



# REGIONAL RESPONSE TEAM

## FEDERAL REGION III

Environmental  
Protection Agency

U.S. Coast Guard

Department of  
Agriculture

Department of  
Commerce

Department of  
Defense

Department of Energy

Department of  
Health and Human  
Services

Department of  
Interior

Department of  
Justice

Department of Labor

Department of  
Transportation

Federal Emergency  
Management Agency

General Services  
Administration

Commonwealth of  
Pennsylvania

Commonwealth of  
Virginia

State of Delaware

State of Maryland

State of West Virginia

District of Columbia

### MEMORANDUM OF AGREEMENT (MOA) BETWEEN U.S. ENVIRONMENTAL PROTECTION AGENCY - REGION III AND U.S. COAST GUARD - FIFTH DISTRICT

#### Purpose

The intent of this Memorandum between the United States Environmental Protection Agency (EPA), Region III and the United States Coast Guard (USCG), Fifth District is to delineate the Region III Inland and Coastal Zone geographical boundaries establishing responsibility for the On-Scene Coordinator (OSC) for pollution response, pursuant to the Clean Water Act, as amended, (CWA), 33 U.S.C. §§ 1251 - 1387; and the National Oil and Hazardous Substances Contingency Plan (NCP), 40 C.F.R. §§ 300.5 and 300.120.

#### Definitions

The following definitions will apply to this Memorandum of Agreement (MOA):

*Vessel* - Every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water. This definition excludes permanently moored structures, which, while they may appear to be vessels are not inspected by the Coast Guard, i.e., barges moored at facilities effectively used as part of a non-transportation-related facility complex.

*Commercial Vessel* - As defined in this MOA, commercial vessel means tank vessels (ships and barges); freight ships and barges; commercial fishing vessels; inspected passenger vessels; and uninspected towing vessels. This definition excludes recreational vessels and uninspected passenger vessels carrying six or fewer persons for hire.

*Marine Transportation-Related Facility (MTR Facility)* - Any onshore facility or segment of a complex regulated under section 311 (j) of the Federal Water Pollution Control Act by two or more Federal agencies, including piping and any structure used or intended to be used to transfer oil to or from a commercial vessel. The marine transportation-related portion of the complex extends from the facility oil transfer system's connection with the commercial vessel to the first valve inside the secondary containment surrounding tanks in the non-transportation-related portion of the facility or, in the absence of secondary containment, to the valve or manifold adjacent to the tanks comprising the non-transportation-related portion of the facility, unless another location has been agreed to by the USCG Captain of the Port (COTP) and the appropriate Federal official.

U.S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

Commander (dr)  
Fifth Coast Guard District  
431 Crawford Street  
Portsmouth, VA 23704

*Facility* – means (1) a Facility, as defined by Section 101(9) of Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), 42 U.S.C. § 9601(9), to mean any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or any site or area, where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel (*CERCLA Facility*), as well as (2) a Facility, as defined by Section 1001(9) of the Oil Pollution Act (OPA), and Section 311(a)(10) and (11) of the Clean Water Act, as amended (CWA), 33 U.S.C. §§ 2710(9) and 1321(a)(10) and (11), to mean any structure, group of structures, equipment, or device (other than a vessel) which is used for one or more of the following purposes: exploring for, drilling for, producing, storing, handling, transferring, processing, or transporting oil, and this term includes any motor vehicle, rolling stock, or pipeline used for one or more of these purposes (*OPA Facility*).

*Pollution Response* – means a “removal” of a “discharge” of “oil,” as those terms are defined in Section 311(1), (2) and (8) of the CWA and Section 1001(7), (23) and (30) of the OPA, as well as a “response” to a “release” of “hazardous substances,” as those terms are defined by Section 101(14), (22) and (25) of CERCLA.

*Road* - For boundary sections that are designated by the use of the median strip as the line on roads, the Inland Zone shall include the median strip.

*Riverbank* - The land along the edge of a river, which is at the level of the mean high water mark.

*Tide* - The periodic variation in the surface level of the oceans and of bays, inlets, and tidal regions of rivers, which is at the level of the mean high water mark.

### **Inland/Coastal Zone Boundary Designation**

EPA Region III provides the OSC for pollution response in the Inland Zone. The cognizant USCG COTP is the pre-designated OSC for pollution response in the Coastal Zone, as defined in the NCP, 40 C.F.R. § 300.5.

