

2024 Spring RRT5

Planning Subcommittee Meeting

APRIL 30, 2024

LED BY KIM CHURCHILL, RRT5 PLANNING SUBCOMMITTEE CHAIR



Recap of 2023 Fall Planning Meeting

Unanticipated
Discovery Plan
Workgroup
Update

Modeling
Tools
Workgroup
Update

Biological
Evaluation /
Opinion
Update

New USCG
ACP
Architecture

Agenda for 2024 Spring Planning Meeting



Biological Evaluation/Opinion Update



Workgroup Updates



Planning Updates



CWA Hazardous Substance FRP Rule



Open Forum



Future Focus?





Biological Evaluation / Opinion Update

JERRY POPIEL, USCG

Unanticipated Discovery Workgroup Update

JOHN NELSON, DOI

Unanticipated Discovery Plans

What is it?

- Sets forth the guidelines to be used in the event Historic Properties (including both precontact archaeological or historic/architectural) or human skeletal remains are discovered during response activities



Why do we need one?

- Section 106 of the National Historic Preservation Act (NHPA), 54 USC 306108, states that Federal agencies will take into account the effects of their undertakings on historic properties that are listed in, or eligible for, inclusion in the National Register of Historic Places (36 CFR Part 800).
- The 1997 Programmatic Agreement on Protection of Historic Properties During Emergency Response Under the NCP provides an alternative process for considering effects to historic properties before and during a federal emergency response to an oil spill or hazardous substance release under the National Contingency Plan (NCP, 40 CFR Part 300).
- Unanticipated Discovery Plan (UDP) sets forth procedures for personnel and the OSC regarding unanticipated discoveries of historic properties under the NHPA.
- UDP can cover other federal laws (e.g., Native American Graves Protection and Repatriation Act (NAGPRA), the Archaeological Resources Protection Act of 1979 (16 USC 470 bb(1), the American Indian Religious Freedom Act (42 USC 1996, 1996a).

What's in it?

- Pre-identification of consulting parties
- Pre-activation of certain positions (Historic Property Specialist, Archeologist) if anticipated to encounter historic properties
- Theft procedures
- Definitions

- Stop
 - Stop all work in area at and around recently discovered object
 - Possibility of encountering other previously unanticipated historic properties
 - Leave object in place, undisturbed, do not photograph it unless directed

Continued

- Protect
 - GPS coordinates, protect from the elements
 - Place physical barriers (orange construction fencing; tarp) around the object and the buffer zone
 - Do not allow work, vehicles or unauthorized personnel into the area
- Notify
 - Notify the OSC or Supervisor of the discovery
 - If Historic Property Specialist or Archeologist is not already on site, activate the position(s) for the response - they are key to determining if the discovery is a historic property
 - Reach out to previously identified consulting parties with an invitation to consult

Human Remains

- Determine if the remains are forensic or non-forensic
- Contact appropriate authorities to determine if the remains are forensic or archaeological
- Native American Graves Protection and Repatriation Act may apply
- Many of the same steps (Stop - Protect - Notify) should be followed in the event of finding Human Remains

Confidentiality

- Emphasis on protecting sensitive information, especially with newly discovered historic properties.
- Federal law may be unable to protect all information so parties should consider sharing only necessary information if there are concerns

Data Sharing Agreement

- Template between Agency and State/Tribes to facilitate information sharing and consultation regarding collection and protection of information and data on cultural resources.
- Establishes a process for sharing and maintaining information and records on cultural resources.

MEMORANDUM OF UNDERSTANDING
for
INFORMATION SHARING
between
<AGENCY>
and the
<TRIBE>

I. Introduction and Purpose

- A) Title 54 U.S.C. §300101, et. seq., commonly known as the National Historic Preservation Act of 1966, as amended (NHPA), and Title 54 U.S.C. §306108, commonly known as Section 106 of the NHPA (Section 106) provides that the Secretary foster communication, cooperation, and coordination between Indian tribes and federal agencies in historic preservation planning and identification, evaluation, protection, and interpretation of historic properties to ensure proper consideration.
- B) Further, the <Tribe> has identified lands affected by <Agency> spill response activities as ancestral lands and traditional use areas, and as such have a long-term interest in identifying properties of traditional cultural and religious significance that may be affected by the <Agency>'s Section 106 undertakings.
- C) The purpose of this Memorandum of Understanding between the <Agency> and the <Tribe> is to establish the respective roles, responsibilities, conditions, and procedures to facilitate information sharing and consultation regarding the collection, maintenance, and protection of information and data on cultural resources on lands affected by <Agency> spill response activities.
- D) By law and tradition, the <Tribe> and the <Agency> agree to cooperate to facilitate information sharing and consultation regarding the collection, maintenance, and protection of information for cultural and ethnographic resources related to <Agency> spill response undertakings as they are proposed.
- E) Therefore, this MOU, between the <Agency> and the <Tribe> establishes a process for sharing and maintaining information and records related to <Agency> spill response undertakings that potentially affect cultural resources.

One last thing

- Existence of UDP does not replace good practice of early consultation
- Area Committees are still encouraged to engage with State/Tribes in the planning process to identify areas with known or high likelihood of presence of historic properties.

Alaska Coastal Cultural Resource Job Aid

It is a privilege to live and work on these lands stewarded by Alaska Native people since time immemorial

What are cultural resources?

Objects, places, traditions, and beliefs that are significant to a group of people and form a collective cultural identity. Cultural resources include objects/artifacts made of stone, ceramic, bone, metal, glass, or wood, or buildings, structures, cemeteries, monuments, shipwrecks, railroads, trails, and subsistence areas. **There are federal and state laws protecting cultural resources.** Treat cultural resources with respect and help protect them.

IMPORTANT!

If you observe bone or possible human remains, immediately notify your Supervisor/Authorized Official (AO) or Historic Property Specialist (HPS).



Scan here – Access a short tutorial on how to use this form, and other resources here.



Know where you are – Record GPS coordinates and nearby permanent landmarks.



Make a call – An AO or Incident HPS may call the State Historic Preservation Office at (907) 269-8700 for assistance.



Take some notes – Describe what you see. Consider size, extent, location, condition, and threats.



Do not disturb – Do not collect or move anything. Doing so can risk damaging an artifact or its historic integrity.



Take a photo – Photograph the location and any artifacts using the provided scale and north arrow.

Incident _____ Your name _____

AO/HPS Name, Phone _____ Date _____

Lat/Long _____

Observations (attach pages if necessary) _____

Place this scale and north arrow in your photos.



