

Organizational Structure, Response Capabilities, & Spill Preparedness in the Inland Zone



Dr. Keyth Pankau

Eighth Coast Guard District

District Response Advisory Team Supervisor

LEARNING OBJECTIVES



Identify EPA Regions and USCG Sector's Area of Responsibility (AOR)



Understand the Inland Zone, Regional Contingency Plan (RCP), & Sub-Area Contingency Plans (SACPs)

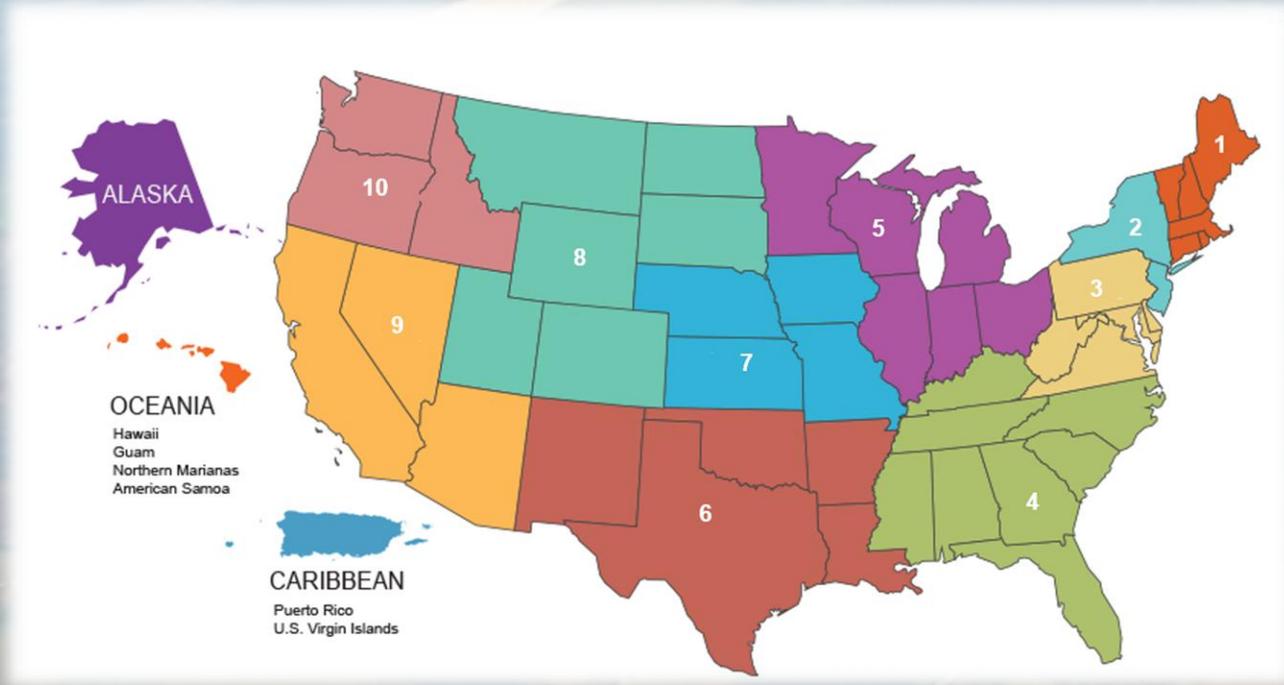


Recognize Memorandum's of Agreement (MOA) between EPA and USCG



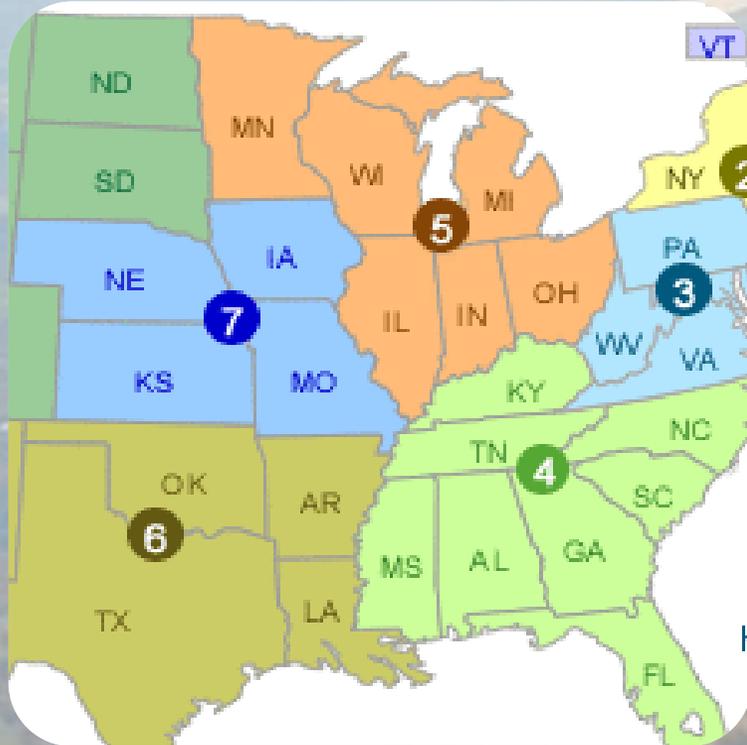
Discuss responses and case studies

EPA REGIONS & USCG SECTORS



SOHV is subject to 4 MOAs: Regions 3, 4, 5, 7

FEDERAL AND STATE PARTNERS



U.S. EPA Region 3: HQ Philadelphia, PA (215) 814-5000

U.S. EPA Region 4: HQ Atlanta, GA (404) 562-8700

U.S. EPA Region 5: HQ Chicago, IL (312) 353-2318

U.S. EPA Region 7: HQ Kansas City, MO (913) 551-7003

State Partners: WV DEP, OH EPA, KY DEP, KDFWR, IN DNR, IN DEM, TEMA

- Federal EPA OSC typically respond solo and rely on states to assist.
- State agencies help determine authority and jurisdiction along the river.

INLAND ZONE

“The environment inland of the coastal zone.... Delineates an area of federal responsibility for response action. Precise boundaries are determined by EPA/USCG agreements (40 CFR 300.5).”

EPA is the lead agency with predesignated OSC for the Inland Zone...for which an ACP is required under CWA (40 CFR 300.175).

USCG is the lead agency... Predesignated FOSC for the Coastal Zone.

Note: There is no coastal zone within the rivers portion of the D8 AOR.

REGARDING RESPONSE BOUNDARIES FOR
OIL AND HAZARDOUS SUBSTANCES POLLUTION INCIDENTS AND
FEDERAL ON-SCENE COORDINATOR RESPONSIBILITIES

Section 1: PARTIES

The Parties to this Memorandum of Agreement (MOA) are the United States Environmental Protection Agency (EPA), Region 5 and the United States Coast Guard, Eighth District (“USCG D8”).

