



United States Department of the Interior



MINERALS MANAGEMENT SERVICE

Alaska Outer Continental Shelf Region
949 E. 36th Avenue, Room 603
Anchorage, Alaska 99508-4302

IN REPLY REFER TO:

Mr. Alvin L. Ewing
Assistant Regional Administrator
Environmental Protection Agency
Region 10
222 W. Seventh Avenue, Box 19
Anchorage, Alaska 99513-7588

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Dear Mr. Ewing:

Enclosed is the signed final Memorandum of Agreement (MOA) between the Environmental Protection Agency (EPA) Region 10 and the Minerals Management Service (MMS), Alaska Outer Continental Shelf (OCS) Region, for the offshore inspection program, including provisions for periodic sampling.

Implementation of this MOA provides for at least annual meetings of our agencies to discuss issues related to the MOA. It further states that the first meeting will be held within 6 months of the MOA's effective date. We suggest a meeting be scheduled for mid-March to discuss EPA's recently published new source performance standards and Alaska OCS drilling activities proposed for 1993. Please contact Jeff Walker or Jim Regg of my staff at 271-6188 to set a convenient time for these discussions.

Sincerely,

Irven F. Palmer, Jr.
Acting Regional Director

Enclosure

cc: Mr. Dan Robison
Environmental Protection Agency
Alaska Operations Office
222 W. Seventh Avenue, Box 19
Anchorage, Alaska 99513-7588

MEMORANDUM OF AGREEMENT (MOA)
BETWEEN THE
U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA), REGION 10
AND THE
MINERALS MANAGEMENT SERVICE (MMS),
ALASKA OUTER CONTINENTAL SHELF (OCS) REGION
COORDINATING THE EPA NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMIT COMPLIANCE PROGRAM
WITH THE MMS OFFSHORE INSPECTION PROGRAM

SECTION I. INTRODUCTION

On May 31, 1984, a Memorandum of Understanding (MOU) between the U.S. EPA and the Department of the Interior (DOI) was approved. The purpose of this MOU was to improve cooperation and coordination between the EPA and DOI in oil and gas lease activities on the OCS in determining the terms and conditions of the NPDES permits and to ensure NPDES permit compliance. The MOU establishes that each Agency will coordinate studies and related regulatory responsibilities and cooperate to ensure that the EPA can issue NPDES permits no later than the Final Notice of Sale for the lease offering as projected by the DOI.

This document represents an MOA between the EPA Region 10 and the MMS Alaska OCS Region to implement Part VI, "Postlease Monitoring, Inspection, and Enforcement," of the MOU between the EPA and DOI. It finalizes a cooperative procedure which has been underway as a pilot inspection program since 1989.

SECTION II. DEFINITIONS

For the purposes of this MOA the following definitions apply:

General NPDES Permit - A permit which regulates a category of point sources located within the same geographic area whose discharges warrant similar pollution control measures. A general permit does not require an application from a named party, merely a notification to the EPA Regional Administrator of the party's intent to be covered by the general permit.

Individual NPDES Permit - A permit which regulates the discharge of pollutants from point sources under Section 402(a) of the Clean Water Act. This permit identifies a named party through an application requirement.

Inspection List - The inspection list will contain the following: a heading section that provides general information about each specific inspection (e.g., lease block, date of inspection, operator, etc.), the inspection items, and any comments.

NPDES Permit - See definitions for General and Individual NPDES permits.

OCS Facility - Any artificial island, installation, or other device permanently or temporarily attached to the seabed or subsoil of the OCS and used for oil and gas activity. This term includes either fixed or floating structures and mobile offshore drilling units attached to the seabed, including self-positioning drill ships, but does not include a deep-water port or vessel engaged in transportation.

OCS Oil and Gas Activity - Any offshore activity on the OCS pursuant to a Federal lease or permit resulting in effluent discharges associated with the exploration, development, or production of oil and gas mineral resources.

Outer Continental Shelf (OCS) - All submerged lands that comprise the continental shelf lying seaward and outside of the area of lands beneath navigable waters as defined in the Submerged Lands Act of 1953, 43 U.S.C. 1301, and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

Potential Incidence of Noncompliance (PINC) Lists - This form is the baseline for inspecting lease operations and facilities by MMS personnel.

SECTION III. ARTICLES OF AGREEMENT

ARTICLE I

INSPECTIONS

(A) According to procedures for inspection developed under the implementation section of the MOU, the MMS hereby agrees to conduct inspections for compliance with NPDES permit provisions during MMS-scheduled inspections of OCS facilities.

(B) The EPA, in coordination with MMS, will develop an NPDES inspection and regional guidance, as necessary, for MMS inspectors conducting NPDES inspections. The list will be provided in a format consistent with the PINC List, currently used by MMS inspectors. The guidance will include NPDES inspection procedures, explanations of specific NPDES permit compliance requirements, and region-specific guidance on determining NPDES compliance.

