



EMERGENCY RESPONSE, PREPAREDNESS, PLANNING, & PREVENTION AUTHORITIES & JURISDICTION

Torri Huelskoetter
R10 Federal On-scene coordinator

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BROAD EPA LEGAL AUTHORITIES

- EPA implements numerous environmental laws and regulations; many programs are delegated to States and some Tribes for implementation
- Mission is to protect human health and the environment
- Primary emergency response-related environmental regulations & statutes
 - CERCLA (Superfund)
 - National Contingency Plan (NCP)
 - Stafford Act - ESF 10 and ESF 3
 - Clean Water Act (CWA)
 - Oil Pollution Act (OPA)





CERCLA/OPA FEDERAL RESPONSE JURISDICTION

Coastal vs Inland as defined in the NCP (40 CFR 300.5)

COASTAL ZONE

- U.S. waters subject to the tide
- Waters of the contiguous zone (24nm from baseline)
- Other waters of the high seas subject to the NCP (extent of EEZ)
- Land surface or land substrata, ground waters, and ambient air proximal to those waters
- **USCG FOSC (Captain of the Port)**

INLAND ZONE

- The environment inland of the coastal zone
- **EPA OSC**

Precise boundaries are determined by EPA-USCG Agreement and documented in ACP/RCP and/or by MOU

** EO 12580 gives DOD, DOE and federal land management agencies CERCLA responsibility on their lands.



EPA R10 & USCG 17TH DISTRICT RESPONSE BOUNDARY MOU

- For purposes of this MOU, and in conjunction with the NCP, the "coastal zone" is defined as "all United States waters subject to the tide, or as otherwise defined below, and all land surface or land substrata, and ground waters 1000 yards inland as measured from the headland adjacent to those tidal waters."
- The "inland zone" is defined as "the environment inland of the coastal zone." Precise boundaries separating the coastal zone from the inland zone are further defined in the Articles I-V



UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY, REGION 10
SEATTLE, WASHINGTON

SEVENTEENTH COAST GUARD DISTRICT
JUNEAU, ALASKA



MEMORANDUM OF UNDERSTANDING

Between the

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION

and the

U.S. COAST GUARD, SEVENTEENTH DISTRICT

CONCERNING FOSC RESPONSE BOUNDARIES FOR OIL DISCHARGES
AND HAZARDOUS SUBSTANCE, POLLUTANT AND/OR CONTAMINANT
RELEASES

PURPOSE

As described in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), this Memorandum of Understanding (MOU) establishes the cooperative framework for determining the emergency response boundaries for Coast Guard and EPA Federal On-Scene Coordinators (FOSCs) in responding to oil discharges and hazardous substance, pollutant, and/or contaminant releases in Alaska. This MOU supersedes all previous MOUs between the EPA Region 10 and the U.S. Coast Guard, Seventeenth 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: Sector Juneau as defined in 33 C.F.R. 3.85-10, Sector Anchorage as defined in 33 C.F.R. 3.85-15(a), and MSU Valdez as defined in 33 C.F.R. 3.85-15(b). For EPA Region 10, this MOU will encompass the geographic areas within the State of Alaska.