Section 2: PURPOSE AND AUTHORITIES

- A. The intent of this MOA is to delineate the Region 5 inland zone geographical boundaries establishing responsibility for the predesignation of Federal On-Scene Coordinators (FOSCs) for pollution response, pursuant to the Federal Water Pollution Control Act, as amended, also known as the Clean Water Act (CWA), 33 U.S.C. §§ 1251 – 1387; and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. § 300.120.
- B. This agreement is established under the provisions of 33 U.S.C. §§ 1251 – 1387, 14 U.S.C. § 93(a)(20), 14 U.S.C. § 141, 40 C.F.R. § 300.120, and EPA Delegation 1-11.

Section 3: DEFINITION

Except where otherwise specifically defined in the context of its use herein, or where specifically set forth below, terms used in this MOA shall have the meaning set forth in federal law. The definition supplied below is meant to enhance and supplement the understanding of those terms, as used in federal law, and is not meant to usurp or alter their meaning under federal law.

- ***Commercial Vessels.*** “Commercial vessels” are vessels in commercial service that conduct any type of trade or business involving the transportation of goods or individuals, except combatant vessels. This definition includes: tank vessels (ships and barges); freight vessels and inspected and uninspected barges; commercial fishing vessels; inspected passenger vessels; and uninspected towing vessels. This definition excludes recreational vessels, permanently moored structures, and cranes, generators, and temporary storage devices not an integral part of an uninspected barge, which, while they may appear to be vessels or part of the vessel are not inspected by the Coast Guard, e.g., an uninspected deck barge that experiences a ruptured hydraulic line from non integral crane would be an EPA-led response.

