

APPENDIX 2 - MEMORANDUMS

Clarification:

The enclosed EPA Inter-Regional Memorandums provide direction to notify USCG District 2 in the event of a release or discharge. This is not correct. Parties subject to these MOUs should refer to the following for notification purposes:


EPA Region 4 and 3 MOU should notify USCG D8
EPA Region 4 and 5 MOU should notify USCG D8
EPA Region 4 and 7 MOU should notify USCG D8

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

APR 24 2000

SUBJECT: Cross Boundary Support - Backup MOA

FROM: Abe Ferdas, Director 
Hazardous Site Cleanup Division - Region III

TO: Dick Green, Director 
Waste Management Division - Region IV

Bill Muno, Director
Superfund Division - Region V

Purpose

The purpose of this memo is to seek your signature on the attached Memorandum of Agreement (MOA) which formally establishes that our three Regions will provide inter-regional support to each other, upon request, during emergency incidents and other removal actions.

Background

Our three respective Regions have an extensive history in supporting each other during emergency response and removal actions. That support has been provided based upon informal requests among the Removal Managers. Under the Agency's Core Emergency Response (Core ER) initiative, Element #3, the Regions were expected to better define backup arrangements with other Regions; to ensure sufficient resources are available to manage emergencies and other large scale incidents. Consequently, in implementing Core ER, our Removal Managers agreed to team together as backup regions, and to work together to develop a Memorandum of Agreement which formalizes our willingness to provide mutual aid to each other.

The Core ER initiative envisioned backup support primarily for large emergency/removal actions where the magnitude of the incident(s) was overwhelming the resources of the lead region. Some examples would include responses to large natural disasters, such as hurricanes and floods, as well as extremely resource intensive removals, such as the methyl parathion cleanups. This MOA outlines a process for providing backup support during these large events. However, because of the extensive common boundaries between our regions, a novel feature in our MOA is that we have also included a protocol for performing cross-boundary responses to classic emergencies. In these situations, the supporting region would, upon request, perform the initial response, serving as the First Federal Official, until the region in which the incident occurred can actually get the

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predesignated OSC to the scene. While some classic emergency support has occurred in the past, we can expect that with this MOA, and our past and planned efforts to out-station On Scene Coordinators within our regions, that more cross-boundary support will be requested and provided in the future. This approach should, in turn, enhance EPA's performance, and reputation among the states and local governments, for providing timely response to incidents warranting federal assistance.

Implementation

Upon finalization of the MOA, the Removal Managers will immediately implement the process outlined in the MOA for requesting and providing inter-regional OSC support. In addition, it is expected that cross-boundary support to each other would be further improved by ensuring that the OSCs responding can use whichever contract resources are most readily available to provide a timely and thorough response. To implement that concept may require some modifications to existing START and ERRS contracts and/or the procedures used to enable zone crossovers of regional contracts. Our signatures on this MOA will authorize our Removal Managers to begin working among themselves and with the regional contracting offices to develop appropriate contract modifications and procedures.

Action Required

All three Removal Managers for our Regions have concurred with this final version of the MOA. I, in turn, have signed the MOA and would recommend that after a review each of you also sign the MOA. I have enclosed three originals, and would ask that you sign all three. After all the signatures are in place, each Region will have one original for its files and to copy for distribution.

To facilitate a timely review and signature process, I am sending the MOA first to Region IV via express mail. I would ask that Region IV after signature then express mail the material to Region V. Region V after signature can then keep one original, and express mail one original each to Regions III and IV.

Conclusion

I appreciate the patience and support your Regions have provided to Region III during the drafting and editing of this MOA. Further discussions on the MOA, and its introduction to the States and other Federal agencies, will be occurring at the special Joint Regional Response Teams III, IV & V meeting which is scheduled to be held in Cincinnati, May 16-18, 2000.

If you have any questions or concerns regarding the MOA, please feel free to call me at (215) 814-3143. Thank you.

Attachment - 3 Original Copies of MOA

MEMORANDUM OF AGREEMENT

INTER-REGIONAL EMERGENCY RESPONSE AND REMOVAL SUPPORT REGIONS III, IV, & V U.S. ENVIRONMENTAL PROTECTION AGENCY

The purpose of this memorandum is to establish a mutual aid agreement for cross-regional emergency and removal response activities among EPA Regions III, IV, and V.