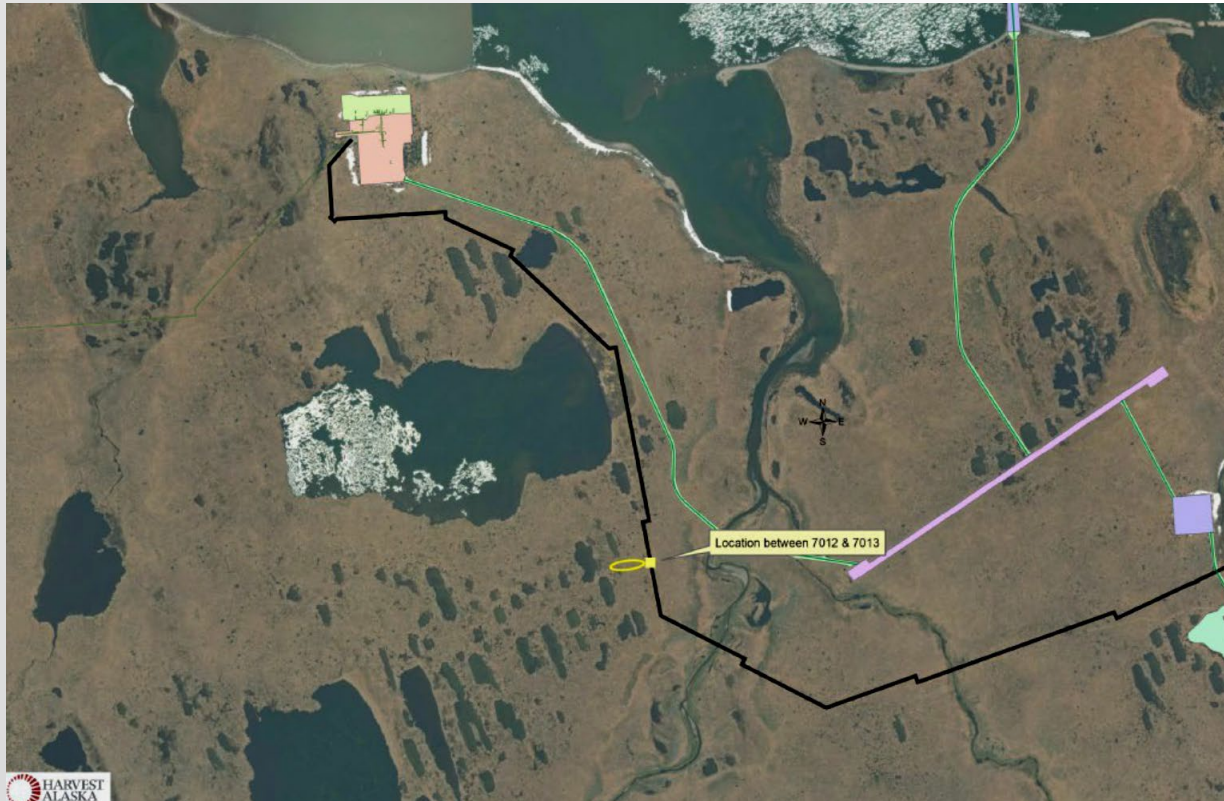
Nothing in this MOU is intended to diminish, alter, or otherwise effect the statutory authority of the agencies involved.

All commitments made by EPA and USCG in this MOU are subject to the availability of appropriated funds and budget priorities. Nothing in this MOU, in and of itself, obligates EPA or