(C) Sampling may be conducted by the MMS at the request of the EPA Region 10 Water Management Division Director. Compliance sampling conducted by the MMS will be in accordance with the EPA's NPDES Compliance Sampling Inspection Manual. The MMS will forward all samples to the EPA.

1. The EPA will prepare a Quality Assurance/Quality Control Plan for the sampling program and send to MMS for concurrence prior to initiating any sampling.
2. The EPA will provide MMS with a ready-to-use sampling collection kit.

3. The MMS will collect up to two (2) samples per well as directed by the EPA.

(D) The EPA will provide training for MMS inspectors conducting NPDES inspections and sampling.

(E) Special inspection or sampling requests (e.g., emergencies, responses to citizen's complaints, etc.) will be at the discretion of the MMS Regional Director and EPA Water Management Division Director.

(F) The EPA will provide the MMS information regarding well-specific discharge authorizations (limitations, approved mud types and additives, changes to general permit authorizations, etc.). Such information will be provided to the MMS when authorization has been given to a lessee/operator.

(G) The MMS will follow the reporting requirements as detailed in Article III of this document.

ARTICLE II

TRANSPORTATION

(A) The EPA Region 10 does not anticipate routine situations where EPA personnel will require transportation to an offshore facility.

(B) The EPA will arrange for transportation of their representative(s) to and from the facility. The EPA may request MMS assistance in scheduling travel to an OCS facility.

ARTICLE III

REPORTS

(A) The MMS will complete the inspection list for each NPDES inspection conducted on an OCS facility.

(B) The MMS will provide the EPA with copies of completed NPDES inspection lists and other pertinent information on a monthly basis unless otherwise agreed to by the MMS and EPA.

(C) The MMS will notify the EPA immediately of any violations or discrepancies between permitted conditions and actual discharges.

(D) The EPA Region 10 will provide MMS with a ten (10) work day comment period on any proposed administrative action to be taken as a result of an MMS inspection.

(E) The EPA Region 10 may ask MMS to provide EPA with other pertinent available data (e.g., list of active rigs and platforms and present location, block number, lease tract, etc.) or information of special interest specific to upcoming inspections. Such data will be consistent, to the maximum extent possible, with existing internal MMS reports.

ARTICLE IV

DISPOSITION

(A) The MMS will send NPDES inspection reports and samples to the following address:

Alaska Operations Office
U.S. Environmental Protection Agency
Region 10
Room 537, Federal Building
222 West 7th Avenue, #19
Anchorage, Alaska 99513-7588

ARTICLE V

TESTIMONY

The MMS personnel may be required to appear as witnesses to testify, or provide documented testimony, on matters relating to MMS NPDES compliance monitoring activities in any subsequent administrative or judicial actions.

ARTICLE VI

ENFORCEMENT

The EPA will be responsible for the enforcement of all NPDES permit conditions. The MMS is responsible for reporting evidence of NPDES permit noncompliance to EPA. In the case of overlapping statutory authorities, MMS inspectors will exercise MMS enforcement actions authorized under the OCS Lands Act and amendments, or its implementing regulations, but will also notify EPA of the NPDES noncompliance incident.

ARTICLE VII

AUTHORITY

(A) Nothing in this MOA shall be deemed to alter, amend, or affect in any way the statutory authorities of the EPA or the DOI.

(B) This MOA is effective upon the signature of the EPA Regional Administrator and the MMS Regional Director. The provisions of this MOA shall be re-evaluated as necessary. Either party can modify the provisions of this MOA by giving appropriate notice and approval at that time.

(C) Representatives from EPA and MMS shall meet at least annually at a mutually agreed upon location and time to conduct business related to this MOA (e.g., develop or update inspection lists, update or revise the MOA, training seminars, etc.).

SECTION IV. IMPLEMENTATION

As soon as practicable, but not later than 6 months from the effective date of this MOA, the regional agencies will hold their first annual meeting as referenced in Section III, Article VII, Part C. All future annual meetings will be held prior to the beginning of each fiscal year.

SECTION V. AGENCY CONTACTS

Inquiries regarding the provisions of this MOA, its implementation, or disagreements over any of the provisions should be directed to:

Regional Supervisor, Field Operations
 Minerals Management Service
 949 East 36th Avenue, MR 603
 Anchorage, Alaska 99508-4302
 Phone: FTS 907-271-6188 Commercial (907) 271-6188

Alaska Operations Office
 U.S. Environmental Protection Agency Region 10
 Room 537, Federal Building
 222 West 7th Avenue #19
 Anchorage, Alaska 99513-7588
 Phone: FTS 907-271-5083 Commercial (907) 271-5083

Dona A. Rasmussen
 Regional Administrator 1/27/93
 Environmental Protection Agency

Irven F. Palmer, Jr.
 Acting Regional Director
 Minerals Management Service