Precise boundaries are determined by EPA/USCG agreements and identified in federal regional contingency plans. The Inland and Coastal Zone geographical boundaries for Region III can be found in Attachment A (Written Boundaries) and Attachment B (Geographical Boundaries).

### **General Response Provisions**

These provisions apply to all EPA OSCs and USCG COTP/OSCs serving Federal Region III. In Region III, the EPA and USCG will carry out agency and specific pollution response responsibilities under the NCP, the Regional Contingency Plan (RCP), and the applicable Area Contingency Plan (ACP), and will assist each other to the fullest extent

possible to prevent or minimize the impacts of an actual discharge or release, or a substantial threat of such a discharge or release, of an oil or hazardous substance where each respective agency has jurisdiction.

The designated boundary lines are intended to delineate the area of responsibility for federal response action to a discharge of oil or a release of a hazardous substance within Federal Region III and describe the transition point from the Coastal Zone (USCG jurisdiction) to the Inland Zone (EPA jurisdiction). For ease, boundaries were drawn following roads, state boundaries, and other landmarks and, as a general rule, the location of the source of the discharge in relation to the boundary will be the determining factor of which agency provides the OSC. However, this MOA recognizes the USCG's primary mission and expertise over discharges and releases in or threatening navigable waters subject to the tide, and EPA's primary mission and expertise for discharges and releases that occur on or threaten land and non-tidal, navigable waters. Therefore, the boundaries do not preclude one agency from transferring to the other agency OSC responsibilities for releases and/or discharges which occur within its zone, as set forth below.

The USCG, through the cognizant COTP, will assist the Inland Zone EPA OSC, consistent with applicable agency responsibilities and authorities. The USCG COTP will assume the role of OSC in response to an incident in the Inland Zone when it involves a commercial vessel, a commercial vessel transfer operation, the MTR portion of a facility, and results in an actual discharge or threatened discharge of oil or release of a hazardous substance into or on the navigable waters of the United States, its shoreline or the riverbank.

The EPA, through the EPA OSC, will assist the Coastal Zone USCG OSC, consistent with applicable agency responsibilities and authorities. The EPA will assume the role of OSC in response to an incident in the Coastal Zone when it involves a CERCLA and/or OPA Facility and results in an actual or threatened discharge of oil, or an actual or threatened release of a hazardous substance, that occurs on or threatens land and non-tidal, navigable waters.

The designated boundary lines do not preclude mutual assistance between the two agencies. Either agency can request the other to become the OSC when the requesting (lead) agency believes that the other agency can respond more effectively. The lead agency can request the other agency to determine whether it has the expertise and resources to mount an effective response, and accept or decline the request to serve as the OSC. Transferring Federal OSC authority from one agency to another can be done by verbal agreement between an EPA OSC and the USCG COTP. This verbal agreement shall be documented in a Pollution Report (POLREP) from the agency taking over the Federal OSC authority within 30 days of this verbal agreement.

Regardless of any agreements within this MOA, it is the responsibility of the EPA (for all Inland Zone responses) and the USCG (for all Coastal Zone responses) to ensure that the other agency (EPA or USCG) has properly taken over OSC responsibilities in its zone prior to relieving itself of any OSC responsibility.

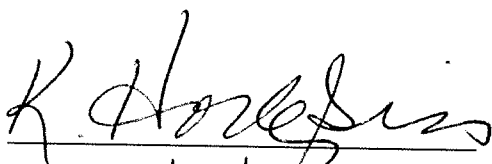
### Amendments and Effective Date

This agreement will be subject to review and amendment coincident with each periodic review of the Regional, Area, and other applicable contingency plans and any other time at the request of either of the parties. This document may be cancelled in whole or in part by any party thereto. Any cancellation will take place 30 days following delivery of written notification to EPA or USCG. It will remain in effect until modified or terminated by mutual agreement.


Requests or recommendations for modification to the Inland/Coastal boundary delineations or modifications to this MOA shall be referred to EPA Region III and USCG Fifth District prior to consideration. Those points of contact shall be:

- . EPA Region III - Associate Division Director, Office of Preparedness and Response, Philadelphia, PA at (215) 814-3241; EPA's 24 hour number: (215) 814-3255;
- . Fifth Coast Guard District - Chief, Response Division, Portsmouth, VA at (757) 398-6676; USCGD5's 24 hour number: (757) 398-6231.

Regional and Area Contingency Plans of the signatory agencies will be amended to reflect the following geographical boundaries and agreements contained herein. This MOA supercedes other MOAs previously in effect concerning the federal OSC boundaries for purposes of pollution response within Federal Region III. This document is effective upon the date that it is fully executed by both parties.