MEMO OF AGREEMENT

The EPA predesignates the relevant USCG COTP as the FOSC in response to an incident in the inland zone when it involves either:

- (1) a commercial vessel;
- (2) a commercial vessel transfer operation; or
- (3) it is within or originating from the USCG regulated portion of a facility;

Note: For the purposes of the MOAs, the USCG regulated portion of a facility extends from the facility transfer system's connection with the vessel to the first valve inside the secondary containment...

Response provisions

- The USCG, through the cognizant COTP and the inland zone predesignated EPA FOSC, will
- Assist each other consistent with agency expertise, resources, responsibilities and authorities.
- Such mutual assistance will be provided based on notification and mutual consent that the assistance is requested and necessary to respond...

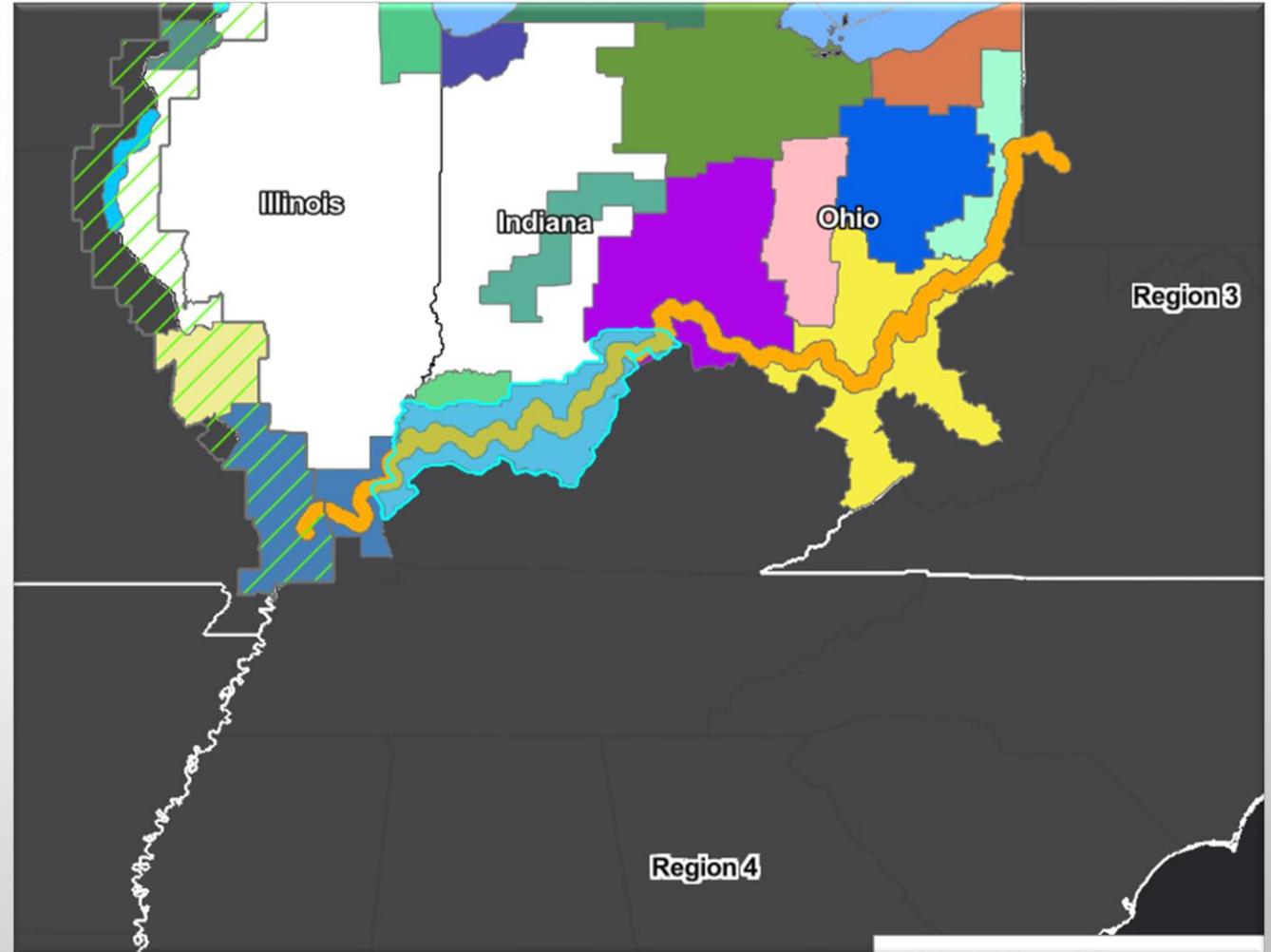
COMMERCIAL VESSEL



- **REGION 4:** MOA DEFINES A COMMERCIAL VESSEL AS: COMMERCIAL VESSELS. "COMMERCIAL VESSELS" ARE VESSELS IN COMMERCIAL SERVICE THAT CONDUCT ANY TYPE OF TRADE OR BUSINESS INVOLVING THE TRANSPORTATION OF GOODS OR INDIVIDUALS, EXCEPT SERVICE PERFORMED BY COMBATANT VESSELS.
- **REGIONS 3, 5 AND 7:** MOAS DEFINE A COMMERCIAL VESSEL AS: "COMMERCIAL VESSELS" ARE VESSELS IN COMMERCIAL SERVICE THAT CONDUCT ANY TYPE OF TRADE OR BUSINESS INVOLVING THE TRANSPORTATION OF GOODS OR INDIVIDUALS, EXCEPT COMBATANT VESSELS. THIS DEFINITION INCLUDES TANK VESSELS (SHIPS AND BARGES); FREIGHT VESSELS AND INSPECTED AND UNINSPECTED BARGES; COMMERCIAL FISHING VESSELS; INSPECTED PASSENGER VESSELS; AND UNINSPECTED TOWING VESSELS. THIS DEFINITION EXCLUDES RECREATIONAL VESSELS, PERMANENTLY MOORED STRUCTURES, AND CRANES, GENERATORS, AND TEMPORARY STORAGE DEVICES NOT AN INTEGRAL PART OF AN UNINSPECTED BARGE, WHICH, WHILE THEY MAY APPEAR TO BE VESSELS OR PART OF THE VESSEL ARE NOT INSPECTED BY THE COAST GUARD.

SUB-AREA PLANS:

- Current plans within metro areas:
 - Louisville (kentuckiana plan) – in progress
 - Cincinnati subarea plan – complete
 - Huntington (tri-state subarea plan) – in progress
 - Paducah (great rivers subarea plan) – complete
 - Pittsburgh – in progress





First Federal Official

