

9523.8 – Mission Assignments for ESF-10 (2001)

1. **TITLE:** Mission Assignments for ESF-10
2. **DATE:** June 4, 2001
3. **PURPOSE:** The attached memorandum is being numbered as part of the FEMA Public Assistance Program policy publication system. It states the policy that FEMA and EPA have agreed to in regard to funding Mission Assignments for ESF #10 activities in major disasters and emergencies. It clarifies policy that is currently in place in the form of a policy memorandum.
4. **SCOPE AND AUDIENCE:** This policy is applicable to all major disasters and emergencies declared on or after the publication date of this policy. It is intended for use by all personnel involved in the administration of the FEMA public assistance program. This policy is effective on publication.
5. **AUTHORITY:** Section 403, Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. §5170b (3))
6. **BACKGROUND:** FEMA and EPA reached an agreement in September 1998 that stated that it was FEMA's intent to utilize Stafford Act funds to reimburse EPA for specific emergency response activities related to hazardous materials (hazardous substances, pollutants, contaminants, and oil) under ESF #10, when there is an Emergency or Major Disaster Declaration. In September 1999, interim guidance for Hurricane Floyd was issued that further clarified the 1998 document.

This guidance, for use on all ESF #10 Mission Assignments, is intended to provide further clarification for the 1998 and 1999 Policy memoranda and the FRP ESF #10 Annex. There will inevitably be activities that occur following a natural disaster or terrorism attack that are not covered in this guidance which will require close coordination among the FCO, ESF #10 and the State. Additionally, hazardous material releases and/or problems may not be identified for some time after the occurrence of the disaster. Decision-makers must be aware that such typical occurrences are associated with the disaster and that the determination of the threat posed by such releases is made at the time the release or incident is discovered (e.g., drums containing hazardous materials, discovered after flood waters recede, may pose a threat to public health that warrants response, even if the typical emergency phase of operations has ended).

This policy is a formalization of past practice. Therefore, the amount of assistance that an applicant would receive will not change as a result of this publication. As provided in RR Policy 9510.1 Coordination Requirements for Public Assistance and Fire Management Assistance Program Documentation, par. 7.E.b), the Director of the Infrastructure Division has granted an exception to the policy coordination requirements.

7. **POLICY:** The policy is attached.
8. **SUPERSESSSION:** Policy Memoranda on ESF #10 Mission Assignments from Lacy E. Suiter dated September 27, 1998, and from Robert J. Adamcik dated September 24, 1999
9. **AUTHORITIES:** Section 403, Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. §5170b(3))

10. **ORIGINATING OFFICE:** Infrastructure Division, Response and Recovery Directorate

11. **REVIEW DATE:** Five years from date of publication

12. **SIGNATURE:**

____//Signed//____

Lacy E. Suiter

Executive Associate Director

Response and Recovery Directorate

13. **DISTRIBUTION:** Regional Directors, Regional and Headquarters R&R Division Directors

SEE ATTACHED POLICY MEMORANDUM WITH GUIDANCE

MEMORANDUM FOR: FEMA Acting Regional Directors, Federal Coordinating Officers,
EPA Removal Managers, EPA On-Scene Coordinators

FROM: Lacy E. Suiter
Executive Associate Director
Response and Recovery Directorate
Federal Emergency Management Agency

Jim Makris
Director
Chemical Emergency Preparedness & Prevention Office
Environmental Protection Agency

SUBJECT: Policy Guidance on ESF #10 Mission Assignments

In September 1998, FEMA and EPA agreed that it was FEMA's intent to utilize Stafford Act funds to reimburse EPA for specific emergency response activities related to hazardous materials (hazardous substances, pollutants, contaminants, and oil) under ESF #10, when there is an Emergency or Major Disaster Declaration. In September 1999, interim guidance for Hurricane Floyd was issued which further clarified the 1998 document.

