Emergency Response Plan

of the

Rhode Island Department of Environmental Management



Rhode Island Department of Environmental Management

Office of Emergency Response

235 Promenade Street, Suite 438, Providence, RI 02908-5767

(401) 222-1360, ext. 7129 □ Open Weekdays 8:30 AM – 4:00 PM

# Section 1

Introduction

Introduction

|  |  |
| --- | --- |
| **Section** **1 Outline** | |
| **1.1** | Purpose, Scope and Priorities of the Emergency Response Plan |
| **1.2** | Definition of Emergency Response |
| **1.3** | Incident Severity |
| **1.4** | Legal Authority |

## 1.1 – Purpose, Scope and Priorities of the Emergency Response Plan

**PURPOSE OF THE PLAN:**

The purpose of this Emergency Response Plan (ERP) is to guide the Rhode Island Department of Environmental Management (DEM) in a safe, timely, and effective response to incidents that threaten the state’s environment and public health, safety, or welfare. It is also intended to promote coordination among federal, state and local, public and private responders.

**SCOPE OF THE PLAN:**

This ERP is intended for personnel of the Rhode Island Department of Environmental Management and for other agencies that support DEM in large-scale, multi-divisional incident response. Incidents vary greatly in location and severity. This ERP applies only to incidents that occur on land or on inland or coastal waters of Rhode Island, and that present an imminent danger to public health, safety or welfare.

This plan does not, then, address response to common, minor incidents for which the divisions of DEM and other agencies have standard operating procedures. (See “Assessing Incident Severity”). Likewise, different kinds of incidents will entail different roles for DEM. There are many kinds of emergencies for which other state or federal agencies or private parties are responsible. In such cases, DEM has no predefined role and this ERP does not apply. (See “Definition of Emergency Response”).

This ERP applies to incidents for which DEM has one of three specific roles:

1. **As the lead state agency.** This is likely to occur when the incident is defined around the following incidents:
   * release of hazardous materials
   * oil spill
   * wildfire
   * epidemic of livestock or zoonotic disease
   * pathogenic insect infestation
   * failure of a dam
2. **As the state’s coordinator of specific emergency response functions.**   
   Those functions are likely to occur in large-scale incidents that entail multi-divisional operations with hazardous materials and animal care (ESF #10 and #16).
3. **As a supporter of another state or federal agency with responsibility for coordinating other emergency response functions.**

**PRIORITIES IN INCIDENT RESPONSE:**

The following general principles will guide the DEM with the management of an incident:

* Preserve life and minimize risks to the health and safety of emergency responders and the public
* Identify and protect sensitive habitats and wildlife
* Contain and/or control the release of pollutants
* Identify the cause of the incident and the source of environmental hazards
* Remediate environmental impacts
* Collect and preserve evidence
* Assist with the apprehension of perpetrators

## 1.2 – Definition of Emergency Response

1. **What Are “Emergencies”?**

Emergencies are incidents that threaten public safety, health and welfare. If severe or prolonged, they can exceed the capacity of first responders, local fire fighters or law enforcement officials. Such incidents range widely in size, location, cause, and effect, but nearly all have an environmental component. To anticipate the variety, consider the following:

|  |  |  |
| --- | --- | --- |
| **Types of Hazards** | | |
| Natural Hazards | Human / Technological Hazards | |
| Atmospheric   * + Hurricanes, Cyclones   + Thunderstorms   + Lightning   + Hailstorms   + Tornadoes   + Windstorms   + Dust and Sandstorms   + Avalanches   + Winter Storms   + Cold / Exposure   + Extreme Summer Heat   + Global weather   Geologic   * + Landslides   + Mudslides   + Land Subsidence Sinkholes   + Expansive Soils   Hydrologic   * + Floods and Flash Floods   + Storm Surges   + Coastal / Rapid Erosion   + Droughts   Seismic and Volcanic   * + Earthquakes   + Tsunamis   + Volcanoes   Other Natural Disasters   * + Wildfire   + Animal / Insect Infestation   + Disease / Biological (Natural)   + Natural HAZMAT   Material from Space | Structural Failure / Accident   * + Dam / Levee Failure   + Building Collapse   + Bridge Collapse   + Tunnel Accident / Fire   Fires / Explosions   * + Building   + Industrial   + Residential   + Health Care   + Arson   + Bomb / Explosion   Energy / Utility Incidents   * + Fuel Shortage   + Power Outage   + Water Shortage   + Communication Problems   + Winter Storms   + Cold / Exposure   + Extreme Summer Weather   Transportation Incidents   * + Surface Vehicle Accidents   + Aviation Related Incidents   + Ships, Boats, Barges, & Ferries   + Train / Subway Crash   + Bridge Collapse   + Tunnel Accident / Fire   Hazardous Materials   * + HAZMAT / Oil Spills   + Chemical / WMD   Asbestos | Biological   * + Biological WMD   + Infectious Disease   + Critters   Radiological   * + Nuclear Accidents   + Radiological WMD   Weapons of Mass Destruction   * + Biological WMD   + Chemical WMD   + Radiological WMD   Civic Disruption   * + Hostage   + Bomb / Explosion   + Stand-Off   + Civil Unrest   + Sabotage   + Mass Hysteria / Riot   Terrorism   * + General   + Agro-Terrorism   + Eco-Terrorism   + Cyber-Terrorism   Violence   * + at Home   + at Work   + at School   + at Hospital   + Public Violence   Information   * + Cyber Attacks   + Denial of Services   + E-mail Hoaxes   Computer Viruses |

For a more detailed description of each hazard, refer to Section 7.3.

**What Are the Elements of Response?**

Response is an effort to mitigate the impact of an incident on the public and the environment.

A large or complex incident will require the cooperation of several agencies, and DEM is likely to be among them. For many emergencies, DEM will play a supporting role in the overall state response. DEM is likely to lead the state’s response If the incident is one of the following:

* + release of hazardous materials
  + oil spill
  + wildfire
  + epidemic of livestock or zoonotic disease
  + pathogenic insect infestation
  + failure of a dam

No matter what the challenge or who is in charge, response is likely to address some commonly recognized responsibilities -- “emergency support functions” (ESF – See “Checklist of Emergency Response Issues: Emergency Support Functions for All Hazards).

## 1.3 – Incident Severity

**WHEN DO INCIDENTS BECOME EMERGENCIES?**

In general, emergency response should be proportionate to the size and complexity of the hazards that an incident brings. The greater the threat to the environment and public safety and welfare, the larger and more urgent the response. An “incident” becomes an “emergency” as the following conditions become evident or more likely to occur: :

**Threat to Human Safety and Welfare**

* Poisoning of water or food sources and/or supply
* Presence of toxic fumes or explosive conditions
* Damage to personal property
* Need for the evacuation of people
* Interference with public or commercial transportation

**Threat to the Environment**

* Injury or loss of animals or plants or habitats that are of economic or ecological importance such as:
  + Commercial, recreation or subsistence fisheries (marine plants, crustaceans, shellfish, aquaculture facilities) or livestock
  + Seal haul outs
  + Marine bird rookeries
* Impact to recreational areas such as public beaches
* Impact to ecological reserves, forests, parks, archaeological and cultural sites

**SEVERITY SCALES**

Incident severity is often ranked from 1 to 3 or 4, with a “Level 1” incident considered minor; a Level 2, moderate; a “Level 3,” major; and a “Level 4” severe. Thresholds depend on the sort of incident and hazards. The following examples are for oil spills (using a 1-3 scale) and for releases of hazardous material (using a 1-4 scale):

**For Oil Spills**

The severity of an oil spill depends not only on the amount and kind of oil that has been released, but also on the immediate circumstances (location, sea conditions, weather, time of day, sensitivity of the site and of the spill plume). Hence the following is intended only as rough guide. In general, releases of oil should be classified according to their degree of impact. For example, spills that meet the criteria of a minor incident but that also…

1. Occur in or endanger critical areas
2. Generate critical public concern
3. Become a focus of an enforcement action
4. Pose a threat to public health or welfare may be classified as moderate or major.