I. Authorities

The mutual aid provided under this agreement will enhance the Agency's response to releases of oil, hazardous substances, pollutants, and contaminants; and, which is done pursuant to the authorities vested in EPA under the Clean Water Act, as amended by the Oil Pollution Act of 1990 (OPA) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) as amended by the Superfund Amendments and Reauthorization Act (SARA) and further defined in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) 40 CFR 300 et. seq. This agreement also encompasses responses which the Regions may undertake pursuant to the Stafford Disaster Relief Act and amendments, and as further defined in the Federal Response Plan.

II. Pre-Designation and Location of OSCs

Pursuant to 40 CFR 300.120(a), each EPA Regional Administrator has pre-designated On-Scene Coordinators (OSCs) for the Inland Zone. The names of the pre-designated OSCs are documented in each respective Regional Contingency Plan (RCP).

Region III pre-designated OSCs are presently duty-stationed in the following locations:

- Philadelphia, Pennsylvania
- Bethlehem, Pennsylvania
- Wheeling, West Virginia.

Region IV pre-designated OSCs are presently duty-stationed in Atlanta, Georgia.

Region V pre-designated OSCs are presently duty-stationed in the following locations:

- Chicago, Illinois
- Carterville, Illinois
- Grosse Ile, Michigan
- Westlake, Ohio
- Cincinnati, Ohio

The distribution of OSCs among these duty-stations facilitates timely response activities on the part of EPA throughout the three Regions. Each OSC is able to perform response activities outside of the proximity of his/her immediate duty-station area, and by virtue of this agreement, across EPA regional boundaries should circumstances warrant such involvement. Examples of such circumstances are described in Section IV of this agreement.

III. On-Scene Coordinator Response Activities

Under CERCLA/SARA and OPA, pre-designated OSC's perform emergency and removal response activities where: (a) there is a release or substantial threat of release of hazardous substances; (b) there is a release or substantial threat of release into the environment of any pollutant, or contaminant which may present an imminent and substantial danger to public health or welfare; and (c) there is a discharge or substantial threat of a discharge of oil to the waters or to the adjoining shorelines of waters of the United States. These responses can be determined necessary in response to a variety of situations including but not limited to accidental spills, transportation accidents, facility explosions, dumping, criminal actions, terrorism, hurricanes, earthquakes, floods, or other forms of natural disasters.

Pre-designated OSC's can also perform response activities under the direction of other federal agencies, including:

FEMA Emergency Support Function #10 (ESF-10) Activations
Stafford Act Federal Disaster Declarations
FBI Counter Terrorism Responses per PDD 39

IV. Mutual Aid Cross-Regional Response Activities

It is hereby agreed by the signatories that the three EPA regional offices represented in this agreement will upon request endeavor to assist each other in cross-regional response activities in the following circumstances.

- **Provision of First Federal Official (FFO) and/or On Scene Coordinator (OSC):** A cross-boundary response can be performed where the closest OSC is from another region, or where the magnitude of the response is such that additional assistance is warranted. In accordance with 40 CFR 300.135(b), the OSC providing a cross-boundary response can serve as the First Federal Official (FFO) on scene. As FFO, the OSC providing the cross-boundary response, shall initiate and carry out all OSC responsibilities, in consultation with the lead region's pre-designated OSC. The FFO would carry out actions until a pre-designated OSC from the lead region arrives on scene, or until the incident no longer warrants a federal response action.
- **Provision of OSC Representative for Limited Duration Site Coverage:** Very large, unexpected events can result in a level of response work in a region beyond the OSC resource base. This could be due to a regional disaster such as flood or hurricane, or

simply due to the magnitude of the site or incident at a time when the region's resources are limited or otherwise committed to other regional priorities. In these situations cross-regional assistance can be provided by any of the signatory regions; in which case the OSC from the supporting region would serve as OSC representative for the lead region. The OSC representative would then implement work directed by the lead OSC and would not be expected to take independent action.

