEOUS

9.1. Fiscal Year. The fiscal year of the corporation shall be fixed by the Board.

9.2. Books and Records. The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its Board and committees having any authority of the Board.

9.3. Invalid Provisions. If any part of these by-laws is held invalid or inoperative for any reason, the remaining parts, so far as is possible and reasonable, shall remain valid and operative.

9.4. Headings. The headings used in these by-laws are for convenience only and do not constitute matter to be construed in the interpretation of these by-laws.

9.5. Gender. Wherever the context requires, all words in these by-laws in the male gender shall be deemed to include the female gender, all singular words shall include the plural, and all plural words shall include the singular.

9.6. Seal. The Board may provide for a corporate seal.

9.7. Legal Authorities Governing Construction. These by-laws shall be construed in accordance with the laws of the State of Tennessee. All references in these by-laws to statutes, regulations or other sources of legal authority shall refer to the authorities cited, or their successors, as they may be amended from time to time.

CERTIFICATION

The undersigned hereby certifies the foregoing is a true and correct copy of the By-laws of Marine Spill Response Corporation, a Tennessee non-stock, nonprofit corporation (the "Corporation") adopted by the Corporation on the ____ day of _____, 1990.

Secretary

September 24, 1991

MSRC STATUS

BACKGROUND

Two year's ago, on a reef in Alaska's Prince William Sound, the oil tanker Exxon Valdez ran aground causing America's biggest oil spill. While thousands worked to clean up the spill in Alaska, in Washington, a task force representing America's oil industry, set about studying the existing resources across the nation for responding to catastrophic oil spills.

In June of 1989 the task force reported its findings: the capability did not exist, neither in industry nor government, to successfully contain and remove a spill the magnitude of the one in Alaska.

As a result of task force recommendations, twenty oil companies began the process of creating the Petroleum Industry Response Organization (PIRO) to manage catastrophic spills. In August 1990, the oil companies created two new organizations: the Marine Spill Response Corporation (MSRC) and the Marine Preservation Association (MPA). MSRC which has succeeded PIRO, is an independent oil spill response organization.

MSRC will operate from five regional response centers, each supported by several strategically placed equipment sites along the coast, and will become the nation's largest spill response and cleanup organization. MPA, an organization comprised of oil companies and the shippers and receivers of oil, will fund MSRC but have no control over day-to-day operations.

MSRC is headquartered in Washington, D.C., with our five Regional Response Centers located along the coastal United States in the New York/ New Jersey area, South Florida in Miami, in Lake Charles, Louisiana in the Gulf, Port Hueneme, California in the Southwest, and the Seattle area, Washington in the Northwest.

Each region will have three to six prestaging areas (twenty two in all) where equipment, supplies and sometimes vessels and personnel will be located. Each site has been selected to enable a quicker response to a large spill in areas of greater oil movements, and hence risk, along the coast.

RESPONSE CAPABILITY

MSRC, under the direction of the Coast Guard, will provide a "best-effort" response to cleaning up spills of persistent (crude) oils that are beyond the capacity of local response organizations. Each of the five regional centers is designed to provide this "best effort" response to spills. MSRC's response capabilities are being designed based on a spill roughly the size of the Alaska spill. Operationally, the nearest equipment/resources will be brought to the scene. In the event of an even larger spill some of the resources of two or more regions may be combined.

MSRC's five year costs for operations, capital equipment, and research and development are estimated at more than \$900 million. These costs are funded through MPA members' annual dues, which will be based on the number of barrels of oil transported in the previous year. In the event an MPA member becomes a spiller, MSRC will be available to aid the spiller, consistent with its agreement with the spiller and the direction of the Coast Guard. The spiller -- not MPA or MSRC -- will pay for the actual cleanup.

Although MSRC is a private organization that will work closely under contract with a spiller, it will also work closely with government efforts. MSRC will be available to execute the appropriate portions of the spiller's response plan. Under the Oil Pollution Act, spillers must respond under the direction of the Coast Guard during major spills in coastal areas. The presence of the Coast Guard at a spill site does not relieve spillers of their responsibilities for funding the clean up. The Coast Guard must, however, provide clear direction and coordination of cleanup operations when spills or potential spills pose a substantial threat to the public health and safety.

MSRC is not intended to replace existing oil spill cooperatives and independent response contractors. In fact, MSRC will use co-ops and independent responders as subcontractors for major spills and will train and drill with them. These existing entities have done a good job handling smaller spills. MSRC will only act when this infrastructure does not have sufficient resources for larger spills.

Under federal law, the responder to an oil spill has limited immunity. He is not liable for removal costs or damages unless he acts with gross negligence or willful misconduct. This limited immunity does not involve cases of personal injury or wrongful death. Under some state laws, however, the responder is not provided this limited immunity. MSRC is seeking state liability standards that are the same as the federal standard. This standard is appropriate because an oil spill responder must act decisively in a dynamic environment. Moreover, responders frequently must act with less than perfect information.

Another unique aspect of MSRC will be administration of a research and development program to improve the technology and knowledge used to respond to and clean up spills. This program will complement others in government, academia, and industry. MSRC plans to study such subjects as prevention of oil loss from damaged ships, on-water oil recovery and treatment, prevention and mitigation of shoreline impacts, fate and effects of spilled oil and petroleum products, mitigation of adverse effects on wildlife, and health and safety. MSRC will also aim to develop standards for oil spill response equipment, techniques and training.

MSRC PLANS

MSRC plans to be fully operational by February of 1993 -- the date when the Oil Pollution Act requires owners and operators of vessels, terminals, pipelines and offshore platforms to submit comprehensive spill response plans. Much must be done in the intervening two years.

A detailed implementation plan has been developed for MSRC, with most of the plan still in the process of being implemented. Equipment and vessels are being procured. Regional Response Centers must be surveyed and acquired. Land and buildings are being purchased or leased. Personnel -- including hundreds of subcontractors -- must be hired, trained and integrated into MSRC operations. Insurance must be arranged, and the research and readiness programs must be launched.

The Oil Pollution Act of 1990 requires that shippers and others responsible for oil transported on offshore and tidal waters show they can, to the maximum extent practicable, remove a "worst case" spill they might cause. This capability must reside in the private sector, and many companies may want to rely on MSRC to meet important federal response requirements, rather than obtain other response and cleanup capabilities.

SCOMM

78:13



OFFICIAL BUSINESS

Alaska State Legislature
Senate
Office of the Secretary

PO BOX V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

February 22, 1991

MEMORANDUM

TO: Senator Cotten, Chair
Senate Special Committee on Oil and Gas

FROM: Nancy Quinto *NQ*
Secretary of the Senate

President Eliason referred the following report to your committee for consideration:

DRAFT STATE OIL AND HAZARDOUS SUBSTANCE
DISCHARGE PREVENTION AND CONTINGENCY PLAN
(STATE MASTER PLAN), February 1991
from John Sandor, Commissioner
Department of Environmental Conservation
in accordance with AS 46.04.200

NQ/ps

Attachment

ERRATA

The following three pages correct errors known to be in the February Draft of the State Oil and Hazardous Substance Discharge Prevention & Contingency Plan (State master Plan) at the time of mailing. Please insert them in your draft. Thank you.

February 21, 1991 3:00 p.m.

LIST OF ANNEXES

- ANNEX I Definitions & Abbreviations
- ANNEX II Draft State Agency Memorandum of Cooperation
- ANNEX III Emergency Notification List
- ANNEX IV Hazardous Substance Reference Materials
- ANNEX V Oil & Hazardous Materials Incident Forms
- ANNEX VI Training Guidelines
- ANNEX VII Administrative Guidelines
- ANNEX VIII Legal Authorities
- ANNEX IX Public Information and Media Guidelines
- ANNEX X Oil Spill Memorandum of Cooperation Between British Columbia, Alaska, Washington and Oregon
- ANNEX XI Interagency Agreements/Memorandums of Understanding

APPENDICES

- A Prevention
- B Master Outline for Regional Plans

Independent Spill Response Capability

The legislature charged ADEC with developing a response capability independent of whatever other (industry, local, federal) response capabilities exist in Alaska. ADEC currently has a response team in each of its three regions (Southeast, Southcentral and Northern). These teams consist of between five and ten ICS and spill response-trained individuals. Predominantly command and decision-making groups, the teams' primary role is to initiate state spill responses. However, the response teams also can deploy containment and cleanup gear. Some members of each team are trained for level A hazardous substance discharges (Level A requires protective clothing.)

ADEC Spill Response Office

ADEC has established an office in Anchorage to respond to catastrophic oil discharges and discharges that are declared emergencies or pose significant threats. All other spills are handled by local (District) ADEC personnel, local and federal officials, and the responsible party. The Spill Response Office will also coordinate spill drills, maintain the state's spill reporting system, prepare ADEC response operation manuals, maintain term contracts, and maintain an active statewide inventory of all response equipment and information on its availability, condition and use.

ADEC's Regional Supervisors are the predesignated SOSCs for all spills.

415.21 EMERGENCY RESPONSE EQUIPMENT DEPOTS

Emergency spill response depots will be maintained by the Department of Military & Veterans Affairs, Division of Emergency Services (ADMVA/DES) under AS 46.08.120 in high risk areas as determined by the ADEC. Initially, depots are planned for Southeast (location to be chosen), Anchorage, and Fairbanks. The depots will be equipped and staffed in a manner that ensures prompt response when spill containment and cleanup actions are necessary. The SOSC will have access to the depots. ADMVA/DES is currently drafting depot plans.

415.22 VOLUNTEER RESPONSE CORPS

ADMVA/DES is establishing an oil and hazardous substance response volunteer corps under AS 46.08.110. Volunteers agree to be trained by ADMVA/DES in containment and cleanup techniques and to be available on short notice to assist responses.

415.3 DEPARTMENT OF MILITARY AND VETERANS AFFAIRS, DIVISION OF EMERGENCY SERVICES (ADMVA/DES)

Division of Emergency Services: 376-2337.

ADMVA/DES prepares the State Emergency Plan and coordinates the state's disaster operations organization. When a spill results from a natural disaster, ADEC will manage the spill response, but the spill response will be part of a larger overall disaster response managed by ADMVA/DES:

- Operates the state's Emergency Operations Center (EOC).
- Coordinates and provides logistics support during disaster emergencies including communications, air, ground and water support, transportation, equipment and supplies, facilities, fuel and food and assists with these functions for smaller spills at the request of the SOS.
- Establishes, maintains and staffs emergency equipment depots.
- Establishes and trains the Volunteer Response Corps.
- Maintains Alaska Emergency Plan.
- Participates and oversees the development of local and interjurisdictional disaster plans.
- Maintains a roster of trained persons skilled in disaster prevention, preparedness, response and recovery.
- Maintains a list of construction equipment and temporary housing for use in a disaster.
- Provides direct support to local communities in declared emergencies, including spills.

