



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP 4 2015

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

**MEMORANDUM**

**SUBJECT:** Review of Regional and Area Contingency Plans for Downstream Notifications

**FROM:** Mathy Stanislaus  
Assistant Administrator

A handwritten signature in black ink that reads "Mathy Stanislaus".

**TO:** Regional Administrators

Experience and knowledge gained during the Gold King Mine spill incident in Colorado can help inform future response activities. Accordingly, the Agency is using this information to engage our response partners to assess our notification protocols for informing the potentially impacted stakeholders downstream<sup>1</sup> from the source of a release.

Notification of potentially impacted communities downstream of a release is important to helping provide time to prepare all potentially impacted communities to respond to the release. Many notification systems already exist at the state, tribal, local, and other levels, and we want to build on the existing infrastructure.

Thus, this is still an area where I believe we can do better, and the EPA can help support and enhance these existing pathways. To this end, I ask that Regional Administrators ensure Regional Response Team (RRT) representatives work to review and implement, if necessary, all appropriate changes to strengthen Regional Contingency Plan (RCP) and Area Contingency Plan (ACP) provisions focused on the need to promptly alert and coordinate with responders in downstream jurisdictions (e.g., state, tribal, and local jurisdictions), including jurisdictions beyond the original release. Notification procedures should include steps that the EPA, states, tribes, and other agencies take to ensure redundancy of notification to downstream jurisdictions. RCPs/ACPs should include steps for each RRT to conduct regular exercises to test notification procedures and capabilities, including the need for back-up sources of alerts/notifications. I ask that this review and all resulting strengthened provisions be in place at the

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<sup>1</sup> "Downstream" in this context is meant to be inclusive of all environmental media affected by a release. For example, it includes surface water, groundwater, and air, and also environmental impacts of explosive releases.

RCP level by December 31, 2015. Where RCPs cascade into applicable area and sub-area planning, I ask that (if necessary) implementation at the area and sub-area level be targeted for accomplishment by March 31, 2016. Finally I ask that each RRT conduct at least one exercise of its downstream notification procedures by March 31, 2016.

Additionally, to ensure national consistency and build further redundancy into notifications procedures, I am asking the EPA Office of Emergency Management (OEM) to review current notification criteria between the HQ Emergency Operations Center (EOC), Regional EOCs (REOCs), and the USCG National Response Center (NRC). This review will look for further opportunities to enhance downstream notifications by improving communication among these entities. This review should include consideration of recommendations and/or guidance to the EPA EOC and REOCs, and adjustments/changes to the National Response Center (NRC) information collection and notification procedures.

As the Chair of the National Response Team (NRT), OEM Director Reggie Cheatham will coordinate with NRT member agencies and with the RRT Co-Chairs. Please ask your staff to keep Reggie Cheatham apprised as changes and updates are made to existing notification protocols.

Thank you in advance for your efforts to strengthen this process and assisting responders in both protecting human health as well as the environment.

cc: EPA Deputy Regional Administrators  
EPA Regional Superfund Division Directors  
EPA Regional Removal Managers