

**SPILL RESPONSE  
COUNTERMEASURES  
WORKGROUP NOTES**

**Tuesday, December 10, 2024**

NOAA Center for Weather and Climate Prediction, College Park, Maryland  
1100-1157

**Spill Response Countermeasures Workgroup Session**

Dave Pugh (USCG) & Billy Martin (USEPA)

- Subpart J Final Rule Presentation – Billy Martin
  - National Oil and Hazardous Substances Pollution Contingency Plan
  - Product Schedule Listing and Authorization of Use Requirements
  - Background: April 2010 Deepwater Horizon underwater well blowout. 2015 proposed to amend Subpart J
  - Amends: requirements related chemical and biological agent testing and listing/authorization of use
  - Subpart A: Definitions 300.5 – bioremediation agents, burning agents, chemical agents, dispersant, sinking agents, etc.
  - Authorization for Agent Use – provisions for product use from the NCP product schedule in response to oil discharges are set forth in section 300.910. EPA revised 300.910(a)
  - Final revision did not change NCP's fundamental policies regarding roles of federal state and local reps (clarifies regulation requirements)
  - Revisions to authorization of use is intended to ensure regional level and area level contain planning efforts
  - Clarifies RRT and AC must determine if preauthorization plans are appropriate
  - Clarifies OSC does not need to obtain the national resource trustee's consultation when authorizing use of agents
  - Preauthorization Plans approval under 300.910(a)(2) – lists requirements
  - Preauthorization Plan review under 300.910(a)(3) – review done by EPA RRT representative, DOI and DOC National Resource Trustees and RRT representative from states
  - Amends review timeline from 5 years to regular timeline
  - No Applicable Preauthorization Plan (case-by-case) 300.910(b) – revisions maintain current Agency policies, OSC must obtain app RRT concurrences and consultations and clarifies other factors
  - Temporary Exception 300.910(d) – provision for OSC to authorize the use of any agent. Establishes 24-hour timeframe to operate under temp exception. Clarifies the temp use provision. Clarifies the threat to human life
    - Question: OSCs can disperse anything? Answer: Yes, in rare case where human life is the main concern.
    - Question: When does the 24-hour start? Answer: When the OSC decides to use 24-hour Temporary Exception.
  - Prohibited agents 300.910(e)(1) – maintains current sinking agents prohibition but does not finalize the prohibition
  - Storage and use of agents listed on the NCP product schedule 300.910 (f) – ensures products are being stored correctly
  - Supplemental Testing, Monitoring, and Information 300.910 (g) – gives authority to

<p>request further information on product being used. Can be specific to where its being used. Help decision to use product. Is it the most efficient?</p> <ul style="list-style-type: none"> <li>○ Recovery of Chemical Agents and Other Substances from the Environment 300.910(h)</li> <li>○ Reporting of Agent Use 300.910(i) – transparency to public <ul style="list-style-type: none"> <li>▪ Question: Who provides this information Answer: RP.</li> </ul> </li> </ul> <ul style="list-style-type: none"> <li>• Discuss RRT3 Regional Contingency Plan - removal of Zone A <ul style="list-style-type: none"> <li>○ Delaware has “canceled in part” Zone A <ul style="list-style-type: none"> <li>▪ Graphic needs updated to reflect changes. How do they denote its removal?</li> <li>▪ Rob Wright will update ERMA</li> </ul> </li> <li>○ Get rid of lines and include shading in map to designate areas</li> <li>○ Plan for discussion between RRT2 and RRT3 of offshore boundaries</li> <li>○ Use strikethrough in document to show Zone A removal and add cover page to denote change. Add Zone A Letter as an Attachment to the Annex.</li> <li>○ Frank will bring this up at RRT2 Meeting next week 12/16/2024.</li> </ul> </li> </ul>
Concluded at 11:57

Meeting Attendance Roster	
Attendee Name	Attendee Organization
Banda, JoAnn	DOI - WS
Bartos, Myles	US EPA
Bastias, Sabina	US EPA
Ciani, Lydia	START – Tetra Tech
Cook, Elisha	USCG D5
Csulak, Frank	DOC - NOAA
Gaynor, Kevin	US EPA
Lohman, Elizabeth	VDEQ
Martin, William	US EPA
Meadows, Nathan	WV DEP
Muse, Katlyn	Tri-State Bird & Rescue
Nelson, John	DOI
Nunez, Candice	USACE
Pugh, David	USCG
Smith, Jessie	START – Tetra Tech

Thorkilson, Kelly	USCG D5
Wilson, Daniel	Tri-State Bird & Rescue