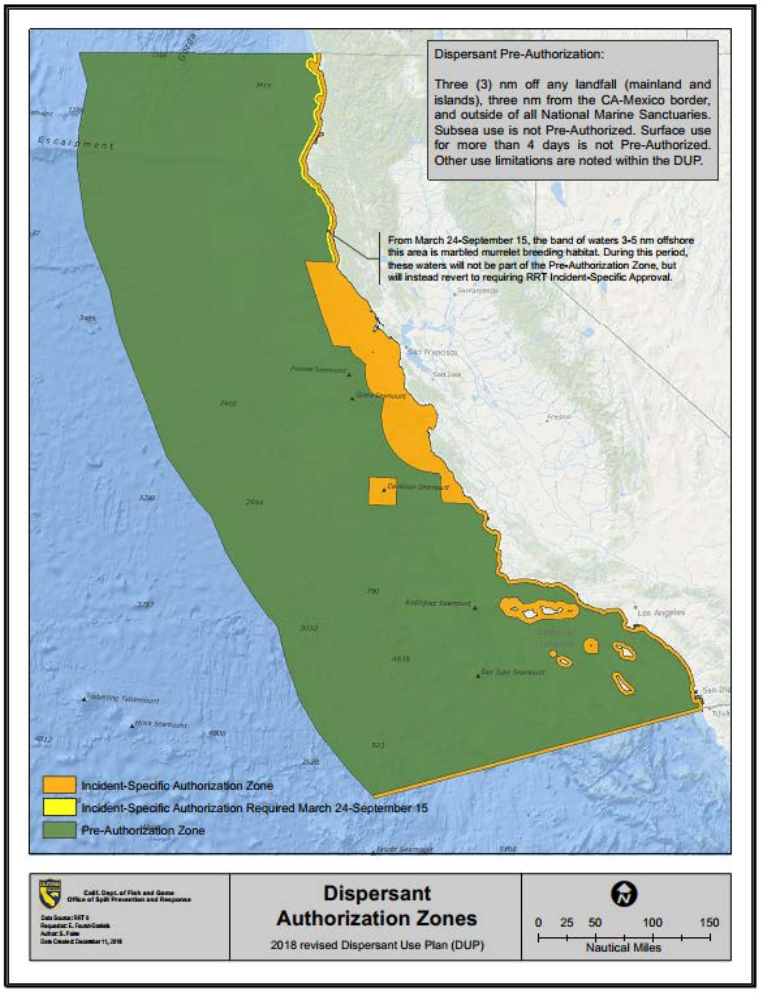
DISPERSANT USE PLAN FOR CALIFORNIA WATERS



26 APRIL 2019

ALL PREVIOUS VERSIONS SUPERSEDED

RRT IX Dispersant Use Plan for California

Signature Page

Signatories are RRT IX EPA & CG Cochairs. Also signing are RRT IX CA DFW OSPR (State), DOC/NOAA and DOI representatives (per 40CFR.910). Signatures are on record with EPA9 and CG D11(dxi).

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1 SUMMARY OF KEY CHANGES

This update to the RRT IX Dispersant Use Plan (DUP) for California reflects substantial streamlining and reformatting of the previous (2008) DUP. There are no changes to underlying dispersant policies, such as types and description of dispersant use zones, the roles and authorities of the decision-making agencies, or to our understanding of the key species and ecosystems at risk to oil spills and to any subsequent decision to use dispersants. It does include many new elements that considerably improve the utility of the plan, and further informs how we can best manage our shared responsibility to protect species and habitats within the coastal zone that may be threatened by oil spills.

