

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION III, PHILADELPHIA, PA
AND
THE U. S. COAST GUARD
SECOND COAST GUARD DISTRICT, ST. LOUIS, MO
CONCERNING
FEDERAL ON SCENE COORDINATOR RESPONSIBILITIES IN THE INLAND ZONE
WITHIN THE SECOND COAST GUARD DISTRICT**

PURPOSE: The purpose of this document is to delineate the role and responsibilities of U. S. Coast Guard personnel relative to pollution response activities on the Inland River System. Specifically, this document:

1. Eliminates previously designated "specified ports and harbors" on the Inland Rivers within the Second Coast Guard District, thereby redesignating the entirety of the Second Coast Guard District as Inland Zone wherein the U. S. Environmental Protection Agency is the predesignated Federal On Scene Coordinator agency.
2. Confirms the Second Coast Guard District's commitment to meeting the spirit as well as the letter of the National Contingency Plan and assisting the U. S. Environmental Protection Agency predesignated Federal On Scene Coordinators to the fullest extent possible in all pollution response activities.
3. Identifies operational criteria under which the U. S. Coast Guard will assist the U. S. Environmental Protection Agency with its On Scene Coordinator (OSC) responsibilities by acting as the lead agency and providing personnel to fill the OSC role for actual or threatened pollution incidents involving commercial vessels or marine transportation-related facilities.

BACKGROUND: Under a previous agreement, the U. S. Environmental Protection Agency, Region III, and the Second Coast Guard District had identified certain geographic areas on the Inland River System for which the U. S. Coast Guard would, under certain circumstances, provide a "predesignated" Federal On Scene Coordinator. In general, in the specified port and harbor areas, the U. S. Coast Guard Captain of the Port was predesignated as the OSC for oil and hazardous substance discharges resulting from vessel casualties or vessel-related transfer operations. The U. S. Environmental Protection Agency retained the OSC responsibilities for all other pollution incidents within the specified ports and harbors and for all incidents outside those limited geographic areas.

The Oil Pollution Act of 1990 amended the Federal Water Pollution Control Act and imposed new pollution response preparedness and removal requirements on industry and government, including the predesignated Federal On Scene Coordinator. The requirements of the Oil Pollution Act prompted a complete review of agency responsibilities pursuant to the Act itself and the National Contingency Plan. That review indicated that the division of agency On Scene Coordinator responsibilities along a combination of geographic and functional lines did not provide the best mechanism for planning and coordination of current National Response System activities.

This document redefines agency responsibilities along wholly functional lines that are consistent with traditional agency authorities. It also provides for effective integration of preparedness and removal activities in a manner consistent with the requirements of the National Contingency Plan.

AGREEMENT:

The entirety of the Second Coast Guard District, including the Inland River System within the Second District, is included in the definition of Inland Zone wherein the U. S. Environmental Protection Agency (USEPA) is the predesignated Federal On Scene Coordinator agency. The previous agreement designating specified ports and harbors as portions of the Coastal Zone is cancelled.

The U. S. Coast Guard (USCG), through the cognizant Captain of the Port (COTP), will assist the predesignated USEPA On Scene Coordinator (OSC) to the fullest extent possible consistent with agency responsibilities and authorities. Specifically, for all pollution incidents where there is an actual discharge or release, or a substantial threat of such a discharge or release, of a pollutant into or on the navigable waters of the United States or the adjacent riverbank, the U. S. Coast Guard will respond as follows:

1. If the incident involves a commercial vessel, a vessel transfer operation, or a marine transportation related facility, the USCG COTP will provide the OSC and carry out all of the OSC responsibilities, including the decision to direct any necessary removal activity or access the Oil Spill Liability Trust Fund. In such cases, the predesignated USEPA OSC will be advised of any response actions that the COTP takes via initial telephone notification and periodic pollution reports.

2. If the incident involves a source or threat other than a commercial vessel, vessel transfer operation, or marine transportation-related facility, or if the incident involves an unknown source of pollution:

a. The USCG COTP will carry out the USCG's agency responsibilities under the NCP, the Regional Contingency Plan, and, when developed, the Area Contingency Plans, and will assist the USEPA OSC to the fullest extent possible.

b. Upon request by the predesignated USEPA OSC, the USCG COTP will act on behalf of the USEPA in any actions where the USCG personnel are both qualified and physically capable of responding. The type and extent of the USCG's actions in each case will be determined by consultation between the USEPA OSC and the USCG COTP.

c. If specifically requested by the predesignated USEPA OSC, the USCG COTP may assume the functional OSC role and carry out all of the OSC responsibilities for a particular incident. The final decision on acceptance of the functional OSC role will rest with the COTP on an incident-specific basis.

d. If the USCG is the first agency notified of such an incident, the USCG will notify the predesignated USEPA OSC and assist in assessing the situation and the need for a Federal response.

e. If a USCG representative is the first Federal official arriving on scene at such an incident, the USCG will notify the predesignated USEPA OSC and carry out the duties detailed in the NCP pending arrival of the predesignated OSC.

3. This agreement will be incorporated into the agency responsibilities section of the Regional Contingency Plan.

TERM OF AGREEMENT: This agreement will be subject to review and amendment coincident with each periodic review of the Regional Contingency Plan and at any other time at the request of either of the parties. It will remain in effect until modified or terminated by subsequent agreement.

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Date: 4/26/93

Date: March 30, 1993

THESE ARE THE OFFICIALS WHO WE EXPECT WILL SIGN THE MOU FOR EACH OF THE FIVE AFFECTED FEDERAL REGIONS. WE NEED EACH OF THE USEPA CO-CHAIRS TO VERIFY THAT THE USEPA OFFICIAL NAMED IS IN FACT THE REGIONAL ADMINISTRATOR WHOSE NAME SHOULD BE ON THE DOCUMENT.

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