MEMORANDUM

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Environmental Quality

TO: All Legislators

DATE: Feb. 22, 1991

FILE #:

THRU:

PHONE #: 465-2630

FROM: Mike Macy, SPPM

SUBJECT: State Master Plan

Yesterday, you should have received a copy of the revised draft State Oil and Hazardous Substance Discharge Prevention and Contingency Plan (State Master Plan). Shortly after distribution, we discovered several errors needing immediate correction. We are transmitting three corrected pages for insertion in your copy.

Should you have any questions, please contact me.

ERRATA

The following three pages correct errors known to be in the February Draft of the State Oil and Hazardous Substance Discharge Prevention & Contingency Plan (State master Plan) at the time of mailing. Please insert them in your draft. Thank you.

February 21, 1991 3:00 p.m.

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X-42 093

STATE OF ALASKA



DRAFT

STATE AND REGIONAL

OIL & HAZARDOUS SUBSTANCE

DISCHARGE PREVENTION

AND CONTINGENCY PLAN



Alaska Department of
Environmental
Conservation

FEBRUARY 1991

REPORT ALL SPILLS 1-800-478-9300

STATE OF ALASKA

DRAFT

**STATE OIL AND HAZARDOUS
SUBSTANCE DISCHARGE PREVENTION AND
CONTINGENCY PLAN
(STATE MASTER PLAN)**

FEBRUARY 1991

FOREWORD

In response to the March 1989 Exxon Valdez oil spill, the Alaska Legislature directed the Department of Environmental Conservation to develop a state Master Plan and regional oil and hazardous substance discharge prevention and contingency plans to replace the existing 1983 Contingency Plan.

The Department issued a preliminary draft in October 1991 for public review and comment. We have subsequently revised that document in light of those comments and are once again soliciting public input. After the public comment period has ended on March 26, 1991, this document will be revised and, in early April, presented to the State Emergency Response Commission for approval.

The State Master Plan is a strategic document that explains the relationship between different plans and responders. It is not intended to detail ADEC's response activities or contain region-specific information; Departmental procedures belong in ADEC's Spill Response Operations Manual, and tactical, regional information (about environmentally-sensitive areas, hazards, and response resources) belongs in the regional plans.

The plan is divided into five sections, 11 annexes and 2 appendices. The first two sections are designed with the emergency responder in mind. Section 300 introduces the State's Incident Command System. Section 400 explains the relationships between the major planning and response entities in Alaska.

The Department of Environmental Conservation will keep a master list of recipients of the final State Master Plan document. All final copies of the Plan will be numbered and three-ring bound to facilitate Plan updates.

Should you have any questions, contact ADEC, Spill Planning (907) 465-2630. **We would appreciate receiving comments at your earliest convenience. Comments are due by Tuesday, March 26, 1991 at ADEC, SPPM, P.O. Box O, Juneau, AK 99811-1800**

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100 THREE-STEP SPILL NOTIFICATION PROCEDURES AND NUMBERS

Alaska has a three-step, basic notification process. Spillers may need to notify local government, but are required by law to immediately notify the state and federal government. A detailed listing of statewide emergency telephone numbers can be found in Annex III of this document.

101 LOCAL NOTIFICATION

In the event of a potential life, health, fire, or other safety hazard, the spiller should first contact local police or fire departments, where available, usually accessible at:

911

102 STATE NOTIFICATION

Next, spillers must notify the Alaska Department of Environmental Conservation through the **Alaska State Troopers'** statewide, toll-free number:

1-800-478-9300 or (907) 269-5711

The spiller should report the spill to the dispatcher. The dispatcher will obtain critical information and then contact the appropriate ADEC regional office. ADEC will notify other state agencies.

103 FEDERAL NOTIFICATION

Spillers must notify the National Response Center in Washington, D.C. Open 24 hours a day, the National Response Center will notify the appropriate federal agencies.

1-800-424-8802 or (202) 267-2675

104 SUPPLEMENTAL NOTIFICATIONS

When a spill involves a common carrier pipeline or a state land permittee, additional notifications are required.

104.1 PIPELINE COORDINATOR'S OFFICE NOTIFICATION

When spills involve a pipeline, the spiller shall also contact the State Pipeline Coordinator's Office at the Department of Natural Resources (ADNR).

Call 272-7565 and leave a message for pager #268-9785.

104.2 STATE LANDS LEASE-HOLDER NOTIFICATION

State land permittees are required to also immediately notify ADNR, Division of Land and Water Management of any unauthorized discharge, leak or spill involving two (2) barrels or more of hydrocarbons, and all fires, explosions and discharges of toxic or hazardous substances on state lands.

ADNR 24 hr. Spill Report Number.....451-2678

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200 GENERAL EMERGENCY RESPONSE PROCEDURES

This section outlines general emergency response procedures for local and state officials. Although containment and cleanup is the goal, the primary consideration is human safety. Emergency responders must understand the fundamental differences between safety considerations for petroleum product responses and those for other hazardous material incidents.

STEP I: Initiate the State Master Plan

Notify ADEC at: 1-800-478-9300

STEP II: Secure The Scene

Assess the situation and attempt to determine--from a safe distance, upwind and upslope, and using binoculars, if possible--if hazardous materials are present.

The Local On-Scene Coordinator (LOSC) or an Alaska State Trooper will serve as the Incident Commander until all immediate dangers to human safety are abated and the ADEC State On-Scene Coordinator (SOSC) arrives and is briefed. **THE SOSC IS ALWAYS A PREDESIGNATED ADEC EMPLOYEE**, usually the Regional Supervisor.

Section 300 describes the State's Emergency Response Organization.

Determine if the Responsible Party (Spiller) is present and initiating emergency response procedures. If the spiller/responsible party is not present, requests assistance, or can not be located, immediately take steps to secure the scene. Securing the scene consists of preventing the public from entering the spill site or its perimeter or coming into contact with spilled material.

Securing the scene generally requires establishing restricted zones. These zones must allow for anticipated or potential spread due to gravity, winds, or currents. Most hazardous materials incidents call for three zones:

1. The Exclusion Zone designates the highly contaminated area. Form a checkpoint on the outer boundary to control access.
2. The Chemical Reduction Zone surrounds the Exclusion Zone. Decontamination activities occur here. Form a checkpoint on the outer boundary to control access.

3. The Support Zone is the outermost of the three areas. It is the innermost non-contaminated area. The Incident Commander and his/her staff typically locate here. Mark this area with signs/flags to identify it to the public.

The minimum Exclusion Zone is 150 feet for spills on land, 1/2 mile if a tank car or tanker truck is involved in a fire, and 1 mile for spills on water. Refer to the substance-specific exclusion zone guidelines published by the federal Department of Transportation. For traffic control or search and rescue, contact the nearest State Trooper or local police office.

Everyone who is not adequately protected should **stay upwind and out of low areas.**

Resist the urge to rush in; identify and understand the hazards before attempting to help others. Assess the situation from a safe distance and only enter high risk areas if **there is imminent danger** to life, and then only if:

- proper equipment is available;
- thoroughly trained in the use of that equipment; and,
- there are additional trained and equipped personnel standing by to help.

Do not walk into or touch spilled material. Avoid inhalation or contact with fumes, smoke, dust, and vapors--even if no hazardous materials are known to be involved. **Do not assume** spilled materials and their bi-products they are harmless. Many extremely toxic gases and vapors are colorless, odorless, tasteless, and invisible. Annex IV of this document contains a listing of emergency telephone numbers and other reference resources to help identify hazardous materials and their toxic properties.

STEP III: Evacuate If Necessary

Evacuations in response to releases of hazardous materials will be conducted in accordance with Local Emergency Plans. The Local Emergency Plans identify under what circumstances evacuation is appropriate and necessary and specify:

- * title of person and alternate(s) who can order an evacuation;
- * procedures for notifying affected population;
- * methods for controlling traffic flow;
- * shelter locations;

- * reception and care of evacuees; and,
- * re-entry procedures.

Where no Local Emergency Plan exists, the Alaska State Troopers will direct all evacuation activities in conjunction with the State On-Scene Coordinator (SOSC) and staff.

STEP IV: Make Initial Assessment of Situation

Do not attempt to identify the material if you have not been trained in emergency response procedures or if proper safety equipment is not available. Keep the spill site secure and wait for properly trained local, federal, or ADEC officials.

While waiting for ADEC response personnel to arrive, obtain information that will help characterize the incident and shape the containment and cleanup plan. If the spiller or responsible party is present, ask for a short briefing. If the spiller/responsible party is not present, gather whatever information is available.

Useful information includes:

- location of spilled material;
- date and time of spill;
- cause/source of discharge;
- type of material discharged;
- estimated quantity discharged;
- estimated quantity at risk of further spillage;
- readily detectable characteristics of material (e.g., color, smell, physical effects);
- associated chemical hazards;
- nature, quantity, and location of other nearby hazards,
- name/address/telephone number/frequency/call signs of responsible party (owner/operator/agent);
- weather and sea conditions;
- whether significant amounts of the material appear to be entering the atmosphere, waterways, storm drains, or soil;

- direction, height, color, and odor of any vapor clouds or plumes;
- location of environmentally sensitive areas;
- location of economically sensitive areas;
- names and addresses of individuals at the scene at the outset; and,
- goals, strategies, and actions taken, and by whom, to contain the spill and prevent further spillage.

While obtaining information on cargo and material involved is important, **retrieval of the shipping papers or name of commodity from containers should only be attempted if it can be accomplished without exposure to dangerous conditions.** Shipping papers identifying hazardous materials can be found on placards, container labels, and shipping papers. Typically, these are found in:

- truck and motor vehicle cabs;
- in the possession of train crew members and aircraft pilots;
- in a holder on vessel bridges; and,
- in an aircraft pilot's possession.

Other sources of information include:

- manifest/shipping invoice/billing label;
- shipper/manufacturer identification;
- container type (e.g., truck, rail car, pipeline, drum);
- rail car/truck 4-digit identification numbers; and,
- placard/label information.

STEP V: Management

Where available, the local Fire Chief, other designated LOSC, or State Trooper serves as the Incident Commander until the immediate threat to human life is abated while the SOSC and Responsible Party's On-Scene Coordinator (RPOSC) plan containment and cleanup activities.

If the Responsible Party is initiating cleanup, local and state officials and the RPOSC determine what supplemental assistance, if any, is required.

For spills on marine waters, the Coast Guard serves as the Incident Commander and coordinates government responses. The Coast Guard may soon delegate response authority to ADEC for minor spills. Section 400 elaborates upon jurisdictional issues.