Key DUP improvements:

- Addition of clear thresholds (prohibitions) of dispersant use, as well as special considerations to keep in mind for spill situations where threshold considerations have been met;
- Addition of best management practices to consider as part of any authorized dispersant use (these apply regardless of zone type);
- Addition of conditions and best management practices added by the National Marine Fisheries Service and U.S. Fish and Wildlife Service as part of their concurrences under Section 7 of the Endangered Species Act;
- Updated graphic to show expanded boundaries of National Marine Sanctuaries, and to include special zone related to marbled murrelets during their breeding season.
- Isolation of spill situations in which use of dispersants can provide an advantage in environmental protection;
- Two types of dispersant zones captured on one flowchart, with a decision-support checklist keyed to the flowchart;
- Articulation of RRT IX policy on who leads dispersant discussion and supports the FOSC in determining whether dispersant use could result in a net environmental benefit;
- Additional steps to address early informational outreach to RRT member agencies and other stakeholders;
- Additional environmental monitoring steps and associated job aids;
- Addition of staff positions, operational templates, job aids and other materials to facilitate coordination between the Planning and Operations sections and to provide clear and complete documentation of the decision-making process;
- Emphasis on value of conventional (mechanical) technologies as primary response approach, with dispersants considered when conventional approaches are not adequate to the response;
- Emphasis on dispersant consideration only when a net environmental benefit can be expected.

2 BACKGROUND AND OVERVIEW

2.1 PURPOSE

This document outlines the Regional Response Team IX (RRT IX) Dispersant Use Plan (DUP) for federal and state marine waters within the RRT IX California area of operations (Figure 1) and supports the decision-making associated with any possible use of dispersants during an oil spill response. This plan includes information describing best practices and special conditions associated with the use of dispersants but is not intended to serve as an application guide or procedure manual for dispersant use. That information would be included in a Dispersant Operations Plan prepared by the Oil Spill Response Organization (OSRO) on an incident-specific basis.

Section 300.910 (a)-(f) of the National Contingency Plan provides information regarding the development of plans preauthorizing the use of dispersants, and regarding the use of dispersants in areas where use has not been preauthorized:

2.2 AUTHORITIES

The USCG, EPA, DOI, DOC/NOAA, and California Department of Fish and Wildlife – Office of Spill Prevention and Response (CDFW-OSPR) agree that one of the primary methods of controlling discharged oil shall be the physical removal of the oil by mechanical means. These agencies recognize that in certain instances, timely and effective physical containment, collection and removal of the oil may not be possible, and the use of dispersants, alone or in conjunction with other removal methods, may be considered the appropriate response to minimize substantial threat to public health or welfare, or minimize serious environmental damage. This document establishes the policy under which dispersants listed on the NCP Product Schedule and licensed by the State of California may be used in marine waters off California.

The decision to use dispersants during an incident is made by the FOSC. It is anticipated that under all circumstances, the FOSC will seek to work with the Unified Command, the relevant Technical Specialists, and others as appropriate and as feasible. However, the FOSC has decision-authority as described below:

- Preauthorization Zone – The authority to approve dispersant preauthorization plans rests with the RRT. With an approved preauthorization plan in place, the FOSC can approve dispersant use, in a manner consistent with the dispersant plan, with no further concurrences.
- Incident-Specific Zone – The FOSC also has the authority to approve dispersant use in areas (or ways) that are not preauthorized, but only after the concurrence of the EPA representative to the RRT and, as appropriate, the concurrence of the California representative to the RRT, and in consultation with the DOC and DOI natural resource trustees.
- Incident-Specific Zone (Hazard to Human Life) – The FOSC has the authority to unilaterally approve dispersant use in areas (or ways) that were not preauthorized, if the FOSC in their own judgement feels that the use is “necessary to prevent or substantially reduce a hazard to human life.”

The following sections provide more detail on the legal authorities for the key federal and state leadership entities involved in the decisions associated with the use of dispersants in state and federal marine waters off California.

2.2.1 Federal Authority

The U.S. Coast Guard (USCG) Eleventh District Commander has pre-designated the three USCG Captains of The Port (COTP) as the Federal OSCs (FOSCs) for oil discharges in their respective COTP zones (as defined in 33 CFR Part 3 and subject to joint response boundary agreements with EPA described in Section 1400 of the three California Area Contingency Plans), and has delegated to each COTP the authority and responsibility for compliance with the Federal Water Pollution Control Act (FWPCA). When the FOSC has determined that a discharge or release has occurred or there is a substantial threat of a discharge or release, he/she is authorized under the NCP to direct all private, State, or Federal actions to remove the discharge or release or to mitigate or prevent the threat of such a discharge or release. See related discussion of RRT authority in section 1.2.3 below.

