



MEMORANDUM OF UNDERSTANDING
BETWEEN THE
U.S. ENVIRONMENTAL PROTECTION AGENCY
(Office of Water/Office of Solid Waste and Emergency Response)
AND THE
U.S. DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY (Civil Works)

SUBJECT: Restoration of Degraded Urban Rivers

ARTICLE 1 -PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to facilitate continued collaboration and cooperation between the Office of the Assistant Secretary of the Army (Civil Works) (OASA) (CW) and the U.S. Environmental Protection Agency's (EPA) Office of Water (OW), and Office of Solid Waste and Emergency Response (OSWER) with respect to environmental remediation and restoration of degraded urban rivers and related resources in the United States. This MOU seeks to foster the restoration of degraded urban rivers to ensure the protection of human health and the environment, as well as economic and community vitality by way of concerted and collaborative remedial, water quality, and environmental restoration activities under the Clean Water Act (CWA), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), the Safe Drinking Water Act (SDWA), and the various Water Resources Development Act (WRDA) authorities.

ARTICLE II -BACKGROUND

Many urban rivers in the United States are degraded by contaminants that pose a public health risk to swimmers and to communities that use the river reaches as a public water supply. Urban rivers have also suffered the loss of riparian buffers, which provide wildlife habitat, prevent nutrient and sediment pollution, stabilize fish habitat, foster the microbial food loop, and help prevent flooding. As a result, urban rivers present unique and complex challenges that are suitable for innovative, integrated, and regionally adapted watershed approaches and solutions in order to achieve the United States' goal of cleaner and safer water. Though vigorous and collective efforts have been made by federal agencies, States, and Tribes to address these urban water quality problems, complex environmental problems remain. For more than a decade, EPA has been encouraging and promoting implementation of watershed approaches, consistent with EPA's Strategic Plan and goals. The EPA is working with federal agencies, States, Tribes, local communities and others to make watershed approaches the fulcrum of its planning, restoration, and protection programs to achieve clean and safe water. The EPA addresses urban river degradation through a variety of environmental programs overseen by the OSWER, and OW. The EPA's water quality and sediment initiatives include coordinating water quality goals, contaminated sediment remediation, and revitalization among the parties in multi-jurisdictional areas and response work, under CERCLA and other statutes, in urban rivers across the country.

Likewise, the Department of Army Civil Works mission through the U.S. Army Corps of Engineers (USACE) seeks to manage the Nation's public water resources in collaboration with others through a watershed approach. The USACE is involved with numerous river-related activities, including planning, engineering and construction management and operation of water resource projects involving navigation, flood control, environmental restoration, and disaster response. The USACE is responsible for the safe, reliable and efficient waterborne transportation systems -- involving tens of thousands of miles of commercially navigable waterways and hundreds of deep draft harbors -- for the movement of commerce and for recreation.

ARTICLE III – SCOPE

The previous MOU, dated July 2, 2002, called for the establishment of eight (8) urban river demonstration pilot projects. Eight (8) pilot projects were established and, while this MOU does not designate additional pilot projects, it does not preclude future designations if so desired by the signatory agencies. In principle, the EPA and USACE remain committed to the original eight urban river demonstration pilot projects in accordance with the President's Budget request, statutes, regulations, and each agency's policies. These projects offer an opportunity for the two agencies to coordinate their efforts for the purpose of achieving more efficient and effective clean up, revitalization, and restoration of these sites. The EPA and USACE will continue utilizing these eight urban river pilot projects for another one-year period for the purpose of identifying best practices and lessons learned that might be applied at other urban river restoration efforts throughout the country. The EPA and USACE will also utilize the eight urban river pilot projects to identify any intra-and inter agency barriers that may exist to urban rivers restoration and to develop policies aimed at surmounting these barriers. The EPA and USACE will strive collaboratively to extend these lessons learned to other urban rivers for the purpose of protection of public health and the environment, and fostering economic vitality.

The signatory agencies agree that all requirements of the applicable statutes, including WRDA, CERCLA, RCRA, CWA and their implementing regulations, will be met in projects carried out under this MOU.

The activities contemplated in this agreement would be carried out in accordance with existing statutory authorities and nothing in this agreement will, in any way, alter the specific statutory or regulatory authorities or responsibilities assigned to the EPA or the USACE, or alter existing statutory requirements roles and responsibilities of other agencies, or statutory. This agreement establishes a mechanism of cooperation and coordination, and expresses the intent of the signatory agencies to work together to resolve any conflicts using, as appropriate, consensus building and collaborative decision-making to find common ground and identify practical solutions. Success of this agreement will be evidenced by the efficient accomplishment of each agency's statutory requirements within areas of mutual concern in a timely manner and by minimizing misunderstandings, and duplication of effort.

ARTICLE IV – INTERAGENCY COMMUNICATIONS

To provide for consistent and effective communication, the parties will continue to use a Headquarters Agency Representative to serve as the central point of contact on matters relating to this MOU. Headquarters Representatives coordinate on the pilot projects to identify and

analyze systemic barriers that might be solved through improved inter-agency processes. The Representative will also be responsible for recommending and coordinating process solutions and elevating significant problems to the signatories of this MOU.

ARTICLE V – QUALIFICATIONS AND LIMITATIONS

This document is neither a fiscal nor a funds obligation document, nor does it supplement either agency's existing statutory authorities. Any endeavor involving reimbursement or contribution of funds between the parties to this MOU will be set forth in an Interagency Agreement (IAG). This MOU does not create any right or benefit, substantive or procedural, enforceable by law or equity against USACE or EPA, their officers or employees, or any other person. This MOU does not direct or apply to any person outside USACE or EPA.

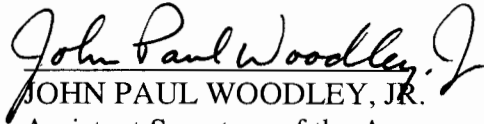
ARTICLE VI – AMENDMENT AND TERMINATION

This MOU maybe modified, amended or renewed only by written, mutual agreement of the parties. Either party may terminate this MOU by providing written notice to the other party. The termination will be effective upon the sixtieth calendar day following notice, unless a later date is set forth.

ARTICLE VII – EFFECTIVE DATE

This MOU will become effective when approved by the signatories for the Office of the Assistant Secretary of the Army (Civil Works) and for the U.S. Environmental Protection Agency's Office of Water and Office of Solid Waste and Emergency Response and shall remain in effect for one year after final signature.


APPROVED:


JOHN PAUL WOODLEY, JR.

Assistant Secretary of the Army
(Civil Works)

18 September 2006

Date



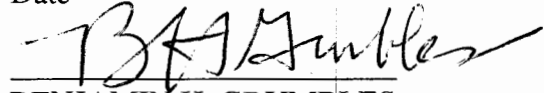
SUSAN PARKER BODINE

Assistant Administrator
Office of Solid Waste and Emergency
Response

U.S. Environmental Protection Agency

8-30-06

Date



BENJAMIN H. GRUMBLES

Assistant Administrator

Office of Water

U.S. Environmental Protection Agency

8-31-06

Date