

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF POLLUTION RESPONSE & EMERGENCY PREPAREDNESS**

Subject: GUIDANCE DOCUMENT: PREP-2021-01– Transportation Incident Management Annex (TIM) – Interim Plan

To: Regional PREP Managers, Regional PREP Coordinators

From: Jeffery Steers, Director of Central Operations



Date: February 28, 2022

Copies: John Giese, Elizabeth Lohman, and Regional Directors

**Summary:** This document serves as an annex to GUIDANCE DOCUMENT: PREP-2017-01 Pollution Response Program - Base Manual and provides guidance to DEQ staff responding to traffic incidents involving commercial vehicles.

**Electronic Copy:**

Once effective, an electronic copy of this guidance will be available on:

- The Virginia Regulatory Town Hall under the Department of Environmental Quality <http://www.townhall.virginia.gov/L/gdocs.cfm?agencynumber=440>;
- DEQNET (PREP Program) for DEQ staff internally

**Contact Information:** For additional information about this document, please contact:

John Giese  
Pollution Response & Emergency Preparedness Program Manager  
804-698-4287  
[John.Giese@deq.virginia.gov](mailto:John.Giese@deq.virginia.gov)

Elizabeth Lohman  
Pollution Response & Emergency Preparedness Program Specialist  
540-750-0859  
[Elizabeth.Lohman@deq.virginia.gov](mailto:Elizabeth.Lohman@deq.virginia.gov)

**Certification:**

As required by Subsection B of [§ 2.2-4002.1](#) of the APA, the agency certifies that this guidance document conforms to the definition of a guidance document in [§ 2.2-4101](#) of the Code of Virginia.

**Disclaimer:** This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate or prohibit any particular action not otherwise required or prohibited by law or regulation. If alternative proposals are made, such proposals will be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.

**Transportation Incident Management Annex (Interim Plan)**  
**Pollution Response Program**  
**Virginia Department of Environmental Quality**

## 1.0 - Purpose

The Virginia Department of Transportation<sup>1</sup> (VDOT) has defined an incident as an unplanned event that affects traffic (“traffic incident”). Traffic incident management (TIM) consists of a planned and coordinated multi-disciplinary process to detect, respond to, and clear traffic incidents and restore traffic flow as safely and quickly as possible (“quick clearance”). The Virginia Department of Environmental Quality (DEQ) participates in TIM activities alongside other key planning and response partners including VDOT, Virginia State Police (VSP), Virginia Department of Emergency Management (VDEM), local fire/rescue, towing and recovery service operators, and the responsible party to ensure environmental threats and conditions are addressed. The purpose of this plan is to: outline DEQ’s roles and responsibilities in TIM; outline the environmental regulatory requirements for traffic incidents; and identify interim emergency contracting procedures and cost recovery procedures as they relate to traffic incidents. This plan serves as interim guidance while VDOT, VDEM and DEQ explore a more permanent model that addresses the Commonwealth’s quick clearance objectives.

## 2.0 - Scope

This interim plan applies to traffic incidents, particularly those incidents that occur on the Interstate systems and that involve motor carriers, brokers, and freight forwarders operating medium-duty to heavy-duty commercial vehicles (e.g., box truck, flat-bed trailer, delivery truck, tractor-trailer, tanker truck or dump truck). The definition of a traffic incident can encompass fatalities, motor vehicle fluid spills, hazardous (i.e., hazmat cargo) and non-hazardous cargo spills, terrorist/criminal actions, fire, and/or disabled vehicles, that occur within a VDOT Right of Way (ROW) or directly impact the functionality of the roadway system.

Under the Commonwealth of Virginia Emergency Operations Plan (COVEOP), the Virginia Department of Emergency Management (VDEM) and Virginia Department of Environmental Quality (DEQ) share the responsibilities for Emergency Support Function (ESF) 10 – Oil and Hazmat. As the co-leads under ESF 10, VDEM’s Hazardous Materials Program and DEQ’s Pollution Response Program coordinate and direct state support of a response to an actual or potential discharge and/or uncontrolled release of oil or hazardous materials. This interim plan describes the procedures DEQ staff will follow to address the agency’s roles and responsibilities under ESF 10 and to meet the agency’s mission of protecting human health and the environment as it relates to traffic incidents.

---

<sup>1</sup> Commonwealth’s Transportation Incident Management Committee – In 2013 the Governor, through the Secretary of Public Safety in cooperation with the Secretary of Transportation, established a Statewide Traffic Incident Management Committee (TIM) through Executive Order No. 58 which was continued in 2014 under Executive Order 15. The purpose of this committee is to reduce traffic congestion and promote traffic safety.

The roles and responsibilities described herein are aligned with DEQ’s mission, legal authorizations under environmental statutes and regulations, and both the use and limitations of available funding to address pollution incidents. This interim guidance also recognizes the roles and responsibilities of Public Safety and Transportation agencies, such as VSP, VDEM, local fire departments and VDOT, and their respective authorizations to take direct actions to reduce congestion and restore level of service in transportation networks.