STEP VI: Containment & Cleanup

Under state and federal law, the spiller is required to immediately begin cleanup of the spilled material. If the SOSC arrives on-scene and determines that cleanup activities have not begun, the SOSC will inform the responsible party of its responsibility under AS 46.04.020 to immediately contain and clean up the discharge. The State will assume an oversight role and will provide supplemental assistance as requested and/or necessary, if:

- the responsible party takes adequate action to clean up the discharge, or
- the responsible party does not take adequate action but the Coast Guard/EPA is initiating a federal cleanup.

However, if the responsible party does not take adequate action and no federal cleanup action is being initiated, then the SOSC will determine the most practicable method of cleanup. Criteria for a state takeover of cleanup activities are contained in Annex VIII, Legal Authorities.

The SOSC will be the initial point of contact for all state emergency permits for cleanup and hazardous waste disposal.

STEP VII: Documentation

It is critical to document the spill and subsequent response effort. Comprehensive documentation is important for enforcement, legal claims, scientific research, and cost recovery but most importantly to improve responsiveness and prevent subsequent incidents.

A copy of ALL DOCUMENTS (notes, field notebooks, telephone logs, samples, etc.) must be given to the incident commander. However, for incidents where a documentation unit has been activated, give them a copy of all documents instead.

All documents should have the documenter's:

Name, Address, and phone number
Dates when the document was made
ADEC Incident Name and Incident Number
Location, if applicable
Applicable environmental data (weather, etc)

STEP VIII: Enforcement and Cost Recovery

The Department of Environmental Conservation is charged with enforcing state statutes and recovering the spill-associated costs from the responsible party. To foster cooperation with the responsible party, maximize the effectiveness of the cleanup, and encourage data-sharing, enforcement and cost recovery related investigations and tasks will be conducted by legal office staff when possible.

STEP IX: Incident Follow-Up Procedures

The nature of the incident and the subsequent response will shape the follow-up, and its three major components:

Environmental Monitoring
Damage Assessment, and
Incident Evaluation

Environmental Monitoring consists of field work. Damage Assessment is the process of determining damages and injuries to the human environment and natural and cultural resources. Damage assessment measures the difference between pre- and post-incident conditions and uses and includes restoration planning and cost estimating.

Taken together, these related tasks help:

- determine the extent of long-term damage and natural system and biotic recovery rates;
- monitor the affected area for signs of previously undetected substances and residues,;
- uncover previously unrecognized problems and processes; and,
- delineate the efficacy of various types of response and cleanup activities and methods, including leaving the cleanup and restoration wholly to natural processes.

Incident Evaluation includes examining:

- incident causes
- the actions of and interactions between all parties.

The purpose of Incident Evaluation is to maximize the learning opportunities provided by the incident and subsequent response. Specifically, this task is intended to improve responsiveness and prevent recurrences. In some cases, this may entail using incidents as the basis of subsequent spill response drills.

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300 STATE'S EMERGENCY SPILL RESPONSE ORGANIZATION

310 INTRODUCTION TO THE INCIDENT COMMAND SYSTEM (ICS)

The State of Alaska's spill response is organized and managed under the Incident Command System (ICS) which was originally developed by the National Interagency Incident Management System (NIIMS) for managing large forest fires.

For the ICS concept to work, all responders must understand the system and their role in it. Such an understanding can only be gained through training and experience. The following brief introduction is in no way intended to supplant ICS training requirements. Like any other system, the ICS depends upon teamwork, coordination and cooperation between all entities involved.

The ICS is organized around five major functions: COMMAND, PLANNING, OPERATIONS, LOGISTICS and FINANCE. The basic structure remains the same, so the ICS can expand and contract without major disruptions to match the type, size, and complexity of the response. Staffing is dynamic, based on need. Using common sense and ICS principles, the system can be modified to fit any incident (See **Figure 1** (pp. 24), Spill Response Command Structure.)

Similarly, the ICS structure can accommodate changing response modes, for example from oversight, to supplemental assistance, and even cleanup, or vice-versa, if necessary.

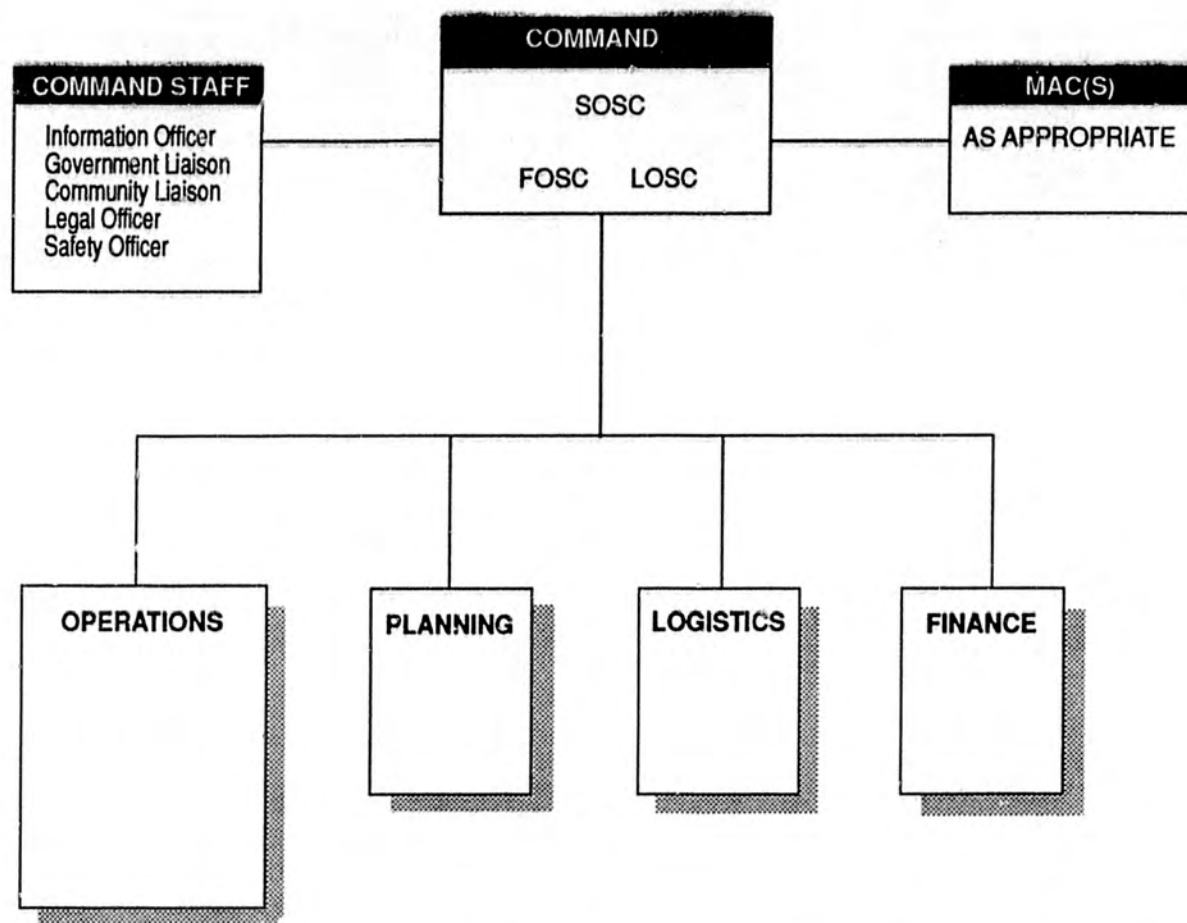
Even when the state role is limited to oversight, the state response organization will use the ICS system because the state's oversight responsibilities typically encompass a large number of tasks and individuals, particularly in major and catastrophic incidents. **Figure 2** (pp. 25), Section Detail, State Spill Response, shows some of these oversight activities.

320 INCIDENT COMMAND SYSTEM BASIC PRINCIPLES

A complete description of the ICS, including descriptions of all the organizational roles and responsibilities required by massive responses can be found in the NIIMS ICS Manual.

Proper functioning of the ICS depends on its users embracing its eight underlying principles and components. These are:

Figure 1: Spill Response Command Structure



RP=UNKNOWN OR NON-RESPONSIVE

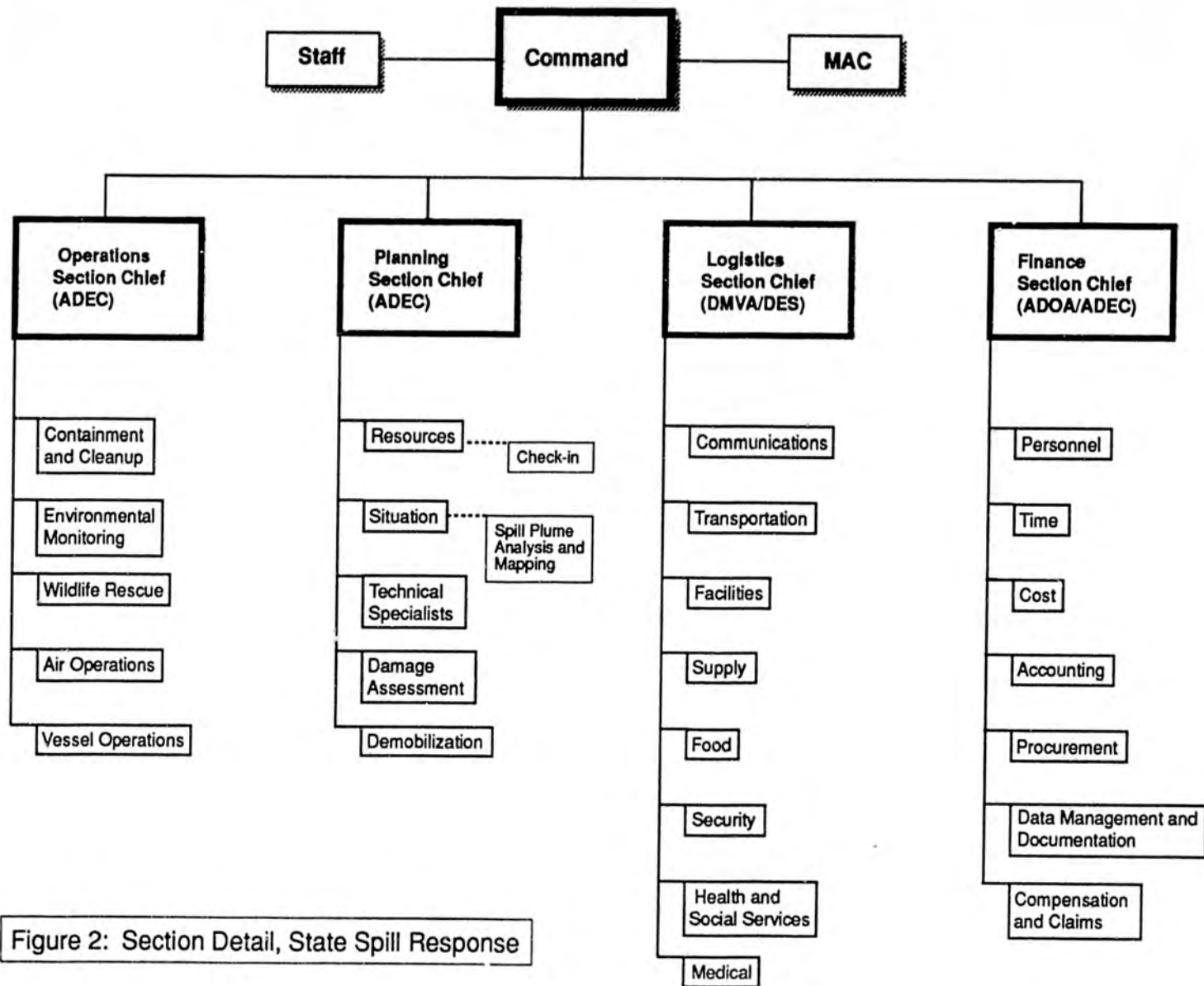


Figure 2: Section Detail, State Spill Response

1. Common Terminology:

This includes organizational functions, resource elements (personnel and equipment), and facilities. All terminology is pre-defined and thus understood by all participants regardless of discipline or jurisdiction.

