Appendix 5-A2: Update for Dispersant MOU

Updates to the Dispersant MOU Annexes I (Pre-authorization), Annex II (Critical Decision Making), and Annex III (Trial Use Policy), January 1999

Preauthorization Zones and Zone-Specific Conditions (ANNEX I)

Chemical countermeasures listed in the NCP Product Schedule may be used in spill response within the following areas, provided all of the general conditions listed in the protocols are satisfied, as well as all special conditions set forth below. (See map at end of Annex I for Zone locations)

PREAPPROVED ZONES

Zone A. BIG STONE BEACH ANCHORAGE in the Delaware Bay. The four corner points of which are: 38°53'57" N., 75°08'00" W., thence northwesterly to 39°01'22" N., 75°13'25" W., thence southwesterly to 39°00'49" N., 75°14'57" W., thence southeasterly to 38°53'22" N., 75°09'26" W., thence northeasterly to the point of beginning. (33 CFR 110.157)

Limited Preauthorization

The effects of the circular Delaware Bay current patterns in the Big Stone Beach Anchorage toward the channel side of the 15 meter contour are conducive to chemical agent use on spills of 50 barrels or less. The use of chemical countermeasures on spills of 50 barrels or less, or 50 barrel or less portions of larger spills, is approved, provided the former is a spill of opportunity and the latter is for trial use only. Trial use applications must satisfy the conditions of Annex III.

Whether a spill of opportunity or a trial use application, the FOSC shall immediately notify State and Federal trustees of the decision to deploy, and provide information specified in the Protocols sections of this MOU. In addition, the FOSC will prepare and provide a written report detailing the results (i.e., effectiveness) of the deployment within 60 days of termination of the response.

Zone 1. COTP HR AND COTP PHI SUBREGIONAL AREA, the offshore waters under the jurisdiction of COTP HR AND COTP PHI (as defined in 33 CFR ß3.25 - 05 & 10) that lie 3nm and seaward of the Territorial Sea Baseline (as defined in 33 CFR 2.05-10) along the coasts of Virginia, Maryland, and Delaware, (south of the demarcation of the jurisdiction of Region II) to the outermost extent of the Exclusive Economic Zone.

Advanced preauthorization

The water depth and surrounding topography of this area are suitable for the use of chemical agents. Preauthorization is granted with respect to spills of any size.

Zone 2. COASTAL WATERS WITHIN THE COTP HR AND COTP PHI SUBREGIONAL AREA - Greater than 0.5 miles from shore and water depth greater than 40 feet (12.2 meters) along the coasts of Virginia, Maryland, and Delaware (south of the demarcation of the jurisdiction of Region II). All bays and coves are excluded from this zone, with the exception of Zone A. Specifically, the demarcation of the Delaware and Chesapeake Bays is as follows:

Delaware Bay

A line between Cape May Point lighthouse on the southern shore of New Jersey and Cape Henlopen light on the northern shore of Delaware.

Chesapeake Bay

A line between Cape Charles lighthouse on the Eastern Shore of Virginia and Cape Henry light in Virginia Beach, Virginia.

Concurrence required for Operational Use

Chemical countermeasures may be used in waters that are at least 0.5 nautical miles from any shoreline and where the water depth is greater than 40 feet (12.2 meters).

Before authorizing operational use of chemical countermeasures in Zone 2, the FOSC must establish deliberative communication with the EPA DOC, DOI, and affected State/Commonwealth representatives for concurrence. The FOSC may establish a time frame, not less than four hours, in which non-concurrence must be communicated. This time frame will commence once deliberative communications have been established with the designated representative. Trial use applications must satisfy the conditions of Annex III.