### 3.0 – Situation Overview

Various stakeholders and responding organizations may be called upon to provide specific expertise, assistance, or materials during traffic incidents. The successful and safe resolution of traffic incidents requires completion of many distinct activities, each of which is the priority of a specific agency; therefore, interagency coordination and collaboration are critical. As a result, the Incident Command System (ICS) is increasingly being incorporated into traffic incident response and removal activities. Local fire chiefs often serve as the Incident Commander (IC), and VDEM and DEQ support the IC under their ESF 10 Oil/Hazmat role.

Traffic incidents can involve motor vehicle fluid spills and hazardous materials (i.e., hazmat cargo) and non-hazardous cargo spills. These spills may be limited to paved surfaces (i.e., roadway or shoulder) or they may extend to natural surfaces (e.g., soils), stormwater conveyance systems, surface water, and in some cases, groundwater depending on the nature and extent of the release. VDOT categorizes transportation related incidents by hazmat levels. (Table 1.)

Table 1. - VDOT Hazmat Levels

<b>Level</b>	<b>Scenario</b>
Level 1	Vehicle Fluids Released
Level 2	Environmental Impact
Level 3	Hazardous Materials Incident – Hazmat Cargo

Under the Commonwealth’s environmental laws and regulations, the responsible party is required to take corrective actions to mitigate the impacts from the release of vehicle fluids, hazmat cargo and/or non-hazardous cargo. The responsible party may include the person owner and/or operator of the motor vehicle(s), the trailer/tanker/IBC, and/or the cargo from which the oil/fuel or hazmat was discharged; the person who caused the accident to occur; or the responsible party may be all the aforementioned.

The Federal Motor Carrier Safety Agency requires motor carriers, brokers, and freight forwarders to maintain certain levels of financial responsibility, either through insurance, a bond or other financial security. In many cases, the responsible party works with its insurance company to hire towing and recovery operators and/or environmental response contractors to take the required corrective actions on their behalf to address public safety and environmental concerns.

One exception to the responsible party taking corrective actions is where VDOT has implemented the Towing & Recovery Incentive Program (TRIP)<sup>2</sup> along certain segments of Interstate corridors within

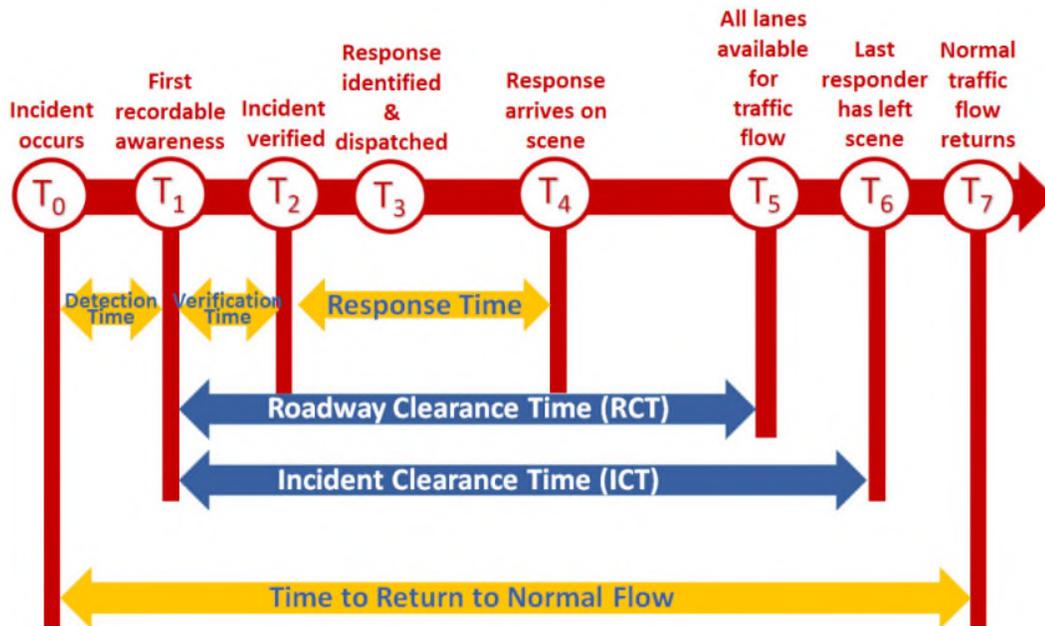
<sup>2</sup> For more information on TRIP, see <http://VASTIM.org>

the Commonwealth. (Table 2.) TRIP is an incentive-based towing program designed to standardize towing response for large commercial vehicle crashes. In designated areas, TRIP pays heavy-duty towing and recovery companies monetary bonuses when the quick clearance goals for the removal of large commercial vehicle incidents are met. The primary focus is on safe, quick clearance of commercial vehicle incidents to reduce congestion and reduce or eliminate secondary incidents. (Figure 1.) In a TRIP activated crash, VDOT or VSP will dispatch an approved towing and recovery operator to remove motor vehicle power fluids and wreckage from travel lanes. The responsible party is responsible for paying the towing and recovery operator's response costs.