2.2.2 California State Authority

The Governor of the State of California has designated the Administrator of the CDFW-OSPR as having state authority over the use of all response methods, including the use of dispersants for control of oil spills in or affecting California waters. The Administrator must consult with the FOSC prior to exercising this authority (Lempert-Keene-Seastrand Oil Spill Prevention and Response Act §8670.7(f)). This responsibility is in addition to the OSPR role as a voting member of the RRT IX.

2.2.3 Regional Response Team IX Authority

RRT IX is one of 13 RRTs in the U.S. and is a multi-agency coordination group concerned with preparedness and response to oil and hazardous materials spills in California, including the coastal marine area. RRT IX also covers California inland areas, Arizona and Nevada.

Pursuant to the NCP §300.910 (Authorization of Use), a Standing RRT has the authority to approve dispersant use preauthorization plans, that in turn allow a FOSC to authorize the use of dispersant during an incident in a manner consistent with the approved plan without obtaining further concurrences. An Incident-Specific RRT (the EPA representative to the RRT and, as appropriate, the concurrence of the California representative to the RRT, and in consultation with the DOC and DOI natural resources trustees) has the authority to approve the use of dispersants on an incident-specific basis in areas where their use has not been preauthorized. When the EPA and California representatives to the RRT, in consultation with the DOC and DOI natural resource trustees, authorizes the use of dispersant on an incident-specific basis, that authority is then delegated to the FOSC for the final decision on use, and implementation.

The FOSC needs to assure that ART policies are being evaluated, implemented and documented as directed by the RRT. The ART Lead Technical Specialist (THSP) working on behalf of the FOSC must know how to expertly and efficiently accomplish these critical evaluation tasks.

The FOSC has the sole authority to approve the use of dispersants when, in the judgement of the FOSC, the use of the product is necessary to prevent or substantially reduce a hazard to human life. However, it is expected that the FOSC will seek advance Unified Command support for dispersant use in all situations, whenever possible.

2.3 THE CALIFORNIA PLANNING PROCESS

The use of dispersants on oil spills on California marine waters is addressed in 40 CFR §300.910, and by the RRT IX and the California Area Committees as part of their planning activities. This RRT IX Dispersant Use Plan for California describes the applicable authorization plans and the specific contexts in which dispersants should and should not be used. Additional information on how this plan was directed and developed, including the process and results of Net Environmental Benefit Analyses (NEBAs) that supported the dispersant zone recommendations, is available from the NOAA Scientific Support Coordinator (SSC) and/or the CDFW-OSPR ART Lead THSP (see *Job Aid 1* for contact information).

2.4 AGENCY CONSULTATIONS

Final approval of this plan required consultation with three natural resource agencies. Consultation with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) was required pursuant to Section 7 of the Federal Endangered Species Act (FESA), and consultation with the

California Coastal Commission (CCC) was required pursuant to the Coastal Zone Management Act (CZMA). These consultations are more fully described in the following sections.

2.4.1 Endangered Species Act (ESA) Section 7 Consultations

Consultations under Section 7 of the ESA were led by the USEPA and the USCG and conducted with both the USFWS and the NMFS. Documents related to these consultations for dispersant use within a preauthorization zone, and the resulting concurrence letters, may be found at: https://response.epa.gov/site/site_profile.aspx?site_id=8592. Key points are summarized below.