**Category 1:**

Severity of Incident: Minor - A spill, release or potential release of a known, non-combustible variety of oil from a limited source (e.g., from a day-use recreational craft). No deaths, and, if injuries, they are minor.

Amount of Oil Involved: Generally, less than 100 gallons into inland waters or less than 1,000 gallons in coastal waters

Extent of Incident: Limited to initial area of release and unlikely that it will spread (e.g., an area of 300 square feet or less).

Population Affected: Evacuation will be limited to the immediate area that can be secured in a short period of time and for a limited duration (usually no more than 4 hours). A limited number of the populace will be affected.

Resources: Normally to be handled by local emergency responders without RIOST support.

**Category 2:**

Severity of Incident: Moderate - A spill, release or potential release of oil that poses an uncertain risk to the environment. No deaths, but injuries can be minor to severe.

Amount of Oil Involved: A discharge of 100 gallons to 1,000 gallons into inland waters or 1,000 to 10,000 gallons in coastal waters, or a discharge of any volume that poses a threat to the public's health or welfare. (E.g., a small leak from a tanker that is controlled would be a Level 2, while a release of the entire contents would be a Level 3.)

Extent of Incident: Area may be large, but it is limited and not so large as to disrupt normal community functions.

Population Affected: Evacuation will be considered to a designated area that local resources can achieve. Extended sheltering is not required.

Resources: Local response agencies may need assistance from other agencies. The RI EMA and possibly the National Response Center of the US Coast Guard must be notified. Incident command may request RIOST support.

**Category 3:**

Severity of Incident: Major -- A spill or release that has resulted in a serious fire, explosion or environmental contamination over a large area that is apt to get larger. Injuries or deaths may have already occurred.

Amount of Material Involved: A discharge of more than 1,000 gallons into inland waters or more than 10,000 gallons in coastal waters or a discharge of any quantity that substantially threatens the public's health or welfare or that generates wide public interest.

Extent of Incident: Large area may be impacted, possibly disrupting essential community services. Extensive environmental contamination is possible.

Population Affected: Presents an immediate danger to the public and response personnel. Evacuation will impact many the populace and/or disrupt everyday life in affected communities for several days or more.

Resources: Local response agencies will need assistance from several outside sources. The RIEMA and the National Response Center of the US Coast Guard must be notified. Incident command is likely to request RIOST support

**For Releases of Hazardous Material**

**Category 1:**

Severity of Incident: Minor -- A spill, release or potential release of known hazardous substance. No deaths, if injuries, minor in nature.

Extent of Incident: Limited to initial area of involvement and unlikely that it will spread. For example, a single structure or area of 300 feet or less.

Type of Material Involved: Identified hazardous substance that is not radioactive, water reactive or hypergolic. Generally, a flammable or combustible liquid, but could also include limited amounts of corrosives.

Amount of Material Involved: A limited amount of a hazardous substance or smaller container. Would generally be less than 55 gallons.

Population Affected: Evacuation will be limited to the immediate area that can be evacuated in a short period of time for a limited duration (usually does not exceed 4 hours). A limited number of the populace will be affected.

Resources: Local resources can handle, includes automatic mutual aid agreements.

**Category 2:**

Severity of Incident: Moderate -- A spill, release or potential release of known or unknown hazardous substance. No deaths; injuries can be minor to severe.

Extent of Incident: Release may not be controllable without special resources. Limited to several blocks or buildings.

Type of Material Involved: Unknown hazardous substance or hazardous substance that is toxic, reactive, flammable, radioactive, corrosive, or biological in nature.

Amount of Material Involved: An amount limited by the size of the container and the release from it. For example, a small leak from a tanker that is controlled would be a Level II, while a complete failure releasing the entire contents would be a Level III or IV.

Population Affected: Evacuation will be considered to a designated area that local resources can achieve. Extended sheltering is not required.

Resources: Local response agencies may need assistance from outside sources.

Notification: Requires notification of the RI EMA and possibly the National Response Center of the US Coast Guard.

**Category 3:**

Severity of Incident: Severe - A spill, release or potential release of a hazardous substance with an associated fire, explosion or toxic/corrosive cloud. Injuries or deaths may have already occurred.

