

MEMORANDUM OF UNDERSTANDING

Between the

U.S. ENVIRONMENTAL PROTECTION AGENCY
ALASKA OPERATIONS OFFICE

and the

U.S. COAST GUARD, SEVENTEENTH COAST GUARD DISTRICT

CONCERNING FOSC RESPONSE BOUNDARIES FOR OIL DISCHARGES
AND HAZARDOUS SUBSTANCE RELEASES

PURPOSE

This Memorandum of Understanding (MOU) establishes the cooperative framework for determining the emergency response boundaries for Coast Guard and EPA Federal On Scene Coordinators (FOSC's) in responding to oil discharges and hazardous substance releases in Alaska. This MOU supersedes all previous MOU's between the EPA Alaska Operations Office and the Seventeenth Coast Guard District.

SCOPE

This MOU will encompass the Seventeenth Coast Guard District as defined in Title 33, U.S. Code of Federal Regulations Subpart 3.85. This MOU will be further delineated by Coast Guard Captain of the Port (COTP) zones as follows. The COTP zones include: Southeast Alaska as defined in 33 CFR 3.85-10, Western Alaska as defined in 33 CFR 3.85-15, and Prince William Sound as defined in 33 CFR 3.85-20.

DEFINITIONS

For purposes of this MOU, and in conjunction with the National Contingency Plan (NCP), the "coastal zone" is defined as "all United States waters subject to the tide and all land surface or land substrata, and ground waters, 1000 yards inland".

The "inland zone" is defined as "the environment inland of the coastal zone". Precise boundaries separating the coastal zone from the inland zone in Western Alaska are further defined in Article V and are delineated on enclosures (1-35).

ARTICLES OF AGREEMENT

ARTICLE I: RESPONSE TO OIL SPILLS FROM ONSHORE FACILITIES

The Coast Guard will provide the FOSC for oil discharges originating from facilities, as defined in Section 1001 of the

Oil Pollution Act of 1990, located within the 1000 yard area of the coastal zone. Coast Guard OSC's shall carry out their responsibilities consistent with 40 CFR 300.120(a)(1).

ARTICLE II: RESPONSE TO SPILLS/DISCHARGES FROM COAST GUARD INSPECTED VESSELS

(a) In Prince William Sound and Southeast COTP zones, the Coast Guard will provide FOSC's for all oil discharges and hazardous substance releases in the coastal and inland zone originating from vessels subject to Coast Guard inspection laws.

(b) In the Western Alaska COTP zone, the Coast Guard will provide the FOSC for all discharges and releases in the coastal and inland zone originating from vessels subject to Coast Guard inspection laws within the following sub-areas: North Slope, Northwest Arctic, Western Alaska, Aleutian Islands, Bristol Bay, Kodiak Island, and Cook Inlet. The EPA will provide the FOSC for discharges and releases originating from vessels subject to Coast Guard inspection laws in the Interior Alaska sub-area. Exact boundaries of these sub-areas are found in Volume I of the Unified Plan.

ARTICLE III: SOUTHEAST ALASKA COTP ZONE

The Coast Guard will provide the FOSC for all oil discharges and hazardous substance releases in the coastal zone and on the Skagway River and its tributaries to the Canada border. The EPA will provide the FOSC for all oil discharges and hazardous substance releases in the remainder of the inland zone.

ARTICLE IV: PRINCE WILLIAM SOUND COTP ZONE

The Coast Guard will provide the FOSC for all oil discharges and hazardous substance releases in the coastal zone and on the Lowe River from Port Valdez to Thompson Pass. The EPA will provide the FOSC for the remainder of the inland zone.

ARTICLE V: WESTERN ALASKA COTP ZONE

(a) The Coast Guard will provide the FOSC for all oil discharges and hazardous substance releases in the coastal zone. The EPA will provide the FOSC for all oil discharges and hazardous substance releases in the inland zone. Attached as enclosures (1-35), are chartlets of Western Alaska further defining specific "waters subject to the tide" and resulting jurisdiction.

(b) The following major rivers in Western Alaska and the up-river listed geographic point marks the line separating "coastal zone" from "inland zone":

- (1) Knik River: Old Glenn Highway Bridge
- (2) Kuskokwim River: Bethel Old Army Airstrip

- (3) Kvichak River: Levelock Creek
- (4) Naknek River: King Salmon Quinault Landing
- (5) Nushagak River: Black Point
- (6) Wood River: South end of Sheep Island
- (7) Yukon River: Pitkas Point and the Andrafsky River confluence, not including St. Marys.

ARTICLE VI: AMENDMENTS AND EFFECTIVE DATE

This MOU may be amended by written agreement by both parties upon 30 days written notice by either party. This MOU can be terminated in writing at any time, by either party.

Nothing in this MOU is intended to diminish or otherwise effect the statutory authority of the agencies involved.

This MOU is effective upon the signature of the Chief, Marine Safety Division Seventeenth Coast Guard District for the Coast Guard, and the Assistant Regional Administrator for EPA Region 10, Alaska Operations Office.

 12/19/94

D. D. Rome
Captain, U.S. Coast Guard
Chief, Marine Safety Division
17th Coast Guard District

 12/22/94

Alvin L. Ewing
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Enclosures (1-35): Chartlets of Western Alaska