

MEMORANDUM OF AGREEMENT (MOA)

BETWEEN

THE DIRECTOR OF MILITARY SUPPORT (DOMS)

AND

THE UNITED STATES COAST GUARD

FOR

AERIAL APPLICATION OF DISPERSANTS DURING OIL SPILL CLEANUP AND RECOVERY OPERATIONS

REFERENCES:

- (a) National Oil and Hazardous Substance Pollution Contingency Plan (National Contingency Plan), 40 C.F.R. Part 300
- (b) Oil Pollution Act of 1990, 33 U. S. C. 2701 et seq.
- (c) Clean Water Act (Federal Water Pollution Control Act), 33 U.S.C. 1321 et seq.
- (d) DoDD 3025.1 (Military Support to Civil Authority)
- (e) DoD 3025. 1-M, Manual for Civil Emergencies
- (f) DoDD 5030.41, Oil and Hazardous Substances Pollution Prevention and Contingency Program
- (g) Air Force Policy Directive (AFPD) 10-8, Air Force Support to Civil Authorities
- (h) Air Force Instruction 10-802, Military Support to Civil Authorities
- (i) Air Force Instruction 65-503, US Air Force Cost and Planning Factors
- (j) Air Force Instruction 65-601, Vol. 1, Budget Guidance and Procedures
- (k) Air Force Regulation 177-102, Commercial Transactions at Base Level

I. PURPOSE. The purposes of this MOA are:

- A. To specify the procedures by which the United States Coast Guard (hereinafter "Coast Guard") can request and the United States Air Force Reserve (hereinafter "Air Force") will provide aircraft, equipment and personnel for the application of oil dispersants during oil spill cleanup and removal operations; and
- B. To establish interagency cost reimbursement policies and procedures for such dispersant application.

II. BACKGROUND.

- A. Tasking Authority. The National Contingency Plan (NCP) established the National Response Team (NRT) to coordinate national disaster relief efforts, including oil spill cleanup and recovery operations. Under the authority of the NCP, the Coast Guard, an NRT member, designates On-

Scene Coordinators (OSCs) to coordinate resources for cleaning up discharges of oil into or onto the coastal or tidal waters of the United States, the Contiguous Zone, or designated waters outside the Contiguous Zone. The OSC is further authorized to access other Federal resources necessary for the response effort. The Department of Defense (DoD), also an NRT member, has designated the Director of Military Support as the Action Agent to approve and coordinate DoD support for such disaster relief. Among DoD agencies able to assist in mitigating the environmental and economic impact of oil discharges, the Air Force possesses the expertise and specialized equipment to aerially apply oil dispersants.

B. Funding Authority. The Oil Spill Liability Trust Fund (OSLTF) was established by authority of The Oil Pollution Act of 1990 to provide a source of dedicated funds for the cleanup and removal of oil spills. Authority for administration of the fund was delegated to the Coast Guard National Pollution Funds Center (NPFC) by Executive Order 12777, issued 18 October 1991. The Clean Water Act authorizes the OSC to access the OSLTF to fund the costs of oil spill cleanup and removal operations. The NPFC recovers those costs from the parties responsible for the spill.

III. GENERAL PROVISIONS.

A. Requesting Assistance.

1. The OSC can request Air Force assistance by contacting the DOMS by message or by telephone with the following information:
 - a. The Federal Project Number (FPN);
 - b. A description of the incident underlying the request to include the location, time, and quantity of oil discharged and subject to discharge;
 - c. The number of spray aircraft and crews requested;
 - d. Recommended employment site(s);
 - e. The type/designation of the dispersant to be used;
 - f. The message address and voice/FAX telephone number of the OSC or other officer in charge of the operation; and
 - g. The maximum funding authorized for Air Force support of the cleanup and recovery operation.
2. The OSC will follow up a telephonic request with a confirming message to DOMS referencing the request. HQ USAF, HQ AFRES, HQ ACC, 10th Air Force and 910th Airlift Wing will be included as information addressees on all messages. Upon approval of the use of DoD assets, DOMS will authorize the Air Force support of the operation and will confirm receipt of the above information. A capability assessment and technical information may be obtained by the OSC prior to formal tasking by direct communication with the 910th Airlift Wing, Youngstown Air Reserve Station, Ohio. Pertinent message addresses and telephone numbers are contained in Attachment 1.