- [40 CFR 300.135\(B\)](#) -- The First Federal Official affiliated with an NRT member agency to arrive at the scene of a discharge or release should coordinate activities under the NCP and is authorized to initiate, in consultation with the OSC, any necessary actions normally carried out by the OSC until the arrival of the predesignated OSC. This official may initiate federal fund-financed actions only as authorized by the OSC or, if the OSC is unavailable, the authorized representative of the lead agency.

Mutual Assistance

Section 6: GENERAL RESPONSE PROVISIONS

- A. These provisions apply to all EPA FOSCs and USCG COTP/FOSCs serving EPA Region 5.
- B. The USCG and EPA Region 5 will assist each other consistent with agency responsibilities and authorities through the cognizant COTP and the inland zone predesignated EPA FOSC.
- C. These provisions do not preclude mutual assistance between the two agencies. In addition to 40 C.F.R. § 300.135(b), in this EPA Region, the EPA and the USCG will carry out agency and specific pollution response responsibilities under the NCP and the Regional Contingency Plan/Area Contingency Plan (RCP/ACP), and will assist each other to the fullest extent possible to prevent or minimize the impacts of a discharge of oil, or substantial threat of a discharge of oil, or release, or a substantial threat of release of a hazardous substance where each respective agency has jurisdiction.
- D. Such mutual assistance will be provided based on notification and mutual consent that the assistance is requested and necessary to respond to: (i) a discharge of oil, or a substantial threat of a discharge of oil, (ii) a release, or substantial threat of a release of a hazardous substance, (iii) a release or substantial threat of a release of pollutants or contaminants which may present an imminent and substantial endangerment to the public health or welfare. Notification will be provided by the COTP to the EPA FOSC, or by the EPA FOSC to the COTP, whenever a spill is discovered that appears to warrant the provision of mutual assistance. When it is mutually agreed that the provision of such assistance is beneficial, an FOSC from either organization may serve in the following capacities:
1. As the FOSC for that incident;
 2. As the Federal On-Scene Coordinator's Representative (FOSCR) for the predesignated OSC; or,
 3. Perform duties as first federal official as outlined in 40 C.F.R. § 300.135(b).