2. Modular Organization:

The ICS organizational structure develops in a modular fashion, building from the top down, with responsibility and performance placed initially with the Incident Commander. As the need develops, four separate sections (COMMAND, OPERATIONS, PLANNING, LOGISTICS, AND FINANCE) may be established. The sections may include several branches, divisions, and units, as shown below.

To clarify lines and levels of authority, personnel assigned to the ICS will carry the following titles:

- Incident Command** - Incident Commander
- Command Staff** - Officer
- Section** - Section Chief
- Branch** - Branch director
- Division/Group** - Division/Group Supervisor
- Unit** - Unit Leader

The first management assignments by the initial Incident Commander will normally be one or more section chiefs. Section chiefs will further delegate management authority, but only as needed.

3. Integrated Communications:

Communications are managed through the use of a common communications plan and an incident-based communications center. All communications are in plain English instead of codes.

Major responses will require the establishment of communications networks (NETS), with separate frequencies assigned to and reserved for command, tactical, support, and air, sea, and ground operations and associated combinations.

4. Unified Command Structure:

A single command structure is essential because incidents ignore geographical boundaries and effect resources under the jurisdictions of numerous agencies.

The Unified Command concept is a way of assuring that agencies and parties with command jurisdiction have the opportunity to participate in:

- determining overall incident objectives;
- joint planning for tactical activities;
- integrating tactical activities; and,
- maximizing available resources.

The make-up of the Unified Command Structure depends on the kind of incident and the political jurisdictions and natural resources involved. In spill responses in Alaska, a Unified Command could potentially encompass a maximum of four entities, the responsible party and local, state, and federal government.

Figure 3 (pp. 28), Command Relationships, Unified Response, shows that in a Unified Command, while each entity has its own separate response organization, these response efforts are coordinated at the command level.

5. Consolidated Action Plan:

All but the smallest and simplest incidents have a written plan which analyzes the situation and specifies goals and related strategies. The larger the incident, the more detailed the plan needs to be. Written plans are particularly important whenever the response:

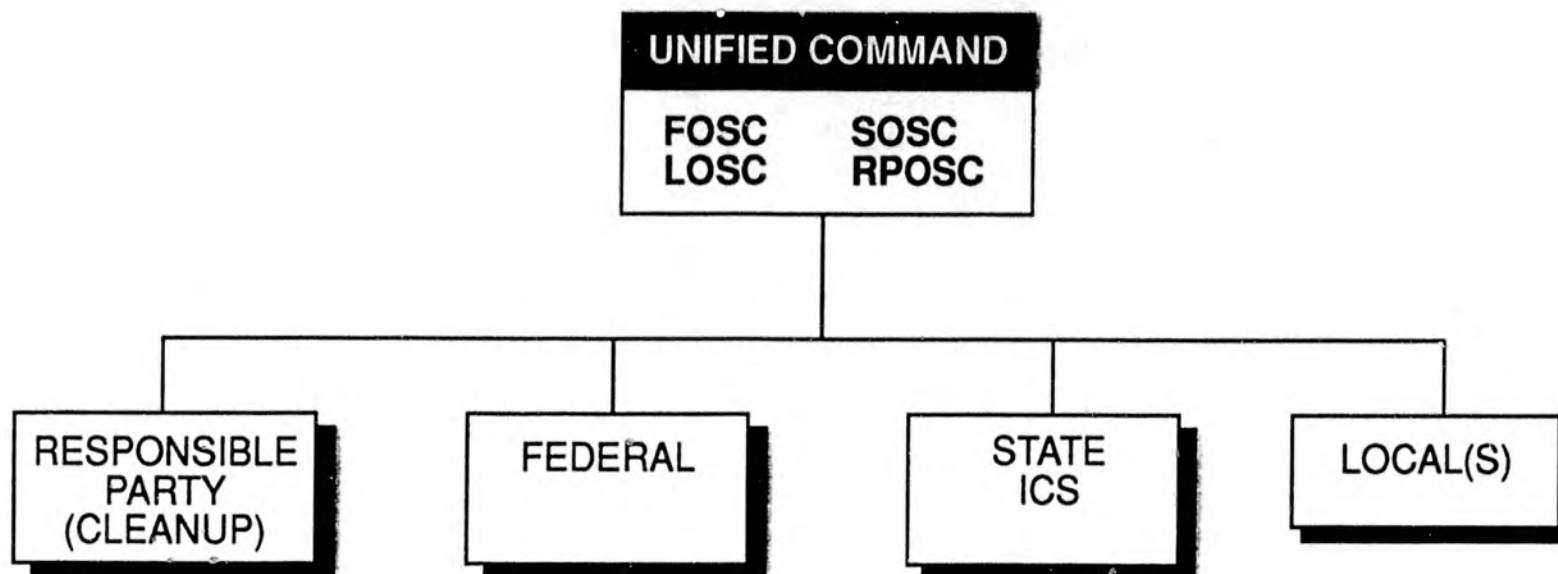
- uses resources from several agencies or entities;
- involves several jurisdictions; and,
- requires shift changes in personnel or equipment.

The Incident Commander will establish overall objectives and strategies, but these must reflect the policies and needs of all agencies with jurisdiction.

6. Manageable Span-Of-Control:

No crisis manager should directly supervise more than seven people, and the optimum number is five. Otherwise, the manager will be too busy for the vital task of anticipating and preparing for change. Attention to span of control is especially important during rapid build-up when good management is complicated by too many reporting elements.

FIGURE 3 : COMMAND RELATIONSHIPS
UNIFIED RESPONSE



7. Predesignated Incident Facilities:

All but the smallest incidents are likely to have a command post, incident base, and one or more staging areas and transportation bases (wharfs, airfields, helibases). The number, types, and location of facilities will vary with each incident. These sites should be selected after careful consideration during mobilization. ADEC Regional and District Offices will serve as initial command posts for all spills under state jurisdiction.

8. Comprehensive Resource Management:

Resources are managed by the Planning Section. The ICS provides three basic resource management schemes:

Single resources are individual pieces of equipment and their operators.

Task forces are combinations of resources assembled for a single mission or task. Each task force has a single leader and common communications.

Strike teams are a set number of resources of the same kind and type.

Tactical resources fall into one of three Status Condition categories:

- Assigned - performing an active assignment
- Available - ready for assignment
- Out of Service - not on or ready for active assignment

Individuals who make changes in resource status condition must inform the appropriate Planning section person or unit in charge of resources.

330 RESPONSIBILITIES COMMON TO ALL RESPONDERS

1. Adhere to the provisions and procedures of the Alaska State Master Plan (this document).
2. Report to check-in, complete check-in form, and obtain briefing from supervisor before engaging in response activities.
3. Cooperate with the Incident Commander and Command and General staff.

4. Channel on-site media communications through the Incident Commander or the designated Public Information Officer.
5. Check-out at check-in station and de-brief supervisor before leaving spill.
6. Participate in follow-up analyses of incidents to improve prevention and responsiveness.
7. Read the updated State Master Plan annually.

340 ORGANIZATION & ROLES

The ICS has two hierarchical levels, the Command Section and the General Staff with its four sections (Operations, Planning, Logistics, and Finance.)

341 COMMAND SECTION

The Command Section consists of the Incident Commander, the Command Staff, and the MAC. Command Section personnel perform functions related to the overall management of the incident while the General Staff is responsible for carrying out the response.

341.1 INCIDENT COMMANDER (IC)

The Incident Commander (IC) is in overall command of an incident. With the possible exception of Alaska State Troopers, only pre-designated local (usually fire chiefs), state, or federal On-Scene Coordinators (OSCs) serve as Incident Commanders. Which of these three OSCs actually serves as the IC depends on the nature and phase of the incident and can change several times during a single incident, as threats to public health and safety are abated and state and federal pollution control authorities take over. **Table 1** (pp. 31), Command Jurisdictions, depicts Command Jurisdictions for spill response.

ADEC's pre-designated State On-Scene Coordinator (SOSC) serves as the overall Incident Commander when the State assumes control of an incident or when the federal government delegates jurisdiction to the state. When local or federal governments retain control of an incident, their on-scene coordinator serves as Incident Commander, but the SOSC still commands the state response organization, if there is one. Similarly, the local and federal on-scene coordinators will be in command of their respective response organizations. **Figure 7** (pp. 58), State ICS During Unified Command, Catastrophic Spill and **Figure 8** (pp. 60), Parallel Command show these complex command structures.

Table 1 Command Jurisdiction

	Responsible Party	Local	State	Federal
Incident Commander	RPOSC (Designated by Contingency Plan)	LOSC (Community Emergency Coordinator)	SOSC (ADEC)	FOSC (USCG, USEPA)
Jurisdiction*	Works Under Guidance of the SOSC/FOSC	Threat to Public Safety SERC approved Local Emergency Response Plan	All Spills	All Spills

*Command Jurisdiction will, in some cases, overlap.

SERC: State Emergency Response Commission

Local, state, and federal response organizations can and sometimes must exist simultaneously because each governmental level has distinct responsibilities that cannot necessarily be delegated. For example, local government is charged with protecting human life and property from imminent danger. State laws require state agencies to take action to protect the state, its people and resources from spills. Federal laws impose similar requirements on federal agencies.