Examples of Coastal Cultural Resources

Near water and shore



Pilings, shipwrecks/watercraft, potentially-historic marine debris, petroglyphs

Markers and monuments



Totems, graves/cemeteries, cairns, signposts, monuments

Surface/eroding



Concentrations of bone, stone, wood, metal tools/artifacts, pottery, glass, rock rings, house pits/depressions

Objects and artifacts



Stone, bone, wood, metal tools and artifacts, historic cans/housewares, beads, pottery/porcelain

Buildings and structures



Cabins, churches, trails, corrals, railroad tracks, items, abandoned buildings, caches

Other



Mining and military

Subsistence

Paleontology/Fossils



Next Steps

- Workgroup is completing their review of the draft document
- Share and distribute draft UDP with States/Tribes for review and comment
- Identify State/Tribes that may want to learn more about potential data sharing agreement
- Identify State/Tribes that would want to develop cultural resource job aid specific to their Tribe

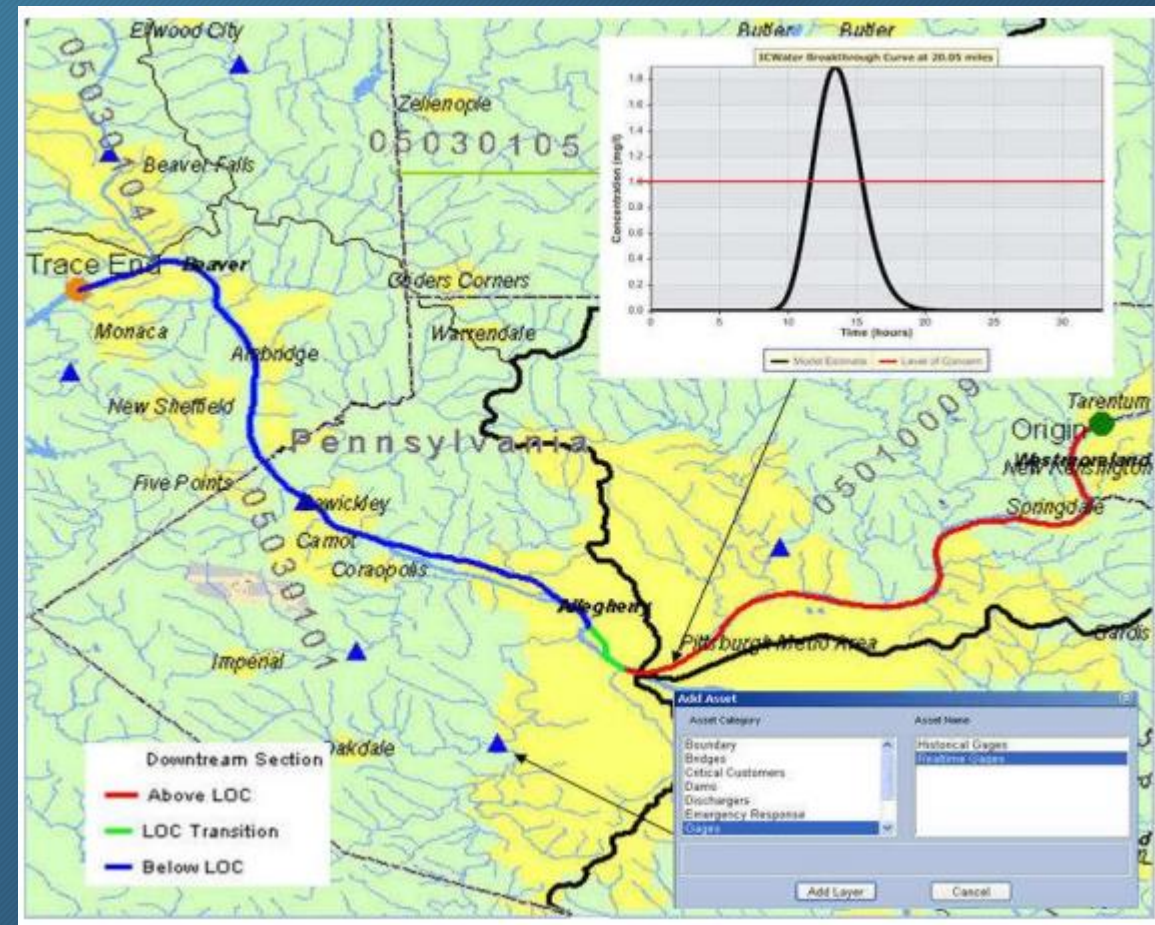
Modeling Tools Workgroup Update



Modeling Work Group

What is it?

- Small workgroup to develop tools and factsheets on the various models, trajectory tools, time of travel, etc. that exist.
- Workgroup consists of:
 - DOI
 - USGS
 - NOAA
 - EPA



Why do we need one?

- Need has been expressed by State/Tribes for greater understanding of the variety of models and tools that exist and may be available to them in a response.
- Lack of understanding exists on what each model shows, timeline for producing a model, agency or individual in charge of producing the model, accessing the information produced by a model, etc.
- Workgroup is looking to produce general factsheets for the “layperson” on some of the more widely used models (e.g. StreamStats, GNOME, ICWater, OilLandMap, IMAC Plume, etc.)
- More robust tools would be created for actual practitioners (those who run and generate the models)

What are we working on?

- Goals and objectives for the workgroup
- Review of existing tools and information
 - EPA Fact Sheet on ICWater for OSCs
 - USGS spreadsheet on existing models
- Creation of tools that can be useful to both the “layperson” and “practitioner” audience
 - General fact sheets with basic information on each model
 - Flow chart/decision tool for when it would be best to utilize a particular model
 - Advanced tools to assist those charged with creating the models

Questions?

