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Office of the Governor Oil Spill Coordinator's Office

Oil Spill Contingency Plan

In accordance with R.S. 30:2459, the State Oil Spill Contingency Plan (SCP) defines the way the state of Louisiana will respond to actual or threatened unauthorized discharges of oil and direct clean up of pollution from such discharges. In 1995, the SCP was developed in cooperation with local, state, and federal agencies who regulate oil spill response, clean up, and restoration activities.

Recommendations for changes to the SCP are welcome at any time but should be received on or before June 1, 1997 for possible incorporation in next year's revision. Comments to the SCP should be sent to: Roland J. Guidry, Oil Spill Coordinator, Oil Spill Coordinator's Office, Office of the Governor, Box 94095, Baton Rouge, LA 70804.

Changes and additions to the State Oil Spill Contingency Plan for 1996 are in *italics*.

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B. Statewide Response System and Policies-LOSCO

1. The Louisiana Oil Spill Coordinator

Under 30:2462 the Coordinator, in consultation with the Department of Environmental Quality, is authorized to administer the OSPRA and direct all state discharge response and cleanup *operations* resulting from unauthorized or *threatened* discharges of oil, *affecting or potentially affecting the land, coastal waters, or any other waters of Louisiana*, as directed by the Governor or upon declaration of emergency as declared by the Governor.

The Department of Environmental Quality, under the direction and control of the Coordinator, is lead technical agency of the state for response to actual or threatened unauthorized discharges of oil and for cleanup of pollution from unauthorized discharges of oil.

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4. Louisiana Department of Environmental Quality

The Louisiana Department of Environmental Quality (LDEQ) is the primary agency in the State concerned with environmental policies and regulations as set forth in the Louisiana Revised Statutes 30:2001 et seq. The LDEQ responds to all reported unauthorized discharges, emissions or other releases to the water, air and soil with the intent of providing protection of these natural resources to maintain a healthful environment for the citizens of the State. Specific response activities of the LDEQ relative to the Oil Spill Prevention and Response Act of 1991 (OSPRA '91) may vary according to the size, extent and composition of a spill, and the degree of involvement of a responsible party, and local, state and federal agencies. LDEQ has trained all response personnel to the 40 hour Hazardous Waste Operations and Management level for activities relative to oil and hazardous material releases. In addition to spill response duties, LDEQ personnel review industry spill prevention and control plans, assist in oil and hazardous material spill drills, and inspect permitted facilities for compliance with applicable rules and regulations pursuant to the Louisiana Environmental Quality Act. The following are LDEQ duties relative to Louisiana's State Oil Spill Contingency Plan:

(a) Maintains a notifications system for receipt of information on anticipated and actual unauthorized discharges.

(b) Activates spill response procedures as necessary, including secondary notifications.

(c) Acts as state on-scene coordinator for oil spills within Louisiana Coastal Waters in lieu of the Louisiana Oil Spill Coordinator's presence.

(d) Determines the nature, extent and location of the spill.

(e) Seeks to locate the source and cause of the spill and to identify the responsible party.

(f) Tracks and predicts spill movements.

(g) Evaluates the environmental implications of the spill and identifies priority areas for protection and cleanup in consultation with other State, Federal and local agencies.

(h) Provides technical assistance to local emergency responders and advises on necessary protective

actions.

- (i) Provides advice and regulatory oversight on a responsible party's preferred method of containment, abatement and cleanup, including temporary and ultimate storage, handling, transport and disposal methods.
- (j) Provides logistical support to state, local and federal agencies to the extent that resources allow.
- (k) Advises industry to ensure that cleanup is conducted appropriately.
- (l) Collects and analyzes air, water, soil, vegetation and/or tissue samples for assessing environmental damage and pursuing enforcement actions.
- (m) Monitors adequacy of response.
- (n) Documents aspects of the incident and subsequent response activities of involved parties.
- (o) Acts as a State Natural Resource Trustee for the protection of the designated resources of surface waters, ground waters, air and soil within the jurisdictional boundaries of Louisiana.
- (p) Provides liaison with federal, state and local agencies, adjacent countries, the private sector and the public as appropriate.
- (q) Participates in the formulations of contingency plans for the preparedness of a given local, state or federal agency or regulated entity to abate impacts due to a spill event.
- (r) Participates in spill drills for the purpose of assisting in the evaluation of adequacy of a given contingency plan.

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6. The Department of Natural Resources

Office of Coastal Restoration and Management

The Louisiana Department of Natural Resources/ Office of Coastal Restoration and Management (LDNR/OCR&M) is the agency responsible for the implementation of the Coastal Vegetated Wetlands Conservation and Restoration Plan (R.S. 49:213.1). The OCR&M is mandated to develop and implement policies, plans, and programs to encourage multiple uses of the Coastal Zone and to achieve a proper balance between development and conservation, restoration, creation, and nourishment of renewable coastal resources (R.S. 49:213.1). The LDNR/OCR&M has the primary authority over those activities occurring on, and uses of, lands and water within the boundary set forth under La. R.S. 49:213.1 et seq., which have direct and significant impact, as defined in R.S. 49:214.24, on coastal waters, R.S. 49:214.25. The LDNR/OCR&M also has the authority to review, for consistency, with the Louisiana Coastal Resources Program (LCRP): those direct and indirect federal actions; and those actions licensed and/or permitted by federal agencies, both outside and within the coastal zone, which may significantly affect coastal resources/waters within the coastal zone (R.S. 49:214.32).

