

ANNEX VII

**MEMORANDUM OF UNDERSTANDING BETWEEN THE
U.S. ENVIRONMENTAL PROTECTION AGENCY REGIONS 5, 6, & 7
EMERGENCY RESPONSE PROGRAMS**

REGION 5
77 West Jackson
Chicago, Illinois 60604

REGION 6
1445 Ross Avenue
Dallas, Texas 75202

REGION 7
901 North 5th Street
Kansas City, Kansas 66101

I. PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to establish procedures for a general working agreement between Region 5, 6, & 7 Emergency Response Programs to provide for an interregional backup system which can assist other regions in the event of an emergency response where regions have exhausted their resources and require the assistance of other regions. This MOU can also be used in the event that another region is located closer to a response and quick coverage is needed.

II. BACKGROUND

The Environmental Protection Agency has established a National Baseline Core Emergency Response Program (NBCERP). The Core Emergency Response project participants, which included regional removal managers, On-Scene Coordinators (OSCs) , members of the OSC Readiness Task Force and EPA Headquarters personnel reviewed critical program elements and set baseline standards for a nationally consistent EPA Emergency Response Program. This is especially critical due to the magnitude of events which may result from a counter terrorism event or other major responses that may severely task regional EPA response resources. These standards were formalized in a memorandum dated November 25, 1998 and signed by Timothy Fields Jr., Assistant Administrator, Office of Solid Waste and Emergency Response. One of the standards mandated the establishment of Regional Backups - "Each Region should have access to a primary and secondary backup Region."

III. AGREEMENT

Regions 5, 6, & 7 agree to establish a system that will meet the abovementioned standard. The following primary and secondary system will be enacted during times of staffing shortfalls:

REGION	PRIMARY	SECONDARY
5	6	7
6	7	5
7	5	6

It is understood that the regions will still have flexibility to seek assistance from other regions for staffing shortfalls. It is also acknowledged that the regions listed above may have other designated primary or secondary backup regions in MOUs separate from this MOU. In the event that a catastrophic event, such as an earthquake, would impact the region and their primary and secondary regions, it is understood that the assistance of a non-contiguous region may be requested.

IV. PROCEDURE

The Regional Removal Manager or the designated "acting" Manager will, by phone, fax, e-mail, or any available emergency means of communications, contact the backup regional counterpart to request assistance

V. 24-HOUR CONTACT NUMBERS

REGION	24 HOUR CONTACT NUMBER	FAX NUMBER
5	312-353-2318	312-353-9176
6	866-372-7745	214-665-7447
7	913-281-0991	913-551-7151

VI. PROGRAMMING, BUDGETING, FUNDING, AND REIMBURSEMENT ARRANGEMENT

This MOU is neither a fiscal nor a funds obligation document. However, generally any endeavor involving contribution of funds will be paid for by the requesting region.

This MOU in no way restricts the regions from participating in similar activities or arrangement with other regions

VII. AUTHORITIES

The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA).

The Clean Water Act as amended by the Oil Pollution Act of 1990.

VIII. EFFECTIVE DATE

This MOU will be effective upon signature by the parties hereto and shall remain in effect until termination by any party. Any party may terminate this MOU upon 90 days written notice to the other region's Signatory below. Its provisions will be reviewed and this review annotated on an annual basis and this agreement will be amended or supplemented as mutually agreed upon.

IX. OTHER MOUS

This MOU does not supersede the individual MOUs already in place which address cross river response issues. Any separate MOUs between these regions have been attached to this MOU.

Signed Date 1/25/01

William E. Muno
Director, Superfund Division, Region 5, USEPA

Signed Date: 2/8/01

Myron O. Knudson
Director, Superfund Division, Region 6, USEPA

Signed Date: 1/23/01

Michael J. Sanderson
Director, Superfund Division, Region 7, USEPA

**MEMORANDUM OF UNDERSTANDING
CROSS-BOUNDARY EMERGENCY RESPONSE AND REMOVAL SUPPORT
REGIONS 5 and 7 U.S. ENVIRONMENTAL PROTECTION AGENCY**

The purpose of this memorandum is to establish a mutual aid agreement for cross-regional emergency and removal response activities between U.S. Environmental Protection Agency (EPA) Regions 5 and 7.