Table 2. – Active TRIP corridors

Interstate	Segment	Status
I-95	From mile marker 34.1 to mile marker 148	Active
I-295	North and South, mile maker 0 to mile marker 53	Active
I-195	North and South, mile maker 0 to mile marker 3.3	Active
I-64	From mile marker 148 to 224.7	Active
I-85	North mile marker 40.2 to mile marker 69; South mile marker 69 to mile marker 64.9	Active
I-81	Entire Corridor (mile marker 0 to mile marker 324.9)	Active

Figure 1. Incident Timeline Chart



Corrective actions to mitigate the impacts from the release of vehicle fluids, hazmat cargo and/or non-hazardous cargo may be required immediately to restore highway transportation services. Some corrective actions, which do not affect transportation level of service or do not pose an immediate threat

to the public health and environment, may be delayed until transportation-related safety concerns can be adequately addressed.

If a responsible party is unable to take the corrective actions in a timely manner, local and state agencies are authorized by various statutes to take corrective actions in certain circumstances to mitigate the safety and environmental threats, to restore highway transportation services, and to seek reimbursement for response costs.

## 4.0 - Concept of Operations

### 4.1 Reporting Requirements

When oil/hazmat and/or other pollutants are released to the environment, the responsible party is subject to certain reporting requirements. The reporting requirements depend on the amount of oil/fuel released and/or whether hazmat cargo has also been released. (Table 3.)

Table 3. - Reporting Requirements

Scenario	Contact Numbers
If the volume of oil/fuel released to land is equal to or greater than 25 gallons, the responsible party is required to notify the VEOC. <sup>3</sup>	<ul style="list-style-type: none"> <li>Virginia Emergency Operations Center (VEOC) (800) 468 - 8892</li> </ul>
<b>NOTE:</b> Where less than 25 gallons of oil/fuel is released to only land <u>and</u> the release is cleaned up within 24 hours, the responsible party is not required to report the release. The responsible party is required to keep records of all corrective actions taken to clean up the oil.	
If <u>any</u> amount of oil/fuel has been released to surface water or a storm drain system or has the reasonable potential to reach surface water, the responsible party is required to notify the NRC and VEOC. <sup>4</sup>	<ul style="list-style-type: none"> <li>Virginia Emergency Operations Center (VEOC) (800) 468 - 8892</li> </ul>
If <u>any</u> amount of oil/fuel reaches surface water and causes a sheen, the responsible party is required to notify the NRC and VEOC. <sup>5</sup>	<ul style="list-style-type: none"> <li>National Response Center (800) 424 – 8802</li> </ul>
If vehicle incident involves discharge of hazmat cargo, the responsible party is required to notify the VEOC and request state assistance.	<ul style="list-style-type: none"> <li>Virginia Emergency Operations Center (VEOC) (800) 468 - 8892</li> </ul>

<sup>3</sup> See Va. Code § 62.1-44.34:19.

<sup>4</sup> See Va. Code § 62.1-44.34:19.

<sup>5</sup> The Discharge of Oil regulation is more commonly known as the "sheen rule." The Oil Pollution Act (40 CFR Part 110.6 and the Clean Water Act provides the framework for determining whether an oil spill should be reported to the National Response Center (NRC). The regulation establishes the criteria for determining whether an oil spill may be harmful to public health or welfare, thereby triggering the reporting requirements, as follows: discharges that cause a sheen or discoloration on the surface of a body of water; discharges that violate applicable water quality standards; and discharges that cause a sludge or emulsion to be deposited beneath the surface of the water or on adjoining shorelines.

## 4.2 Notifications to DEQ

Incident notifications to DEQ can occur in several ways:

- When the VEOC receives a report of a traffic incident, the Situational Awareness Unit (SAU) will issue a Statewide Alert Network (SWAN notification) to the DEQ's Pollution Response Program Coordinator and/or after hours staff, depending on time of day, and to the VDEM Regional Hazmat Officer (RHMO). The SWAN may come by SMS ("text") message or email depending on the amount and type of material released and whether surface water is affected.
- The PREP Coordinator and/or after hours staff may receive a call or SMS message directly from:
  - VDEM RHMO
  - Fire department or other responding agency
  - VDOT Incident Management Coordinator (IMC), VDOT HazMat Manager, or other VDOT staff (e.g., Interstate Maintenance Contractor).
  - Cleanup contractor (this may be well after the incident) or third party spill broker (e.g., ERTS).

## 4.3 Initial Information Needs

When DEQ receives a notification, staff shall attempt to obtain the following initial information from the reporting entity on scene:

- Obtain truck driver's name and contact information and status of driver (on-scene or injured).
- Responsible party's trucking company name, DOT #, and possible contact). Use the SAFER website to obtain additional company information.
- Description of what was spilled or released (e.g., motor vehicle power fluids, hazmat cargo, non-hazardous cargo, or nothing).
- Determine the nature and extent of the release (e.g., limited to the road/shoulder or whether surface waters are threatened/impacted).
- Determine whether the release is contained.
- Determine whether VDOT or VSP activated TRIP (where TRIP is currently operating) and whether the towing and recovery operator will mitigate motor vehicle power fluids.
- Where hazmat cargo is involved, determine whether an environmental contractor has been hired by the responsible party.
- Determine who the on-scene VDOT representatives are and request a copy of the VDOT notification email that provides details of the incident as reported to the TOC.

