

# RESPONSIBLE PARTY'S ACKNOWLEDGMENT OF TRANSFER

1. An oil spill incident has occurred as set forth below. The Washington State Maritime Cooperative ("WSMC") has made an initial emergency spill response pursuant to its Member Vessel Enrollment Agreement (hereafter jointly referred to as "Enrollment Agreement"), and in accordance with the laws of the State of Washington and WSMC's Contingency Plan on file with the State of Washington's Department of Ecology.
2. The undersigned is considered to be the Responsible Party for the spill and is now prepared to take responsibility for spill response, containment and cleanup.
3. At the time and date set forth below, the Responsible Party shall relieve WSMC of all further responsibility for organizing, managing or implementing the spill response or cleanup in accordance with the Enrollment Agreement or Contingency Plan.
4. Responsible Party hereby accepts full financial responsibility from the time the spill occurred for all expenditures made or incurred on its behalf by WSMC in contracting for spill response, containment or cleanup activities, and for such other spill related expenses as set forth in the Enrollment Agreement.
5. The person designated below as the Incident Commander, is the person authorized to speak for the Responsible Party in all matters related to the spill and associated containment and cleanup; and, to obligate the resources necessary to carry out the cleanup activities. In so doing, the Responsible Party and Incident Commander shall keep the Federal and State On-Scene Coordinators fully advised of the actions taken or to be taken. Responsible Party shall cooperate fully with the Coordinators in implementing the provisions of the federal and state cleanup requirements and of the WSMC Contingency Plan.
6. By accepting and acknowledging transfer of operations and financial responsibility pursuant to this Acknowledgment of Transfer, Responsible Party does not waive any rights, limitations or defenses available to it under either Washington or United States law.

Covered Vessel: \_\_\_\_\_

Owner/Operator/Responsible Party:

Name: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Facsimile: \_\_\_\_\_

Spill Information:

Location: \_\_\_\_\_  
Date: \_\_\_\_\_  
Time: \_\_\_\_\_

RP's Incident Commander:

Name: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Facsimile: \_\_\_\_\_

Transfer of Management of Spill From WSMC to  
RP Effective:

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

Receipt Acknowledged By  
RESPONSIBLE PARTY

WASHINGTON STATE MARITIME COOPERATIVE

By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

the following information is copied from the WSMC Contingency Plan,  
as it relates to this form....



## **3.2 ON-SCENE**

The vessel captain is in charge of the vessel crew and is responsible for any spill response measures taken before the arrival of the incident commander / response personnel.

In the event of a spill at any location, the captain is notified immediately. The captain then directs the crew in appropriate response procedures (Chapter 4) and commences notification procedures (Chapter 2).

Upon arrival of WSMC / contractor response personnel, on-scene personnel will transfer their responsibilities to the appropriate individuals.

Federal and State On-Scene Coordinator (OSC) responsibilities are delineated in Chapter 1.

## **3.3 WSMC / RESPONSIBLE PARTY**

See Section 1.2 for details regarding the establishment, authority and purpose of the Washington State Maritime Cooperative, and Section 1.5 regarding the liability and function of the responsible party (spiller).

It is also important to understand the authority and responsibilities of the federal on-scene coordinator (FOSC) outlined in Section 1.7.3. Basically, the duty of the FOSC is to ensure a safe and adequate response, and to direct federal pollution control activities at the scene of a discharge or potential discharge. However, the general philosophy is to allow the spiller to cleanup the spill, provided there is adequate progress.

The state roles, responsibility and authority are contained in Section 1.8.

### **3.3.1 Initial 24-Hours**

The Washington State Maritime Cooperative maintains a constant state of readiness to respond to any oil spill or potential oil spill from a WSMC covered vessel.

Upon notification, WSMC will initiate the following action for the responsible party (spiller) - during the initial 24 hours of the spill:

- Activate WSMC Oil Spill Response Contingency Plan.
- Activate WSMC response management organization (team).
- Dispatch / direct qualified response contractor(s) with appropriate vessels, equipment and personnel.
- Manage complete spill response, per action plan.

WSMC spill response organization personnel (FIGURE 3-2) are designated from among the directors or employees of WSMC, or their designated agents / representatives / contractors, in

order to provide the necessary emergency managerial structure required during an emergency oil spill response operation.