John Nelson

Regional Environmental Officer

Office of Environmental Policy and Compliance

U.S. Department of the Interior

John_nelson@ios.doi.gov

215-266-5155

Planning Updates

RRT5 MEMBER AGENCIES

EPA Emergency Response Branch Staff Updates



▶ EPA Region 5 Staff Changes

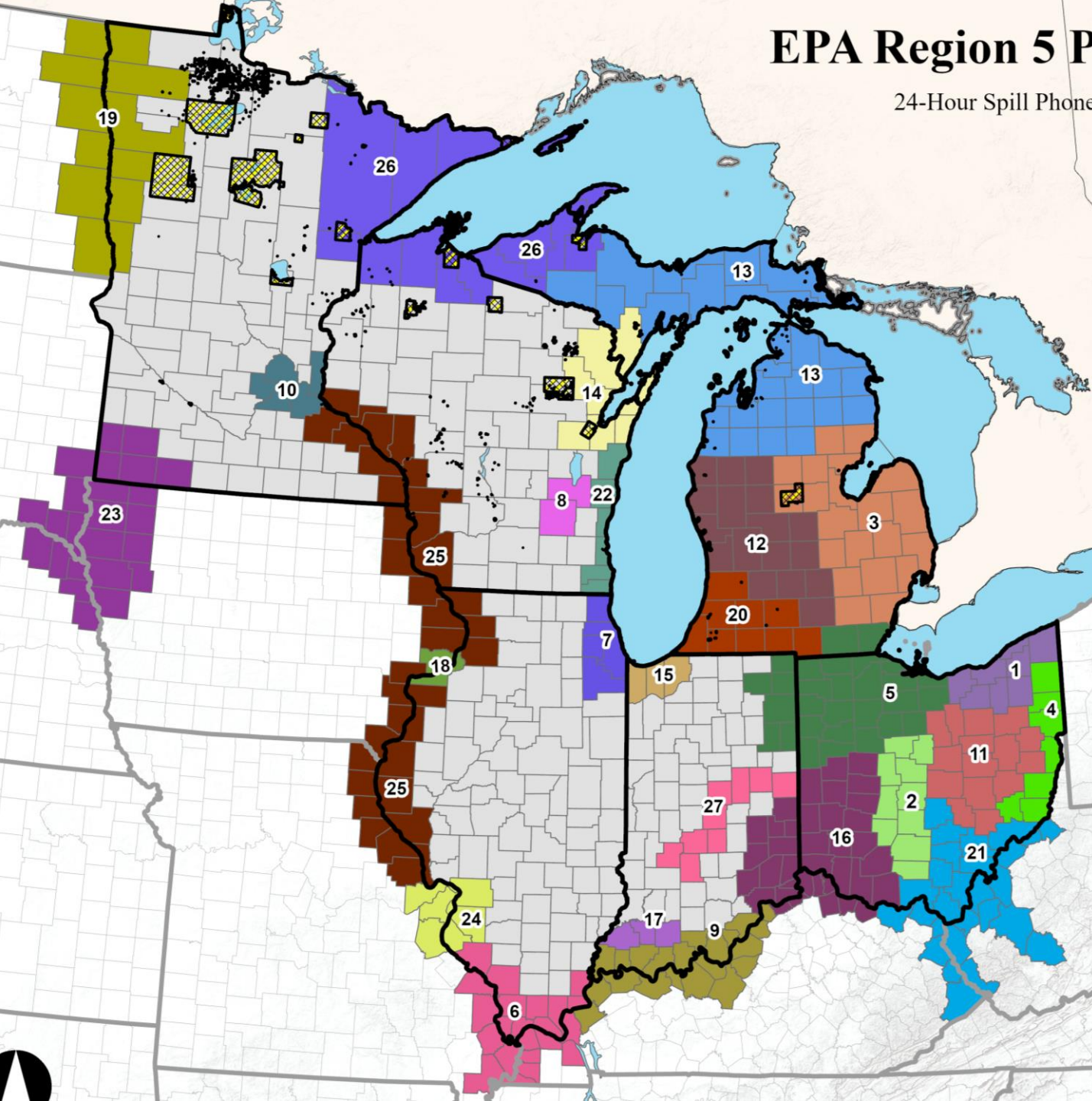
- ▶ Shelly Lam replaced Sam Borries (retired) as Manager of Emergency Response Branch 2
- ▶ Steve Wolfe (former OSC) replaced Jim Augustyn (retired) as Supervisor of Emergency Response Section 1 (Westlake)
- ▶ Jeff Kimble (former OSC) filled the vacancy for Supervisor of Emergency Response Section 2 (Ann Arbor)
- ▶ Jacob Hassan (former OSC) is now a Contingency Planner in the Oil Program Section

▶ New (and new-ish) OSCs to EPA Region 5

- ▶ Steve Hall, Emergency Response Section 1 (Westlake)
- ▶ Chris Tripp, Emergency Response Section 1 (Westlake)
- ▶ Mellisa Powers-Taylor, Emergency Response Section 2 (Ann Arbor)
- ▶ Talia Smerage, Emergency Response Section 2 (Ann Arbor)
- ▶ Cody Stoddard, Emergency Response Section 2 (Ann Arbor)
- ▶ Emily Byrnes, Emergency Response Section 3 (Chicago)
- ▶ Jude Huck-Reymond, Emergency Response Section 3 (Chicago)
- ▶ Ray Tijerina, Emergency Response Section 4 (Chicago)
- ▶ Coming in May, Emergency Response Section 4 (Chicago)

EPA Region 5 P

24-Hour Spill Phone




EPA Sub-Area Changes

- ▶ OSC Mellisa Powers-Taylor will assist with Southeast Michigan Sub-Area 3
- ▶ OSC Talia Smerage will assist with Great Black Swamp Sub-Area 5
- ▶ OSC Colin Hendrickson and Malcolm Grieve lead Horicon Marsh Sub-Area 8, NE Wisconsin Sub-Area 14, and SE Wisconsin Sub-Area 22
- ▶ OSC Chris Tripp and Steve Renninger take over newly named Kentuckiana Sub-Area 9
- ▶ OSC Steve Hall will assist with Muskingum Sub-Area 11
- ▶ OSC Cody Stoddard will assist with Northern Michigan Sub-Area 13
- ▶ OSC Danita Larry will now lead NW Indiana Sub-Area 15

EPA Sub-Area Work

- ▶ EPA staff and contractors have plans for geographic response plan (GRP) development in various sub-areas this field season
- ▶ Focus will be on assessing vulnerabilities downstream of FRP facilities, pipelines, and rail crossings.
- ▶ Will prioritize locations that have no current GRPs or geographic response strategies (GRSs) developed



U.S. EPA REGION 5 – GRP RESPONSE STRATEGY SURVEY
Response Data Sheet


GENERAL INFORMATION		
Location Name: French Farm Lake North	State: Michigan	Location ID:
City: Mackinaw City	County: Emmet	
Property Type: State Government		
Fire District: Mackinaw city fire dept		
Latitude: 45.7522184187707	Longitude: -84.7667603734509	
Water Body Name: French Farm Lake	Water Body Type: Inland/Upland	
Inland Habitat Type: Submersed Vegetation, Shallow Marsh Perennial, Wooded Swamp		
Operational Area Description: Deepest depth 10 ft		
Detailed Location Description: Boat access at French farm lake. Stay left at the fork in rd. Parking lot 100x50ft		
Safety Concerns: Work in buddy system, PFDs required, lake bed is soft & unsafe for man labor entering water.		
Description of Access to Location: Sandy boat ramp, air boat strongly preferred vessel to be protective of submerged aquatic vegetation		