2.4.1.1 USFWS Consultation

The USFWS documented their consultation by letter to the USCG and USEPA representatives of the RRT IX, dated March 7, 2017 and titled "Informal Consultation Regarding Dispersant Preauthorization under the California Dispersant Plan." The letter is included at the link noted in section 1.4.1. Key specifications from the informal consultation include:

- Dispersant products must be listed both on the NCP Product Schedule and licensed as a State of California Oil Spill Cleanup Agent (OSCA). The dispersants available for use are therefore currently Corexit EC9527A, Corexit EC9500A, Nokomis 3-AA, and Nokomis 3-FA;
- Dispersant application will be from aircraft or boat. No subsurface applications are allowed under preauthorization;
- The use of dispersants on spilled diesel products will not be preauthorized (*this was expanded to include other Type I fuels as well*);
- Preauthorized dispersant applications are limited to the first 96 hours of response;
- Dispersant application may be no greater than 5 gallons per acre (a 1:20 ratio of dispersant to spilled oil);
- Special Monitoring of Applied Response Technologies (SMART) will be used to determine the effectiveness of dispersant on spilled oil;
- All other areas and uses of dispersants in California waters are not preauthorized and will require RRT IX Incident-Specific Authorization.

The USFWS considered 14 of its managed species as part of this informal consultation and evaluated 1) effects from chemical toxicity as a result of direct exposure to the dispersants, and 2) indirect effects due to changed environmental conditions resulting from the use of dispersant products. Based upon this evaluation the USFWS subsequently proposed, and the USEPA and USCG accepted, the following conservation measures:

- Results from SMART observations will be provided to the USFWS within the first 24 hours of dispersant application;
- When possible, a DOI/DOC-approved wildlife observation specialist will accompany the SMART observer;
- Updated list of DOI/DOC-approved observations specialists will be provided by the Wildlife Branch Director to CDFW-OSPR for inclusion in updated dispersant plan (*Note: these contacts will be maintained and managed via the Wildlife Branch Director, per DUP Job Aid 7*);
- All dispersant application aircraft will maintain a 1000-foot horizontal separation from flocks of birds present on the water;
- Dispersant application is not preauthorized during the marbled murrelet breeding season (March 24-September 15) in a two-mile wide band 3-5 nautical miles from shore extending from the California/Oregon border south to the northern Monterey County line. Dispersant applications in this area during these times requires RRT IX Incident-Specific Authorization before use. Part of the marbled murrelet offshore-use habitat already falls in an Incident-Specific Authorization Zone,

so the additional restricted authorization area applies to Del Norte, Humboldt and Mendocino counties, as noted with a yellow line on Figure 1.

The completed USFWS informal consultation is specific to the preauthorization of dispersant use and does not eliminate the need for responders to consult with the USFWS on the potential for adverse effects to federally listed species or the potential for adverse modification to federally designated critical habitat associated with any other element of the emergency oil spill response.

2.4.1.2 NMFS Consultation

The NMFS documented their consultation by letter (NMFS reference number WCR 2018-9670) to the USCG and USEPA representatives of the RRT IX, dated May 11, 2018 and titled "Endangered Species Act Section 7(a)(2) Concurrence Letter and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the Dispersant Preauthorization under Section I of the California Dispersant Plan, Appendix XII of the Regional Response Team IX Regional Contingency Plan". The letter is included at the link noted in section 1.4.1.

The reviewed federal action is the preauthorized use of four oil dispersants listed on the NCP Product Schedule and licensed for use by the State of California (Corexit EC9527A, Corexit EC9500A, Nokomis 3-AA, Nokomis 3-FA), in Federal waters 3-200 nm from the California shorelines (mainland and island), excluding waters within National Marine Sanctuaries or within 3 nm of the California-Mexico border.

The NMFS concurrence letter states that restrictions in the 2008 dispersant use plan will continue:

- The Preauthorization Zone dispersant use checklist will be used;
- Dispersants will only be used on treatable oil;
- Dispersants will not be used on diesel spills;
- Only surface applications from aircraft or boats are allowed (no subsurface applications are preauthorized);
- Dispersant spraying will stop If SMART monitoring indicates dispersant use is ineffective;
- Spraying of marine mammals and sea turtles will be avoided;
- Applications will only occur during daylight hours and safe sea and air conditions.

