

**MEMORANDUM OF AGREEMENT
INTER-REGIONAL EMERGENCY RESPONSE AND REMOVAL SUPPORT
REGION II AND REGION III
U.S. ENVIRONMENTAL PROTECTION AGENCY**

The purpose of this memorandum is to provide a mutual aid agreement for cross-regional emergency and removal response activities between EPA Regions II and III.

I. Authorities

The mutual aid provided under this agreement will enhance the Agency's response to releases of oil, hazardous substances, pollutants, and contaminants; 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 that the Regions may undertake pursuant to the Stafford Disaster Relief Act and amendments, and as further defined in the National 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 II pre-designated OSCs are presently duty-stationed in the following locations:

- Edison, New Jersey
- Buffalo, New York
- San Juan, Puerto Rico

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

- Philadelphia, Pennsylvania
- Bethlehem, Pennsylvania
- Richmond, Virginia
- Fort Meade, Maryland
- Wheeling, West Virginia.

The distribution of OSCs among these duty-stations facilitates timely response activities on the part of EPA throughout the two 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. Such responses would most typically involve but not be limited to:

- 1) Emergency Support Function #10 (ESF10) activations under the NRP, including; Stafford Act Disaster Declarations and Federal to Federal Support; and
- 2) Support to Federal law enforcement agencies, such as the FBI, DEA, ATF, etc.

IV. Mutual Aid Cross-Regional Response Activities

It is hereby agreed by the signatories that the two 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 either 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 pre-designated 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, when the incident affects an area that encompasses multiple-regions, the involved regions will 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.

Incident Management Team Support: In accordance with EPA's National Approach to Response, and the National Response Plan (NRP) and National Incident Management System (NIMS) issued by the Department of Homeland Security, each region has:

- Established a Regional Incident Management Team (RIMT)
- Established a Regional Response Support Corp (RSC)
- Provided Advanced ICS Training (up to ICS 400 level) for all OSCs and key personnel

Very large, complex events can result in the need for activation of the RIMT. This could be due to a large CERCLA or OPA response, a regional disaster such as flood or hurricane, planned exercises and pre-deployments, or terrorism. In these situations, cross-regional RIMT assistance can be provided by any of the signatory regions; in which case the RIMT (as a whole or specific positions as needed) from the supporting region would be integrated into the requesting region's RIMT.

Multi-Regional Training and Exercises: In accordance with EPA's National Approach to Response, regions shall conduct Multi-Regional Training and Exercises each year. Examples include RIMT exercises, Level A and air monitoring exercises, and facility spill exercises.

V. Existing Memoranda of Agreement (MOAs)

This MOA is based upon EPA/USCG Inland-Coastal Boundary MOAs already in place, which confirm the geographic areas and responsibilities for pre-designated OSCs for pollutant responses. This MOA does not replace these 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 respond to oil and hazardous materials incidents in a timely and thorough fashion.

VI. Budgets 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.

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 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 authorizes 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 significant emergency responses, including a National Response Plan activation, should generally be made during business hours, initiated by the lead Region, and by contact between the perspective 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 the requirements 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 II and III (*Originals*)

OSCs, Regions II and III

USCG -1st, 5th, & 7th Districts

USCG -National Pollution Fund Center

USCG -National Strike Force Coordination Center

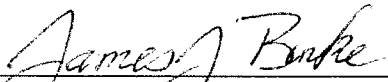
Regional Contracting Officer(s), Regions II and III

Regional Project Officer(s), Regions II and III

EPA Headquarters, OSWER/OEM/ Program Operations & Coordination Division

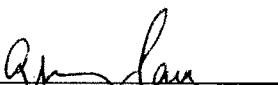
Regional Contingency Plan (RCP), Regions II and III

X. Signatures



James J. Burke, Director
Hazardous Site Cleanup Division
EPA Region III

11/13/06
Date



George Pavlou, Director
Emergency & Remedial Response Division
EPA Region II

11/27/06
Date