CONTAINMENT LOCATIONS	
Upstream or downstream of containment location? Downstream	
Avg. Depth of Water: 8	Depth Units: Feet
Avg. Width of Water: 1000	Width Units: Feet

RESOURCES REQUIRED	
Resource: Other	
Quantity: 1200 ft or more	Units: Feet


BANK TYPES	
Upstream or downstream of containment location? Downstream	
Right Bank Type: Loose Vegetative, Sand	Right Bank Profile (feet): 6ft
Left Bank Type: Loose Vegetative, Sand	Left Bank Profile (feet): 6

ADJACENT PROPERTY OWNERSHIP	
Owner Name: MI DNR / wildlife dev	
Address:	



Habitat Information Data Link:

ArcGIS Web Map



MAP




Photo No.: 1	Direction: North
Upstream or downstream of containment location? Downstream	

INFORMATION PROVIDED BY



Other Planning Updates



Clean Water Act Hazardous Substance Facility Response Plans Final Rule 40 CFR 118

Slides from Rebecca Broussard
EPA Office of Land and Emergency Management
April 2024



Legal Disclaimer

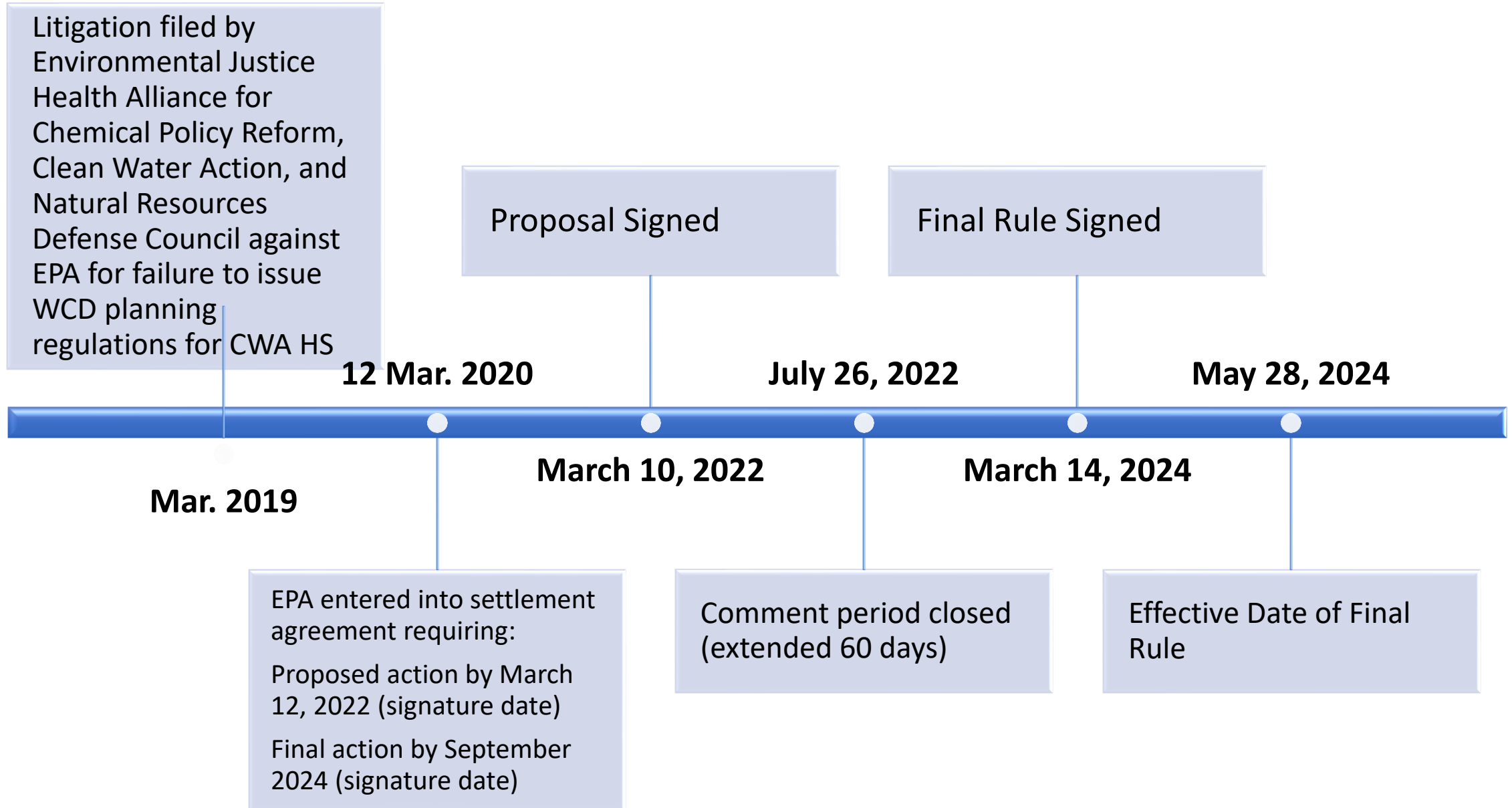
This presentation is meant to provide an overview of final rule at 40 CFR Part 118. The statutory provisions and EPA regulations described in this presentation contain legally binding requirements. This presentation does not substitute for those provisions or regulations, nor is it a regulation itself. In the event of a conflict between the discussion in this presentation and any statute or regulation, the statute and/or regulation is controlling. This presentation does not impose legally binding requirements on EPA or the regulated community and might not apply to a particular situation based upon the circumstances. The word “should” as used in this presentation is intended solely to recommend or suggest an action and is not intended to be viewed as controlling. Examples in this presentation are provided as suggestions and illustrations only. While this presentation indicates possible approaches to assure effective implementation of the applicable statute and regulations, EPA retains the discretion to adopt approaches on a case-by-case basis that differ from this presentation where appropriate. Any decisions regarding compliance at a particular facility will be made based on the application of the statute and regulations. References or links to information cited throughout this presentation are subject to change. Rule provisions and internet addresses provided in this guidance are current as of April 2024. This presentation may be revised periodically without public notice.