Section 400 explains in greater detail why there are often several response levels (local, state, and federal). As these jurisdictional concerns often change during the course of an incident, the Incident Commander can also change. For example, the local fire chief will command most incidents when a spill threatens the lives of local residents. Once the threat has been abated, containment and cleanup become paramount, and the state or federal government typically assumes overall Incident Command duties.

The question of incident command is further complicated by laws which require responsible parties to contain and clean up their spills. As a result, the responsible party may direct its own containment and cleanup efforts if they are adequate. The SOSOC oversees the response and makes recommendations and may issue emergency orders to the responsible party, but generally does not dictate how the responsible party spends its money or commits its resources, although technically and legally the SOSOC has decision making authority over cleanup and containment issues within state jurisdiction. However, the RPOSC and the SOSOC are expected to consult frequently and work as a team. When there is a Federal On-Scene Coordinator (FOSC), the FOSC retains the ultimate decision making authority.

In spills where the responsible party's efforts are adequate, the Incident Commander (a local, state, or federal on-scene coordinator) is in charge of agency oversight and possibly supplemental assistance, either technical assistance and/or actual cleanup assistance. In other words, whenever the responsible party responds adequately, there will be (at least) two separate response organizations, the responsible party's containment and cleanup and the state's oversight. This is a subtle but important distinction from other types of incidents (for example, a forest fire where the person who started the fire is responsible for the cost of suppression, but never directs and generally does not participate in organized suppression).

• **Incident Commander Duties:**

In a small incident, the Incident Commander might perform all command and tactical (oversight and/or cleanup) duties. The larger the incident, the more the ICS structure will be staffed and the more these responsibilities and functions will be delegated.

- Determine adequacy of the spill response and decide which response role to assume.
- Evaluate and act upon priorities of response objectives from the MAC group.
- Establish the preliminary strategy for the incident immediately following activation.
- Develop and implement the Incident Action Plan. Provide copies to all Sections.
- Conduct **daily staff briefing** to include situation, incident organization and staffing, current incident activities, summary of resources already dispatched and enroute and any special instructions or delegation of authorities needed.
- Prioritize and coordinate staff activities.
- Ensure the general welfare and safety of all personnel.
- Meet with Section Chiefs and Command Staff daily.
- Ensure that planning meetings are held.
- Develop alternative strategies (with Incident Management team when a unified command structure is implemented).
- Ascertain that all required authorizations have been obtained prior to tactical deployment (such as in the case of dispersants, bioremediation, or in situ burning) and meet Federal and State regulations.
- Assure that all team members understand the MAC group's concerns, priorities, and expectations
- Approve the ordering and release of resources (people, equipment and supplies).
- Monitor and evaluate ICS organizational performance.
- Communicate with other government agencies and the media.

- Authorize release of information to news media.
- Approve demobilization plan.

When a response necessitates a large response organization, the Incident Commander may need one or possibly even two Deputy Incident Commanders.

341.2 COMMAND STAFF

In addition to any Deputy Commanders, the Incident Command Section may have up to five Command Staff officers: Public Information, Government Liaison, Community Liaison, Legal Liaison and Safety. These command officers may, in turn, have several assistants. The Command Post must be capable of accommodating the Incident Commander and his/her entire command staff (space limitations may dictate a separate facility for the MAC).

341.21 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer is responsible for gathering and releasing incident information to the news media, agencies, organizations, and the public. Normally from ADEC, the Information Officer compiles and disseminates media releases from other State agencies and local governments.

• Public Information Duties:

- Obtain briefing from Incident Commander.
- Establish a single Incident Information Center.
- Obtain information on current status of containment efforts.
- Prepare initial summary as soon as possible after arrival. Observe guidelines on the release of information imposed by the Incident Commander.
- Maintain a close working relationship with all news media, agencies, responsible parties, and civic and public organizations.
- Prepare incident "fact sheets" and post in the Emergency Operations Center.
- Arrange for meetings between media and incident personnel.
- Provide daily press briefings.

- Provide feedback to the IC on local public perception of spill activities.
- (Additional information on Public Information and News Media Relations appears in ANNEX IX).

341.22 GOVERNMENT LIAISON OFFICER (GLO)

The GLO is the point of contact for representatives from State, federal, foreign (Canada & USSR), local, and other state governments and elected officials. The GLO will normally be from ADEC.

• Government Liaison Duties:

- Obtain briefing from Incident Commander.
- Provide a point-of-contact for government representatives.
- Identify for the IC single points of contact from each agency, including communication links and locations.
- Ensure that agency representatives and elected officials are informed of spill activities.
- Monitor incident operations to identify current or potential inter-organizational problems.

341.23 COMMUNITY LIAISON OFFICER (CLO)

The CLO is the point of contact for local communities, volunteer groups, organizations, and individuals.

• Community Liaison Officer Duties:

- Obtain briefing from Incident Commander.
- Provide a point-of-contact between local advisory groups and the Incident Commander.
- Provide a point of contact for the public at large and receive unsolicited proposals.
- Convey volunteer needs and coordinate their use.
- Provide feedback to the IC on local public perception of spill activities.

- Provide the IC with information based on local knowledge of the spill area.

341.24 LEGAL OFFICER (LO)

The Legal Officer (LO) provides legal advice and is normally an attorney from the Alaska Department of Law (DLAW).

- **Legal Office Duties:**

- Obtain briefing from Incident Commander.
- Provide legal assistance and interpretations as requested by the IC and other state agencies.
- Authorize release to other government agencies of reports prepared by the Command team.
- Ensure that information is gathered and preserved which may be relevant to the prosecution and/or settlement of future claims.
- Keep IC appraised of legal issues needing attention.
- Provide documentation and claim processing directions to the Planning and Financial sections.
- Oversee all activities related to enforcement and cost recovery.

341.25 SAFETY OFFICER (SO)

The Safety Officer is responsible for monitoring and assessing hazardous and unsafe situations and developing measures for ensuring that all State response activities are safe. Normally, the Safety Officer corrects unsafe conditions through the regular line of authority; however, the safety officer may stop or prevent unsafe acts whenever immediate action is required. The safety officer reports directly to the IC.

- **Safety Office Duties:**

- Obtain briefing from Incident Commander.
- Develop Site Safety Plan.
- Identify potential unsafe situations.

- Ensure that all spill personnel are informed of safety requirements. Exercise emergency authority to stop and prevent unsafe acts.
- Investigate accidents.
- Review and approve medical plan.
- Survey incident environment and operations as appropriate.
- Prepare safety message for the Incident Action Plan.
- Supervise operation of decontamination actions
- Supervise Personal Protective Equipment (PPE) selection

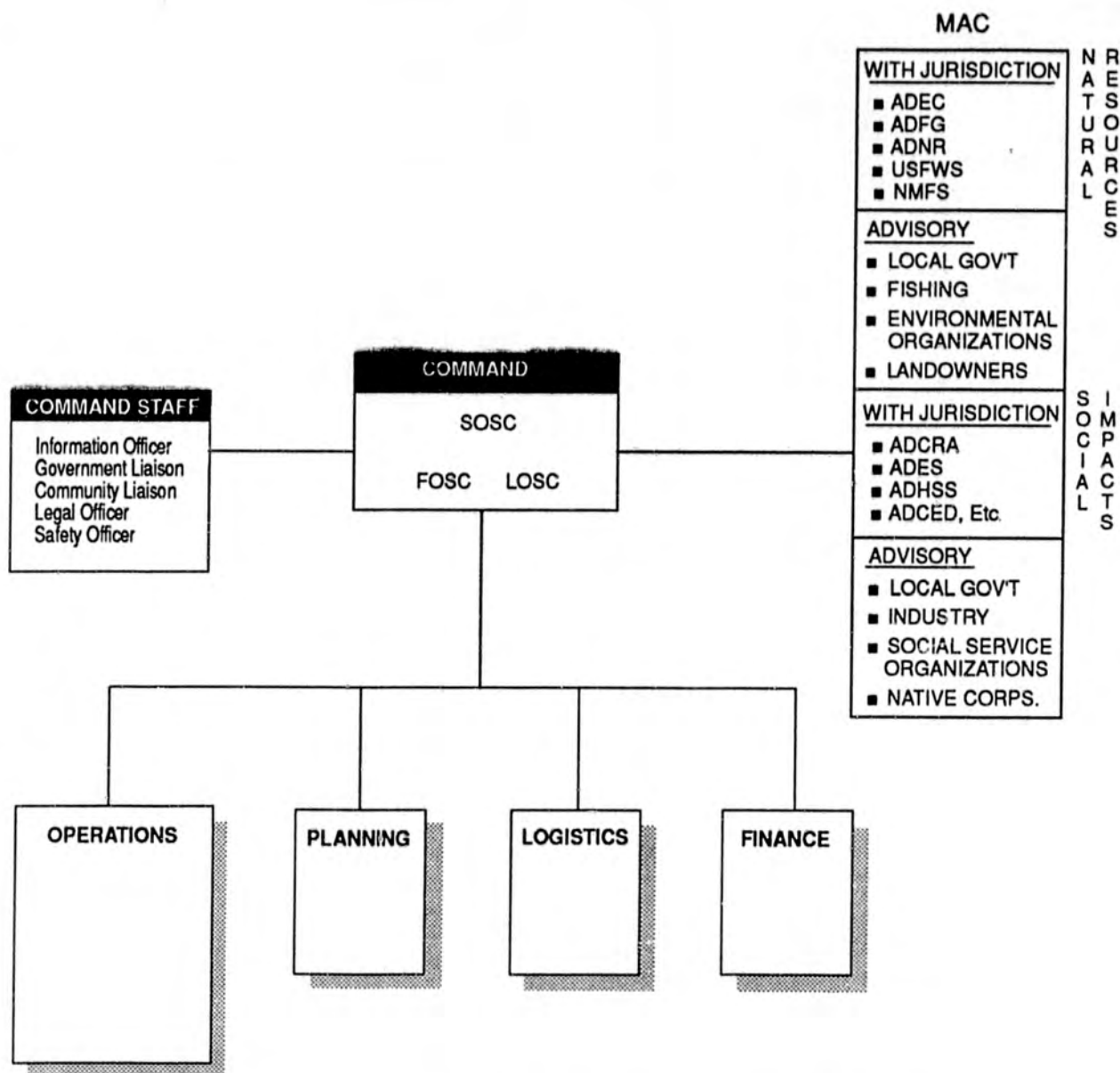
342 MULTI-AGENCY COORDINATION GROUP (MAC)

A Multi-Agency Coordination (MAC) group would normally be activated when an incident involves multiple agencies or levels of government. The MAC group sits outside of the Command Function but reports directly to it. The MAC has two basic components, one for Natural Resources and one for Community Impacts. Both components have two participation categories, one for those with jurisdiction, and an advisory category for those without jurisdiction. See **Figure 4** (pp. 38), Public and Community Involvement in Non-Catastrophic Spills. The MAC facility must be capable of accommodating the entire MAC group.

