

MRD

Fell Rec'd

MEMORANDUM OF AGREEMENT  
 BETWEEN  
 U.S. ARMY CORPS OF ENGINEERS, MISSOURI RIVER DIVISION,  
 AND  
 THE MARITIME ADMINISTRATION  
 FOR THE  
 RAPID RESPONSE PROGRAM

1. INTRODUCTION. The Corps of Engineers Missouri River Division (CEMRD) and the Omaha District (CEMRO) have been requested by several different agencies to establish Rapid Response capabilities. These capabilities will be performed by contract. The Rapid Response program is intended to meet the needs of Federal Agencies who require an expedited response at toxic and hazardous waste projects which are:

- (1) necessary due to the possible effects on human health and/or the environment if remediation is not promptly initiated,
- (2) necessary to meet regulatory constraints such as a Notice of Violation, Site Complaints, Consent Orders, Correction Agreements, etc.,
- (3) necessary to remove point sources of contamination, or
- (4) removal/response actions as defined in the National Contingency Plan (NCP),

however, are not:

- (1) Emergency Response Situations,
- (2) Remedial Investigations/Feasibility Studies.

2. AUTHORITY. By letter dated 15 October 1987, Headquarters, U.S. Army Corps of Engineers designated the establishment of one or more Rapid Response contracts as part of the Missouri River Division's overall Hazardous and Toxic Waste Design Center responsibilities. Rapid Response contracts will serve both the Defense Environmental Restoration Program for active and formerly used sites as well as the EPA Superfund program. Authority to perform DERP work is provided by 10 USC 2701 et. seq.. Authority to perform work under the EPA Superfund program is provided by CERCLA/SARA, 42 USC 9601 et. seq..

Authority to enter into this MOA is provided by The Economy Act, 31 USC 1535 and the DOD Directive 4000.19 (14 Oct 1980). The Economy Act authorizes the head of an agency or major organization

*Appendices A & B are too voluminous  
 if anyone wants them contact MRD  
 Jim Popper - 402-221-7419.*

to enter into a MOA if funds are available, the MOA is in the best interest of the US government, the ordered services can be provided, and the services and/or goods cannot be provided as conveniently or cheaply by a commercial enterprise.

3. PURPOSE. The purpose of the Memorandum of Agreement (MOA) is to establish the type of acceptable projects, responsibilities, general work relationships, and procedures to implement a mission assignment to CEMRD for execution of hazardous and toxic waste Rapid Response work.

4. ENVIRONMENTAL SUPPORT REQUIREMENTS. All environmental, hazardous and toxic waste work assigned to CEMRO via CEMRD will be managed in compliance with the appropriate federal, state and local environmental laws and regulations. CEMRD and CEMRO will provide the required technical input. CEMRO will provide contract support for the Rapid Response program. The customer, with support from CEMRD and CEMRO, will ensure the proper involvement by the appropriate regulatory agencies and compliance with regulatory requirements such as notification requirements, community relations, administrative record requirements and permit requirements. The initial project interface will be between the Hazardous and Toxic Waste Division (CEMRD-MD-HA) of the Missouri River Division and the customer. All work requests and program issues will be coordinated directly with CEMRD-MD-H. Once CEMRD-MD-H approves the project request, they will transfer the project to CEMRO-ED-ER for execution. A project specific point of contact will then be designated at the Omaha District (CEMRO-ED-ER)

5. RESPONSIBILITIES.

a. Customer responsibilities:

(1) Provide proper and eligible project requests, in writing directly to CEMRD-MD-H. All project requests shall be made using the Rapid Response Project Request Form found in Appendix A. Instructions for the completion of this form are also found in this appendix. This form may either be handwritten or typed.

(2) Make available to CEMRD-MD-H, existing chemical data, regulatory orders/agreements, information, studies, etc.. CEMRD-ED-E may request this information when determining whether the project is an acceptable Rapid Response project. CEMRO-ED-ER may request this information during project execution.

(3) Provide necessary funding. Adequate funding must be assured before CEMRO-ED-ER initiates preparation of a detailed Scope of Work.

(4) Provide point of contact at the site location (military base, where applicable) and provide the liaison between the regulatory agencies.

(5) Take the lead in the appropriate community relations activities. The Corps and the Rapid Response Contractor will be available to advise the customer on technical matters. However, all community relations and press releases will be primarily the responsibility of the customer.