Background: Statutory and Regulatory

- Under section 311(j)(5) of the [Clean Water Act \(CWA\)](#), the President:
 - “shall issue regulations which require an owner or operator of a . . . facility . . . to prepare and submit to the President a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of oil or a hazardous substance.”
- Oil requirements promulgated in 1994: [Facility Response Plans \(FRP\)](#) under [Subpart D of 40 CFR 112](#).
- EPA had not previously proposed worst-case discharge planning regulations for CWA hazardous substances (HS) under 311(j)(5).



Background: Timeline

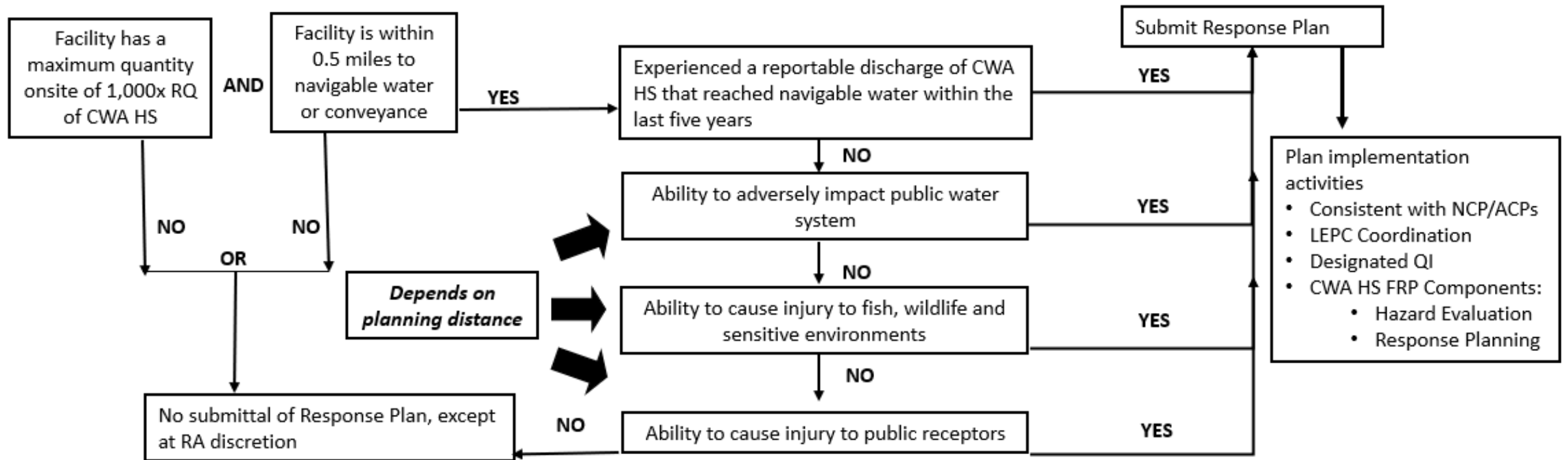


Major Changes from Proposal

- RQ multiplier lowered from 10,000x to 1,000x
- Threshold and worst case discharge (WCD) quantities based on maximum quantity on site, not capacity
- Worst case discharge scenarios for each CWA HS on site above threshold quantity (1,000xRQ)
- FRP must cover only CWA HS on site above threshold quantity
- 1 & 2-hour Response Actions
- FRP must include ERAP
- Recertify every 5 years, not resubmit

Final Applicability Criteria – 118.3

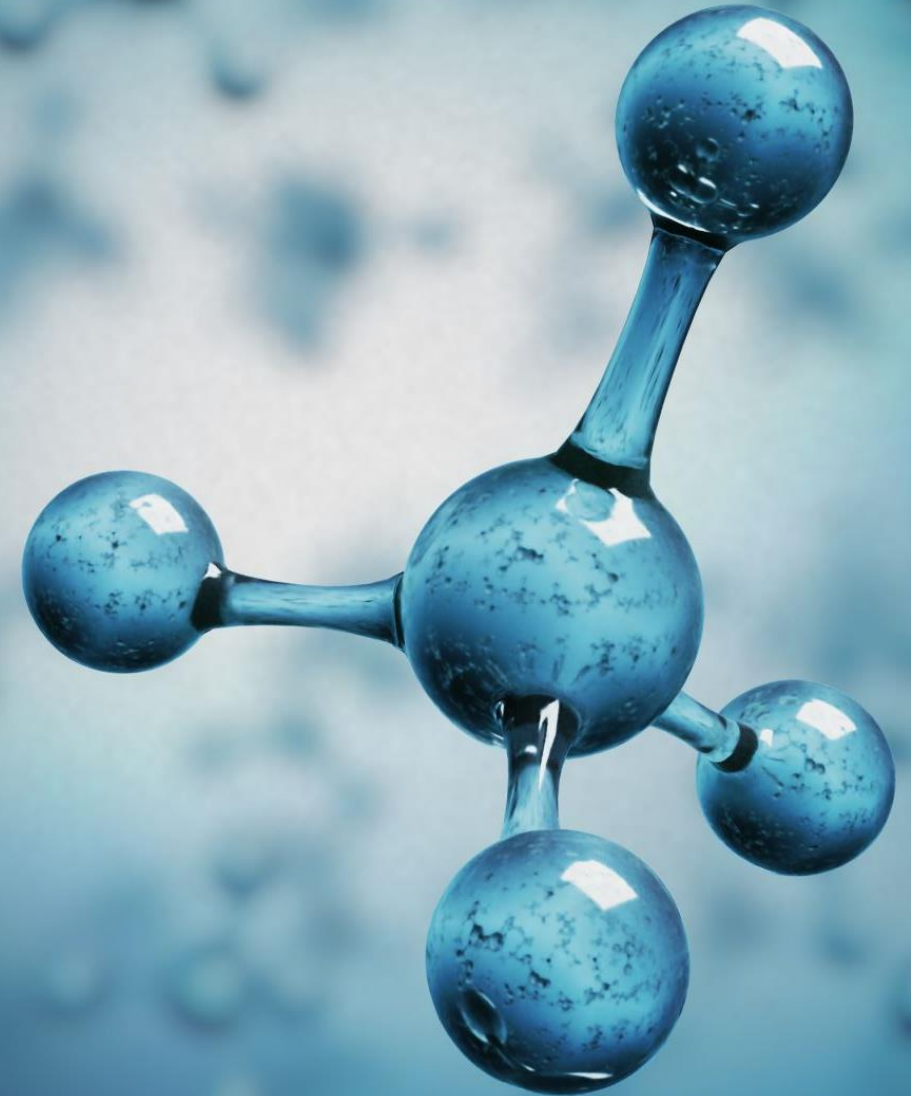
* Facility – onshore non-transportation-related



Screening Criterion: Threshold Quantity – 118.2(a)

Any CWA hazardous substance on site (in aggregate and including mixtures) at or above 1,000x Reportable Quantity at any time

- 296 CWA hazardous substances as listed in [40 CFR 116.4](#)
- Reportable Quantities as listed in [40 CFR 117.3](#)
- Will be added to [EPA's List of Lists](#)



Mixture Rule – 118.9

If mixed with oil, regulated as oil.