USCG MEP in the Inland Zone

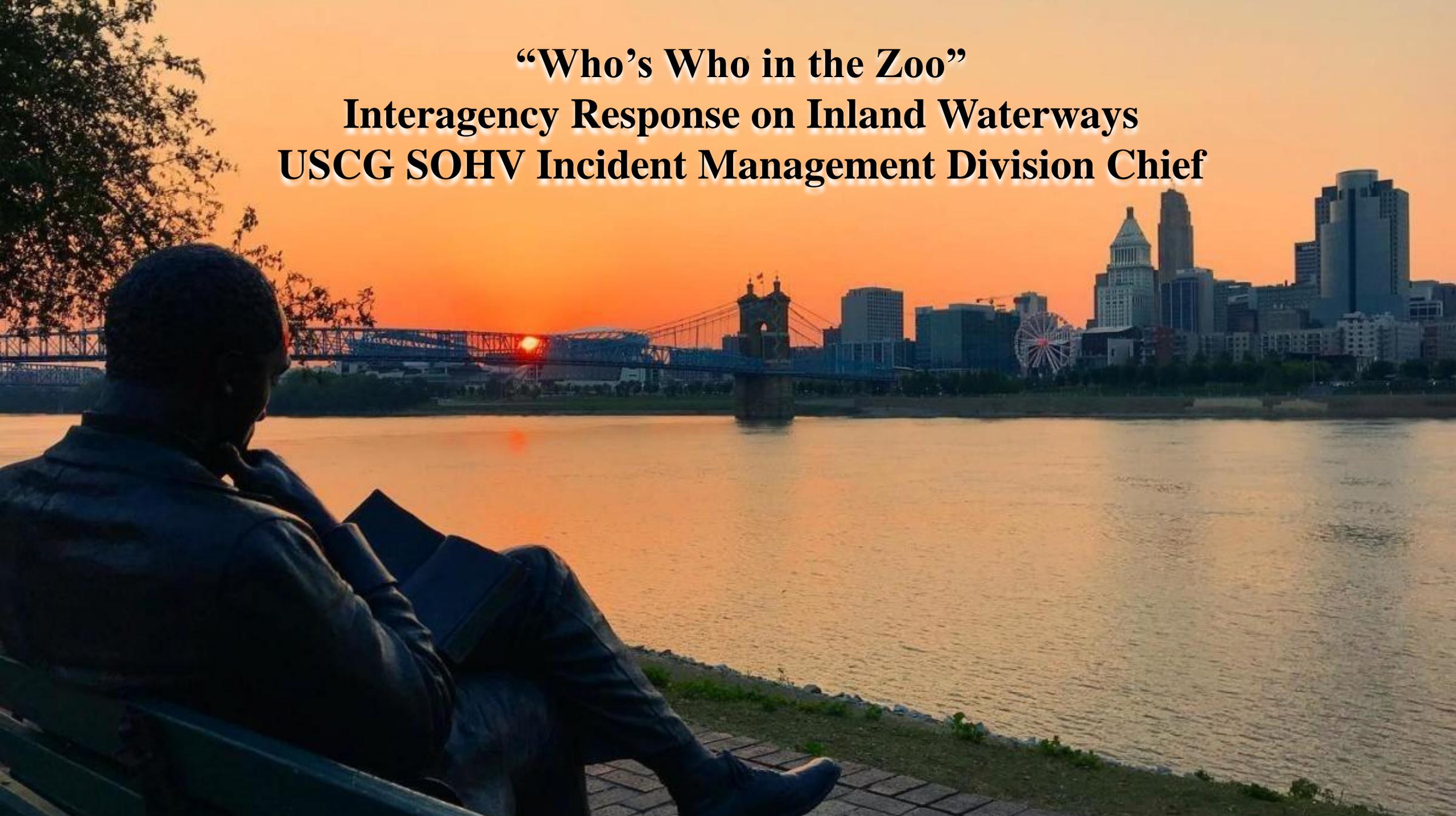


LTJG Connor Sullivan

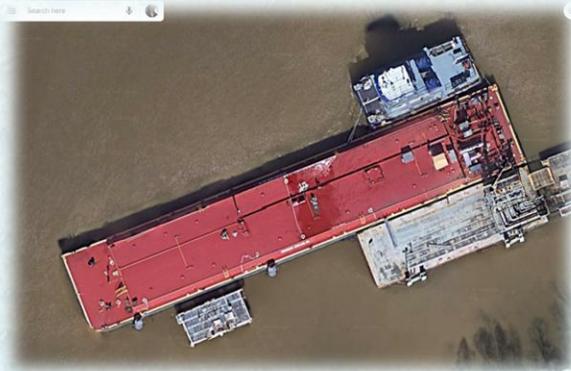
Sector Ohio Valley

Incident Management Division

