

DEPARTMENT OF THE INTERIOR

ALASKA PIPELINE OFFICE

808 E Street, Anchorage, Alaska 99501

STATE OF ALASKA

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Pouch O, Juneau, Alaska 99811

MEMORANDUM OF UNDERSTANDING BETWEEN THE ALASKA PIPELINE OFFICE, DEPARTMENT OF THE INTERIOR AND THE STATE OF ALASKA, DEPARTMENT OF ENVIRONMENTAL CONSERVATION CONCERNING RESPECTIVE RESPONSIBILITIES IN CONNECTION WITH SPILLS OF OIL AND OTHER POLLUTANTS FROM THE TRANS-ALASKA PIPELINE SYSTEM. THIS MEMORANDUM IS IN CONCERT WITH THE REQUIREMENT FOR FEDERAL-STATE COORDINATION AND CONSULTATION CONTAINED IN EXECUTIVE ORDER 12088.

- I. The Federal government and State of Alaska have concurrent responsibility for oil and hazardous materials spill prevention, control, and clean-up for the Trans-Alaska Pipeline System.
- II. The Clean Water Act of 1977 provides that federal officials in the performance of their official duties are subject to all state requirements respecting control and abatement of water pollution.
- III. This agreement delineates responsibilities of the Alaska Department of Environmental Conservation (ADEC) and the Alaska Pipeline Office (APO) of the Department of the Interior regarding all oil and hazardous material spill prevention, control, clean-up and restoration activities except those affecting marine waters.

- IV. The Alaska Pipeline Office of the Department of the Interior has the responsibility for insuring Permittee compliance with the terms and conditions of the Federal Agreement and Grant of Right of Way for the Trans-Alaska Pipeline in relation to oil and hazardous material spill prevention, control, clean-up and restoration.

- V. In addition, the U.S. Environmental Protection Agency under the Clean Water Act of 1977 (PL 95-217) has responsibility for oil and hazardous material spill clean-up and control into inland waters. EPA has predesignated the Authorized Officer (AO) of the Alaska Pipeline Office as Federal On-Scene Coordinator (FOOSC) for all pipeline related spills that get into or threaten to get into inland waters.

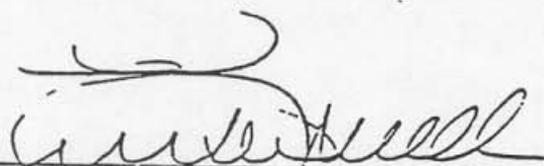
- VI. The State of Alaska through the Department of Environmental Conservation has statutory and regulatory responsibilities for oil and hazardous material spills which affect the lands and waters of the State. The Regional Supervisors of the Department have been designated as State Spill Coordinators (SSC) (State equivalent to the Federal OSC) for the lands and waters of the State within their respective regions.
 - A. APO and ADEC will keep each other advised of any change or modification in the pipeline or pipeline operation that could influence the magnitude or potential for an oil spill.

- B. APO will perform as OSC¹ and be the single point of contact for Alyeska for all spills of oil or other hazardous materials related to the Trans-Alaska Pipeline that originate on Federal lands. ADEC will perform in an advisory role and as a clearing house for other State agencies. (See also Attachment 1).
- C. The ADEC will perform as State Spill Coordinator and be the single point of contact for Alyeska for all spills of oil or other hazardous materials related to the Trans-Alaska Pipeline that originate on State and private lands. APO will perform in advisory role and as a clearing house for other Federal agency input. (See also Attachment 1).
- D. APO will perform in a monitoring role of all spills of oil or other hazardous materials which threaten or enter navigable waters of the United States regardless of the point of origin or adjacent land ownership, unless the spiller fails to meet the requirements set forth in Section 311 (b) (5) or (c) (1), of PL 95-217 for containment, control, clean-up and disposal of the spilled material and the State (ADEC) is unable to enforce Federal and State requirements upon the spiller, APO would take over and direct clean-up activities. (See also Attachment 1).

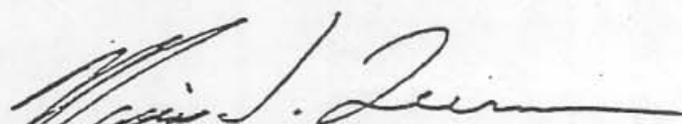
¹ The OSC as used herein is as defined in the National Oil and Hazardous Substances Pollution Contingency Plan and is the single point of contact for the spiller (Alyeska Pipeline Service Company) during any spill situation.

- E. The first person on the scene of an oil spill from the APO or the ADEC will perform as OSC irrespective of land ownership until the responsible agency OSC arrives as set forth in Paragraphs A and B above.
- F. The ADEC shall be responsible for taking necessary samples and performing investigative work on any spills on State or private lands. The APO may take samples and perform investigative work to supplement that done by the Department of Environmental Conservation.
- G. APO and ADEC will both prepare enforcement referrals for submittal through respective Federal and State channels regardless of which one is performing the primary monitoring role.
- H. The APO and the ADEC shall provide each other with copies of all reports prepared for any spill to include but not to be limited to sample test results, final reports, and POLREP reports.
- I. Disposal of recovered oil or hazardous materials and oil soaked debris shall be in accordance with ADEC regulations and permits requirements and also with APO requirements on Federal lands.

Nothing herein is intended to conflict with current ADEC or Department of the Interior directives or regulations or the EPA Region X Oil and Hazardous Materials Pollution Contingency Plan for Inland Water. If the terms of this Agreement are inconsistent with existing directives of either of the agencies entering into this Agreement, then those portions of this letter which are determined to be inconsistent shall be invalid; but the remaining terms and conditions of this letter not affected by any inconsistency shall remain in full force and effect.



Commissioner
Department of Environmental
Conservation



Authorized Officer
Alaska Pipeline Office

Date: DEC 5 1978

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