The MAC's role is to convey to the Incident Command vital information relating to the jurisdictional authority and expertise of its membership. It recommends to the Incident Commander overall objectives and priorities. Using these recommendations, the IC finalizes response priorities and objectives and develops the response strategy. The MAC itself is not directly involved in tactical operations, though some of its personnel may be.

Unlike the federal regional response team (RRT) which has predesignated standing members, MAC membership will vary from incident to incident and from phase to phase but may include senior level representatives of State and Federal agencies, communities, landowners, the responsible party, special interest groups affected by the spill, and representatives of the On Scene Coordinators(s). When the FOSC delegates to the SOSC over-all command of the incident, there would presumably be no RRT; the MAC would provide federal agencies with responsibility for resources at risk an opportunity to influence the state response.

**Figure 4: PUBLIC & COMMUNITY INVOLVEMENT
NON CATASTROPHIC SPILL**



RP=UNKNOWN OR NON-RESPONSIVE

MAC agencies and entities generally lack command jurisdiction for spill response. In other words, Congress or the Alaska legislature has not conferred upon them the responsibilities and obligation of commanding spill responses or emergencies. The MAC's assignment to a distinct role outside of command does not diminish their jurisdictional authority nor does it diminish command's obligation to address their concerns.

In the case of catastrophic spills involving numerous communities or geographic regions (the Exxon Valdez spill, for example), the Spill Response might be restructured along geographical lines. **Figure 5** (pp. 40), **Public & Community Involvement In Catastrophic Spill with Geographic Divisions** illustrates how the MAC might function in one of these scenarios. Figure 5 shows four critical concepts:

1. There would still be an overall MAC.
2. There would be a (mini or local) MAC for each geographic division.
3. The mini or local MACs would keep in contact with the larger MAC, ideally on a daily basis.
4. The Department of Community and Regional Affairs and the Division of Emergency Services would serve as a conduit or clearing-house to the Office of the Governor for Community Impact-related requests which are beyond the domain or jurisdiction of the state's spill response organization.

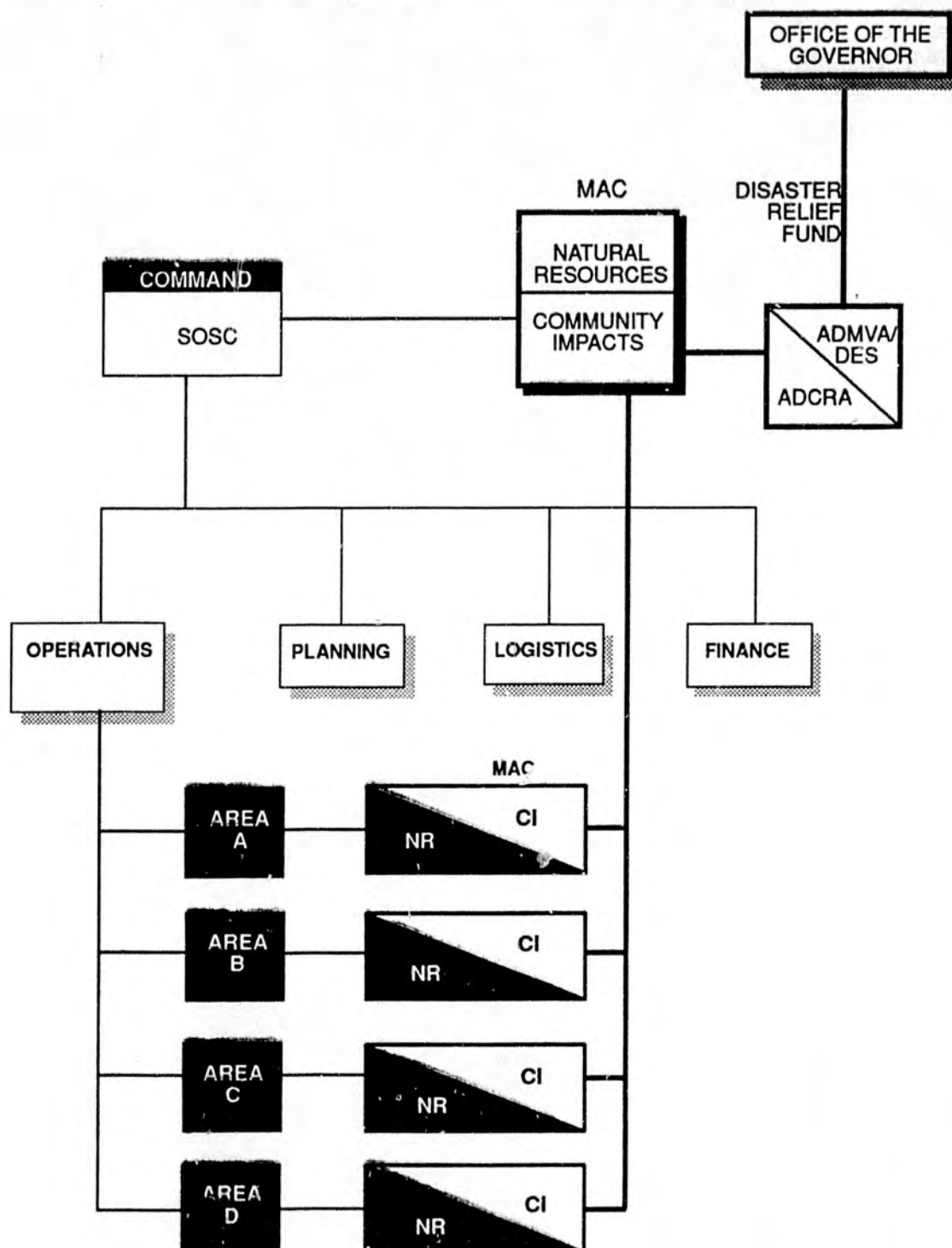
Figure 5 does not show three important things:

1. In all likelihood, because of the catastrophic nature of the incident, this state organization would be part of a larger Unified Command response, probably led by the FOSC.
2. The SOSOC would also have direct access to the Office of the Governor.
3. There would be a Command Staff as shown in most other figures.

• **MAC Group Duties:**

- eliminate delays in required approvals and signatures.
- provide strategic information for Incident Commander.

**Figure 5: PUBLIC & COMMUNITY INVOLVEMENT
CATASTROPHIC SPILL WITH GEOGRAPHIC DIVISIONS**



MAC activities will be coordinated through the Command Staff Liaison. A catastrophic incident may have a MAC liaison officer. All MAC representatives should be fully authorized to represent and commit their organization to a course of action.

342.1 MAC CHAIR

Initially, the Incident Commander may designate a MAC group chairperson. However, this individual must be acceptable to all members of the MAC, and the MAC may elect one of its members chair if it desires. At a minimum, a MAC chair should understand the jurisdictional interests and responsibilities of MAC constituents. MAC Group discussions should be documented. Disagreements should be resolved by documented votes. MAC Group decisions should be communicated to the Incident Commander in writing.

- **MAC Chair Duties:**

1. Fill and supervise necessary unit and support positions within the MAC.
2. Provide the information necessary to understand the situation and establish response priorities.
3. Communicate MAC group concerns and decisions to the Incident Commander and communicate the Incident Commander's concerns to the MAC group.

342.2 REGIONAL RESPONSE TEAM (RRT)

The (Alaska) Regional Response Team is a predominantly federal body consisting of federal agencies who may be impacted by or involved in a spill response. Its 15 standing members include ADEC which represents and speaks on behalf of all state agencies and interests. The RRT is mobilized during federal responses. When the federal government delegates command jurisdiction to the state, it may nonetheless be appropriate for some or all RRT members to participate in the state response. To participate, RRT members would join their state and local counterparts in the MAC.

343 GENERAL STAFF

As opposed to the Command Staff and the MAC which advise the IC, the General Staff is responsible for carrying out the IC's Incident Action Plan. The General Staff consists of the Operations, Planning, Logistics, and Finance chiefs and their respective sections. The number of sections and units activated depends on the size and complexity of the response.

343.1 OPERATIONS SECTION CHIEF (OPS)

The Operations Section chief (OPS) is responsible for all tactical operations directly affecting the spill. Tactical operations at the incident include all activities directed towards hazard reduction, containment, cleanup, restoration and the related oversight and supplemental assistance activities.

The OPS assists in developing the Incident Action Plan (IAP). The OPS then implements the IAP by formulating the necessary tactics. Reporting directly to the IC, the OPS supervises the tactical effort.

In the most minor incidents, the Incident Commander might perform all operational functions. As the magnitude of the incident increases, functional groups and geographic divisions would evolve under the Operations Section. The Operations Section might include distinct branches for Containment, Cleanup and Wildlife Rescue.

• Operations Section Chief Duties:

- Obtain briefing from IC.
- Develop operations portion of Incident Action Plan.
- Assign and brief operations personnel in accordance with Incident Action Plan.
- Supervise operations.
- Aircraft, vessel, and vehicular deployment.
- Determine needs and request additional resources.
- Review suggested list of resources to be released and initiate recommendations for resource releases.
- Assemble and disassemble strike teams assigned to operations section.

- Report information about specific activities, events, and occurrences to Incident commander.
- Supervise and coordinate with the Containment and Cleanup Branch Director and Wildlife Rescue Branch Director.
- Ascertain the nature of the spill, evaluate the effectiveness of current actions and order additional resources as needed.
- Conduct operational briefing for branch directors, division/group supervisors and other operational personnel on the Incident Action Plan. Obtain feedback for input in planning the next operational period.
- Review operational control activities to determine need for assembling strike teams from individual resources in order to maintain a manageable span of control.
- Establish and maintain staging areas, identify required locations expected number and type of resources and anticipate duration for use of each area.
- Coordinate with the Logistics Section Chief for needed services and support.
- Initiate recommended release of resources for demobilization by type, quantity, location and time they become excess to needs of the incident.

343.11 ENVIRONMENTAL MONITORING BRANCH

The Environmental Monitoring branch performs field and laboratory studies to determine the effect of the spill and subsequent cleanup on the environment and natural populations. Specific areas of interest include field investigations, spill plume tracking, and biotic, sediment, water and atmospheric studies.