“Who’s Who in the Zoo”
Interagency Response on Inland Waterways
USCG SOHV Incident Management Division Chief

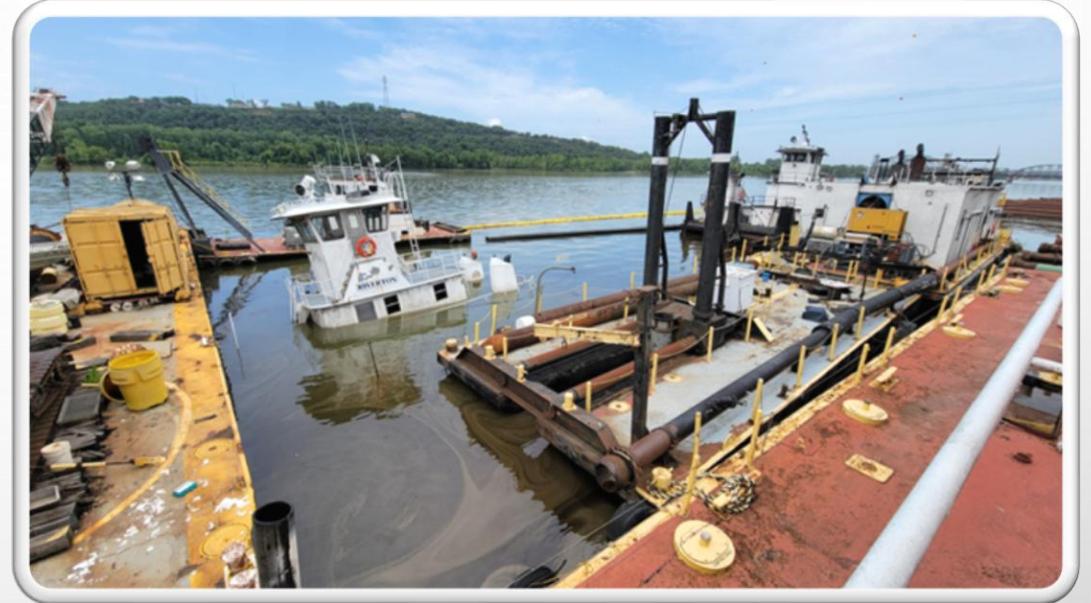
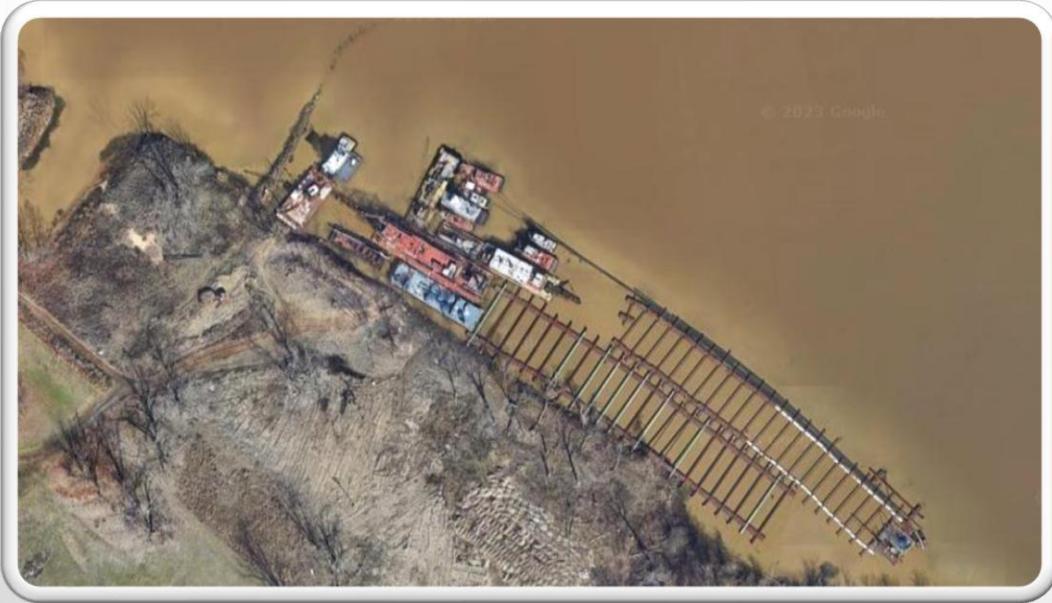