Otherwise, CERCLA mixture rule, no *de minimus* quantity.

- If all quantities known, meets threshold quantity when the maximum quantity onsite meets or exceeds the threshold quantity of any CWA hazardous substance in the mixture.
- If unknown quantities, meets the threshold when maximum quantity onsite meets or exceeds the quantity for the CWA hazardous substance with the lowest threshold quantity.



Screening Criterion: Distance to Navigable Water – 118.3(b)

Facility is within one-half (0.5) mile of navigable water or conveyance to navigable water

- Navigable water is defined through [Waters of the United States \(WOTUS\) 40 CFR 120](#)
- Statutory authority is “based on location”

Applicability: Ability to Cause Substantial Harm to the Environment – 118.3(c)

CWA: Covered facility is “[an] onshore facility that, because of its location, **could reasonably be expected to cause substantial harm to the environment** by discharging into or on the navigable waters, adjoining shorelines, or the exclusive economic zone”

1. Ability to adversely impact public water system (PWS)
2. Ability to cause injury to fish, wildlife, and sensitive environments (FWSE)
3. Ability to cause injury to public receptors
4. Reportable discharge history

Substantial Harm Criterion: Ability to Adversely Impact PWS – 118.3(c)(2)

Outcome-based; must work with PWS to determine (if possible)

1. Violates any National Primary Drinking Water Standard (NPDWS) or State Drinking Water Regulation (SDWR), such as an exceedance of a MCL
2. Compromises the ability of the PWS to produce water that complies with any NPDWS or SDWR
3. Results in adverse health impacts in people exposed to the maximum concentration that could enter a drinking water distribution system
4. Contaminates public water system infrastructure, including but not limited to intake structures, treatment facilities, and drinking water distribution systems, or premise plumbing systems to a degree that requires remediation to restore system components to acceptable performance
5. Impairs the taste, odor, or other aesthetic characteristic of the water entering a drinking water distribution system to a degree that could make the water unacceptable to consumers and that could prompt the public water system to issue use restrictions

Substantial Harm Criterion: Ability to Cause Injury to FWSE – 118.3(c)(1)



May include wetlands, national and State parks, critical habitats for endangered or threatened species, wilderness and natural resource areas, marine sanctuaries and estuarine reserves, conservation areas, preserves, wildlife areas, wildlife refuges, wild and scenic rivers, recreational areas, national forests, Federal and State lands that are research national areas, heritage program areas, land trust areas, historical and archaeological sites and parks, include unique habitats such as aquaculture sites and agricultural surface water intakes, bird nesting areas, critical biological resource areas, designated migratory routes, and designated seasonal habitats.

Requires planning distance calculations

Endpoints in Appendix B based on 96-hour LC50
FWSE in Area Contingency Plans (intended to be updated)

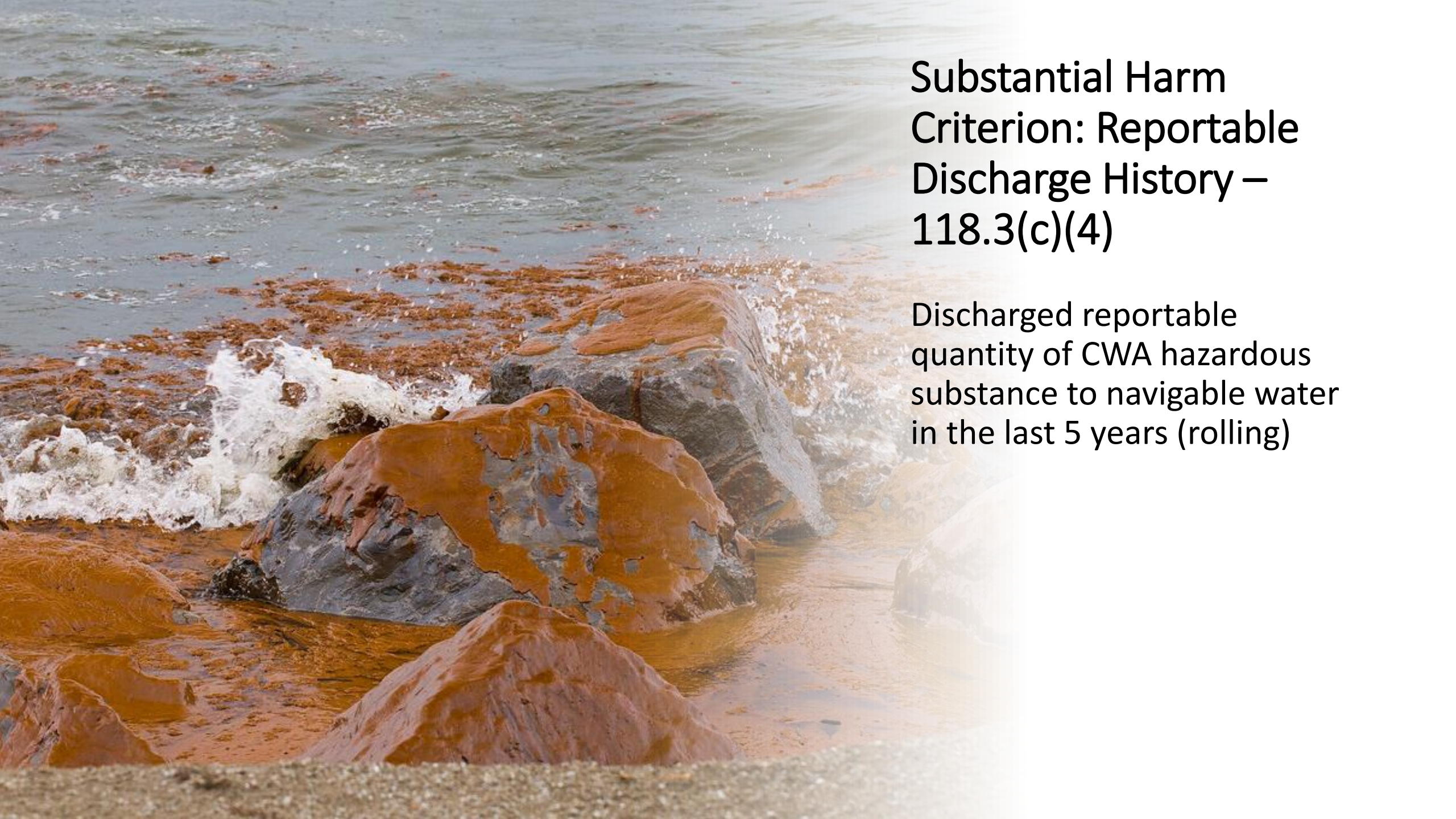
Substantial Harm Criterion: Ability to Cause Injury to Public Receptors – 118.3(c)(3)

Parks, recreational areas, docks, or other public spaces inhabited, occupied, or used by the public at any time where members of the public could be injured as a result of a worst case discharge into or on the navigable waters or a conveyance to navigable waters.