## 4.4 Contact with Responsible Party

After obtaining the initial information about the traffic incident, attempt to contact the responsible party or responsible parties (where more than one person, i.e., owner and operator are responsible) to obtain additional information and to communicate responsibilities under environmental statutes for mitigating the release of oil/hazmat. This can be done with either the on-scene contact or the appropriate representative for the company (e.g., safety or risk manager).

## Additional Information

- Motor carrier's official point of contact for traffic incidents (including name and contact information such as email, phone and mailing address).
- Determine the owner/operator structure for the driver, tractor and cargo. (In some cases, the driver, tractor and trailer/tanker may be operated or be owned independently of the other).
- Where multiple owner/operators exist, obtain point of contact information and insurance information for each company.
- When you contact the trucking company, the point of contact may direct you to their insurance agency to handle the cleanup. Attempt to get the claim number and agent name to expedite that call.
- Request the name of the cleanup contractor that has been hired. If they are using a third party spill broker, like ERTS, obtain the contact name and telephone number.

NOTE: In the event the driver was fatally injured, contact the trucking company directly. Be sure to respect the sensitive nature of the circumstances when speaking with the trucking company. You may want to speak with VSP and determine if notification to the company has been made, and if it has not, you may want to wait to make contact with the company until VSP has made that notification.

## Communicate Environmental Requirements

- Advise the company representatives of the following:
  - Environmental requirements to mitigate the release of oil/hazmat.
  - DEQ staff will issue an informal compliance letter, in the form of a Request for Corrective Action (RCA), if the required response actions are not taken or are not taken in a timely manner or not completed immediately following the initial incident. See Section 5.0 for additional information on compliance response.
  - The RCA will be issued to all potential responsible parties, i.e., owners, operators, and or persons causing the release.

## 4.4 Firefighting Foam

There are increasing concerns about the use of firefighting foams that contain Per- and polyfluoroalkyl substances (PFAS) and their impacts to human health and the environment. Where a traffic incident involves a fire, DEQ staff should determine whether firefighting foam was used on the fire, and if so, what type was used.

There are two major classes of firefighting foam:

- Class A Foam: Used to extinguish Class A materials, such as wood, paper, and brush (wildland), is widely used by many fire departments for structural firefighting using compressed air foam systems.
- Class B Foam (also called AFFF): Used to extinguish Class B materials, which include gasoline, oil, and jet fuel.

Aqueous film forming foam (AFFF, or alcohol resistant AR-AFFF) is a highly effective foam used for fighting high-hazard flammable liquid fires. AFFF is usually created by combining foaming agents with fluorinated surfactants. PFAS are the active ingredient in these fluorinated surfactants. When mixed with water and discharged, the foam forms an aqueous film that quickly cuts off the oxygen to a flame, extinguishes the fire, and stops the fire from relighting.

It may not be easy to tell if the foam contains PFAS. These chemicals are not required to be reported on any safety data sheets (SDS), as they currently are not considered a hazardous substance. PFAS may not be listed under any active ingredients list, either. A good indicator that the foam contains PFAS is if it mentions fluorosurfactant, fluoroprotein, C6, or the use of “fluoro”, however, not all fluorinated surfactants are made of PFAS. The best thing to do is to note the brand and manufacturer of the foam and contact the manufacturer in writing to see if PFAS is used in its production and ask for the SDS. Be sure to be clear that you mean the entire family of PFAS, not just the single compound PFOS, and be sure to review the SDS.

In addition to identifying the type of firefighting foam, DEQ staff should evaluate whether the incident is within a groundwater use area (e.g., private/public water supply, agricultural water supply or industrial water supply). Staff can use DEQ’s GIS-based applications and other program resources to help make this determination.

Once the type of foam is identified and the groundwater use has been evaluated, incorporate notes about the findings in the Site Summary field in the General Tab of the Incident Report record. Where groundwater is in use, additional evaluation may be required to determine whether any risks exist.

#### 4.5 Corrective Actions

If the responsible party has hired a cleanup contractor, DEQ staff should contact the cleanup contractor to:

- confirm the contractor is on-scene or the estimated time of arrival;
- review cleanup requirements;
- determine the contractor has the appropriate equipment; and
- review the scope of work.

As noted above, corrective actions to mitigate the impacts from the release of vehicle fluids, hazmat cargo and/or non-hazardous cargo may be required immediately to restore the highway transportation services. Some corrective actions, which do not affect transportation level of service or do not pose an immediate threat to the public health and environment, may be delayed until transportation-related safety concerns can be adequately addressed. All corrective actions should be conducted to meet the clean-up goals and considerations outlined in Table 4.

Table 4. – Clean-Up Goals & Considerations

Scenario	Clean-up Goals & Considerations
Discharge of oil/fuel to asphalt or concrete	<ul style="list-style-type: none"> <li>• Remove all free liquids to the extent practicable.</li> <li>• Remove all oil/fuel contaminated cleanup debris.</li> </ul>
Discharge of oil/fuel to soils	<ul style="list-style-type: none"> <li>• Remove all free liquids to the extent practicable.</li> <li>• Remove all saturated soils.</li> <li>• For small spills, may use a visual standard for clean-up (i.e., remove all visibly contaminated soils).</li> <li>• Request documentation of removal actions (e.g., narrative description and photos).</li> <li>• For larger spills or for spills near sensitive receptors, may require confirmation sampling to demonstrate that all saturated soils have been removed.</li> </ul>
Discharge of oil/fuel to stormwater systems and/or surface water	<ul style="list-style-type: none"> <li>• For larger spills or spills that threaten sensitive receptors* and/or surface water, additional response resources may be needed such as an environmental contractor.</li> </ul>

\*Examples of sensitive receptors include private drinking water wells, public water supply intakes, stocked trout streams, recreational water bodies, threatened or endangered species and their habitats.

