

APPENDIX 3-D: Instrument of Redelelegation between USCG and EPA, signed 29 November 1987 and 27 May 1988

FULL TEXT OF THE INSTRUMENT OF REDELEGATION BETWEEN THE CG AND EPA DATED

11/29/87

INSTRUMENT OF REDELEGATION

1. Except as provided in paragraph 2 below, in accordance with Section 11(g) of Executive Order 12580 of January 23, 1987, the Secretary of the Department in which the Coast Guard is operating hereby delegates to the Administrator, Environmental Protection Agency (EPA), subject to the Administrator's consent:
 - a. all functions specified in Sections 2(f), 4(c), and 5(b) of that Executive Order.
 - b. the functions specified in Sections 2(i), 2(j)(2), 2(k), and 6(c) of that Executive Order to the extent that those functions relate to the functions specified in Section 2(f) of that Executive Order.
2. The functions redelegated under this Instrument of Redelelegation do not include;
 - a. functions related to responses to releases or threats of releases from vessels;
 - b. functions related to emergency action concerning releases or threats of releases at facilities other than active or inactive "hazardous waste management facilities" (as defined in 40 CFR 270.2); and
 - c. functions related to emergency action concerning releases or threats of releases at active or inactive "hazardous waste management facilities" when the Coast Guard On-Scene Coordinator (OSC) determines that such an action must be taken pending the arrival on scene of an EPA OSC. Unless otherwise agreed upon by the EPA and Coast Guard, this authority will not be exercised unless the EPA OSC is scheduled to arrive on scene within 48 hours of notification of the release or threat of release.
3. For purposes of this Instrument, the term "emergency action" includes any removal action which, in the view of the Coast Guard OSC, must be taken immediately to prevent or mitigate immediate and significant danger to the public health, welfare, or the environment. Situations in which such actions may be taken include, but are not limited to, fire, explosions, and other sudden releases; human, animal, or food chain exposure to acutely toxic substance, and the contamination of a drinking water supply.
4. All the functions described in this document, whether redelegated or retained, include the authority to contract for, obligate monies for, and otherwise arrange for and coordinate the responses included within such functions.

_____/s/ (Acting) 11/29/87
Secretary of Transportation

_____/s/ (Acting) 5/27/88
Administrator, Environmental Protection Agency