343.12 CLEANUP BRANCH

In a small incident, the IC or the Operations Section Chief oversees all containment and cleanup duties. With larger incidents, regardless of whether the Responsible Party, the state, or a contractor is actually doing the cleanup, the State forms a Containment and Cleanup Branch to oversee containment and cleanup of the spill and affected environment, decontamination, waste disposal and permitting, and staging and temporary storage site selection and demobilization. Directors, Supervisors, and Leaders would normally be drawn from ADNR, ADF&G, contractors,

343.13 WILDLIFE RESCUE BRANCH

When incidents require State-managed wildlife rescue efforts, the Wildlife Rescue Branch will oversee wildlife search and rescue, wildlife treatment centers, and primary care and feeding. ADF&G would serve as Branch Director, and volunteer response corps would provide manpower and assistance.

The "Alaska Region Oil & Hazardous Substances Pollution Contingency Plan Wildlife Protection Guidelines for Alaska" published by the federal Regional Response Team establishes rescue and treatment protocols (For further information on the Wildlife Protection Guidelines, see Annex IV, Hazardous Substance Reference Materials).

343.2 PLANNING SECTION CHIEF (PSC)

The Planning Section Chief is responsible for collecting, evaluating, and disseminating information needed to: 1) understand the situation; 2) predict probable spill trajectories, pathways, and fates; 3) prepare alternative operation strategies and tactics; and 4) predict and plan for potential impacts on:

- natural systems and populations;
- air, land, and water quality;
- human activities and use;
- communities and man-made facilities;
- cultural/archaeological sites; and,
- the response organization.

The Planning Section Chief develops the Incident Action Plan (IAP) and revises it following each planning meeting. The IAP includes:

- incident objectives and maps;
- organizational structure;
- division and branch assignments;
- communications, medical, and transportation plans;
- weather, environmental, and social issues;
- safety messages; and,
- input from other agencies and officials.

The Planning Section may include distinct units for Resources (personnel & equipment), Situation, Documentation, Technical Specialists, and Demobilization. Although the Planning Section would probably be lead by ADEC, many of its tasks would be directed and performed by personnel from other agencies.

• **Planning Section Chief Duties:**

- Obtain briefing from Incident Commander.
- Activate planning section units.
- Establish check-in and check-out locations and processes including review of Incident Action Plan.
- Reassign emergency response personnel to incident positions as appropriate.
- Establish information requirements and reporting schedules for all ICS.
- Notify resources unit of planning section units activated, including names and locations of assigned personnel.
- Establish a weather data collection system when necessary.
- Begin spill surveillance and trajectory modeling.
- Supervise preparation of Incident Action Plan
- Assemble information on alternative strategies.
- Assemble and disassemble strike teams not assigned to operations.
- Identify specialized resource needs.
- Plan and supervise section operations.
- Predict incident potential periodically.
- Compile and display incident status summary information.
- Advise general staff of any significant incident status changes.
- Provide incident traffic plan(s).
- Prepare and distribute Incident Commander's orders.
- Instruct planning section units in distribution of incident information.
- Insure that normal agency information collection and reporting requirements are being met.
- Prepare recommendations for release of resources for submission to the IC.

- Identify Environmentally Sensitive Areas (ESA) in conjunction with ADNR and ADFG.
- Develop suggested priorities for preservation of ESA's.
- Identify cultural and historical resources at risk and suggest protection measures
- Coordinate environmental studies and damage assessments.
- Establish monitoring and sampling needs.
- Collect and document spill data from the inception of the incident through demobilization.
- Establish the planning cycle for team meetings.
- Track personnel, resources and operational and support actions taken by the spiller and coordinate their activities through the Incident Action Plan.
- Monitor waste disposal.

343.21 SPILL PLUME ANALYSIS & MAPPING UNIT (SPAM)

Because uncontrolled spills of hazardous materials may be extremely dangerous and mobile, the response effort depends on having accurate information about the size, nature, location, behavior, and destination of the substances involved.

While computer data bases can provide information on likely chemical reactions, hazards and even trajectories, it is not possible to program for all permutations and combinations. It takes trained specialists to determine the best course of action in a given situation.

• SPAM Duties:

- Determine nature of chemical compounds of involved and size and extent of spill.
- Project spread of plume(s) or slick(s) given existing and anticipated environmental conditions.
- In conjunction with state safety officers, determine safety and decontamination zone perimeters.
- Develop evacuation maps and timetables.

343.22 DAMAGE ASSESSMENT UNIT (DAU)

The Damage Assessment Unit (DAU) is responsible for assessing damages to the human and natural environment and natural and cultural resources. The Damage Assessment Unit is composed of the state agencies with jurisdictional responsibilities for the resources in question. Damage assessment includes planning for restoration and determining the cost of restoration.

Natural resource damages will normally be assessed by ADF&G, ADNR, ADMVA/DES, and ADEC in consultation with appropriate state and federal agencies. Natural resources include fish and wildlife populations, habitats, ecosystems, and air, water, and land quality. Human environment damages will normally be assessed by ADH&SS, ADC&RA, ADOT/PF, ADMVA and other state and federal agencies in consultation with the MAC. Human resource considerations include social and economic systems and services, public health, and the physical infrastructure such as public facilities, utilities, roads, airports, ports, buildings, communication systems, and those private facilities which serve a public purpose.

343.3 LOGISTICS SECTION CHIEF

The Logistics Section is responsible for all incident support needs, including facilities, transportation, supplies, equipment maintenance and fuel, food, shelter, communications and medical services to incident personnel and impacted communities. The Logistics Section Chief participates in the development of the Incident Action Plan and activates and supervises the logistics section.

• Logistics Section Chief Duties:

- Obtain briefing from Incident Commander.
- Plan Organization of logistics section.
- Assign work locations and preliminary work tasks to section personnel.
- Assemble and brief branch directors and unit leaders.
- Participate in preparation of Incident Action Plan.
- Identify service and support requirements for planned and expected operations.

- Provide input into and review communications plan, medical plan, traffic plan(s).
- Coordinate and process requests for additional resources.
- Review Incident Action Plan and estimate section needs for next operational period.
- Advise IC on current service and support capabilities.
- Prepare service and support elements of the Incident Action Plan.
- Estimate future service and support requirements.
- Insure general safety and welfare of logistics section personnel.
- Receive demobilization Plan from Planning Section.
- Recommend release of unit resources in conformity with Demobilization Plan.

Some of the specific logistic needs include:

- Food service and sanitation/shower areas for the entire spill work force.
- Community health and social impact mitigation (in coordination with Law and Community Liaison, MAC, and ADCRA & ADMVA/DES)
- Medical aid, evacuation, and transportation.
- Tactical equipment fueling, maintenance, and repair service for vehicles, vessels, aircraft, and ground support equipment.
- Security service at all incident operating and support locations.
- Aircraft, vessel, and vehicular procurement.

In a small incident, ADEC may perform all duties within the Logistics Section. For a major spill, ADMVA/DES will provide the Logistics Section Chief and draws qualified Unit Leaders from State agencies. As an incident escalates, it will be necessary to fill Unit Leader positions for the following units:

- Communications
- Transportation
- Facilities
- Supply
- Food Service
- Sanitation
- Medical
- Law Enforcement & Security
- Health & Social Services

Safety considerations dictate that aircraft and vessel operations must be controlled by personnel with the appropriate expertise, training, and certification.

343.31 COMMUNICATIONS UNIT

From an incident's outset, careful consideration must be given to communications. A system capable of accommodating the critical initial attack and subsequent build-up must be rapidly established. In major incidents, the ADMVA/DES and ADOA/Division of Telecommunications will establish the communication system.

In all incidents, each agency should use its pre-assigned frequencies. Remote locations typically require the establishment of radio repeater networks.

Incident communications nets should be able to accommodate telephone, fax, radio, photo-copying, personal computers and modems, and possibly pagers. Radio needs may include ship to shore, ship to ship, air to air, air to ground, ship to air, and ground to ground.

• Communications Unit Duties:

- Obtain briefing from Logistics Section Chief.
- Prepare and implement the Incident Communications Plan.
- Establish Incident Communications and Message Centers.
- Install, test, and trouble shoot the communications systems.

- Establish an equipment accountability system and distribute equipment according to incident plan.
- Provide technical advice on:
 - Adequacy of existing communications system;
 - Geographic limitations on system;
 - Equipment capabilities;
 - Amount and types of equipment available; and,
 - Anticipated problems.
- Supervise unit activities.
- Maintain records.
- Insure equipment is tested and repaired.
- Recover equipment from relieved or released units.

343.32 HEALTH AND SOCIAL SERVICES UNIT (HSSU)

The Health and Social Services Unit (HSSU) part of the Logistics Section is responsible for seeing that medical, safety, and community impact needs directly related to the spill are met.

In a small incident, the Incident Commander performs all health and welfare duties in conjunction with local responders. As an incident escalates, the HSSU is formed to perform this function within the Logistics Section with ADHSS and ADCRA serving as Unit Leaders and completing all duties. Members from ADCRA, LEPCs, ADPS, ADOL, ADFG and ADMVA/DES assist. The HSSU works closely with the MAC to assess, prioritize, and address health and social service needs.

343.4 FINANCE SECTION CHIEF (FSC)

The Finance Section Chief (FSC) is responsible for supervising members of the finance section and for all financial and administrative aspects of the incident, including:

- cost analysis for procurement of resources;
- development of a project budget;
- personnel, timekeeping, and payroll;
- accounting;
- release of 470 funds;

- implement Reimbursable Service Agreements (RSAs) with communities;
- clerical support;
- contracts; and,
- data processing.

To prevent co-mingling of state, federal, and responsible party financial resources, the state's Finance Section Chief will only account for state funds. The FSC may assign personnel trained and knowledgeable in emergency contracting, hiring and procurement procedures to the Finance Section as required. Major incidents generally require separate Unit Leaders for personnel and payroll, procurement, compensation/claims, costs, budget, accounting and clerical support and data processing.

Emergency hiring and procurement procedures can be found in the Annex VII (Administrative Guidelines) of this document.

• **Finance Section Chief Duties:**

General

- Obtain briefing from IC.
- Obtain billing information from Responsible Party.
- Attend planning meetings to determine scope of incident and response and provide input on all financial administrative, and cost analysis matters.
- Develop an operating plan for finance section.
- Identify and order section's supply and support needs.
- Prepare work objectives for subordinates, brief staff, assign tasks, and evaluate performance.
- Inform IC and general staff when section fully operational.
- Meet with representatives from other agencies as required.
- Maintain daily contact with agency headquarters administrative staff.
- Insure that all personnel time records are transmitted to home agencies according to policies.

