tribal government on the appropriate
RRT.

(b) Appropriate local and state offi-
cials (including Indian tribes) will par-
ticipate as part of the response struc-
ture as provided in the ACP.

(c) In addition to meeting the re-
quirements for local emergency plans
under SARA section 303, state and
local government agencies are encour-
aged to include contingency planning
for responses, consistent with the NCP,
RCP, and ACP in all emergency and
disaster planning.

(d) For facilities not addressed under
CERCLA or the CWA, states are en-
couraged to undertake response actions
themselves or to use their authorities
to compel potentially responsible par-
ties to undertake response actions.

(e) States are encouraged to enter
into cooperative agreements pursuant
to sections 104 (c)(3) and (d) of CERCLA
to enable them to undertake actions
authorized under subpart E of the NCP.
Requirements for entering into these
agreements are included in subpart F
of the NCP. A state agency that acts
pursuant to such agreements is re-
ferred to as the lead agency. In the
event there is no cooperative agree-
ment, the lead agency can be des-
ignated in a SMOA or other agreement.

(f) Because state and local public
safety organizations would normally be
the first government representatives at
the scene of a discharge or release,
they are expected to initiate public
safety measures that are necessary to
protect public health and welfare and
that are consistent with containment
and cleanup requirements in the NCP,
and are responsible for directing evacu-
ations pursuant to existing state or
local procedures.

§ 300.185 Nongovernmental participa-
tion.

(a) Industry groups, academic organi-
izations, and others are encouraged to
commit resources for response oper-
ations. Specific commitments should
be listed in the RCP and ACP. Those
entities required to develop tank vessel
and facility response plans under CWA
section 311(j) must be able to respond
to a worst case discharge to the max-
umum extent practicable, and shall
commit sufficient resources to imple-
ment other aspects of those plans in
accordance with the requirements of 30
CFR part 254, 33 CFR parts 150, 154, and
155; 40 CFR part 112; and 49 CFR parts
171 and 194.

(b) The technical and scientific infor-
mation generated by the local commu-
nity, along with information from fed-
eral, state, and local governments,
should be used to assist the OSC/RPM
in devising response strategies where
effective standard techniques are un-
available. Such information and strate-
gies will be incorporated into the ACP,
as appropriate. The SSC may act as li-
aison between the OSC/RPM and such
interested organizations.

(c) ACPs shall establish procedures to
allow for well organized, worthwhile,
and safe use of volunteers, including
compliance with §300.150 regarding
worker health and safety. ACPs should
provide for the direction of volunteers
by the OSC/RPM or by other federal,
state, or local officials knowledgeable
in contingency operations and capable
of providing leadership. ACPs also
should identify specific areas in which
volunteers can be used, such as beach
surveillance, logistical support, and
bird and wildlife treatment. Unless spe-
cifically requested by the OSC/RPM,
volunteers generally should not be used
for physical removal or remedial ac-
tivities. If, in the judgment of the OSC/
RPM, dangerous conditions exist, vol-
unteers shall be restricted from on-
scene operations.

(d) Nongovernmental participation
must be in compliance with the re-
quirements of subpart H of this part if
any recovery of costs will be sought.

Subpart C—Planning and
Preparedness.

SOURCE: 59 FR 47440, Sept. 15, 1994, unless
otherwise noted.

§ 300.200 General.

This subpart summarizes emergency
preparedness activities relating to dis-
charges of oil and releases of hazardous
substances, pollutants, or contami-
nants; describes the three levels of con-
tingency planning under the national
response system; and cross-references
state and local emergency prepared-
ness activities under SARA Title III,