- **Coordinated Multi-Regional Responses:** The region in which an incident originates will respond as the lead region, provide a predesignated OSC, and initiate response operations including the notification of all appropriate government agencies, RRT's, and affected parties within the anticipated area of impact. Furthermore, if the discharge or release moves from one region to another, the authority for leading the response will also shift between the regions. Conversely, should the incident affect an area that encompasses multiple-regions, the involved region should all commit OSC resources to a unified incident command structure which would conduct response activities pursuant to NCP Section 300.135. Pursuant to NCP Section 300.140 there shall be only one OSC in charge of response operations. The RRT Co-Chairs from the affected EPA regions will consult and reach agreement on which region should provide the lead OSC. In selecting the lead region the RRT Co-Chairs shall give prime consideration to the region vulnerable to the greatest threat. Should the consultation among regions result in a change in the lead region, it is agreed that all parties will work together to ensure the transition has minimal impact on response operations.

V. Existing Memoranda of Agreement (MOAs)

This MOA is based upon MOAs already in place, which confirm the geographic areas and responsibilities for predesignated OSCs for pollutant responses. This MOA does not replace the existing MOA's, but rather outlines a process, which when applied to the situations noted in this memorandum, further enhances EPA's collective ability to adequately respond to oil and hazardous materials incidents in a timely and thorough fashion.

VI. Budget and Contracts

The signatory regions recognize the benefits of the OSC in an emergency, tasking the contractor(s) most readily available to mobilize to the incident scene. This may require the use of another region's contractor resources. EPA START and ERRS contracts currently provide the authority to support other regions through zone crossover. This MOA endorses the use of contract resources, wherever available, to respond at the direction of a warranted OSC to any emergency situation. Specific protocols to expedite the zone crossover will be developed as an output of this MOA.

The lead region is responsible for funding the response action and furnishing, as appropriate, the regional and site-specific accounting and appropriation data to the OSC from the supporting region who is serving as either FFO or OSC representative. When the OSC providing the cross-

boundary response is requested by the lead region to assume the role of designated OSC, the lead region shall establish, as necessary, appropriate authority and/or procedures to enable the OSC providing the cross-boundary response to utilize the lead region's contract resources for the duration of the incident.

VII. Process for Activating Cross-Regional Support under this Agreement

- Requests for cross-boundary support in response to an emergency incident should be made to the phone duty officer. In requesting the support the lead region should specify the type of support required, such as a FFO or merely the provision of technical assistance. In implementing this MOA, each Region shall develop and apply procedures, as appropriate, that authorize and provide for the immediate dispatch of an OSC by the duty officer in support of the lead region. The phone duty officers from each respective Region are expected to notify and brief their management concerning actions taken pursuant to the request.
- Requests for site coverage support and/or support during an ESF #10 activation should generally be made during business hours, initiated by the lead Region, and by contact between the respective Removal Managers or their designees. In the event that the Removal Managers are not available and/or the support becomes apparent as an immediate need during non-business hours, the respective duty officers will discuss the request and make the decision. Any procedures needed to implement this provision of the MOA will be included with those required above.

VIII. Effective Date

This agreement will be effective upon signature by all the parties, and shall remain in effect until termination by any of the parties. Any party may terminate this agreement upon 90 days written notice to the other parties. The provisions may be reviewed, amended, or supplemented upon agreement of all the parties.

IX. Distribution

Final signed copies of this agreement shall be distributed as follows:

Removal Managers, Regions III, IV, and V

OSCs, Regions III, IV, and V

USCG Districts

USCG - National Pollution Fund Center

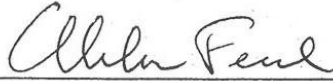
Regional Contracting Officer(s), Regions III, IV, and V

Regional Project Officer(s), Regions III, IV, and V

EPA Headquarters, OSWER/OERR Regional Centers III, IV, and V

Regional Contingency Plan (RCP), Regions III, IV, and V

X. Signatures



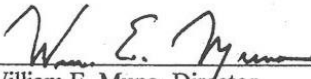
Abraham Ferdas, Director
Hazardous Site Cleanup Division
EPA Region III

4/21/00
Date



Richard D. Green, Director
Waste Management Division
EPA Region IV

4/25/00
Date



William E. Muno, Director
Superfund Division
EPA Region V

5/8/2000
Date

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE U.S. ENVIRONMENTAL PROTECTION AGENCY REGION IV
AND
THE U.S. ENVIRONMENTAL PROTECTION AGENCY REGION III

The purpose of this memorandum is to confirm the geographical areas and limits of responsibility for the predesignated On-Scene Coordinator (OSC) for pollution responses. Responses include oil and hazardous substances pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and the Oil Pollution Act of 1990.