**COMMERCIAL
VESSELS IN
COMMERCIAL
SERVICE?**





COMMERCIAL VESSELS - NOT IN COMMERCIAL SERVICE



COMMERCIAL VESSELS IN COMMERCIAL SERVICE?

RECREATIONAL VESSELS

- PERSONALLY OWNED RIVER YACHTS OVER 5 NET TONS MAY HAVE A CERTIFICATE OF DOCUMENTATION (COD), BUT THEY CAN BE FOR RECREATIONAL USE WITH NO COMMERCIAL SERVICE CONNECTION.





PERMANENTLY MOORED STRUCTURES



**CRANE IS NOT AN INTEGRAL PART OF AN UNINSPECTED
BARGE**



COMBATANT VESSELS



R & L CARRIERS

- **EPA region V:** on March 5, 2022, US EPA region 5 was notified via NRC report that 80,000 gallons of diesel (later revised to 22,628 gallons) was discharged from a 1-million-gallon storage tank impacting 3.5 miles of Dutch Creek in Wilmington, OH. The source of the spill was R+L carriers. EPA has verified that the discharge has impacted 3.5 miles of the navigable waterway Dutch Creek. Dutch Creek is a tributary to the little Miami River. The spill is within EPA jurisdiction.
- USCG FOSC-R was a part of the UC, and EPA was the FOSC. Additional CG personnel were requested to conduct shoreline assessments, field observations, coordinating the establishment of an 8th collection site following the failure of multiple collection points due to severe weather and flood conditions.



R/V EASTERN SURVEYOR OWENSBORO, KY



- **EPA region IV:** on November 25, 2024, SOHV created NRC report #1417292 after a USCG buoy tender observed the anchored vessel listing. The NRC report prompted EPA Region 4 and Kentucky Department of Environmental Protection involvement.
- Kentucky DEP assumed the on-scene coordinator role based upon their locality and availability to respond. EPA Region 4 issued a pollution response funding authorization to cover the financial costs associated with the removal.
- The vessel was refloated by the OSRO and 1,242 gallons of petroleum & petroleum impacted water were removed from the vessel.



TAKEAWAYS

- INTERAGENCY COORDINATION IS ESSENTIAL FOR EFFICIENT RESPONSES IN THE INLAND ZONE
- EVERYONE'S RESOURCES ARE SPREAD THIN, SO WE MUST WORK TOGETHER WHEN RESPONDING
- WE ARE ALL WORKING TOWARDS A COMMON GOAL! (NCP)





QUESTIONS?

- Dr. Keyth Pankau

Keyth.A.Pankau2@uscg.il

(504)442-7223 – mobile

(206)815-1056 – office

- LTJG Connor Sullivan

Connor.T.Sullivan@uscg.mil

(502) 216-1804 - work