- Participate in all demobilization planning.
- Insure that all obligation documents are properly prepared and completed.
- Brief personnel on business management issues needing attention and follow-up, prior to leaving incident.
- Provide accounting functions, including auditing, billing, invoice documentation of labor, materials and services used during spill activities.
- Protect the interests of the State in financial dealings.
- Provide sound business management practices with accurate and complete obligation documents.
- Provide input in all planning sessions on financial and cost analysis matters.
- Administer and establish, as necessary, vendor contracts for operational and support related supplies, services and technical specialists. Prepare and sign equipment rental agreements.
- Develop and administer a cash account.
- Organize and direct equipment and personnel time recording function.
- Administer financial matters arising from serious injuries and deaths occurring on the spill incident.
- Initiate investigation and documentation on all claims other than personal injury and arrange for and supervise services of damage surveyors and adjusters.
- Authorize travel, per diem and transportation and related expenditures.
- Contract with vendors for required goods and services.

Cost

- Assist IC with development of project budget.
- Notify IC of all administrative policies and procedures.
- Provide periodic reports to the IC on project costs and recovery costs.

- Participate in drafting cost recovery agreements with responsible party.

Accounting

- Assign project account code.
- Set-up project cost code structure.
- Authorize and account for expenditures.
- Bill the responsible party under any cost recovery agreement and account for transactions generated by cost recovery agreement.

Personnel

- Ensure that personnel have appropriate training and certification.
- Reassign permanent and hire temporary employees.
- Determine overtime eligibility.
- Assign employees to provide office and clerical support for Incident Command team.
- Mobilize office and clerical support for field offices as needed.

Data Processing/Documentation

- Provide data processing support for managerial and scientific applications.
- Control and organize documentation for litigation support and archiving.

350 COMMAND CONSIDERATIONS

351 ASSUMPTION OF COMMAND FOR CONTAINMENT/CLEANUP

Table 1 (pp. 31), Command Jurisdiction, explains who has jurisdiction for spills in Alaska.

The spiller is always responsible for containment, cleanup, damages, and associated costs and is required to begin cleanup immediately.

Local government is responsible for protecting public safety and may assume command when it is necessary to protect human life.

ADEC has authority for all spills in Alaska. The predesignated SOSC (ADEC's Regional Supervisor) would command the state portion of a Unified Command response.

However, the federal government has overall authority for all spills in the U.S. and can assume control of any response it deems inadequate. Typically, the U.S. Coast Guard retains jurisdiction for and responds to all marine spills. Although EPA has jurisdiction for spills on land and inland waters, EPA does not maintain a large response capability in Alaska and is likely to delegate authority to the State for spills on land.

Overlapping command jurisdictions often lead to Unified Commands, as do catastrophic spills. Regardless of the command type, however, there will only be one Incident Commander having ultimate, decision making authority. In the typical Unified Command situation, the On-Scene Coordinator from the entity with the most command responsibility or jurisdiction, will probably serve as the overall IC.

Entities may delegate their authority to a lower level of authority, assuming the lower level agrees. Cleanup activities can be delegated to a contractor or response cooperative.

The IC is always drawn from the OSC's, a pool of pre-designated and pre-qualified candidates. If an incident jeopardizes public safety, the Local On-Scene Coordinator may serve as the IC.

As long as the responsible party responds adequately, its representative or contractor retains control of the actual containment and cleanup. In the smallest incidents, the RPOSC may even function as the Incident Commander with SOSC oversight. However, because of specific legal responsibilities, the state or federal government is likely to assume command of larger incidents. In catastrophic incidents, the appropriate federal agency, either the USCG (coastal waters) or EPA (inland waters, most federal lands) will supply the Incident Commander. ADEC's On-Scene Coordinator serves as IC in all other situations, including when the state has jurisdiction, when the responsible party fails to meet the adequate response criteria, or when other entities with command jurisdiction delegate their authority to the state.

352 ADEQUACY OF RESPONSE

Short of taking over a response, ADEC's SOSC can suggest specific actions to the responsible party. Should the responsible party ignore the request or respond ineffectively, the SOSC can issue emergency orders directing the responsible party to take specific actions.

ADEC can assume control of containment and cleanup of a given incident from the responsible party if ADEC's On-Scene Coordinator finds the response inadequate. The criteria upon which this determination is made are set forth in 18 AAC 75.145 and can be found in Annex VIII, Legal Authorities. The legislature gave ADEC this authority to expedite responses and protect Alaska's environment, people, and communities.

353 COMMAND TYPES

This section outlines some of the basic command structure options and the situations under which they might be expected to come into play. However, each incident is different, and the Incident Commander and the co-responders will customize their organizational response accordingly. To do this successfully, the responders must understand the ICS and how it works and share basic goals. The goal is to prevent incidents, but once one has started, the fundamental consideration is safety, that is avoiding accidents and injuries. The next priority is to contain and cleanup spills as quickly, efficiently, and economically as possible with the minimum disruption to natural systems and to communities.

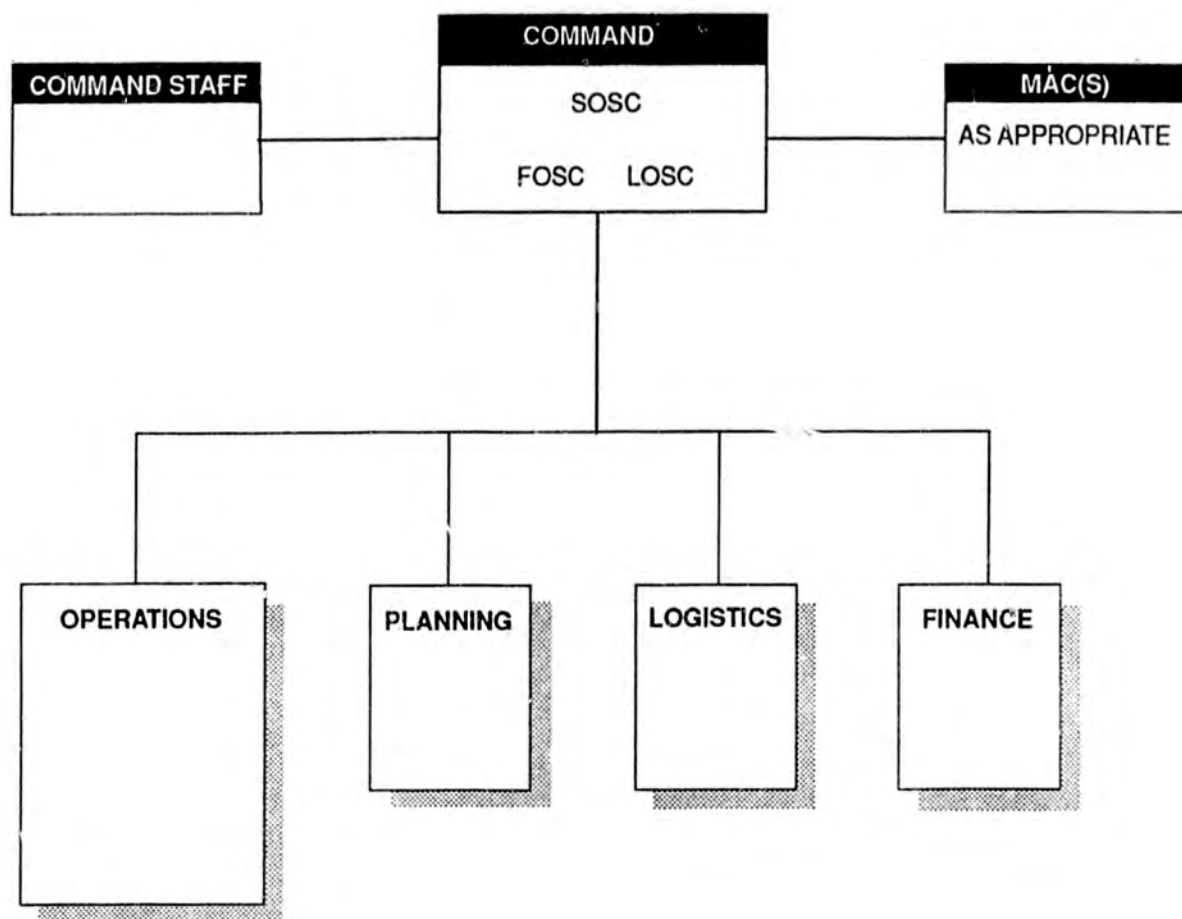
353.1 SINGLE COMMAND

When an incident involves a single political jurisdiction and/or minimal regulatory authorities, the incident will be managed under a single command structure, as shown in Figure 6 (pp. 56), Single Command, State Managed Cleanup & Oversight. Examples include small land spills where the responsible party is either unknown or non-responsive, easily cleaned up in a short period of time with little environmental consequences. The Community Emergency Coordinator (LOSC), SOSC, or FOSC can serve as Incident Commander.

In most cases, the type of situation and relative qualifications of the candidates to address the particulars will dictate the choice. As the response proceeds and the incident changes, the Incident Command may change.

Figure 6: Single Command
State Managed Cleanup & Oversight

SMALL INCIDENT



RP=UNKNOWN OR NON-RESPONSIVE

The LOSC and FOSC are shown in the command box in Figure 6, because they may be serving in an oversight or advisory role. Figure 6 depicts the state's response organization even when it is part of a complex command, such as the Unified Command.

353.2 UNIFIED COMMAND

If an incident involves significant command authority overlaps and the command entities wish to retain their command prerogatives, one of the OSC's can call for a Unified Command. Marine spill responses often entail Unified Commands because the U.S.C.G. generally responds and retain command. Unified Commands are suitable anytime several agencies or levels of government (local, state, federal) have overlapping command authority. The purpose of a Unified Command is to facilitate joint operational decisions and minimize duplication. A Unified Command is a systematic means of accommodating a variety of agencies having command responsibilities. The concept offers uniform and "trackable" procedures that enable agencies to perform their roles effectively, yet in unison. Unified Commands may be located as close to the scene as practicable, without interfering in the actual cleanup activities.

In a Unified Command, the respective On-Scene Coordinators jointly determine what objectives, priorities, and strategies should be recommended to the Incident Commander. As in a single command structure, the IC considers the MAC's recommendations before directing the Planning and Operations Section Chiefs.

Under a Unified Command, no agency's authority will be compromised, and one set of objectives will be developed for the entire incident. The command entities may retain their own response structures if necessary to fulfill their regulatory responsibilities.

Agencies or private sector companies that may be expected to participate in a spill incident should provide joint training opportunities to drill the ICS to insure that it is clearly understood and that working relationships are on a first-name basis.

Figure 7 (pp. 58), State ICS During Unified Command, Catastrophic Spill, demonstrates how the state response organization fits into a Unified Command structure. The other response organizations are not shown in detail. The responsible party and the federal government will not necessarily use the ICS system. Finance sections are shown as distinct because they do not commingle funds, but finance section chiefs and unit leaders should be talking to their peers in the other finance sections.