Regional Contingency Plans (RCP) and Area Contingency Plans (ACP) of the signatory agencies will reflect the following geographical boundaries.

For the purpose of emergency response, the common state boundary of Kentucky, North Carolina, Tennessee, Virginia and West Virginia will serve to define the predesignated OSC. The centerline of the Big Sandy River continues as the boundary between West Virginia and Kentucky and Environmental Protection Agency (EPA) Regions III and IV.

I. U. S. Environmental Protection Agency, Region IV:

All discharges or releases, or a substantial threat of such a discharge or release of a pollutant originating west of the centerline of the Big Sandy River will be the responsibility of EPA Region IV. Included are discharges or releases from unknown sources or those classified as "mystery spills". Additionally, EPA Region IV has responsibility for:

- a. Notification or assuring notification of downstream water users.
- b. Coordinating with the Ohio River Sanitation Commission (ORSANCO) for other notifications and warnings.
- c. Notification of EPA Regions III and V and U. S. Coast Guard (USCG) Second District.
- d. Providing the predesignated OSC for spills within its jurisdiction.

II. U. S. Environmental Protection Agency, Region III:

All discharges or releases, or a substantial threat of such a discharge or release of a pollutant originating east of the centerline of the Big Sandy River will be the responsibility of EPA Region III. Included are discharges or releases from unknown sources or those classified as "mystery spills". Additionally, EPA Region III has the responsibility for:

- a. Notification or assuring notification of downstream water users.
- b. Coordinating with ORSANCO for other notifications and warnings.
- c. Notification of EPA Regions IV and V and USCG Second District.
- d. Providing the predesignated OSC for spills within its jurisdiction.

III. General. a. If specifically requested, either Region may assume the functional OSC role and carry out all OSC responsibilities for a particular incident on behalf of the other Region. The final decision on acceptance of the functional OSC role will rest with the Region providing the support to the predesignated Region and will be made on an incident specific basis.

b. If EPA Region III is the first agency notified of a spill west of the centerline of the Big Sandy River, EPA Region III will notify Region IV and assist as requested in assessing the situation and determining the need for a Federal response. Likewise, EPA Region IV will be expected to notify and assist, as requested, EPA Region III on any spill east of the centerline of the Big Sandy River if they are the first agency notified.

c. Boundary lines do not preclude mutual assistance between the two agencies. Each Region can provide the first Federal official on-scene and can carry out the duties detailed in the NCP on behalf of the other Region, pending the arrival of the predesignated OSC.

IV. Previous Memorandums of Understanding or agreements are replaced by this document.

V. This agreement will be subject to review and amendment coincident with each periodic review of a RCP and an ACP, and any other time at the request of either of the parties. It will remain in effect until modified or terminated by mutual agreement.

Detrick M. Johns for

Date: 2-24-94

JOHN H. HANKINSON, JR.
Regional Administrator
U. S. Environmental Protection
Agency, Region IV
Atlanta, Georgia

Stanley L. Laskowski

Date: 3-14-94

STANLEY L. LASKOWSKI
Acting Regional Administrator
U. S. Environmental Protection
Agency, Region III
Philadelphia, Pennsylvania

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE U. S. ENVIRONMENTAL PROTECTION AGENCY REGION IV
AND
THE U. S. ENVIRONMENTAL PROTECTION AGENCY REGION V

The purpose of this memorandum is to establish the geographical areas and limits of responsibility of the predesignated On-Scene Coordinator (OSC) for pollution responses. Responses will be made to incidents involving oil and hazardous substances pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and the Oil Pollution Act of 1990.

For the purpose of emergency response, the common regional boundary is the Ohio River, and is described as:

The boundary is delineated by the Ohio River and mileage markers published by the U. S. Army Corps of Engineers. Beginning at Mile 317.2 (confluence of the Ohio and Big Sandy Rivers), hence westerly to Mile 981.2 (confluence of the Ohio, Lower Mississippi, and Upper Mississippi Rivers).