Extent of Incident: Large area may be impacted possibly disrupting essential community services. Extensive environmental contamination is possible.

Type of material Involved: Unknown hazardous substance or hazardous substance that can produce a toxic/corrosive gas cloud, is highly reactive or unstable, is a flammable gas or produces significant flammable vapors, is radioactive or chemical/biological pathogen.

Amount of Material Involved: Large amounts of hazardous material or limited amount of a very dangerous substance.

Population Affected: Presents an immediate danger to the public and operating personnel. Evacuation will require large numbers of the populace and/or extending over an area that will have a significant impact on the community. It may require activation of shelters for evacuees.

Resources: Local response agencies will need assistance from outside sources.

Notification: Requires notification of the RIEMA and the National Response Center of the US Coast Guard.

**Category 4:**

Severity of Incident: Major -- A spill or release of a hazardous substance that has resulted in a serious fire, explosion or environmental contamination over an extended area.

Extent of Incident: Has an impact over a wide area with the probability that it will spread to a larger area. The impacted area can be smaller in a highly urbanized area with a large population impacted.

Type of Material Involved: A known or unknown hazardous substance that can be highly toxic, very reactive or unstable, flammable or explosive; etiological agents that are extremely pathogenic.

Amount of Material Involved: A hazardous substance in a large amount that can affect a large area.

Population Affected: Evacuation will affect a large area and will have to be done in stages taking several hours or more (evacuation duration could exceed several days). A large number of the populace is affected. Presents immediate danger to the public and operating personnel.

Resources: Mutual aid will be needed with a need for a large number of resources.

Notification: Requires notification of the RI EMA and the National Response Center of the US Coast Guard.

## 1.4 – Legal Authority

The Rhode Island Department of Environmental Management is authorized by R.I. General Laws Section 42-17.1-2 to protect the environment from pollution and to maintain an acceptable environmental quality within Rhode Island. The emergency powers of DEM are broad and encompass a wide variety of environmental emergencies as set forth in the chart of Statutory Authority below.

Rhode Island’s environmental response authority supplements certain federal legislation, such as the Clean Water Act, 33 U.S.C. 1251 *et seq.*, the Clean Air Act, 42 U.S.C. 7401 *et seq.*, and the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. 9601 *et seq.* 40 CFR Part 311 requires and authorizes DEM to undertake emergency measures similar to those described above, pursuant to, *inter alia*, R.I. General Laws Sections 46-12-3 and 46-12-10.

The DEM Environmental Response Plan (ERP) supports these goals. This ERP also serves to complement and support the National Oil and Hazardous Substances Contingency Plan and the Region One Oil and Hazardous Substances Regional Contingency Plan.

The national contingency plan has been supplemented on a regional basis. As part of the regionalized concept, the EPA Region One Contingency Plan has been developed for application in Rhode Island. Within the framework of Region One, there are separate response plans for coastal and inland discharges. The area response plan for the coastal region has been developed and is maintained by the United States Coast Guard. The inland response plan has been developed and is being maintained by the Environmental Protection Agency.

Pursuant to R.I. General Laws Chapters 23-17, 23-23, 42-17.1, 46-12, 46-13.1, and 46-14, the Department of Environmental Management was delegated the power and duty to control, prohibit, and respond to pollution of the air, surface waters, groundwater and lands of the state, and to protect the public health, safety, and welfare from the effects of releases of hazardous substances.

Additionally, the R.I. Administrative Inspection Guidelines (250-RICR-20-00-3) outline general procedures that grant DEM employees the right to conduct inspections on private property. These guidelines aim to balance private property owners’ protection under the federal and state Constitutions, as well as DEM’s interest in protecting the environment from potential hazards and public health risks. Find the guidelines online [HERE](https://rules.sos.ri.gov/regulations/part/250-20-00-3).

This ERP is intended to describe general DEM procedures. It is intended neither to convey nor to restrict the rights of other parties. Due to the varied nature of emergency response, DEM reserves the right to modify or depart from these general procedures on a case‑by‑case basis.