In areas where TRIP has been established, the towing and recovery operator and/or a subcontractor may be able to handle the discharge of motor vehicle power fluids to the roadway and within the VDOT right-of-way. However, in areas where TRIP is not established or if stormwater conveyance systems and/or surface waters are impacted or threatened and/or the traffic incident involves the release of hazmat cargo, the responsible party will need to hire an environmental response contractor to evaluate and mitigate the additional impacts.

Once the removal action is complete, the responsible party, towing and recovery operator and/or environmental contractor should provide a report to DEQ of all actions taken to mitigate the environmental impacts.

#### 4.6 DEQ Mobilization

In certain circumstances, DEQ may need to mobilize staff resources to the scene of the traffic incident to provide oversight of environmental response activities. When making a decision on whether to mobilize staff resources, consider the following:

- Is a local, state or private response partner requesting an on-site presence?
- Are surface waters impacted or threatened (e.g., vehicle fluids, hazmat cargo, or non-hazardous cargo in a stormwater conveyance system)?
- Is there an actual or potential environmental/public health emergency (e.g., waterways impacted, fish kill, or drinking water intakes threatened)?
- Is the responsible party unwilling or unable to take the appropriate corrective actions (e.g., the RP does not have financial resources, is injured or deceased, or has left the scene) and in a timely manner?
- Is DEQ issuing an emergency contract?

Where one or more of the above conditions exist, DEQ staff may need to mobilize to the incident location. For accountability and safety reasons, DEQ staff need to take the actions and/or follow the appropriate guidance as described in the following subsections.

### Mobilizing to incident

- Notify the regional office PREP Manager and CO PREP that you are responding to the traffic incident location.
- Notify the VEOC that you are responding to the scene of the incident by either phone or STARS Radio.
- If staff have completed the “[Red Lights and You](#)” training, staff may use red lights when responding to an incident. Staff must follow all of the procedures for using red lights, e.g., must obey all traffic laws such as speed limits and traffic control signals.

### Arrival on-scene

When arriving on-scene, staff shall take the following actions:

- Park in an area that will not interfere with first responders’ vehicle movements and/or impede traffic control measures. If the traffic incident involves leaking hazmat cargo, ensure that you are not downwind or in the hot zone.
- Wear appropriate personal protective equipment (PPE), in accordance with the DEQ Safety Manual and TIM requirements, including but not limited to:
  - ANSI Class 3 Compliant Vest
  - Foot protection
  - Eye and face protection
  - Hard hat
- Check-in with the Commanding Officer at the scene and obtain a situational report.
- Make contact with the responsible party to obtain all the information Sections 4.3 and 4.4.

### Coordination

Once on-scene, staff shall:

- Determine what environmental impacts have occurred or have a potential to occur.
- Coordinate with on-scene response partners to understand plan of action and how actual or potential environmental impacts will be mitigated.
- Document environmental conditions through notes and photos.
- Provide quick situational report to the regional office program manager and COPREP. If the incident appears to be a long-duration incident, continue to provide periodic situational reports.

## 4.7 Emergency Contracts

If a responsible party is unknown or unwilling or unable to take timely and/or appropriate response actions to mitigate the release of oil/hazmat, DEQ staff should coordinate with the local and

state public safety agencies on what actions are required. Where an environmental emergency<sup>6</sup> exists, DEQ may issue an environmental emergency contract,

In the absence of a DEQ-declared environmental emergency, DEQ should coordinate with the transportation and public safety-focused state agencies on alternate response options. For example, transportation and public safety agencies, towing and recovery operators and entities acting on their behalf, are authorized to remove and dispose of vehicle, cargo, or other personal property, including hazardous material, hazardous waste, or regulated substances, when they are within the right-of-way or any portion of a roadway in the primary state highway system and these materials are blocking the roadway or may otherwise be endangering public safety.<sup>7</sup> Additionally, these agencies are authorized to seek reimbursement for all costs incurred in the removal and subsequent disposition of such property.

## Environmental Emergency

Where an environmental emergency exists, DEQ staff will follow steps outlined in DEQ's Environmental Emergency Procurement Procedures to hire an environmental contractor to conduct the corrective actions required to mitigate the emergency. In addition to the established procurement procedures, staff shall also take into consideration the following when issuing an emergency contract:

- Obtain an environmental emergency declaration from the regional director.
- Scope of Work:
  - The scope of work shall be limited to what is necessary to mitigate the immediate threat to public health and the environment. DEQ will continue to work with the responsible party to complete corrective actions after the immediate threat is mitigated.
  - DEQ staff may need to coordinate with response partners, such as VDEM's RHMOs, to determine the scope of work and the equipment needed to complete the scope of work. When coordinating with other response partners, be sure to limit the scope of work to what is necessary to mitigate the immediate threat to public health and the environment.
- Not-to-Exceed (NTE) Cost: DEQ staff shall work with the environmental contractor to establish a NTE cost for the defined scope of work before a verbal contract is issued and contractor assets are mobilized.
  - For traffic incidents involving commercial vehicles and limited to motor vehicle power fluids, staff may use an initial NTE cost of \$8,000 to expedite the issuance of a verbal emergency contract and to get contractor assets mobilized.
  - For traffic incidents involving commercial vehicles and hazmat cargo, staff may use an initial NTE cost of \$15,000 to expedite the issuance of a verbal emergency contract and to get contractor assets mobilized.