(6) Provide an individual to work with the Corps and Rapid Response Contractor to obtain the necessary permission and permits required for field investigations and response actions. This includes all coordination aspects at the base level, especially security. The customer shall provide utility clearances for all subsurface investigations and actions. If remedial action is required off base property, the customer will provide all necessary access, rights-of-way, and real estate agreements.

(7) Take the lead in communicating and/or coordinating work with the appropriate federal, state and local regulatory agencies. The Corps and the Rapid Response Contractor will be available for technical input, but the customer representative must be in attendance and take the lead at all regulatory meetings.

(8) Identify all project specific requirements during the scope development process. The reason for the early notification is to allow planning and staffing by the Corps.

(9) Provide necessary office space, parking and storage space as required for operations during a specific project.

(10) Identify and provide all applicable guidance unique to the facility or the customer.

b. CEMRD-MD-H responsibilities:

(1) Review and approve eligible and appropriate project requests within three (3) working days of receipt of Rapid Response Project Request Form. If project is not approved, CEMRD-

MD-H shall notify the customer immediately and identify why the project was not approved. CEMRD-MD-H shall identify alternative means of accomplishing the requested project.

(2) Immediately assign all approved Rapid Response projects to CEMRO-ED-ER for execution.

(3) Serve as sole point of contact on all project requests and program related issues.

(4) Ensure that all Rapid Response activities are fully consistent with DOD policy as well as all federal, state and local environmental laws, regulations, and policy.

(5) Technically review work performed by CEMRO-ED-ER and Rapid Response Contractor.

(6) Perform quality control procedures on work accomplished by CEMRO-ED-ER.

(7) Develop all necessary program guidance. Program guidance will be coordinated and approved by HQUSACE. Program guidance will be distributed to appropriate USACE offices as well as the customer.

(8) Establish and maintain a Rapid Response Priority System. A computer system shall be developed to prioritize Rapid Response projects. The customer will complete the Rapid Response Project Request Form. The request shall then be reviewed and prioritized based on the need of the project, type of project, and available funds from the requesting customer.

(9) Notify geographic Corps Division of this MOA.

c. CEMRO-ED-ER/CEMRO-CD will:

(1) Provide contractual support with two Rapid Response contracts.

(2) Request funds from the customer to initiate work.

(3) Coordinate all site visits with the customer.

(4) Notify local Corps District of project and invite support.

(5) Incorporate the customer's requirements into the project documents.

(6) Provide the customer with draft copies of designated contract deliverables for their review and comment.

(7) Provide periodic project status reports, financial reports and briefings to CEMRD-ED-E and the customer as requested.

(8) Take appropriate QA/QC, health and safety actions.

(9) Provide field QA/QC and Contractor oversight. Where and when it is practical, CEMRO-ED-ER will maximize the participation of the local District.

(10) Notify CEMRD-MD-H, local Corps District and customer when work is completed.

(11) Carry out all Rapid Response program policies and procedures depicted in Corps' Rapid Response Management Plan, Implementation Plan, and Standard Operating Procedures.

6. TASKING AND FUNDING PROCEDURES. (See Appendix B.)

a. The customer shall make all project requests directly to CEMRD-MD-H on the standardized form (Appendix A.).

b. Upon receipt of the project request from the customer, CEMRD-MD-H will review the project to ensure that it meets the necessary criteria for a Rapid Response project.

c. If project does not meet Rapid Response criteria, the project will not be accepted. CEMRD-MD-H will contact the customer to discuss the project and the reasons the project was not accepted. All actions will be followed-up by formal correspondence. CEMRD-MD-H may recommend alternative means to accomplish the project. Basic criteria for project acceptance is provided as Appendix C.

d. If the project meets Rapid Response criteria, the project will be accepted and prioritized. CEMRD-MD-H will notify the customer that the project has been approved along with the priority ranking of that project.

e. Upon approval and acceptance, CEMRD-MD-H shall

immediately assign the project to CEMRO-ED-ER for execution.

f. CEMRO-ED-ER/CEMRO-CD will assess the personnel resources, funding and schedules required to complete the project and report the same to the customer. Based on current program workload, projected schedules and the project priority rating, CEMRO-ED-ER/CEMRO-CD shall confirm a tentative schedule and budget with the customer.

g. The customer shall provide required funding directly to CEMRO-ED-ER within the time period agreed to by both parties.

h. Upon receipt of funding, CEMRO-ED-ER will begin contract procedures. Prior to scoping project, it may be necessary for CEMRO-ED-ER/CEMRO-CD and the contractor to visit the site. This site visit shall be coordinated directly with the customer. CEMRO-ED-ER shall notify the local District of the visit.

i. The customer will provide all necessary support to obtain access to the facility.

j. CEMRO-ED-ER/CEMRO-CD shall notify the customer when on-site work is to begin.

k. CEMRO-ED-ER/CEMRO-CD shall notify CEMRD-ED-E and the customer when work has been completed.