The NMFS concurrence now also requires:

- The FOSC will establish a minimum horizontal no-spray buffer of 100 m (328 feet) from observed congregations of fish or brown sea nettles, rafting flocks of birds, marine mammals or sea turtles in the water and/or marine mammal haul-out areas. Incident specific buffers will be based on dispersant drift spray models and may result in larger no-spray buffer zones. *(*Note*: The 2018 DUP uses the more conservative USFWS buffer of 1000' for flocked birds);*
- Protected species observers will be present on aircraft and vessels associated with dispersant application or transiting the action area to engage in the dispersant response;
- All dispersant vessels will have personnel assigned with wildlife spotting as their primary duty (*Note: To safely manage limited observer personnel, and optimize viewing platforms, wildlife presence near dispersant vessel operations may be observed from the air using the protocols in Job Aid 7*);
- Wildlife spotters, whether on vessels or aircraft, will record data on protected species within the spill area and advise the dispersant spotter and spray aircraft of vessel of sites within the operational area where wildlife have been spotted. Wildlife spotters can direct a suspension of spraying if animals are within the buffer area;
- Vessels involved in dispersant spraying operations will not exceed speeds of 10 knots (11.5 miles per hour) when marine mammals or sea turtles are observed in the area;

- SMART Tier 1 monitoring will be performed at minimum, and Tiers 2 and 3 monitoring conducted as appropriate;
- Incident-specific emergency Section 7 consultations may require additional monitoring;
- Dispersant vessels will maintain a 100 yard in-water buffer from whales, pinnipeds and sea turtles. If safe to do so, the vessels approached by mammals and turtles will disengage the props until the animals have clearly moved more than 100 yards from the dispersant operations vessel;
- Dispersant planes and vessels will observe restricted use zones of 400 meters (1312 feet) around high concentrations of marine mammals or sea turtles, or at distances established as part of an emergency consultation with NMFS.

2.4.2 Coastal Zone Management Act (CZMA)

The California Coastal Commission (CCC) is a state agency responsible for implementing the federal Coastal Zone Management Act (CZMA) for the California coast and coastal waters (out to 200 nm offshore), except the San Francisco Bay. The CCC is responsible for reviewing proposed federal and federally authorized activities to assess their consistency with the approved state coastal management program. The rules implementing the CZMA are established in federal regulations at 15 CFR Part 931 and implemented per the NOAA-approved California Coastal Management Program. The RRT IX Dispersant Use Plan for California describes a federal agency activity performed by or on behalf of a federal agency in the exercise of its statutory responsibilities (CZMA §307 (c) (1), 15 CFR §930.31(a), (c) and (d)).

The USCG and OSPR consulted with the California Coastal Commission (CCC) regarding CCC review of the updated DUP relative to the CZMA. On 12/17/2018 the USCG provided a request of CCC for a Negative Determination (ND). On 01/03/2019 the CCC provided ND-0047-18, concurring with the USCG negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations.

2.5 DISPERSANT USE AUTHORIZATIONS

This plan authorizes and provides guidelines for the pre-designated USCG FOSC to use dispersants in a timely manner to: 1) prevent or substantially reduce a hazard to human life; 2) minimize the adverse environmental impact of the spilled oil; and 3) reduce or eliminate the economic or aesthetic losses of recreational areas.