Requires planning distance calculations

Endpoints in Appendix B based on LD50





Substantial Harm
Criterion: Reportable
Discharge History –
118.3(c)(4)

Discharged reportable
quantity of CWA hazardous
substance to navigable water
in the last 5 years (rolling)

Worst Case Discharge Scenarios – (118.10)

Use endpoints in Appendix B for FWSE/public receptors

Quantity: max in a single container or multiple interconnected containers

Planning Distance: must consider

Overland transport including:

- Nearest opportunity for discharge into or on the navigable waters
- Ground conditions (topography, draining, etc.)
- Properties of CWA HS

In-water transport including:

- Point of entry to navigable waters
- Flow rate and duration of the discharge
- Direction of the discharge at the point of entry
- Surface versus underwater entry
- Conditions of the receiving water

Adverse weather conditions: calculated based on adverse winds, currents, and/or river stages, over a range of seasons, weather conditions, and river stages.

Properties of the CWA hazardous substance such as solubility in water, speciation in water, density (relative to water), polarity, vapor pressure, reactivity with water and common solutes in natural waterbodies, human toxicity, mammalian toxicity, aquatic toxicity, and flammability.



Applicability: Exceptions and Exemptions – 118.8

Exceptions

- Anything in transportation (DOT PHMSA)
- Under USCG or DOI authority
- Underground Storage Tanks under [40 CFR 280](#)

Exemptions:

- Articles
- Uses:
 - Structural components
 - Janitorial
 - Foods, drugs, cosmetics
 - Process/cooling water
 - Wastewater treated by POTWs
 - Compressed air
 - Retail/personal use
 - RCRA HazWaste ([40 CFR 264](#), [265](#), [262 Subpart M](#))

Major Rule Provisions: RA Authority – 118.5

EPA Regional Administrator (RA) can require FRPs based on:

1. Type of transfer operation(s)
2. CWA hazardous substance quantity, category, characteristics
3. Proximity to FWSE
4. Ability to adversely impact PWS
5. Location in a source water protection area
6. Ability to cause injury to public receptors
7. Lack of passive mitigation measures or systems
8. Potential to adversely impact communities with environmental justice concerns;
9. Potential vulnerability to adverse weather conditions resulting from climate change
10. Density of facilities with CWA hazardous substances onsite in the immediate area
11. Reportable discharge history
12. Other site-specific characteristics and environmental factors that the RA determines to be relevant to recovery, shoreline protection, and cleanup.

EPA RA determines if a facility can cause significant and substantial harm to environment – these plans must be approved by EPA

1. Frequency of past reportable discharges
2. Proximity to navigable waters or a conveyance to navigable waters
3. Age or condition of containers and equipment;
4. Potential for hazards such as flooding, hurricanes, earthquakes, or other disasters that could result in a worst case discharge
5. Other facility- and Region-specific information, including local impacts on public health

Major Rule Provisions: Appeals (118.6) and Petitions (118.7)

Appeals

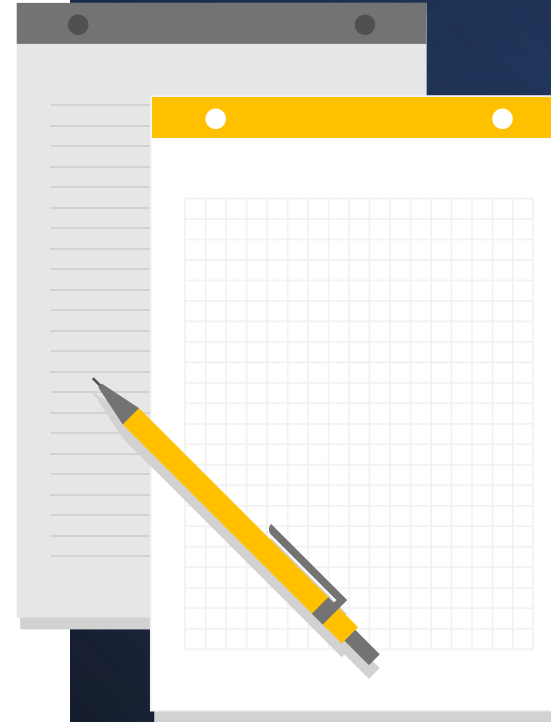
- Facility O/O can appeal that it meets applicability criteria or RA determination of sub or sig/sub harm, or amendments
- Facility O/O can appeal classification or status as sub or sig/sub harm
- Appeal can go up to EPA administrator

Petitions

- Any member of public can petition RA to consider if facility could cause sub harm to environment
- Petition must discuss why and will be made available to facility O/O and O/O has opportunity to reply

Facility Response Plans: General Requirements – 118.11(a)

- Consistent with NCP and ACPs - Review annually and revise
- ID Qualified Individual (trained to Incident Commander)
- ID and ensure by contract or other means private personnel and equipment
- Describe the training, equipment testing, periodic unannounced drills, and response actions
- Update facility response plan periodically and resubmit to the Regional Administrator for approval of each significant change



Facility Response Plans: Plan Elements – 118.11(b)

- Facility information
- Owner/operator information
- Reportable discharge history: to water, 5 years
- Response personnel and equipment: private personnel and equipment necessary to respond to the maximum extent practicable to WCD or threat of WCD
- Hazard evaluation
- Notifications
- Discharge information
- Personnel roles and responsibilities
- Evacuation plans (+diagrams)
- Discharge detection systems
- Response actions
- Disposal plans
- Containment measures
- Training procedures
- Exercise procedures
- Self-inspection
- Emergency Response Action Plan (ERAP)

Response Actions – 1 and 2-hour Requirements 118.11(b)(13)

1-hour:

- Complete notifications
- Mobilize facility response personnel for immediate response actions
- Identify the scale of the incident, coordinate with SRO on response actions
- Complete WCD scenario cross-check and potential effects and start tactical planning;
- Ensure containment and neutralization systems are operational;
- Coordinate facility evacuation;
- Coordinate with drinking water authorities;
- Mobilize response equipment coordinate with local police and fire officials.

