

INTERSTATE AGREEMENT
BETWEEN

THE STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

AND

THE STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY

This interagency agreement between the Washington State Department of Ecology (Washington DOE) and Oregon State Department of Environmental Quality (Oregon DEQ) is entered into to further both states' mutual interest and desire to protect the waters and resources of the Columbia River, to promote and encourage maritime safety, and to further the cooperative partnership of these two states along this common boundary.

WHEREAS, the Columbia River provides a common boundary between the States of Washington and Oregon and both states share responsibility to protect the water and resources of the Columbia River, and to promote maritime safety;

WHEREAS, vessels that transit the Columbia River to arrive at Washington or Oregon ports commonly pass through the waters of both states;

WHEREAS, approximately 1,700 cargo and passenger vessel; 100 tank vessel; and 1,280 tank barge transits occur in the Columbia River each year;

WHEREAS, the Washington and Oregon Legislatures have passed comparable legislation mandating vessel evaluation and monitoring programs for barges, cargo, passenger, and other vessels entering each state's respective waters for the purpose of identifying vessels not in compliance with Washington and Oregon State laws and regulations;

WHEREAS, the States of Washington and Oregon would benefit from a coordinated boarding and vessel inspection program conducted in Washington and Oregon waters for vessels transiting the Columbia River;

WHEREAS, the States of Washington and Oregon would benefit from a coordinated oil spill drill planning and implementation in the Columbia River; and

WHEREAS, Washington and Oregon seek the highest level of cooperation and coordination in protecting the environment and resources associated with the Columbia River and reducing the risk of spills and vessel incidents.

NOW THEREFORE, in consideration of the mutual covenants and provisions in this Agreement, Washington DOE and Oregon DEQ agree as follows:

PURPOSE OF AGREEMENT: Washington DOE and Oregon DEQ will provide personnel and equipment to carry out oil spill prevention, preparedness, and response on the Columbia River and its tributaries, as more specifically described below.

- (1) Washington DOE and Oregon DEQ agree to communicate and coordinate on a regular basis as follows:
 - (A) Oregon DEQ may participate in any vessel inspection conducted by Washington DOE on the Columbia River. As time and funding availability permit, Washington DOE will train Oregon DEQ personnel in conducting vessel inspections.
 - (B) At least quarterly, the Washington DOE Southwest Region Spill Prevention Unit and the Oregon DEQ Spills Leadworker of the Oregon DEQ Emergency Response and Environmental Cleanup Section will communicate with each other to ensure that operations flow smoothly and information exchange occurs.
 - (C) A Washington DOE Spills Program or Section Manager will meet with the Oregon DEQ Emergency Response and Environmental Cleanup Manager annually to evaluate the effectiveness of activities conducted in accordance with this Agreement.
 - (D) When a maritime incident impacts or threatens Washington or Oregon waters, if both Washington DOE and Oregon DEQ respond to the incident, the Agencies agree to do so cooperatively in a Unified Command, regardless of the side of the river from which the spill originated.
 - (E) When a maritime incident, such as a spill, grounding, or near-miss occurs, and both parties agree that a joint investigation is practicable, Washington DOE and Oregon DEQ will conduct a joint investigation for the purposes of supporting potential enforcement actions by the parties and determining the root cause and contributing factors of the incident.
 - (F) For drill and exercise preparations, Washington DOE and Oregon DEQ will coordinate on drill schedules and planning efforts for drills along the Columbia River. Washington DOE and Oregon DEQ will coordinate resources for drill participation and evaluation.
 - (G) For spill contingency plan reviews required by the States of Washington and Oregon for vessels transiting the Columbia River and for facilities with regulated operations located in both states, Washington DOE and Oregon DEQ agree to coordinate state agency efforts to the extent practical. Specifically, Washington DOE and Oregon DEQ agree to share

information for identification and resolution of issues and concerns related to spill contingency plan approvals.

- (2) The Agreement represents a voluntary understanding between the Oregon Department of Environmental Quality and the Washington Department of Ecology. Any action taken to modify, amend, or terminate this agreement may be only taken by the Emergency Response and Environmental Cleanup Manager, Oregon Department of Environmental Quality or the Spills Program Manager, Washington Department of Ecology, or a person to whom this authority is specifically delegated by them.
- (3) In the event that individual and severable portions of this agreement are found to be in conflict with either Oregon or Washington state law, regulations or policies, and therefore of no effect, the agreement will remain in effect excluding those provisions, unless either Party notifies the other in writing that the entire agreement is terminated.
- (4) The Agreement shall become effective on the date at which every party has signed and the Agreement has been approved by the Oregon Department of Justice. The agreement may be changed by the Parties by signed amendment hereto, with or without notice to any other person and may be terminated by either party upon thirty (30) days written notice.

Agency Contacts:

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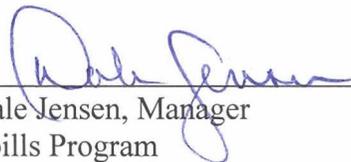
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FOR STATE OF OREGON,
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Date: 2-8-2010

Date: 2-4-2010