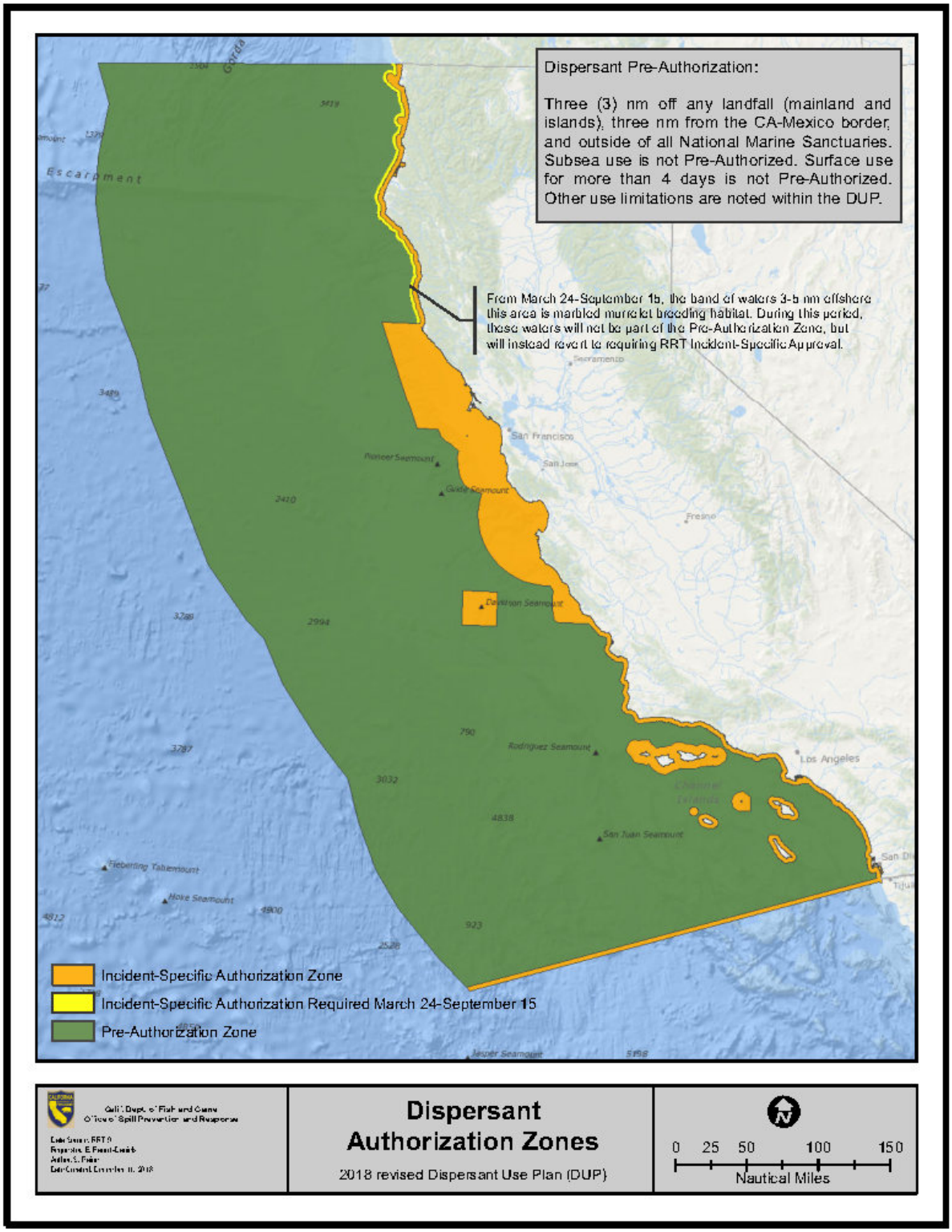
This dispersant use plan addresses the use of dispersants in the two geographic zones:

1. RRT IX Incident-Specific Authorization Zones, and
2. RRT IX Dispersant Preauthorization Zones

2.5.1 RRT IX Authorization Zones

Figure 1 on the following page delineates the dispersal authorization zones in California.

FIGURE 1 INCIDENT-SPECIFIC AND PREAUTHORIZATION ZONES



2.5.2 RRT IX Policy Regarding Which Dispersants May Be Used

Past policy of the RRT IX has been to consider only the use of dispersant products listed on the NCP Product Schedule AND licensed by the State of California. This is also a condition of the USFWS ESA Section 7 consultation (see section 1.4.1 above). Consequently, the dispersants currently approved for use that are consistent with RRT IX policy and ESA consultations are Corexit EC9527A, Corexit EC9500A, Nokomis 3-AA, and Nokomis 3-FA. If in the future, other dispersant products are listed on the NCP schedule and licensed by California, they may be considered for use after ESA Section 7 review has been completed.

2.6 MANAGING THE DISPERSANT USE EVALUATION AND AUTHORIZATION PROCESS

2.6.1 Applied Response Technology (ART) Lead Technical Specialist Role

The intended planning advantage of the RRT IX Preauthorization Zone is to allow the FOSC to expeditiously and properly use the DUP to decide whether to use dispersants for spill response within a Preauthorized Zone. The FOSC has RRT IX authorization to proceed at his/her discretion to implement the dispersant plan, within that zone and according to the DUP, without any additional authorizations required from the RRT IX. The NOAA SSC and the OSPR ART Technical Specialist (THSP) are available to assist the FOSC in that process, but the DUP is set up so that the FOSC and his/her staff can proceed through the DUP flowchart, checklist and Job Aids on their own, document the FOSC decision process, and report that dispersant use decision back to the RRT IX.