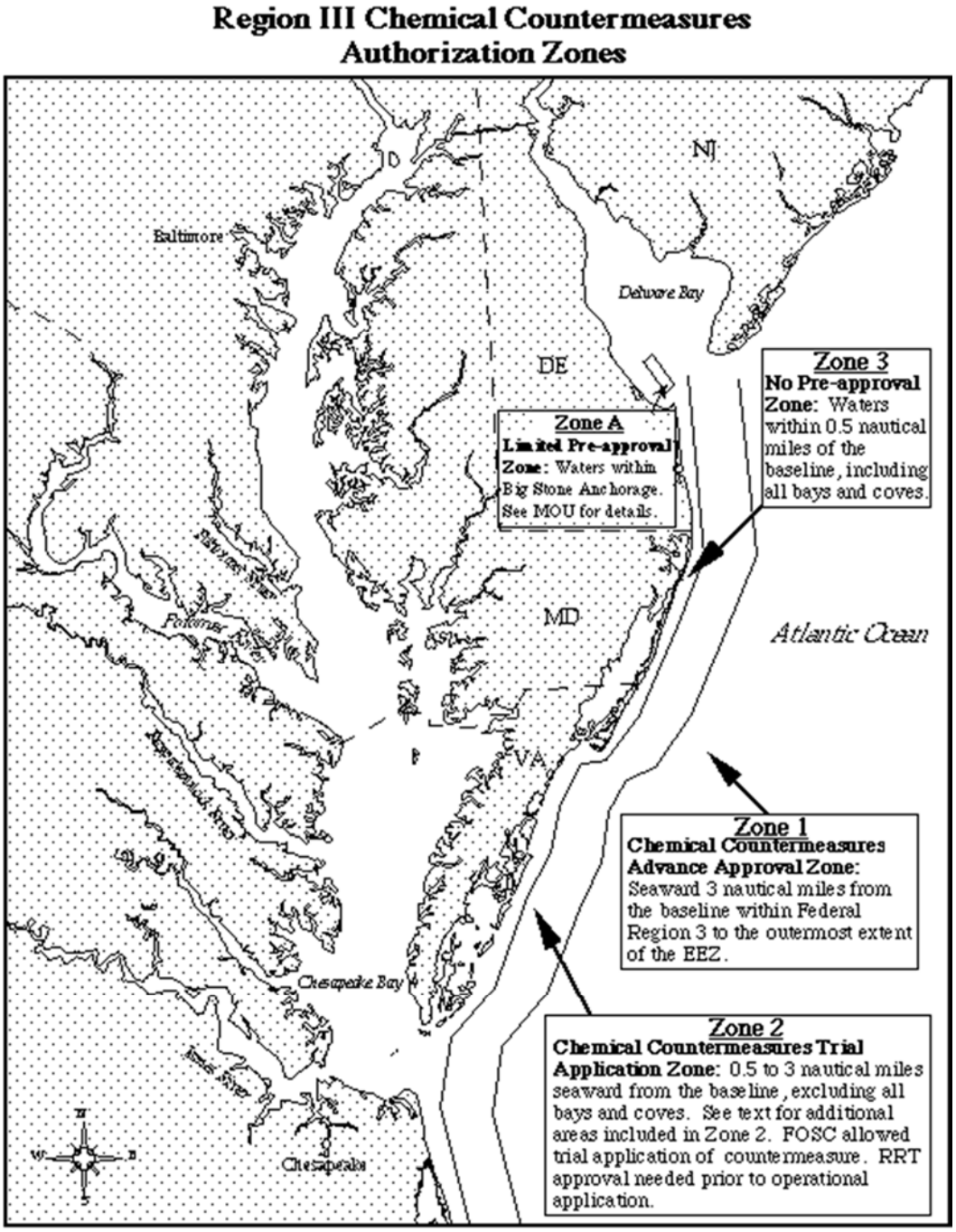
Zone 3. NEARSHORE WATERS WITHIN THE COTP HR AND COTP PHI SUBREGIONAL AREA - Less than 0.5 miles from shore or water depth less than 40 feet (12.2 meters), beyond the inland waters demarcation line along the coasts of Virginia, Maryland, and Delaware (south of the demarcation of the jurisdiction of Region II).

Concurrence Required for Operational Use

Dispersants are not a primary tool in this zone. Before authorizing operational use of chemical countermeasures in Zone 3, the FOSC must establish deliberative communication with the EPA DOC, DOI, and affected State/Commonwealth representatives for concurrence. The FOSC may establish a time frame, not less than four hours, in which non-concurrence must be communicated. This time frame will commence once deliberative communications have been established with the designated representative. *Trial use applications must satisfy the conditions of Annex III*.

For spill response in Sensitive Areas, defined as natural resources which could be irretrievably damaged by contact with discharged oil, and identified in the Hampton Roads and Philadelphia ACPs, application of dispersants may be appropriate. In such cases, the FOSC may establish a time frame, not less than four hours, in which non-concurrence must be communicated. This time frame will commence once communications have been established with the designated representatives.

