

MEMORANDUM OF UNDERSTANDING
BETWEEN
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
AND
UNITED STATES DEPARTMENT OF INTERIOR,
BUREAU OF LAND MANAGEMENT

ROLES AND RESPONSIBILITIES REGARDING PREPAREDNESS AND RESPONSE TO AN INLAND ZONE OIL DISCHARGE FROM THE TRANS-ALASKAN PIPELINE SYSTEM (TAPS)

BACKGROUND

The U.S. Environmental Protection Agency (EPA) and the U.S. Department of Interior, Bureau of Land Management (BLM) share concurrent authority and overlapping jurisdiction with respect to oil discharge preparedness and response on the inland waters and adjoining shorelines along the TAPS. In order to assure the most efficient and expeditious response to such incidents and clearly define the respective roles of EPA and BLM in response to such incidents, the agencies enter into this Memorandum of Understanding (MOU).

AUTHORITY

The EPA is named the Federal On Scene Coordinator for inland pollution incidents by the National Contingency Plan (NCP) written under the authorities of the Clean Water Act, the Oil Pollution Act, and the Comprehensive Emergency Response Claims and Liability Act. The Federal On Scene Coordinator (OSC) is responsible for monitoring and / or if appropriate directing response efforts and coordination of all other efforts during an release. The OSC is also responsible for preparedness planning before an incident and coordinating plans with all levels of government, federal, state, local, private industry and public organizations. (See 40 CFR 300 for a further explanation of OSC responsibilities).

The BLM under the provisions of the Agreement and Grant of right-of-way between the US Government and the owners of TAPS has the authority and responsibility to oversee and, if appropriate, direct the response to an oil discharge originating from TAPS affecting the right-of-way corridor. BLM also has authority to require a oil discharge contingency plan from the operators of TAPS and responsibility to annually evaluate and approve its adequacy.

Recognizing these similar authorities and overlapping responsibilities, EPA and BLM enter into the following agreement.

SCOPE

This MOU applies to responses to TAPS related oil discharges to waters of the U.S. and adjoining shorelines as defined in 40 CFR 110 and including response operations conducted under the authority of the NCP, 40 CFR 300. Additionally this MOU addresses cooperative efforts between EPA and BLM with other federal and state agencies to coordinate oil spill prevention and preparedness efforts, including but not limited to, a coordinated reviews of industry response plans, planning and execution of response drills and exercises, and evaluations of industry spill prevention efforts. Nothing in this MOU supersedes or nullifies individual agency requirements for spill reporting, spill prevention and response planning requirements or any other existing related authority.

Response Activities Including Agency Roles

As provided in the NCP 40 CFR 300, EPA is the pre-designated Federal On Scene Coordinator for responses to oil discharges into waters of the U.S. and adjoining shorelines located within the "Inland Zone", including discharges originating from TAPS.

In accordance with 40 CFR 300.135(d) BLM may act as the Federal On Scene Coordinator's Representative for oil discharges originating from or associated with TAPS in the inland zone. (The inland zone is delineated from the coastal zone by a separate MOU between the EPA and the U.S. Coast Guard.)

Specifically EPA and BLM agree:

- Personnel from both agencies will work cooperatively together to represent the interests of the federal government (i.e oversight monitoring and, if necessary, directing responsible party activities or conducting government removal actions) during spill response operations.
- Depending upon the magnitude of the spill and the need for multiple federal and state agency involvement, the governments response organization will organize into an Incident Command System (ICS) structure that will appropriately mirror the responsible party's organization and be unified at the command level.
- When appropriate this organization will be lead by the federal OSC, (EPA) and state OSC, (ADEC). BLM personnel participation could involve filling the following positions, including but not limited to :
 - **Unified Command Structure** - assistant or deputy federal OSC;
 - **Operations Section** - provide field monitors for integrated agency spill response field teams;
 - **Planning Section** - provide land management, natural resource expertise for strategic planning and applicable permitting authority for response operations;
 - **Logistics Section** - provide BLM expertise and agency resources;
 - **Finance Section** - provide personnel trained to track agency costs for eventual cost recovery actions, and possible federal contract assistance;

BLM's expertise in ICS implementation may also be utilized to provide an incident overhead management team.

Preparedness Activities

Industry Activities

- BLM and EPA agree to jointly review TAPS related contingency plans, i.e coordinate evaluation of individual agency requirements with the goal of creating one plan that will satisfy multiple regulatory and lease requirements.
- BLM and EPA will coordinate and as appropriate jointly conduct exercises, drills

and inspections intended to evaluate the adequacy of industry efforts. Such activities will also be coordinated and jointly implemented with State of Alaska agencies.

Government Activities

- BLM and EPA agree to jointly develop government preparedness plans as required by the provision of federal legislation and regulations including Area Contingency Planning Efforts required by the Oil Pollution Act of 1990. Such activities will be jointly conducted with appropriate State of Alaska agencies.

- BLM and EPA agree to share specialized training opportunities whenever possible.

Prevention Activities

- BLM and EPA agree to coordinate inspections and field activities associated with TAPS facilities that are specifically intended to evaluate oil spill prevention plans and equipment. (Develop joint inspection program, checklists, etc.)

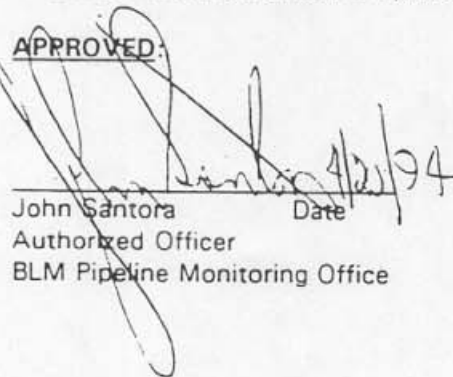
PERIOD OF AGREEMENT

This MOU shall continue in effect until modified or agreement by the assent of both parties or terminated by either party upon a thirty day written notice to the other party.

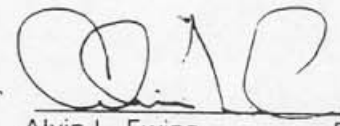
This MOU shall be reviewed annually and modified or revised as necessary. Nothing in this agreement is intended to diminish or otherwise affect the statutory authority of the agencies involved.

This MOU becomes effective upon signature by both of its participants.

APPROVED:



John Santora Date
Authorized Officer
BLM Pipeline Monitoring Office

 5/20/94

Alvin L. Ewing Date
Assistant Regional Administrator
U.S. Environmental Protection Agency Region X