INLAND & COASTAL ZONE IN ALASKA

2024 POINT THOMSON EXPORT PIPELINE LEAK



Incident location image from ADEC Sitrep



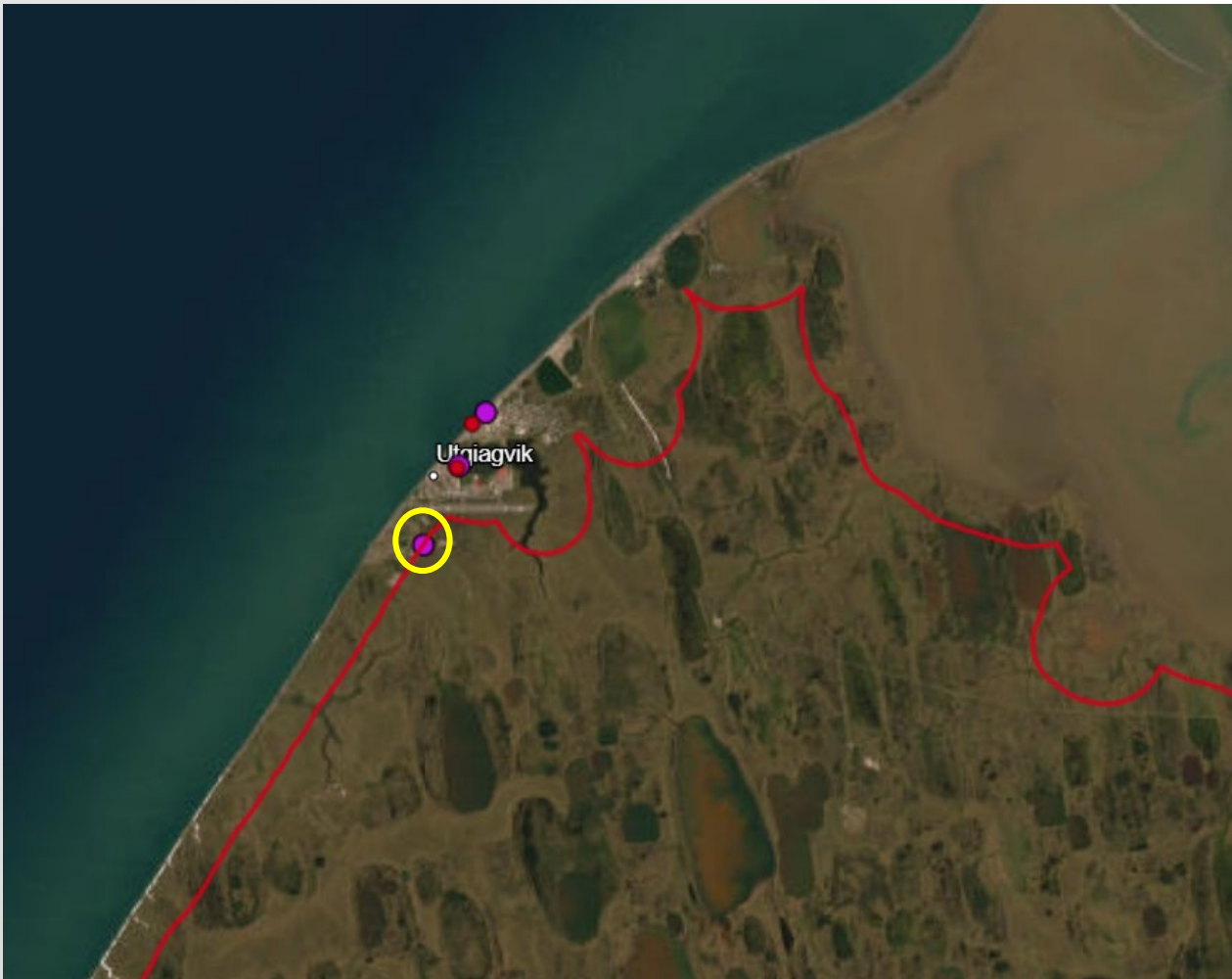
Incident location image from ERMA with red USCG/EPA boundary line