  
Date: 1/6/10

Kathryn A. Hodgkiss  
Acting Division Director  
Hazardous Site Cleanup Division  
U.S. EPA Region III  
Philadelphia, PA

  
Date: 1/5/10

CAPT Michael J. Andres  
Commander (dr)  
Fifth Coast Guard District  
Portsmouth, VA

## **Attachment A**

### **Written Boundary**

### Sector Baltimore

Starting at State Highway 13 at the VA/MD border; then west on the VA/MD border; then west along the west bank of the Potomac River where it meets U.S. Interstate 495 (American Legion Memorial Bridge); then east along U.S. Interstate 495 to the east bank of the Potomac River; then south along the east bank of the Potomac River to the Arlington Memorial Bridge; then east on the Arlington Memorial Bridge to Independence Avenue; then east on Independence Avenue to 15th Street SE; then north on 15th Street SE to Bladensburg Road; then north on Bladensburg Road to New York Avenue; then east on New York Avenue to State Highway 50 continuing east on State Highway 50 to U.S. Interstate 295; then south on U.S. Interstate 295 to the Suitland Parkway; then east along the Suitland Parkway to MD State Highway 5; then south along State Highway 5 to State Highway 231; then east along State Highway 231 to State Highway 2; then north along State Highway 2 to State Highway 178; then north along State Highway 178 to State Highway 3; then north along State Highway 3 to U.S. Interstate 695; then west along U.S. Interstate 695 around the city limits of Baltimore to U.S. Interstate 95; then east on U.S. Interstate 95 to the west bank of the Susquehanna River; then north along the west bank of the Susquehanna River to the Conowingo Dam; then east along the Conowingo Dam to the east bank of the Susquehanna River; then south along the east bank of the Susquehanna River to U.S. Interstate 95; then east along U.S. Interstate 95 to the MD/DE border; then south along the MD/DE border to the south bank of the Chesapeake & Delaware Canal to MD State Highway 213; then south along State Highway 213 to State Highway 50; then south along State Highway 50 to State Highway 13; then south along State Highway 13 to the VA/MD border.

### Sector Hampton Roads

The southern boundary extends from the coastline of the VA/NC border. Then along the border to VA State Highway 17; north along VA State Highway 17 to VA State Highway 13; then west along State Highway 13 to State Highway 10, along State Highway 10 to State Highway 156; then north along State Highway 156 over the Benjamin Harrison Highway Bridge in Hopewell, VA to State Highway 5; then east on State Highway 5 to State Highway 199; along State Highway 199 to U.S. Interstate 64; then west on U.S. Interstate 64 to State Highway 30; north on State Highway 30 to State Highway 33; east on State Highway 33 across the bridges in West Point, VA, to State Highway 14; south along State Highway 14 to U.S. Route 17; then south on U.S. Route 17 to State Highway 3; north on State Highway 3 to State Highway 33; west on State Highway 33 to U.S. Route 17; north on U.S. Route 17 to State Highway 360; east on State Highway 360 across the bridge in Tappahannock, VA. to State Highway 3; south on State Highway 3 to State Highway 200; north on State Highway 200 to State Highway 360; west on State Highway 360 to State Highway 202; north on State Highway 202 to State Highway 3; west on State Highway 3 to State Highway 301, which impacts the shoreline on the Virginia side; east along State Highway 301 to the west bank of the Potomac River; east along the VA/MD border; across the eastern shore to State Highway 13 north along State Highway 13 to State Highway 113 north along State Highway 113 to the MD/DE border, east along the MD/DE border to the shore. Then out to sea to the extent of the Exclusive Economic Zone; then south along the Exclusive Economic Zone to the VA/NC border.

### Sector Delaware Bay

North along State Highway 113 from the MD/DE state line to its intersection with US 9 in DE; then northward along US 9 to the southern bank of the Chesapeake and Delaware Canal (C & D Canal); then westward along the southern bank to the DE/MD state line, and then eastward along the northern bank of the C & D Canal to US 9, and then north along US 9 to its intersection with 1-495; then northward along 1-495 to its intersection with 1-95 at the PA/DE border; then northward along 1-95 to the Schuylkill River, and then along the high tide mark of the Schuylkill River to the dam at Fairmont Park, and then northward on I-95 to its intersection with US Highway 1; then northward along US Highway 1 to the US Highway 1 bridge between Morrisville, PA and Trenton, NJ.

## **Attachment B**

### **Geographical Boundary**