---

<sup>6</sup> Under the Department of Environmental Quality Agency Policy Statement # 2-2001 - Guidelines for Use of the Virginia Environmental Emergency Response Fund, the Director or his designee may use the VEERF for emergency response to an environmental pollution incident upon a finding that an environmental pollution incident: 1. poses a substantial and imminent threat to human health or safety or the environment; and 2. for which failure to respond in a timely fashion may result in significantly increased threats to human health or the environment.

<sup>7</sup> See [§ 46.2-1212.1. Authority to provide for removal and disposition of vehicles and cargoes of vehicles involved in accidents.](#)

- Costs above and beyond the initial NTE costs will need to be discussed and negotiated with the environmental contractor prior to conducting additional response or removal actions.
- Document verbal agreement: DEQ staff will send an email to the contractor with a summary of the scope of work and NTE dollar amount to document the verbal agreement and to use when preparing the emergency contracting paperwork.
- Changes to Scope of Work and/or NTE Cost: Where changes to the initial scope of work and/or NTE costs are required during the response to the traffic incident, DEQ staff shall negotiate the changes with the contractor and update the verbal contract.
- Oversight: Where an emergency contract is issued, DEQ staff shall mobilize to the traffic incident location to provide oversight of the contract to address any issues related to the scope of work and NTE costs and to communicate with the responsible party on environmental requirements and cost recovery.
- Issuance of an RCA: Where an emergency contract is issued, DEQ staff shall issue an RCA to the responsible party. The RCA notifies the responsible party of potential environmental violations and the responsibility to mitigate the environmental conditions that are subject to environmental requirements. The RCA also contains language that notifies the responsible party that DEQ will seek cost recovery for costs incurred in administering the emergency contract.
- Contract Documents: On the next business day following the traffic incident, DEQ staff shall prepare the emergency declaration and the emergency contract documents using the PREP Contracting Tool and provide copies to the Regional Office Director for signature. Once the RD has signed the documents, the documents shall be provided to the Regional Office Manager for preparation of a purchase requisition.
- Invoice: Once DEQ staff have confirmed that the scope of work is completed and the contractor submits an invoice, DEQ staff shall review the environmental contractor's invoice to ensure the equipment and personnel resources being invoiced were used during the response action per the agreed-upon scope of work and that the charges are usual, customary and reasonable.
- Case Closure Notification. Once the invoice has been approved for payment and DEQ's contractor has completed all of the required actions under the contract, DEQ staff shall prepare a Case Closure Notification form and email to [costrecoveryofrwp@deq.virginia.gov](mailto:costrecoveryofrwp@deq.virginia.gov).

## 5.0 – Compliance Response

DEQ staff shall evaluate the environmental and public health impacts of the traffic incident and the responsible party's actions to mitigate the impacts. Where a responsible party fails to take the required corrective actions to mitigate impacts, fails to take corrective actions in a timely manner, or does not complete all of the corrective actions immediately following the traffic incident, DEQ staff will issue an RCA. The RCA outlines the regulatory requirements for taking the corrective actions.

Where a responsible party fails to take the corrective actions and DEQ issues an emergency contract to an environmental response contractor to take the corrective actions to mitigate the environmental and public health impacts, DEQ staff will issue an RCA to the responsible party. The RCA notifies the responsible party that DEQ will seek reimbursement for the corrective actions that the agency takes.

Beyond the issuance of an RCA, other media program guidance may specify a minimum compliance response. (Table 5.) Additional compliance response can be evaluated at a later date in consultation with water, petroleum and/or other appropriate program managers and while referencing their media specific program guidance. If additional compliance actions are required, the incident report can be assigned to another program for compliance evaluation, resolution, and closure.

Table 5. – Minimum Compliance Response Based on Media Specific Program Guidance

Type of Release	RCA	Warning Letter	Notice of Violation
Discharge of oil: <sup>8</sup>			
• In amounts less than 150 gallons, where any portion reaches surface waters	X		
• In amounts greater than or equal to 150 gallons but less than 500 gallons, where any portion reaches surface waters		X	
• In amounts greater than or equal to 500 gallons, where any portion reaches surface waters			X
Spill into surface waters and discharge to surface waters not authorized by permit <sup>9</sup>	X		

## 6.0 – Documentation of Corrective Actions

DEQ staff shall obtain documentation that corrective actions have been completed. Documentation can consist of emails, photos, and/or formal reports prepared by the responsible party or persons responding on their behalf. Alternatively DEQ staff can document observations of corrective actions where staff mobilize to the site during a traffic incident or make a site inspection after initial incident response or after additional removal actions are taken (e.g., excavation of contaminated soils).