- Coastal Zone = USCG FOSC
- Inland Zone = EPA FOSC

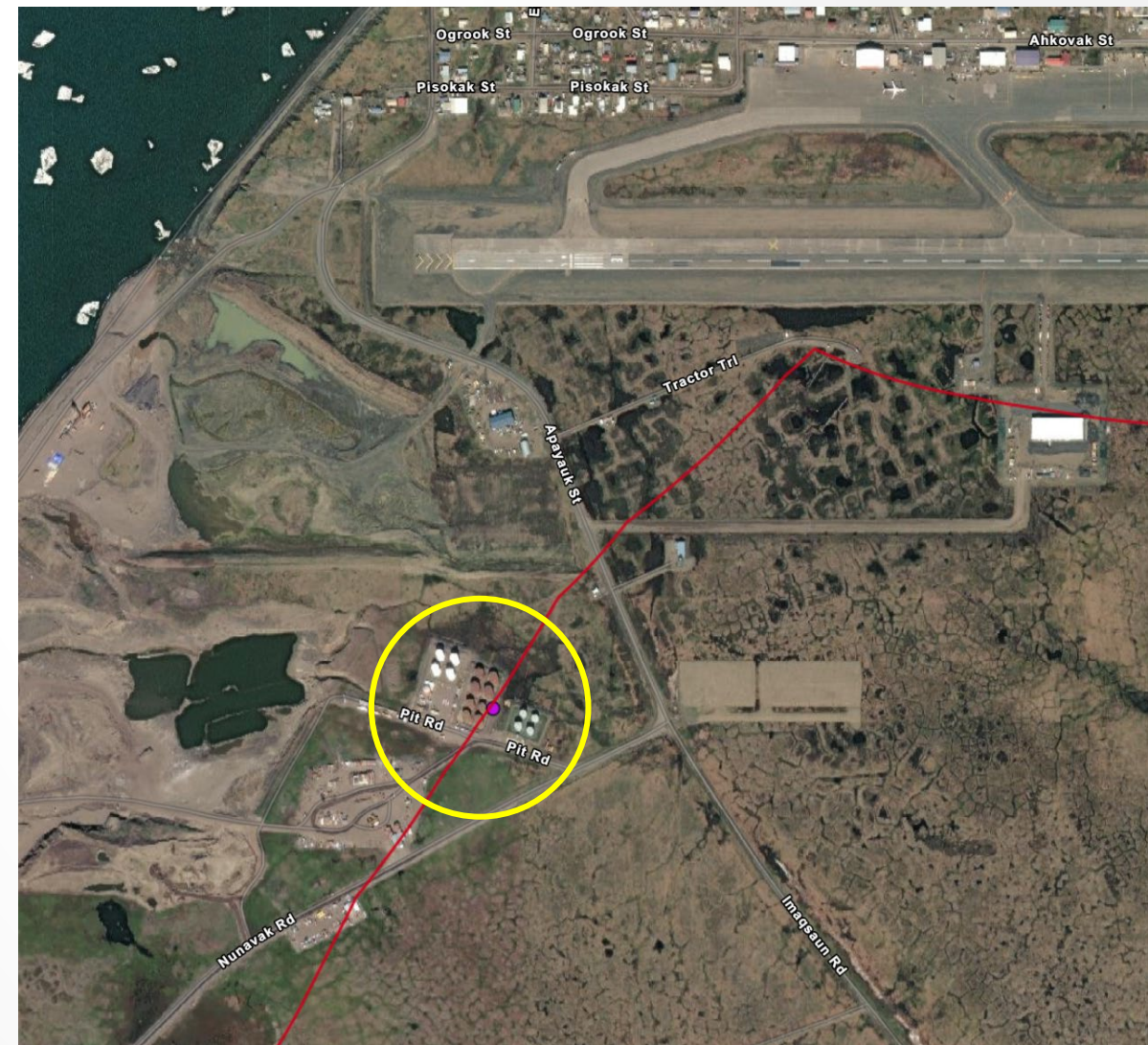


INLAND & COASTAL ZONE

2024 NORTH SLOPE BOROUGH SPILL EXERCISE



Utqiagvik image from ERMA with red USCG/EPA boundary line



Boundary line runs right through tank farm spill scenario location

- Coastal Zone = USCG FOSC
- Inland Zone = EPA FOSC



FEDERAL OIL PREVENTION JURISDICTION

- FOSC response jurisdictions are, in some geographic areas, different from agency prevention/inspection jurisdiction
- Prevention jurisdiction defined by regulations and separate MOUs.
 - Complex facility, one facility may fall under different agency jurisdiction (tanks vs marine transfers). EPA, USCG, DOT/PHMSA, BLM, BSEE, not to mention state agency oversight
 - Applicable to oil facility inspections/enforcement and facility, vessel, pipeline and rail response plan reviews regulations
- **USCG regulates** the marine transportation-related facility (MTR): pier structures, transfer hoses, hose-piping connection, containment, controls, and transfer piping associated with the transfer of oil between a vessel and an onshore facility.
- **EPA regulates** facilities beginning at the first valve inside secondary containment including tanks, internal piping, loading racks, and vehicle/rail operations that are completely within the non-transportation portion of the facility.