When dispersant use is instead proposed within the RRT IX Incident-Specific Zone, the FOSC is working within a response area that is more environmentally and politically sensitive. The RRT IX will want to review and then authorize/not authorize any FOSC request to use dispersants within that zone, specific to each incident.

The NOAA SSC and ART THSP should be tasked by the FOSC to work with the Planning and Operations Sections, and with the FOSC and RRT IX as appropriate, to facilitate timely, environmentally protective, well-monitored, well-documented and defensible dispersant use decision-making within these zones.

Section 4061.4 of the RRT IX Coastal Contingency Plan defines the roles and responsibilities of the ART THSP. It is the policy of the RRT IX and California Coastal Area Committees that, whenever possible, the ART THSP position be filled by qualified (trained and experienced) OSPR ART Lead THSP, the NOAA Scientific Support Coordinator, and/or other trained and qualified personnel from a response or resource trustee agency. Both the OSPR ART Lead THSP and the NOAA SSC possess the necessary qualifications, have existing/established roles with the RRT and FOSC, understand the environmental trade-off discussions that need to occur with trustee agencies, and can ensure that ART decisions made and technologies implemented occur with proper evaluation, approvals, documentation, and coordination with the Operations Section. This also assures that an FOSC decision to use any ART, as approved/directed by the RRT, also leverages the ART Lead THSP's ability to incorporate, whenever possible, trustee agency input and Best Management Practices that will help support any conclusions related to the net environmental benefit that can be achieved through ART use.

If no qualified staff from a response agency is initially available to fill the Applied Response Technology Lead THSP position, an RP representative may fill the role until a response or trustee agency staff member reports to the Unified Command. To maintain ICS staffing flexibility, the FOSC has the discretion to fill ART THSP position, and replace any person filling that position as they deem appropriate. As a spill response matures, a transition from the response agency staff member to an RP representative filling the ART THSP position may occur with the approval of the FOSC.

The individual filling the ART THSP position must be the individual most qualified and knowledgeable of ARTs, policies, processes, and local resources requiring protection during a spill response.

3 RRT IX DISPERSANT USE PLAN (DUP) FOR CALIFORNIA

This DUP and supporting Job Aids provide key information that will guide the FOSC in a dispersant-use decision for both the preauthorized dispersant use areas in federal offshore waters, as well as dispersant use in areas requiring RRT IX Incident-Specific authorization. It includes:

1. An updated Federal On-Scene Coordinator (FOSC) flowchart (one chart addresses both dispersant zone types);
2. A decision support checklist, incorporating conditions of approval, Best Management Practices (BMPs), and authorizing signatures;
3. Decision-support job aids.

Conditions of approval for dispersant use and BMPs based on previous Net Environmental Benefit Analyses (NEBAs), as well as the most recent ESA Section 7 consultation results (summarized in sections 1.4.1.1 and 1.4.1.2 above), are embedded as appropriate within the DUP, Job Aids, authorization documentation, and operational implementation and dispersant effectiveness feedback forms.

The included forms may be printed out and completed by hand, or the pdf fillable forms in the DUP Checklist and Job Aids may be used to provide orderly and timely information to the FOSC as the spill response unfolds and a decision made to use, continue to use, or modify dispersant use parameters as the response proceeds. Other forms are provided to document marine animal presence, dispersant application methods, and dispersant effectiveness for the duration of dispersant response.

3.1 ZONE DESCRIPTIONS, SPECIAL CONSIDERATIONS, BEST USE SITUATIONS, BMPS

The following sections describe the two zones, thresholds and conditions for dispersant use, and best management practices relevant to decision making and the suitability of dispersant use in various response situations.