Documentation should be adequate to demonstrate the cleanup requirements described in Table 4 have been completed. At a minimum, the documentation should describe the materials released, the extent of the release, actions taken to remove the released material and contaminated media, volume of waste

<sup>8</sup> Staff may use discretion in issuing Warning Letters or NOVs for discharges from the following sources: (1) farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes; (2) tanks used for storing heating oil for consumption on the premises where stored; and (3) aboveground storage tanks with a capacity of 5,000 gallons or less containing heating oil for consumption on the premises where stored. Regional Office staff should consult the program office and Division of Enforcement regarding the appropriate response if circumstances appear to warrant issuing a compliance mechanism in one of these circumstances.

<sup>9</sup> The Water Compliance Auditing Manual ([http://deqnet/docs/water/Water\\_Compliance\\_Auditing/GM02-2010.Water\\_Compliance\\_Auditing\\_Manual.doc](http://deqnet/docs/water/Water_Compliance_Auditing/GM02-2010.Water_Compliance_Auditing_Manual.doc)) establishes guidance for selecting the appropriate compliance response to an illicit discharge. See Appendix 1.

material, and how waste materials will be managed. Additionally and where appropriate, the report and/or documentation should consider whether all potential impacts have been addressed, including impacts to things like groundwater and sensitive receptors.

All documentation and supporting records shall be uploaded to ECM.

## 7.0 – Data Capture

DEQ staff shall enter all the traffic incident related information into the CEDS PREP Module and/or ECM. Documentation should include, but not be limited to, the following:

- Responsible party information (contact info, company name, DOT#)
- Insurance company name, point of contact, contact information, and claim number (particularly where an emergency contract has been issued)
- Towing and recovery operator and/or environmental response contractor name
- Events
  - Telephone conversations with responsible party and other response partners
  - Site visits (at time of traffic incident and/or follow up visits)
  - Emergency contract (as appropriate)
- Documents to be loaded to ECM:
  - VDEM Hazmat Report
  - VDOT Transportation Operations Center emails with traffic incident details
  - VSP incident report
  - Compliance letters (RCA or Warning Letter)
  - Emergency Declaration and Emergency Contract (as appropriate)
  - Invoice (as appropriate)
  - Clean-up report
  - Case Closure Notification Form (for emergency contracts)

## 8.0 – Notifications to External Response Partners

Early in the incident, DEQ staff shall determine if any notifications need to be made to other local and/or state agencies. (Table 6.) Staff can utilize DEQ’s Incident Response Management Application ([IRMA](#)) to find contact information for external response partners.

Table 6. – External response partners that may need to be notified of a traffic incident.

Agency	Reason for Engagement	Region Specific	How to Make Notification
VDEM RHMO	If not already on-scene and incident involves hazmat cargo, contact/coordinate with RHMO	State-wide	VDEM SAU or by direct phone call 800-468-8892
VDH-ODW	Surface water impacts that threaten drinking water intakes	State-wide	<a href="mailto:prepadm@vdh.virginia.gov">prepadm@vdh.virginia.gov</a> NOTE: Look up contact information in IRMA.

Agency	Reason for Engagement	Region Specific	How to Make Notification
DWR	Surface water impacts that need to be reported to DWR - trout streams, threatened or endangered species, or a potential or actual fish kill	State-wide	BUSINESS HOURS AFTER HOURS <a href="mailto:dispatch@dwr.virginia.gov">dispatch@dwr.virginia.gov</a> 800-237-5712
VDACS	Cargo that is a food product or commodity that would require a VDACS notification	State-wide	VEOC can send SWAN or email: <a href="mailto:christy.brennan@vdacs.virginia.gov">christy.brennan@vdacs.virginia.gov</a>
NRC	Ensure the RP has made the appropriate notification if the release threshold has been exceeded or if oil impact to surface water (including sheens)	State-wide	800-424-8802
DHR	Impacts to a known or potential historic sites that requires notification to DHR	State-wide	Roger Kirchen Office: 804-482-6091 <a href="mailto:roger.kirchen@dhr.virginia.gov">roger.kirchen@dhr.virginia.gov</a>
US Coast Guard	Impacts to navigable waters or within the USCG AOR	TRO, NRO, PRO	Accomplished by notification to the NRC
Bordering States	Impacts to waters that flow into bordering states (DC, MD, WV, KY, TN, NC)	Varies by region	

Most incidents do not require notification to federal agencies. If the load included PCB or TSCA containing wastes, notification to EPA Region 3 Call Center (215-814-9016) is appropriate.

## 9.0 - Authorities and References

### DEQ

- [Department of Environmental Quality Agency Policy Statement # 2-2001](#) - Guidelines for Use of the Virginia Environmental Emergency Response Fund
- [Department of Environmental Quality Procurement Procedures Manual](#), April 2021

### Public Safety Agencies

[§ 46.2-1212.1. Authority to provide for removal and disposition of vehicles and cargoes of vehicles involved in accidents.](#) This statute authorizes transportation and public safety agencies to take certain actions to mitigate the release of hazardous materials, hazardous waste, or regulated substances. See the linked text for the full code section.