A final caveat is that in the event of a disaster, as defined by R.I. General Laws Section 30-15-1 *et seq.*, the Department’s emergency powers will be supplemented, and in some cases superseded, by the emergency powers of the Rhode Island Emergency Management Agency. Additionally, in the event of a disaster, the Governor has the authority to issue executive orders, proclamations, and regulations pursuant to R.I. Gen. Laws Section 30-15-7.

|  |  |  |
| --- | --- | --- |
| **Environmental Emergency Statute Authority** | | |
| Environmental Emergency | Description | Federal and or State Statute Authority |
| AGRICULTURE | Authority for the State Veterinarian to quarantine, destroy, and regulate domestic livestock to eradicate disease | R.I. Gen. Laws  Section 4-4-1 *et seq.* |
| AIR POLLUTION The Clean Air Act  RI Clean Air Act | Emergency powers to protect air resources and ensure compliance with Federal Clean Air Act  Emergency powers for air pollution episode control | 42 USC 7401 *et seq.*  R.I. Gen. Laws Section 23-23.1-1 *et seq.* |
| ANIMALS | Emergency powers for quarantine and eradication of disease in bees | R.I. Gen. Laws  Section 4-4-1 *et seq.* |
| DAMS AND RESERVOIRS | Emergency powers to drain and order repairs of unsafe dams and reservoirs | R.I. Gen. Laws  Section 46-19-1 *et seq.* |
| FISH AND WILDLIFE | Authority over fish (including shellfish) and wildlife within the State | R.I. Gen. Laws  Section 20-1-1 *et seq.* |
| FOREST FIRES | Emergency powers over fire hazards | R.I. Gen. Laws  Section 2-12-15 |
| HAZARDOUS WASTE  Comprehensive Environmental Response Compensation and Liability Act (CERCLA)  Resource Conservation and Recovery Act (RCRA)  Superfund Amendments and Reauthorization Act (SARA), Title III  Toxic Substances Control Act  (TSCA) RI Hazardous Waste Management Act | Enables federal agencies to provide a response to unpermitted releases of hazardous substances to the environment and procedures to remediate those releases. Requirements include Emergency Planning and the Community Right-to-Know Act  Regulates the storage and management of hazardous wastes  The purpose of SARA Title III is to assist the community and responsible public agencies in planning for and responding to hazardous material incidents  Regulates the management of chemical substances and mixtures (including PCBs) that present an unreasonable risk of injury to health and the environment,  Emergency powers for the management of hazardous waste | 42 U.S.C. 9601 *et seq.*, CERCLA Section 103E, 103F  42 U.S.C.  Section 321 *et seq.*  42 U.S.C. 9601 *et seq.*, CERCLA Section 103E, 103F  15 U.S.C. Section 2601 *et seq.*  R.I. Gen. Laws  Section 23-19.1-16 |
| MEDICAL WASTE | Management of Regulated Waste Act | R.I. Gen. Laws  Section 23-19.2-1 |
| OIL SPILLS Oil Pollution Act of 1990  Oil Pollution Control Act  Water Pollution Act | Regulates discharge of oil  Emergency powers in connection with discharge of oil  Emergency powers in connection with the discharge of pollutants, including petroleum or oil | 33 U.S.C. 2702-2761  R.I. Gen. Laws  Section 46-12.5.1-11  R.I. Gen. Laws  Section 46-12-10 |
| PLANT PESTS | Powers to control and eradicate disease-infested plants and plant pests | R.I. Gen. Laws Sections 2-16-3 – 2-16-12 |
| PLANT DISEASE AND PARASITES | Powers for regulation, suppression and extermination of plant parasites and diseased plants | R.I. Gen. Laws Section 2-17-1 *et seq.*  Section 2-18-1 *et seq.*  Section 2-18.1 *et seq.* |
| SOLID WASTE Refuse Disposal Act | Regulation of refuse disposal | R.I. Gen. Laws Section 23-18.9-1 *et seq.* |
| WATER POLLUTION The Clean Water Act  RI Water Pollution | Establishes structure for regulation discharges of pollutants into waters  Emergency powers to protect water resources | 33 U.S.C. 1251 et seq.  R.I. Gen. Laws Section 46-12-10 |