B. Resources.

1. Following approval by the DOMS, the Air Force will provide the following oil pollution response assistance, subject to the availability of assets and personnel and subject to other operational commitments:

- a. One or more aerial spray aircraft equipped for oil dispersant operations;
 - b. A six-member spray-qualified aircrew for each spray aircraft;
 - c. Five loading technicians/maintenance support personnel for each spray aircraft;
 - d. A dispersant applications technical advisor;
 - e. Equipment and supplies required to load dispersant and to contain inadvertent dispersant spills; and
 - f. Logistics support aircraft, crews and maintenance and logistics support personnel as required.
2. As required to support the deployed Air Force aircraft and crews, the Coast Guard will arrange the following resources and services at the employment site:
- a. Ramp space and ramp security;
 - b. Delivery of dispersant to the employment site in a tank trailer equipped with a 3-inch dry-break fitting;
 - c. Jet fuel (JP4, JP5, JP8, Jet A);
 - d. An aircraft and aircrew to track the oil discharge and vector the spray aircraft;
 - e. Disposal or cleaning of dispersant contaminated clothing, supplies and containers; and
 - f. Quarters and transportation for deployed personnel.

C. Operational Control.

- 1. Operational control of Air Force equipment and personnel shall be transferred to the OSC upon their arrival at the employment site and shall continue until released by the OSC. Written notification to HQ AFRES/DOC should follow verbal release within 24 hours. HQ AFRES/DOC will notify DOMS of mission completion immediately.
- 2. "Operational control" shall not be construed to confer authority upon the Coast Guard to exercise control over Air Force personnel for administrative or punitive purposes. Neither shall it relieve Air Force personnel from full compliance with all governing Air Force directives.

IV. REIMBURSEMENT.

A. Funding.

- 1. Funds to cover the costs and expenses of the operation will be obligated by the OSC or by the NPFC on behalf of the OSC at the time of the OSC's initial request for DoD assistance. Not later than 72 hours after the initial request, a Pollution Removal Funding Authorization (PRFA) shall be sent to HQ AFRES/FMAO, 155 2nd St., Robins Air Force Base, GA 31098-1635, with a cover letter from the OSC listing the Federal Project Number, the maximum funding authorized, and the account and document control numbers. Additional funds will be authorized by means of amendments to the PREA. The cover letter shall specifically state

that funds are to be used consistent with the NCP and the MOA between the Director of Military Support and the United States Coast Guard.

2. Should the Air Force expend or obligate its own funds for mobilization or similar urgent operational requirements before receiving a formal request for assistance, such costs and expenses will be reimbursed from the OSLTF if otherwise qualified under the NCP and paragraph IV.B. of this agreement.

B. Reimbursable Costs. Costs and expenses directly attributable to the assistance provided for the operation are reimbursable under this MOA, including but not limited to the following:

1. Operation of Air Force aircraft (The chargeable rate includes the cost of fuel, depot maintenance, depot level repairs, and consumables for each aircraft as well as the civilian/military pay and per diem expenses of the aircrew, the maintenance/logistics support personnel and the technical advisor);
2. Transportation of equipment, material and personnel by means other than Air Force aircraft as authorized by the OSC;
3. Replacement of lost or expended consumables or material;
4. Repair or replacement of lost or damaged equipment(excluding aircraft where the loss or damage occurs while the aircraft is under the exclusive control of Air Force personnel); and
5. Procurement of specific equipment, consumables and services as authorized by the OSC.

C. Valuation.

1. Operating costs of Air Force aircraft will be charged at the hourly rate for non-DoD users set forth in Table A15-1 of AFI 65-503.
2. Reimbursement for lost or expended material or consumables and for lost or irreparably damaged equipment will be made at the replacement cost.
3. Transportation, repair or other procurement costs will be charged at the valuations on the suppliers' receipts, invoices, contracts, bills of lading or similar documents.

D. Documentation of Expenses. Comptrollers/Financial Managers of responding Air Force organizations will itemize costs and expenses on Standard Form (SF) 1080 in accordance with AFR 177-102 and submit with the specified supporting documentation to the OSC. Operations Group commanders of responding Air Force flying organizations will submit a summary of aircraft flying hours and specified supporting documentation to HQ AFRES/DOTS for verification. AFRES/DOTS will forward the documentation and verification to ARRES/FMAO to prepare a cost statement for submission to the OSC. All documents submitted must reference the FPN issued for the project. The following documentation is required:

1. Flying hours for Air Force aircraft will be documented on AFTO 781 using mission symbols T-40S or T-43S for dispersant-application aircraft, or T-37R for logistics support aircraft.
2. Transportation, repair and other procurement costs will be documented by copies of suppliers' receipts, invoices, contracts, bills of lading or similar documents.