7. REPORTING. CEMRD-MD-H will provide periodic program reports to the customer and site specific reports as mutually agreed upon. Reports will reflect physical performance and status for each project assigned, as well as financial status reflecting funds received, obligations, and balances of unobligated funds remaining for each project.

8. OPERATING PROCEDURES. Detailed operating procedures will be developed and coordinated with CEMRO-ED-ER, CEMRO-CD, CEMRD-MD-H and the customer.

9. PUBLIC INFORMATION AND COMMUNITY RELATIONS PROGRAM. All public information releases concerning the Rapid Response activities will be coordinated with and released by the installation commander/HQ customer, or his/her designated representative.

10. REGULATORY CONCERNS. The customer shall be responsible for all notification requirements (40 CFR 302), community relations

requirements (40 CFR 300.415 (n)), administrative record requirements (40 CFR 300.820), permitting requirements (40 CFR 300.400 (e) and (g)) and state involvement requirements for removal actions (40 CFR 300.525) as set forth in the NCP. The customer shall also be responsible for National Environmental Policy Act (NEPA) compliance.

The Corps will execute all Rapid Response projects in compliance with all state, local and federal environmental regulations.

All permit applications and legal and technical correspondence with the public or regulatory agencies regarding Rapid Response activities will be processed by the installation commander/HQ customer, or his/her designated representative, with support and coordination from the CEMRO-ED-ER and CEMRD-MD-H.

#### 11. AMENDMENT AND TERMINATION.

a. This MOA may be modified or amended at any time by written agreement between the customer and CEMRD. This MOA shall be reviewed at least triennially to determine if this agreement shall be continued, modified or terminated.

b. In the event circumstances are such that either the customer or CEMRD deems it necessary or desirable to terminate this agreement, all involved parties will consult in advance of such action, insofar as practicable. Normally, a minimum of 180 days advance notice of proposed termination shall be provided.

12. DISPUTE RESOLUTION. All disputes between the below signed parties or their representatives concerning this agreement shall be settled by the organizational elements where the dispute originated if possible. Disputes will be resolved at the lowest practicable command level. If the customer and CEMRD cannot resolve the issue, it will be forwarded through the respective organizational chains-of-command for resolution.

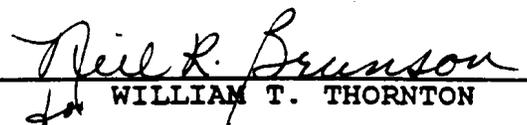
This Memorandum of Agreement becomes effective as of the date of the last signature.

  
\_\_\_\_\_

H.T. HALLER

Associate Administrator  
for Shipbuilding and  
Ship Operation  
U.S. Department of Transportation  
Maritime Administration

Date 5.15.91

  
\_\_\_\_\_

for WILLIAM T. THORNTON

Director, Programs and Project  
Management Directorate  
U.S. Army Corps of Engineers  
Missouri River Division

Date 17 may 91



U.S. Department  
of Transportation

**Maritime  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

May 16, 1991

William T. Thornton  
Director, Programs and Project  
Management Directorate  
Missouri River Division, Corps of Engineers  
P.O. Box 103, Downtown Station  
Omaha, NE 68101-0103

Dear Mr. Thornton:

As per your request, two signed copies of the Rapid Response Memorandum of Agreement are enclosed. Please return one with signatures completed. The meetings held last week were very encouraging and indicated that EPA deadlines can be met. We are presently working on a schedule of the steps needed to execute the disposal operation.

Thank you for your help. If you have any further questions, please contact Mr. Eugene Magee at 202-366-5078.

Sincerely,

GEORGE L. CLARKE, JR.  
Chief, Division of Reserve Fleet

Enclosure