U. S. Environmental Protection Agency (EPA), Region IV: EPA Region IV is responsible for discharges or releases, or a substantial threat of discharges or releases of a pollutant from a source originating from EPA Region IV into the Ohio River. Responsibility begins at the water line on the Right Descending Bank (RDB), extending to the south. Included are discharges or releases from unknown sources or those classified a "mystery spills".

U. S. Environmental Protection Agency (EPA), Region V: EPA Region V is responsible for discharges or releases, or a substantial threat of discharges or releases of a pollutant from a source originating from EPA Region V into the Ohio River. Responsibility begins at the water line on the RDB, extending to the north. If a discharge or release enters the water, EPA Region V will be responsible for the response effort.

General: a. Both regions have additional responsibilities when performing duties as the OSC. Included are:

- 1) Notification of:
 - a) Downstream water users.
 - b) Ohio River Valley Water Sanitation Commission.

- c) U. S. Coast Guard Second District.
- d) U. S. Army Corps of Engineers.

2) Notification of each other when a response event has occurred or is anticipated.

b. Either Region, when requested by the other, may assume the functional OSC role for a particular incident. The decision to accept will rest with the Region being requested, on an incident specific basis.

c. When a Region is notified of a discharge or release, or a substantial threat of a discharge or release of a pollutant not in its area of responsibility, the Region will notify the responsible Region. The reporting Region should assist in assessing the situation and to determine the need for a Federal response.

d. When a representative of either Region is the first Federal official arriving on-scene of a discharge or release not in the area of response responsibility, the representative will notify the responsible Region. The representative will accomplish duties detailed in the NCP pending arrival of the predesignated OSC.

e. Boundary lines do not preclude mutual assistance between the two agencies.

f. Previous Memorandums of Understanding or agreements are replaced by this document. Regional and Area Contingency Plans of the signatory agencies will be amended to reflect the response boundary.

g. This agreement is subject to review and amendment at any time, by request of either party. It will remain in effect until modified or terminated by mutual agreement.

Patrick M. Jones for

Date: 2-24-94

JOHN H. HANKINSON, JR.
Regional Administrator
U. S. Environmental Protection Agency
Atlanta, Georgia

David A. Adamkus

Date: 3/14/94

VALDAS V. ADAMKUS
Regional Administrator
U.S. Environmental Protection Agency
Chicago, Illinois

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE U.S. ENVIRONMENTAL PROTECTION AGENCY REGION IV
AND
THE U.S. ENVIRONMENTAL PROTECTION AGENCY REGION VI

The purpose of this memorandum is to establish the geographical areas and limits of responsibility of the pre-designated On-Scene Coordinator (OSC) for pollution responses. Responses include oil and hazardous substances pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and the Oil Pollution Act of 1990.

Regional Contingency Plans (RCP) and Area Contingency Plans (ACP) of the signatory agencies will be amended to reflect the following response boundaries.

For the purpose of emergency response, portions of the regional boundaries are changed. The common boundaries of Arkansas, Louisiana, Mississippi, and Tennessee are established as shown in:

Section I. Lower Mississippi River (LMSRV), Mile 828 to Mile 504. Boundary common to the LMSRV, Arkansas, Mississippi, and Tennessee.

Section II. Lower Mississippi River (LMSRV), Mile 504 to Mile 305. Boundary common to the LMSRV, Louisiana, and Mississippi.

Section III. Boundary common to Louisiana, Mississippi, and the Pearl River.

Section IV. Boundary common to Louisiana, Mississippi, and the Peal River.

Section I.

The boundary is delineated by the LMSRV and mileage markers published by the U.S. Army Corps of Engineers (USACE). Beginning at the point of Mile 828 (intersection of the regional boundary between Environmental Protection Agency (EPA) Regions VI and VII on the LMSRV), hence southerly to Mile 504 (intersection of the state boundary between Arkansas and Louisiana on the LMSRV).