## Attachment A – Job Aid

Table 1. - VDOT Hazmat Levels

Level	Scenario
Level 1	Vehicle Fluids Released
Level 2	Environmental Impact
Level 3	Hazardous Materials Incident – Hazmat Cargo

Table 2. – Active TRIP corridors

Interstate	Segment	Status
I-95	From mile marker 31 to mile marker 148	Active
I-295	All	Active
I-195	All	Active
I-64	From mile marker 148 to 224.7	Active
I-85	From I-95 interchange to approximately mile marker 42	Active
I-81	Entire Corridor (mile marker 0 – 326)	Active

Table 3. - Reporting Requirements

Scenario	Contact Number(s)
<p>If the volume of oil/fuel released to land is equal to or greater than 25 gallons, the responsible party is required to notify the VEOC.</p> <p><u>NOTE:</u> Where less than 25 gallons of oil/fuel is released to only land <u>and</u> the release is cleaned up within 24 hours, the responsible party is not required to report the release. The responsible party is required to keep records of all corrective actions taken to clean up the oil.</p>	VEOC: (800) 468 - 8892
If <u>any</u> amount of oil/fuel has been released to surface water or a storm drain system or has the reasonable potential to reach surface water, the responsible party is required to notify the NRC and VEOC.	NRC: (800) 424 – 8802 VEOC: (800) 468 - 8892
If vehicle incident involves discharge of hazmat cargo, the responsible party is required to notify the VEOC and request state assistance.	VEOC: (800) 468 - 8892

Table 4. – Clean-Up Goals & Considerations

Scenario	Clean-up Goals & Considerations
Discharge of oil/fuel to asphalt or concrete	<ul style="list-style-type: none"> <li>• Remove all free liquids to the extent practicable.</li> <li>• Remove all oil/fuel contaminated cleanup debris.</li> </ul>
Discharge of oil/fuel to soils	<ul style="list-style-type: none"> <li>• Remove all free liquids to the extent practicable.</li> <li>• Remove all saturated soils.</li> <li>• For small spills, may use a visual standard for clean-up (i.e., remove all visibly contaminated soils).</li> <li>• Request documentation of removal actions (e.g., narrative description and photos).</li> <li>• For larger spills or for spills near sensitive receptors, may require confirmation sampling to demonstrate that all saturated soils have been removed.</li> </ul>
Discharge of oil/fuel to stormwater systems and/or surface water	<ul style="list-style-type: none"> <li>• For larger spills or spills that threaten sensitive receptors* and/or surface water, additional response resources may be needed such as an environmental contractor.</li> </ul>

## Attachment A – Job Aid

\*Examples of sensitive receptors include private drinking water wells, public water supply intakes, stocked trout streams, recreational water bodies, threatened or endangered species and their habitats.

**Information Checklist:**

- Truck driver's name and contact information and status of driver (on-scene or injured)
- Trucking company's official point of contact for traffic incidents (name, email, phone and mailing address)
- Trucking company name and DOT #
- Trucking company owner/operator structure for the driver, tractor and cargo
- Insurance claim number and agent name and contact info for each potential responsible party
- Where multiple owner/operators exist, obtain point of contact information and insurance information for each company.
- Description of what was spilled or released
- Determine the nature and extent of the release (e.g., limited to the road/shoulder or whether surface waters are threatened/impacted).
- Determine whether the release is contained
- Determine whether VDOT activated TRIP and whether the towing and recovery operator will mitigate motor vehicle power fluids
- Request the name and contact info for the towing/recovery operator, environmental response broker and/or cleanup contractor.
- Where hazmat cargo is involved, determine whether an environmental contractor has been hired by the responsible party and whether they have the appropriate equipment.
- Determine who the on-scene VDOT IMC is and request a copy of the VDOT notification email that provides details of the incident as reported to the TOC.

**Mobilizing and Arrival On-Scene Checklist:**

- Notify PREP Manager and CO PREP
- Notify the VEOC by either phone or STARS Radio
- Follow all of the procedures for using red lights
- Park in an area that will not interfere with first responders vehicle movements
- Avoid being downwind or in the hot zone where hazmat cargo is involved
- Wear appropriate PPE including but not limited to: ANSI Class 3 Compliant Vest, foot protection, eye and face protection, and hard hat
- Check-in with the Commanding Officer at the scene and obtain a situational report
- Make contact with the responsible party to obtain all required information

**Emergency Contract:** When executing an emergency contract, complete the following minimum steps.

- Advise the company representative environmental requirements to mitigate the release of oil/hazmat.
- Issuance of an informal compliance letter (RCA) if the required response actions are not taken or are not taken in a timely manner.
- Where RP does not take required action, determine if environmental emergency exists.
- Where environmental emergency does not exist, work with other public safety and transportation agencies to determine alternative options for completing required response actions to restore transportation services.
- Where environmental emergency exists, obtain declaration of environmental emergency from RD
- Contact an environmental contractor and obtain verbal scope of work and NTE number
- Email contractor a summary of what was discussed to document verbal agreement
- Mobilize to incident location to provide oversight of contract.
- Document corrective actions taken by DEQ's contractor (photos, notes)
- By next business day, use the Contracting Tool to complete the emergency declaration and emergency contract and follow DEQ Procurement Procedures.