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Regulatory Framework

3.1 Consent Order Requirements

The work to be conducted by MCCC pursuant to this Work Plan will comply with the terms of the Order and meet applicable legal and regulatory requirements (Order §VII,12(d)viii).

3.2 State and Federal Regulatory Agencies

Immediately following the spill, numerous federal and state agencies were mobilized to address potential health and environmental concerns. MCCC has worked closely with agency representatives to identify issues, develop an effective response to minimize the impacts from the spill, and implement a comprehensive and effective removal program. A brief description of the agencies engaged in this effort and their respective roles and responsibilities follows.

3.2.1 Agency Interaction

MCCC has worked with approximately 37 federal and state agencies to develop the removal programs outlined in Section 4 of this Work Plan. The primary agencies that have been engaged in this effort are: EPA Regions 3 and 4, the KY Department of Surface Mining and Reclamation Enforcement, KY Department of Fish and Wildlife, KY Division of Water, and WV Division of Environmental Protection.

Because of the multitude of interests and concerns represented by regulatory agencies, a Unified Command (UC) consisting of representatives of MCCC and the federal and state agencies actively involved in the response was established. The UC was headed by an on-scene coordinator named by EPA. A subgroup of the UC, the Environmental Unit, was established to address environmental issues. The Stream Bank Assessment and Cleanup Survey (SACS) Team was formed as an integral part of the Environmental Unit to address specific removal needs of individual stream segments. The SACS Team consisted of representatives of EPA, the Commonwealth of Kentucky, the State of West Virginia, and MCCC.

3.2.2 Roles and Responsibilities

In accordance with the Order, MCCC will continue to coordinate removal and restoration activities with the SACS Team. As specified in the Order, based on recommendations of the SACS Team, the On-scene Representative (OSR) will communicate its determinations on removal and restoration issues to MCCC for implementation. MCCC is committed to implement the assessment, removal, restoration, and mitigation programs set forth in the Order.