U.S. Environmental Protection Agency, Region IV:

This section of the LSMRV will be the responsibility of EPA Region IV, to include all response actions necessary and / or required to the water line on the Right Descending Bank (RDB) of the river or the levee of the RDB. All discharges or releases, or a substantial threat of such a discharge or release of a pollutant originating east of the water line or levee of the RDB will be the responsibility of EPA Region IV.

Included are discharges or releases from unknown sources or those classified as "mystery spills."

Additionally, EPA Region IV has responsibility for:

- a. Notification of downstream water users.
- b. Notification of EPA Region V1 and U.S. Coast Guard (USCG) Eighth District.
- c. Coordinating with the USACE for other notifications and warnings. U.S.

Environmental Protection Agency, Region VI:

EPA Region VI has the responsibility for all discharges or releases, or a substantial threat of such a discharge or release originating west of the water line or levee on the RDB. If a discharge or release reach and / or enter the water, EPA Region V1 will be responsible for the response effort. Additionally, EPA Region V1 has the responsibility for:

- a. Notification of downstream water users.
- b. Notification of EPA Region IV and U.S. Coast Guard (USCG) Eighth District.
- c. Coordinating with the USACE for other notifications and warnings.

Section II.

Continuing southerly on the LMSRV, starting at Mile 504 to Mile 305 (intersection of the state boundary between Louisiana and Mississippi on the LMSRV).

U.S. Environmental Protection Agency, Region VI:

This section of the LMSRV will be the responsibility of EPA Region V1, to include all response actions necessary and / or required to the water line on the Left Descending Bank (LDB) of the river or to the levee of the **WB**. All discharges or releases, or a substantial threat of such a discharge or release of a pollutant originating west of the water line or levee of the LDB will be the responsibility of EPA Region V1. Included are discharges or releases from unknown sources or those classified as "mystery spills."

Additionally, EPA Region VI has responsibility for:

- a. Notification of downstream water users.
- b. Notification of EPA Region IV and U.S. Coast Guard (USCG) Eighth District.
- c. Coordinating with the USACE for other notifications and warnings.

U.S. Environmental Protection Agency, Region IV:

EPA Region IV has the responsibility for all discharges of releases, or a substantial threat of such a discharge or release originating east of the water line or levee on the LDB. If a discharge or release reach and /or enter the water, EPA Region IV will be responsible for the response effort. Additionally, EPA Region IV has the responsibility for:

- a. Discharges and releases identified as the responsibility of EPA Region IV in Section I that may enter the Section II area.
- b. Notification of downstream water users.
- c. Notification of EPA Region VI and U.S. Coast Guard (USCG) Eighth District.
- d. Coordinating with the USACE for other notifications and warnings.

Section III.

Continuing from the water line or levee at Mile 305, LMSRV, hence easterly to the Pearl River. This portion of the Louisiana and Mississippi boundary is changed only from the intersection of the boundary and center-line of the Pearl River to the intersection of the boundary and the water line on the RDB of the Pearl River.

Section IV.

Continuing from the intersection of the Louisiana and Mississippi boundary and the water line on the RDB of the Pearl River, hence southerly to the southern limit of the Right-of-Way on U.S. Highway 90. U.S.

Environmental Protection Agency, Region IV:

This section of the Pearl River will be the responsibility of EPA Region IV, to include all response actions necessary and /or required to the water line on the RDB of the river. All discharges or releases, or substantial threat of such a discharge or release of a pollutant originating east of the water line on the RDB will be the responsibility of EPA

Region IV. Included are discharges or releases from unknown sources or those classified as "mystery spills." Additional responsibilities are the same as for the LMSRV.

U.S. Environmental Protection Agency, Region VI:

This section of the Pearl River, EPA Region VI has the responsibility for all discharges or releases, or a substantial threat of such discharge or release origination west of the water line on the RDB of the Pearl River. If a discharge or release reach and /or enter the water, EPA Region VI will be responsible for the response effort. Additional responsibilities are the same as for the LMSRV.

General.