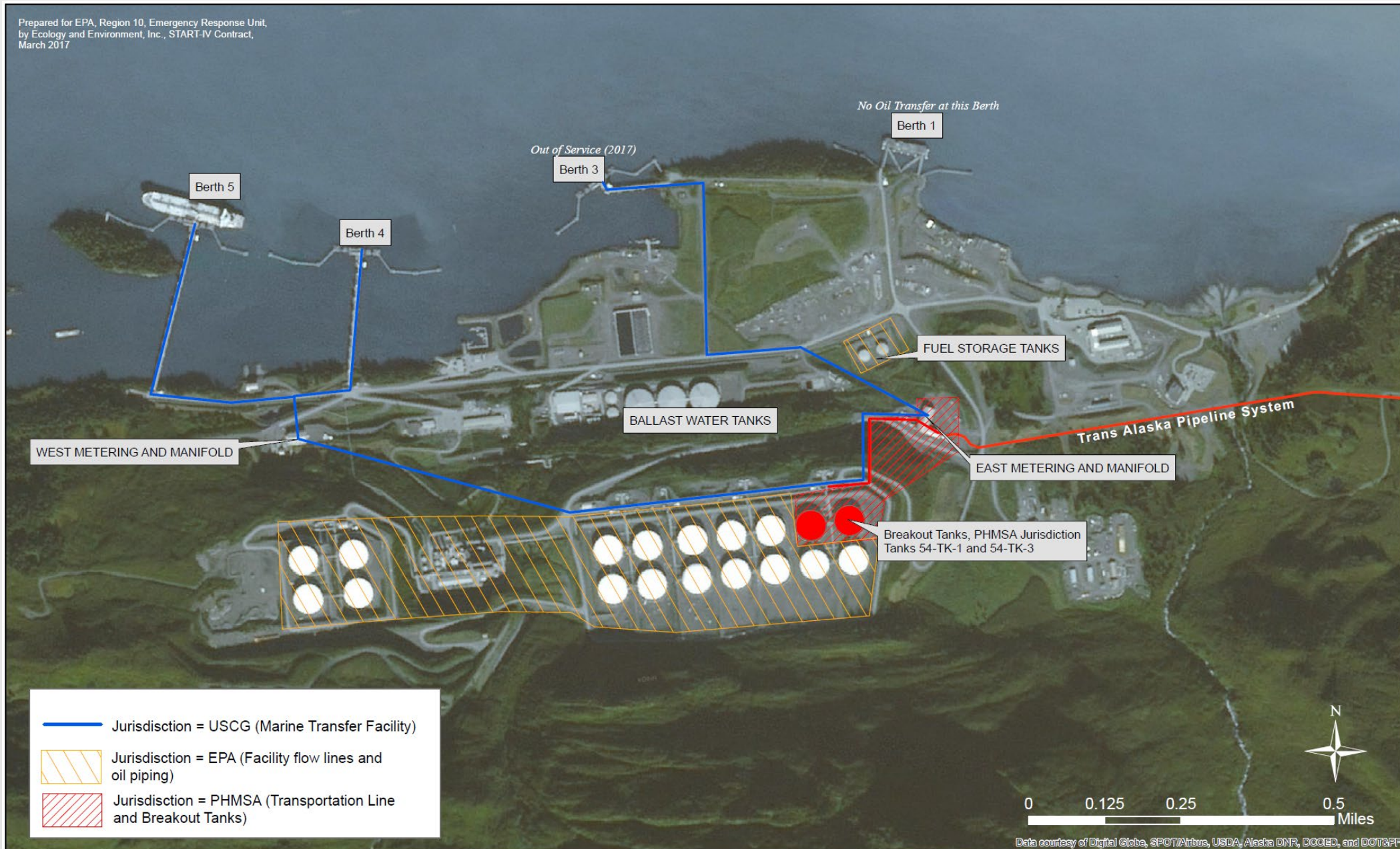


2022 USCG & EPA conduct joint inspections in Selawik



PREVENTION JURISDICTION

COMPLEX FACILITY

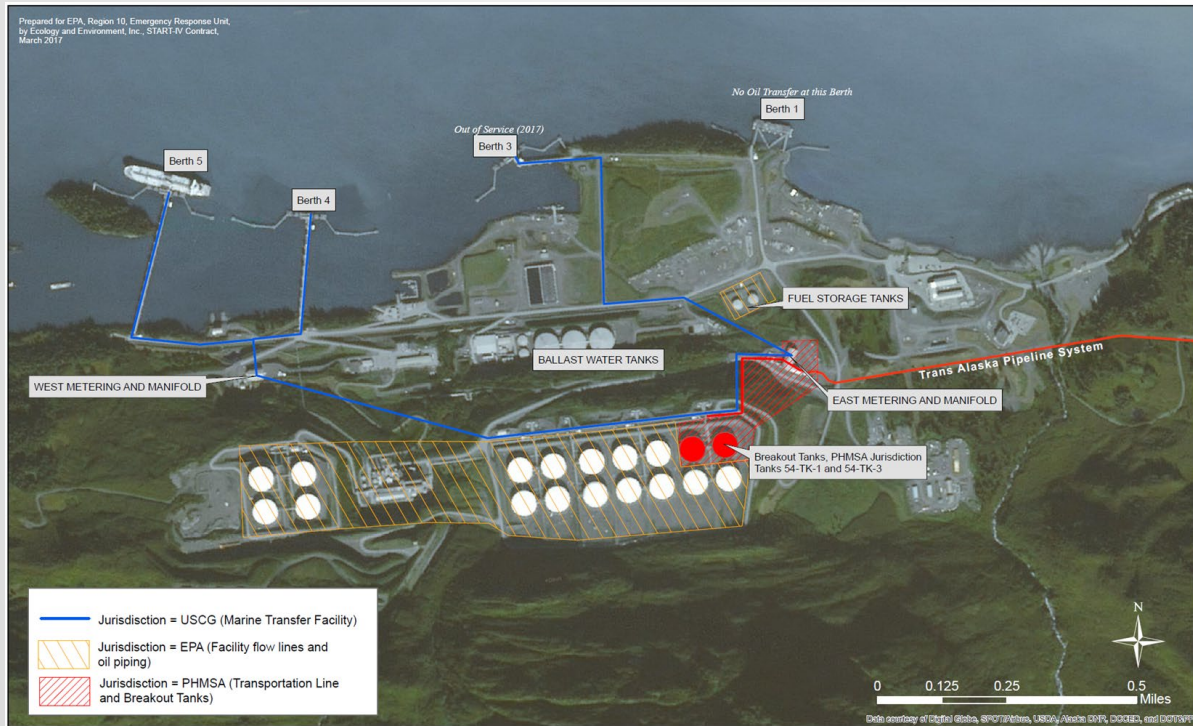


Valdez Marine Terminal, Detailed View

Liquid Oil Piping/Pipeline Jurisdictional Tool

PREVENTION VS RESPONSE

- FOSC response jurisdictions are, in some geographic areas, different from agency prevention/inspection jurisdiction



Prevention



HOW/WHEN DOES EPA REGION 10 RESPOND?

- Within legal authorities, EPA exercises discretion on response to discharges of oil and hazardous substance releases
- Coordination with local, state and tribal partners and rely on principle of escalation.
- Response options:
 - Technical assistance
 - Unified Command
 - Lead
 - CWA/OPA – Pollution Removal Funding Authorizations
 - If a local, state or tribal partner has the capability to respond, but lacks the funding, EPA (and USCG) may issue a PRFA to support engagement