I. Authorities

The mutual aid provided under this agreement will enhance the Agency's response to releases of oil, hazardous substances, pollutants, and contaminants; and, 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 which the Regions may undertake pursuant to the Stafford Disaster Relief Act and amendments, and as further defined in the Federal Response Plan.

II. Pre-Designation and Location of OSCs

Pursuant to 40 CFR 300.120(a), each EPA Regional Administrator has predesignated OnScene Coordinators (OSCs) for the Inland Zone. The names of the predesignated OSCs are available through the respective region's duty phone officer or removal manager.

Region 5 predesignated OSCs are presently duty-stationed in the following locations:

- Chicago, Illinois
- Carterville, Illinois
- Grosse Ile, Michigan
- Westlake, Ohio
- Cincinnati, Ohio

Region 7 predesignated OSCs are presently duty-stationed in the following locations:

- St. Louis, Missouri
- Kansas City, Kansas

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 subsequently in this agreement. It is anticipated that Regions 5 and 7 will be able to respond in a more timely fashion along the Mississippi River boundary between our two respective regions with the implementation of this Memorandum of Understanding (MOU). This MOU would not preclude either Region from asking for assistance beyond the flood plain area of the Mississippi and could include tributaries to, or areas apart from the Mississippi River.

III. On-Scene Coordinator Response Activities

Under CERCLA/SARA and OPA, pre-designated OSCs 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 OSCs can also perform response activities under the direction of other federal agencies, including:

- Stafford Act Federal Disaster Declarations, which would allow EPA to support FEMA performing the Emergency Support Function #10 (ESF - 10) to address hazardous materials
- Counter-Terrorism Responses per Presidential Decision Directive 39 (PDD -39)

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. A cross-boundary response can be performed where the closest OSC is from another region, and where the magnitude of the response is such that assistance is warranted. In accordance with 40 CFR300.135(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 predesignated OSC. The FFO would carry out actions until a predesignated OSC, from the lead region arrives on scene, or until the incident no longer warrants a federal response action.

V. Budget and Contracts

The signatory regions recognize the benefits of the OSC in an emergency, utilizing all means possible to conduct a successful response and utilize the available resources to protect human health and the environment. Contract crossovers can be utilized if they are determined to be in the best interest of the Government. It is expected that issues of utilizing contracting mechanisms available to other regions will be evaluated as a result of this MOU and if necessary, specific protocols will be established to expedite response actions.

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 authority and/or procedures to enable the OSC providing the cross-boundary response to utilize the lead region's contract resources for the duration of their involvement in the incident.

VI. Process for Activating Cross-Regional Support under this Agreement

Requests for cross-boundary support 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, presence of a FFO, or other such information as deemed appropriate at the time of the response. In implementing this MOU, each Region shall develop and apply procedures, as appropriate, that authorize 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 an ESF #10 activation should generally be made during business hours, initiated by the lead Region, and by contact between the respective 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 MOU will be included with those required above.

24 Hour Contact Numbers are as follows:

Region 5: 312-353-2318 (telephone) 312-353-9176 (fax)

Region 7: 913-281-0991 (telephone) 913-551-7151 (fax)

VII. 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.

VIII. Distribution

Final signed copies of this agreement shall be distributed as follows:

Removal Managers, Regions 5 and 7

OSCs, Regions 5 and 7

USCG Districts

USCG - National Pollution Fund Center

Regional Contracting Officer(s), Regions 5 and 7

Regional Project Officer(s), Regions 5 and 7

EPA Headquarters, OSWER/OERR Regional Centers 5 and 7

Regional Contingency Plan (RCP), Regions 5 and 7

IX. Signatures

Signed Date: 1/31/01

**William E. Muno, Director
Superfund Division, Region 5, USEPA**

Signed Date: 12/05/01

**Michael J. Sanderson, Director
Superfund Division, Region 7, USEPA**