- a. Either Region, when specifically requested by the other Region, may assume the functional OSC role and carry out all OSC responsibilities for a particular incident. The decision for acceptance will rest with the Region being requested to perform the OSC role, on an incident specific basis.
 - b. When either Region is notified of a discharge or release, or a substantial threat of such a discharge or release of a pollutant not in its area of responsibility, will notify the responsible Region. The reporting Region will assist in assessing the situation and to determine the need for a Federal response.
 - c. When a representative of either Region is the first Federal official arriving on-scene of a discharge or release crossing the response boundary, the representative will notify the responsible Region. The representative will accomplish the duties detailed in the NCP pending arrival of the pre-designated OSC.
1. Boundary lines do not preclude mutual assistance between the two agencies.
 2. Previous Memorandums of Understanding or agreements are replaced by this document.
 3. This agreement will be subject to review and amendment coincident with each periodic review of the RCP and ACP and any other time at the request of either of the parties. It will remain in effect until modified or terminated by mutual agreement.

signed:

Patrick M. Tobin *for*
Date: 2-24-94
JOHN H. HANKINSON, JR.
Regional Administrator
U.S. Environmental Protection
Agency, Region IV
Atlanta, Georgia

Joe D. Winkle *for*
Date: 3-24-94
JANE N. SAGINAW
Regional Administrator
U.S. Environmental Protection
Agency, Region VI
Dallas, Texas

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE U. S. ENVIRONMENTAL PROTECTION AGENCY REGION IV
AND
THE U. S. ENVIRONMENTAL PROTECTION AGENCY REGION VII

The purpose of this memorandum is to establish the geographical areas and limits of responsibility of the predesignated On-Scene Coordinator (OSC) for pollution responses. Responses include oil and hazardous substances pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and the Oil Pollution Act of 1990.

The common regional boundary is the center line of the Lower Mississippi River (LMSRV). For the purpose of emergency response, the boundary is described as:

The boundary is delineated by the LMSRV and mileage markers published by the U. S. Army Corps of Engineers (USACE). Beginning at Mile 953.8 (confluence of the LMSRV, Ohio River, and the Upper Mississippi River), hence southerly to Mile 828 (intersection of the regional boundary of Environmental Protection Agency (EPA) Regions VI and VII, and the LMSRV).

U. S. Environmental Protection Agency, Region IV:

EPA Region IV is responsible for discharges or releases, or the substantial threat of discharges or releases of a pollutant from a source originating from EPA Region IV into the LMSRV. Responsibility begins at the water line or levee on the Right Descending Bank (RDB), extending to the east. Included are discharges or releases from unknown sources or those classified as "mystery spills".

U. S. Environmental Protection Agency, Region VII:

EPA Region VII is responsible for discharges or releases, or a substantial threat of discharges or releases of a pollutant from a source originating from EPA Region VII into the LMSRV. Responsibility begins at the water line or levee on the RDB, extending to the west. If a discharge or release enters the water, EPA Region VII will be responsible for the response effort.

General: a. Both regions have additional responsibilities when performing duties as the OSC. Included are:

- 1) Notification of:
 - a) Downstream water users.
 - b) U. S. Coast Guard Second District.
 - c) USACE.

2) Notification of each other when a response event has occurred or is anticipated.

b. Either Region, when requested by the other, may assume the functional OSC role for a particular incident. The decision to accept will rest with the Region being requested, on an incident specific basis.

c. When a Region is notified of a discharge or release, or a substantial threat of a discharge or release of a pollutant not in its area of responsibility, it will notify the responsible Region. The reporting Region should assist in assessing the situation and to determine the need for a Federal response.

d. When a representative of either Region is the first Federal official arriving on-scene of a discharge or release not in the area of response responsibility, the representative will notify the responsible Region. The representative will accomplish duties detailed in the NCP pending arrival of the predesignated OSC.

e. Boundary lines do not preclude mutual assistance between the two agencies.

f. Previous Memorandums of Understanding or agreements are replaced by this document. Regional and Area Contingency Plans of the signatory agencies will be amended to reflect the response boundary.

g. This agreement is subject to review and amendment at any time, by request of either party. It will remain in effect until modified or terminated by mutual agreement.

John H. Hankinson for

Date: 3-9-94

JOHN H. HANKINSON, JR.
Regional Administrator
U. S. Environmental Protection
Agency, Region IV
Atlanta, Georgia

Dennis Grams

Date: 3-21-94

DENNIS GRAMS, P.E.
Regional Administrator
U. S. Environmental Protection
Agency, Region VII
Kansas City, Kansas