Figure 1 Chemical Countermeasures Preauthorization Zones



Critical Decision Making Data (ANNEX II)

A. Spill Data:	SOURCE
1. Circumstances (fire, grounding, collision, etc.)	FOSC/ER
2. Time/Date of incident	FOSC/ER
3. Location of spill	FOSC/ER
4. Type of oil product	FOSC/ER
5. Volume of product released	FOSC/ER
6. Total potential of release	FOSC/ER
7. Type of release (instantaneous, continuous, intermittent, etc.)	FOSC/ER

B. Weather and water conditions/forecasts:	FOSC/NOAA-SSC
1. Air temperature, wind speed, direction	FOSC/NOAA-SSC
2. Tide and current information	FOSC/NOAA-SSC
3. Sea conditions	FOSC/NOAA-SSC
4. Water temperature and salinity	FOSC/NOAA-SSC
5. Water depth and depth of the mixed layer	FOSC/NOAA-SSC

C. Oil trajectory information:	SSC
1. 24/48-hour surface oil trajectory forecast	SSC
▪ surface area of slick	
▪ expected area of landfall	
2. 24/48-hour dispersed oil trajectory forecast:	SSC
▪ oil movement in water column	
▪ surface oil movement and expected landfall	
▪ anticipated concentration of the chemical/oil mixture in the water column	

D. Characteristics of selected chemical countermeasures application methodology and shoreline data	FOSC
1. Name	FOSC
2. Manufacturer	FOSC
3. Amount available	FOSC
4. Characteristics	FOSC
▪ toxicity, natural (living) resource or human	FOSC
▪ effectiveness	

- reactions
- applicability to spill (efficacy test results) FOSC

5. Application
   - method(s)
   - estimated time required to execute response FOSC
   - optimum treatment window __/ __/ __ to __/ __/ __ (DTG)
6. Location of the area to be treated FOSC
7. Estimated time interval between chemical or biological agent application and contact with sensitive environment/resources
8. Estimated distance between application of chemical or biological agent and sensitive environment/resources
9. Human impact hazard assessment (risk), protective measures required (if any)

E. Habitats and resources at risk SOURCE

(Consider chemically-treated spill versus untreated spill)

1. Shoreline habitat type in predicted area of impact States
2. Resources at risk: States
   a. endangered/threatened species (state and Federally designated)
   b. critical habitats for the above species
   c. marine animals (pupping, migration)
   d. waterfowl and other bird use (nesting, migration)
   e. shellfish (spawning, harvesting)
   f. finfish (spawning, release migration, harvest)
   g. commercial use (aquaculture, water intakes, etc.)
   h. public use area (parks, beaches, marinas, holidays, etc.)
   i. other resources of specific significance (cultural, historical, natural and artificial reefs etc.)
   j. other sensitive areas as defined in 7:1E-1.8
   k. NOTE: (_____) indicates seasonal considerations

F. Critical Questions States/trustees

1. Can the predicted threat to endangered/threatened species, marine mammals, and waterfowl be lessened?
2. Will the damage to habitats and resources resulting from chemical countermeasure (dispersion) be less than those resulting without chemical countermeasures?
3. Are adequate monitoring capabilities and protocols in place (proposed) for this treatment location?

4. If recreational, economic, and aesthetic considerations are a higher priority than natural resource considerations, what is the most effective means for their protection?

G. Recommendations to the FOSC States/trustees

1. Do not use requested chemical or biological countermeasure (dispersants).
2. Use chemical or biological countermeasures (dispersants) on a trial basis, but not as a full-scale control or cleanup technique (To evaluate chemical for future use on this or other spills)
3. Use chemical or biological countermeasures (dispersants) in limited or selected areas as follows
4. Use requested chemical or biological countermeasures (dispersant) to the maximum extent feasible

Trial Use Policy (ANNEX III)

Subject to the General Conditions in the PROTOCOLS Section of this MOU

The FOSC is authorized to allow application of chemical countermeasures listed in Annex V on a trial basis within the COTP HR and COTP PHI areas of jurisdiction and not otherwise prohibited.[1] Trial application will only take place on an area of the spill covered by 50 barrels or less to determine the product's effect on the specific oil under the current set of environmental and meteorological conditions.

The trial application may begin prior to the initial request of the RRT for operational use of the chemical countermeasure on a greater portion of the spill. The requirement for a monitoring protocol is waived for trial use applications. The initial trial application will be supervised by a trained observer (i.e. USCG Strike Team, NOAA Scientific Support Coordinator, etc.) and be reported only as a qualitative visual observation (pass/fail). Results of the trial will be reported to the RRT as soon as they are available. A trial use with positive results shall not mean that the chemical agent may automatically be extensively applied as there are many other factors to be weighed in the decision process.

This trial application is solely for the purpose of determining if the time and effort should be expended to seek further clarification of the issues. If the trial application fails to produce significant results the request for further use will not be made. It will be the responsibility of the Area Committees to designate restrictions to this policy.

Note: Trial use in Zone 3 is subject to concurrence steps outlined for operational use in Annex I.

This Trial Use Policy does not apply to the use of chemical countermeasures in fresh water.