- Initiate community evacuation plan,
- Evaluate if downstream/upstream public receptors that could be impacted and may require evacuation

2-hour:

- Deploy response resources identified in the response plan:
 - Containment and recovery devices (such as containment dams, culvert plugs, underflow dams, containment booms, skimmer equipment or acid/base neutralization resources);
- Initiate any water, soil, and air monitoring as outlined in the response plan.

Substantial Harm Certification Form Appendix B

Facilities that meet the screening criteria but not the substantial harm criteria need to submit a Substantial Harm Certification Form (Appendix A) to EPA

Facilities submitting FRPs can submit their forms along with the full plans

The background image shows a residential street with several houses. In the distance, a large industrial facility is visible, featuring a prominent cooling tower and other structures. The scene is set against a backdrop of green trees and a clear sky.

Communities with Environmental Justice Concerns

- Industrial facilities and ASTs disproportionately located in communities with environmental justice concerns.
- WCD of CWA hazardous substances on communities depends on discharge circumstances and facility's positioning up or downstream from public water system intakes that serve large and diverse communities.
- RAs have authority to make determinations on a case-by-case basis based on, among other things, potential impacts of a worst case discharge on communities with environmental justice concerns.
- Facilities must examine potential impacts to communities with environmental concerns in their FRP hazard evaluation.

Climate Change

- A worst case discharge: the largest foreseeable discharge in adverse weather conditions, which is inclusive of conditions due to climate change.
- RAs have authority to make determinations on a case-by-case basis based on, among other things, concerns related to climate change risks.
- Facilities must examine climate change impacts in their FRP hazard evaluation.



Facility Response Plans: Compliance Dates – 118.4



**FRPs due:
June 1, 2027**



**Substantial Harm
Certification Forms
due:
June 1, 2027**



**After initial
period:
FRPs due within 6
months of meeting
criteria**

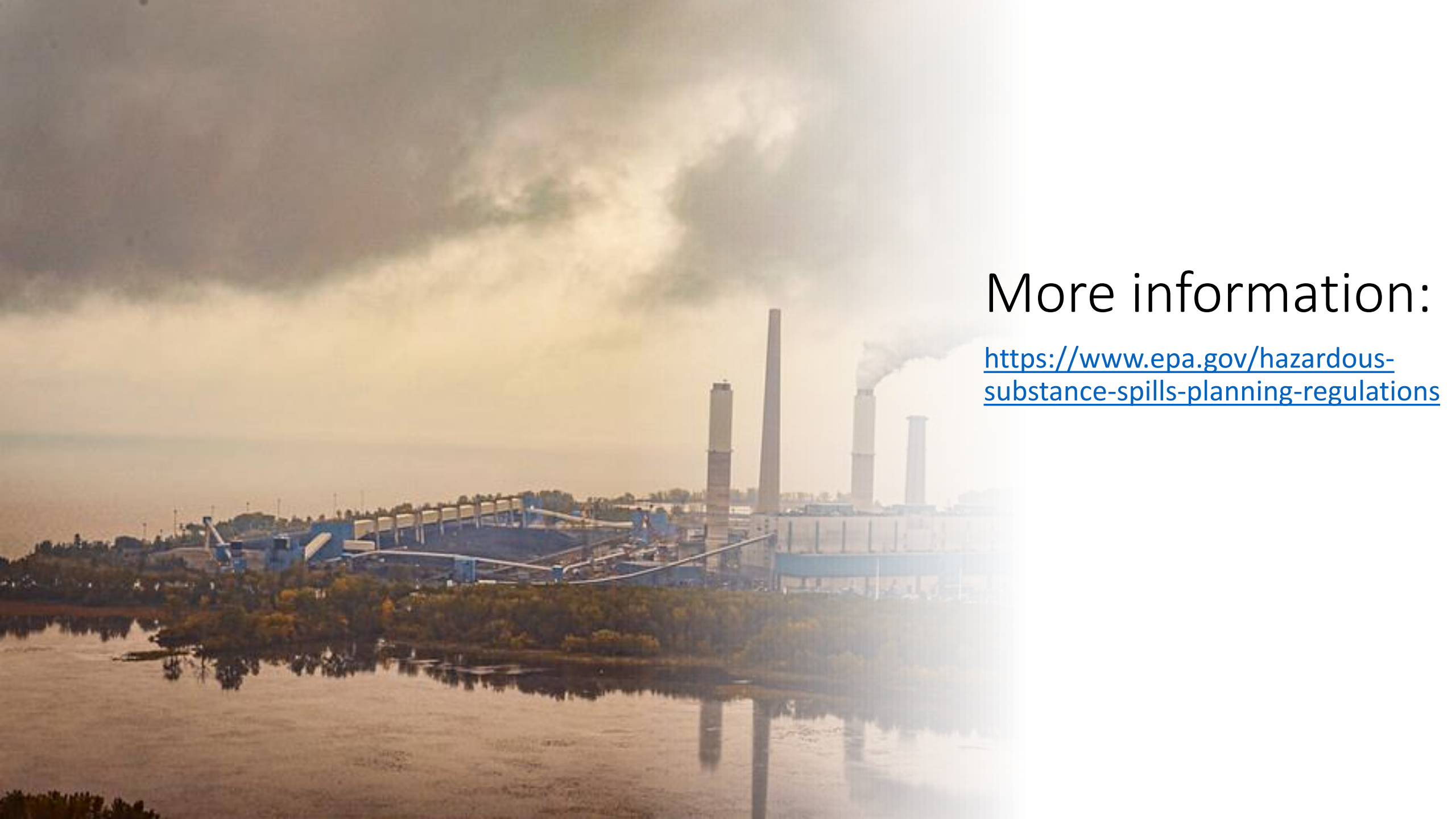
Substantial Harm
Certification forms
due within **60 days**
of meeting criteria



**Recertify plans
and Substantial
Harm Certification
Forms every 5
years**

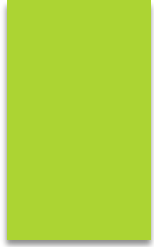


**Amendments
(material
changes) within
60 days**



More information:

<https://www.epa.gov/hazardous-substance-spills-planning-regulations>



Open Forum