V. IMPLEMENTATION. This MOA shall become fully effective immediately upon execution and shall remain so unless altered, amended or revoked as stated below

VI. ALTERATION, AMENDMENT, OR REVOCATION.

- A. This MOA shall always remain subject to and governed by references (a) through (k) and all statutes, regulations and agency instructions which amend, revoke, supersede or override those references. This MOA is further subject to the continuing needs, capabilities and competing responsibilities of the Coast Guard and the Air Force, and, therefore, may be further altered or amended by their mutual agreement, or may be revoked upon the Coast Guard or the Air Force serving written notification upon the other. Such notification need not state reasons for the revocation and shall become effective 30 days following receipt.
- B. Changes to intra-agency procedures or administrative changes that do not affect the substance of the agreement (*i.e.*, addresses and telephone numbers) maybe issued unilaterally by any party as authorized by the issuing party's directives.

VII. OFFICES OF PRIMARY RESPONSIBILITY. The Offices of Primary Responsibility (OPRs) for this MOA are as follows:

- A. Director of Military Support
Pentagon, BF74 1
Washington, DC 20310-0400
Phone (703) 697-0218
DSN: 227-0218
Fax: (703) 695-7313
DSN: 225-7313
- B. Commandant (G-M)
U.S. Coast Guard
2100 Second St. SW
Washington. DC 20593-0001
Phone: (202) 267-2200
(202) 267-2100 (24 hr.)
Fax: (202) 267-4839
- C. Air Force: HQ AFRES/DOOM
Robins Air Force Base GA 31098-1635
Phone: (912)327-1171
DSN: 497-1171
FAX: (912)327-0198
DSN: 497-0198

VIII. SIGNATORIES.

A. HQ Air Force Reserve,
Robins AFB, GA

/s/
JAMES E. SHERRARD III, Maj Gen, USAF
Vice Commander

6/25/96
DATE

B. United States Coast Guard Headquarters
Marine Safety and Environmental
Protection
Washington, DC

/s/
J.C.CARD
REAR ADMIRAL, U S COAST GUARD
CHIEF, MARINE SAFETY AND
ENVIRONMENTAL PROTECTION

8/20/96
DATE

C. HQ United States Air Force
Deputy DOMS
Washington, DC

/s/
MICHAEL J. McCARTHY, Maj Gen, USAF
Director of Operations
DCS/Plans and Operations

7/2/96
DATE

D. Director of Military Support
Washington, DC

/s/
DAVID L GRANGE
Brigadier General, U S Army
Director of Military Support

8/12/96
DATE

MEMORANDUM OF AGREEMENT

ATTACHMENT 1

MESSAGE ADDRESSES:

DA WASHINGTON DC//DAMO-ODS//
COMDT COGARD WASHINGTON DC//G-MOR//
HQ USAF WASHINGTON DC//XOO/XOOO/XOOOOO/REO//
HQ ACC LANGLEY AFB VA//DO/DOX//
AFNSEP FT MCPHERSON GA//EP//
HQ AFRES ROBINS AFB GA//DO/DOT/DOOM/DOC/FMAO//
10AF BERGSTROM AFB TX//DO//
910AW YOUNGSTOWN ARS OH//OGCC//

TELEPHONE NUMBERS

Director of Military Support:	COM: (703) 697-4218 DSN: 227-4218 FAX: (703) 697-3147 DSN: 227-3147
HQ AF Operations Center Watch Team:	COM: (703) 695-7220 DSN: 225-7220 FAX: (703) 614-6062 DSN: 224-6062
HQ AFRES Command Center:	COM: (912) 327-0680 DSN: 497-0680 FAX: (912) 327-0200 DSN: 497-0200
Air Force National Security Emergency Preparedness (AFNSEP) Office:	COM: (404) 752-4342 DSN: 572-4342 FAX: (404) 752-4282 DSN: 572-4282
HQ ACC/DOX:	COM: (804) 764-3839 DSN: 574-5839 FAX: (804) 764-6459 DSN: 574-6459
910 th AW Command Post:	COM: (216) 392-1315 DSN: 346-1315 FAX: (216)392-1161 DSN: 346-1161