The LDNR/OCR&M incorporated Act 7, the Louisiana Oil Spill Prevention and Response Act, into the LCRP effective February 1996. For the purposes of federal consistency, the following are the enforceable policies incorporated into the program: R.S. 30:2452-2454, §2457, §§2459-2461, §§2463-2466, §§2469-2476, §§2478-2480, §§2485-2486, and §§2488-2489.

The Coastal Management Division (CMD) of the OCR&M is mandated to protect, develop, and where feasible, restore or enhance the resources of the state's Coastal Zone; to develop and implement a coastal resources management program which is based on consideration of our resources, the environment, the needs of the people of the state, the nation, and of state and local government; and to enhance opportunities for the use and enjoyment of the recreational values of the Coastal Zone (R.S. 49:214.22).

The Coastal Restoration Division (CRD) of the OCR&M is mandated to establish and monitor projects within the coastal zone boundary that conserve, enhance, restore, and create coastal vegetated wetlands in accordance with the Coastal Vegetated Wetlands Conservation and Restoration Plan (R.S. 49: 214.4). The CRD is responsible for engineering and monitoring programs consistent with mandates associated with Act 6 of the Second Extraordinary Session of 1989 Louisiana Legislature.

The Louisiana Coastal Zone is defined as "coastal waters and adjacent shorelands within the boundaries of the coastal zone established in R.S. 49:214.24, which are strongly influenced by each other, and in proximity to the shorelines, and uses of which have a direct and significant impact on coastal waters" (R.S. 214.23(4); see attached map. Coastal waters "shall mean bays, lakes, inlets, estuaries, rivers, bayous, and other bodies of water within the boundaries of the coastal zone which have measurable seawater content (under normal weather conditions over a period of years" [R.S. 214.23(3)]. When used in the regulations of the Louisiana Coastal Resources Program (LCRP), wetlands shall be "open water areas or areas that are inundated or saturated by

surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (Louisiana Coastal Resources Program Final Environmental Impact Statement, 1980 p. c6-3).

The Office of Coastal Restoration and Management:

(a) Is authorized to be, in cooperation with the Louisiana Oil Spill Coordinator (LOSCO), the lead agency *within the Department of Natural Resources* in recommending provisions of the State Oil Spill Contingency Plan providing for protection and rehabilitation of appropriate resources under its jurisdiction (R.S. 30:2459.A);

(b) Is represented by the Secretary of the Department of Natural Resources or his designee on the Interagency Council established by the Oil Spill Prevention and Response Act (R.S. 30:2458.A.4);

(c) Cooperates in the establishment of procedures for assessment of natural resource damages and plans for mitigation of damage to and restoration, protection, rehabilitation, or replacement of damaged natural resources. LDNR/OCR&M will be the lead advisory agency with respect to any procedures for the assessment of damages to and restoration, protection, rehabilitation or replacement of vegetated wetlands within the coastal zone. (R.S. 30:2460.A.14);

(d) Assists other responding agencies by providing expertise, knowledge and information about critical areas, resources, and best alternative cleanup methods (R.S. 49:214 et seq.);

(e) Provides, when to do so would not impair other functions of the office, logistical assistance of equipment and personnel to support the response, damage assessment and restoration operation and ensure the protection of resources;

(f) Issues and enforces permits in the coastal zone in accordance with established guidelines (R.S. 49:214.27) (LAC 43:I.701-723) (1989) in connection with:

(1) levee construction (§703);

(2) linear facilities (§705);

(3) dredged spoil deposition (§707);

(4) shoreline modification (§709);

(5) surface alterations (§711);

(6) hydrologic and sediment transport modifications (§713);

(7) disposal of wastes (§715);

(8) alteration of waters draining into coastal waters (§717);

(9) oil, gas and other mineral activities (§719);

(10) avoiding adverse impacts to the coastal zone for any coastal activity (§701.G);

(g) *Requires that effective environmental protection and emergency or contingency plans shall be developed and complied with for all mineral operations (LAC 43:I.719.K).*

(h) *Requires that the use of dispersants, emulsifiers and other similar chemical agents on oil spills be prohibited without the prior approval of the Coast Guard or Environmental Protection Agency on-Scene Coordinator, in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (LAC 43:I.719.L).*

(i) *Provides consistency reviews for any direct federal actions or permitted, licensed, or funded federal actions carried out by other persons pursuant to the consistency provisions of the LCRP and the federal Coastal Zone Management Act legislation.*

(j) Ensures that any governmental body undertaking, conducting, or supporting activities directly affecting the Louisiana Coastal Zone shall make certain that such activities shall be consistent to the maximum extent practicable with the Louisiana Coastal Management Program and any affected approved local coastal management program having geographical jurisdiction over the action (R.S. 49:214.32);

(k) Notifies the appropriate representative of any parish that has an authorized Local Program in the event of an emergency brought about by natural or man-made causes that would result in hazard to life, loss of property, or damage to the environment if immediate action were not taken;

(l) Issues emergency authorization for uses necessary to correct emergency situations brought about by natural or man-made causes that would result in hazard to life, loss of property, or damage to the environment if immediate action were not taken (LAC 43:I.723.B.3);

(m) Receives all monies appropriated from the Wetlands Conservation and Restoration Fund and shall implement all programs and projects in the coastal vegetated wetlands conservation and restoration plan approved by the legislature (R.S. 49:214.4.B.1);

(n) Develops procedures to evaluate new and improved coastal restoration and preservation technologies

(R.S. 49:214.4.B.3);

(o) Administers and manages project planning, design, construction, and monitoring [R.S. 49:213.7.E.1(c)];

(p) Operates and maintains structural projects [R.S. 49:213.7.E.1(d)].

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Oil Spill Coordinator

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