The attached Policy Guidance, for use on all ESF #10 Mission Assignments, is intended to provide further clarification for both the 1998 Policy and the FRP ESF #10 Annex. **Please ensure that all staff are informed of this Policy Guidance.** If you have any questions, please call Chuck Stuart, FEMA at (202) 646-3691 or Lea Anne Thorne, EPA at (202) 564-7387.

-- Attachment --

Guidance for Implementing Mission Assignments to ESF #10

FEMA and EPA reached an agreement in September 1998 which stated that it was FEMA's intent to utilize Stafford Act funds to reimburse EPA for specific emergency response activities related to hazardous materials (hazardous substances, pollutants, contaminants, and oil) under ESF #10, when there is an Emergency or Major Disaster Declaration. In September 1999, interim guidance for Hurricane Floyd was issued which further clarified the 1998 document.

This guidance, for use on all ESF #10 Mission Assignments, is intended to provide further clarification for both the 1998 Policy and the FRP ESF #10 Annex. There will inevitably be activities that occur following a natural disaster or terrorism attack that are not covered in this guidance which will require close coordination between the FCO, ESF #10 and State. Additionally, hazardous material releases and/or problems may not be identified for sometime after the occurrence of the disaster (e.g., the day the earthquake or hurricane hits). Decision makers must be aware that such typical occurrences are associated with the disaster and that the determination of the threat posed by such releases is made at the time the release or incident is discovered (e.g., drums containing hazardous materials, discovered after flood waters recede, may pose a threat to public health that warrants response, even if the typical emergency phase of operations has ended).

Activities that EPA will fund:

- EPA will use CERCLA funds to pay for emergency response activities related to all preexisting Superfund sites, that is, sites that have ongoing CERCLA response actions or are currently listed on the National Priorities List (NPL.)
- EPA will use Oil Spill Liability Trust Fund funds to pay for all response activities related to pre-existing Oil Pollution Act removal actions.

Activities that FEMA will fund through Stafford Act:

Clearly, these activities must be specifically requested by the State and be beyond the State's capability for a Mission Assignment and associated funding to be issued. Decisions will be made in consultation with the ESF #10 representative. Activities listed below are typical response actions that occur following a natural disaster.

- Staffing of pre-deployment teams (i.e., ROC, EST);
- Retrieving and disposing of orphan tanks and drums;
- Household hazardous waste program expenditures;
- Technical assistance to states;
- Pumping of water contaminated with hazardous materials or oil from basements when the problem is a widespread threat to public health;
- Initial assessments to determine if an immediate health and safety threat exists;
- Control and stabilization of releases of hazardous materials or oil to deal with immediate threats to public health and safety;
- Clean-up and disposal of hazardous materials that is necessary to mitigate immediate threats to public health and safety;
- Monitoring of immediate health and safety threats resulting from debris removal operations.

[The term "immediate" applies to a threat whenever it may occur which may not necessarily be right after the disaster event.]

Activities that FEMA may fund through Stafford Act:

These are activities, which may occur following a natural disaster. Consultation among the FCO, ESF #10 representative, and the State is critical before a determination is made on funding. Again, these activities must be specifically requested by the State and be beyond the State's capability before a Mission Assignment and associated funding will be issued.

- Clean-up or removal of hazardous materials or oil contamination in buildings or facilities otherwise eligible for FEMA assistance (ex., public buildings). An example of a situation where this may occur and should be funded would be decontamination of a subway system following a terrorism incident.

Activities that FEMA will not fund through Stafford Act:

- Testing/assessments of soil, air, and waterways for mold and contaminants to determine long-term clean-up requirements;
- Long term site remediation or restoration;
- Permanent storage of hazardous materials;

- Cleaning/replacement of equipment that is damaged/contaminated during long-term clean-up activities;
- State/local costs for long-term clean-up measures.

____//Signed May 18, 2001//____

Lacy E. Suiter
Executive Associate Director
Response and Recovery Directorate
Federal Emergency Management Agency

____//Signed May 21, 2001//____

Jim Makris
Director
Chemical Emergency Preparedness & Prevention Office
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