### **3.3.2 At, or Before, 24-Hour Mark**

Sometime within the first 24 hours after the spill occurs, the responsible party (spiller) is expected to assume full responsibility to direct (continue) the recovery / clean up operation, under the contingency plan promulgated by WSMC, and subject to federal (USCG) and / or state (WDOE) oversight. This specifically includes providing a spill management organization (Spill Management Team) and cleanup resources to complete the spill recovery / cleanup operation.

WSMC will work with the spiller to ensure a smooth transition for spill management is accomplished before 24 hours lapse, however, WSMC will continue beyond 24 hours as necessary to accomplish that transition provided progress is being made and the delay will only be a few hours.

If any of the following conditions exist, the responsibilities will be assumed, instead, by the FOSC or SOSC:

- A. The responsible party cannot be located;
- B. The responsible party cannot or refuses to assume responsibility;
- C. The response organization or plan of the responsible party to direct (continue) the response operation is deemed inadequate (by the OSC).

**SUMMARY:** For covered vessels, WSMC will initiate spill response and management control to ensure both a timely and adequate response. Within the first 24 hours, WSMC will transfer spill management responsibilities to the responsible party (spiller).

### **3.3.3 Transfer of Responsibilities**

Due primarily to the financial limitations of WSMC, it is crucial that an orderly transition occur at or before the 24-hour mark, to ensure the prompt and satisfactory completion of the cleanup operation. During the first 24 hours, while WSMC leads the response activities, the responsible party can make necessary arrangements to assume direct responsibility for management of an extended response.

- A. From WSMC to Responsible Party (Spiller):

WSMC will ensure the responsible party has been notified immediately of any spill, pursuant to the notification procedures in Chapter 2.

The subsequent 24-hour period will allow the responsible party to be briefed concerning the situation, assemble their own response management organization, (FIGURE 3-1 - as necessary or appropriate for the size of the spill), monitor the WSMC / contractor response organization, and to hire the necessary resources to continue the response.

Before any transfer of responsibility can occur, the responsible party must first satisfy the OSCs of its ability to direct (continue) the recovery / cleanup without interruption. If the OSCs voice objections to the transfer of management responsibilities to the spiller by the 24-hour mark, the WSMC Incident Commander will continue management provided progress is being made toward that transfer with minimal delay. Otherwise, the WSMC Incident Commander will give notice to the OSCs that either a federal or state assumption of the response is appropriate and then take actions to transfer all responsibilities to the federal or state on-scene coordinator or OSC, as outlined in Section 3.2.2.

As part of the transfer procedure, all relevant materials, or copies, should be provided to the responsible party. This includes maps, logs, correspondence, etc. The exact date and time of transfer must be documented for reference purposes, and notification made to all interested parties. FIGURE 3-3, Acknowledgment of Transfer, is to be used for this purpose. Once executed, copies can be distributed for information.

#### B. From WSMC to OSC:

WSMC will ensure that the appropriate federal and state agencies have been notified by the spiller (or by WSMC if requested by the spiller to do so) immediately of any spill, pursuant to the notification procedures in Chapter 2.

The FOSC and SOSC, or their representatives, will likely quickly arrive on-scene early to monitor the entire operation, and to ensure a safe and adequate response.

The FOSC and SOSC will participate in the Incident Command System at the Unified Command level.

While the FOSC and SOSC are familiar with their own roles and responsibilities, they should be reminded, as early as possible, about WSMC's 24 hour window-of-responsibility on behalf of the spiller.

The FOSC is responsible for all pollution control activities - unless specifically delegated to the SOSC by the FOSC.

There are several response options available to the appropriate OSC if the responsible party is not known, available, or qualified. WSMC will work with the OSCs to address those options and prepare for transfer of spill management responsibilities to the appropriate OSC (usually the FOSC) at or near the end of the first 24 hours.

If it appears that the OSCs will object to a transfer of management responsibilities to the spiller by the end of the first 24-hours mark, then WSMC will give notice to the OSCs, as early as possible, that federal or state assumption of those responsibilities is appropriate and then begin actions to effect that transfer.

As part of the transfer procedure, all relevant materials, or copies (maps, logs, correspondence, etc.) should be provided to the lead OSC. Also, the exact time of transfer must be documented for reference purposes, and notification made to all interested parties.