3.1.1 Zone Descriptions

RRT IX Incident-Specific Authorization is required before dispersant use in:

- All state waters (within 3 nm of mainland and island coastlines);
- All waters within a National Marine Sanctuary (NMS);
- All waters within 3 nm of the California/Mexico border, and running as a 3 nm wide band to a distance 200 nm offshore;
- The waters 3-5 nm offshore Del Norte, Humboldt and Mendocino counties during the marbled murrelet breeding season, March 24-September 15. (Other marbled murrelet offshore use areas running to the south of Mendocino County are within National Marine Sanctuaries and thus already within an Incident-Specific authorization zone).

RRT IX Preauthorized Zones:

- Waters greater than 3 nm from the nearest (mainland or island) shoreline;
- Waters outside a NMS;

- Waters greater than 3 nm from the California/Mexico border and running as a 3 nm wide band to a distance 200 nm offshore;
- Waters greater than 3 miles off the coasts of Del Norte, Humboldt and Mendocino Counties September 15-March 23 (outside the marbled murrelet breeding season).

3.1.2 Thresholds *(Factors prohibiting further dispersant decision actions)*

- No use on spills of gasoline, diesel, jet fuel, kerosene or similar light distillate (Type 1) oils;
- No use on sheens or over areas of unoiled open water;
- No use on non-petroleum oils, natural seep oil or tar balls;
- No use on shorelines (per CA Government Code §8670.13.1);
- Do not apply after dark, during periods of low visibility, or any time when unsafe for workers;

3.1.3 Special Considerations (*If dispersant consideration passes threshold criteria*

- Use on well-mixed surface waters over water depths greater than 60 feet;
- Run tailgate or test sprays in advance of the first day of operational spray, and before each subsequent day of spraying, to assess prospective dispersant efficacy;
- Adjust application platforms as needed to optimize spraying on cohesive slicks;
- Discontinue use when overall environmental benefit is no longer expected.

3.1.4 Best Management Practices (BMPs) (*If and when dispersant use is authorized)*

BMPs may be included as Special Instructions on the ICS 204 forms for dispersant application. BMPs assist in the decision-making and authorization process regarding the use of dispersants. They do not serve as a dispersant application guide or protocols addressing the specifics of dispersant use (*e.g.*, aircraft/vessel type, application strategy).

- Aircraft involved in dispersant operations should not transit directly over offshore islands or rocks with significant numbers of roosting birds or hauled-out marine mammals;
- Avoid spraying within NMFS-determined buffer areas near visible congregations of marine mammals, sea turtles, schooling fish and brown sea nettles;
- Dispersant spray vessels will observe NMFS-determined speeds of 10 kts or less;
- Avoid aerial spraying within USFWS-determined buffer area of 1000' of rafting flocks of birds;
- The SMART controller/observer should survey the spray site before the start of the operation. If possible, a DOI/DOC-approved marine mammal/turtle and pelagic/migratory bird observation specialist should accompany the SMART observer, scan the area for wildlife in advance of application, help direct the operation to the spray zone with no sighted wildlife, and continue to monitor the application for wildlife in the spray zone after spraying has begun (*See Job Aid 7*);
- Personal protective equipment for personnel on-site will conform to the appropriate dispersant Safety Data Sheet (SDS) and/or other protections required by the Safety Officer, by the incident specific safety plan (ICS 208 or equivalent), and all other applicable incident specific safety measures;
- Additional safety and resource protection considerations apply if the dispersant spray platform is a vessel, including vessel speed limits, stand-off distances from various whale species, and a requirement to have wildlife monitors available to observe spray vessel activities.

3.1.5 Best Environmental Use Situations

- Immediate response to large spills of dispersible oil far from shore or in areas more distant from stockpiles of recovery and containment equipment (e.g., offshore waters, remote North Coast areas);
- When conventional spill containment and recovery measures are insufficient, given the spill scale or weather and sea conditions, to adequately limit significant nearshore and shoreline impacts;
- When weather conditions are predicted to become more severe and unsafe/ineffective for other response options.

Dispersants will not be used, or will not continue to be used, if there is no expectation of a net environmental benefit.

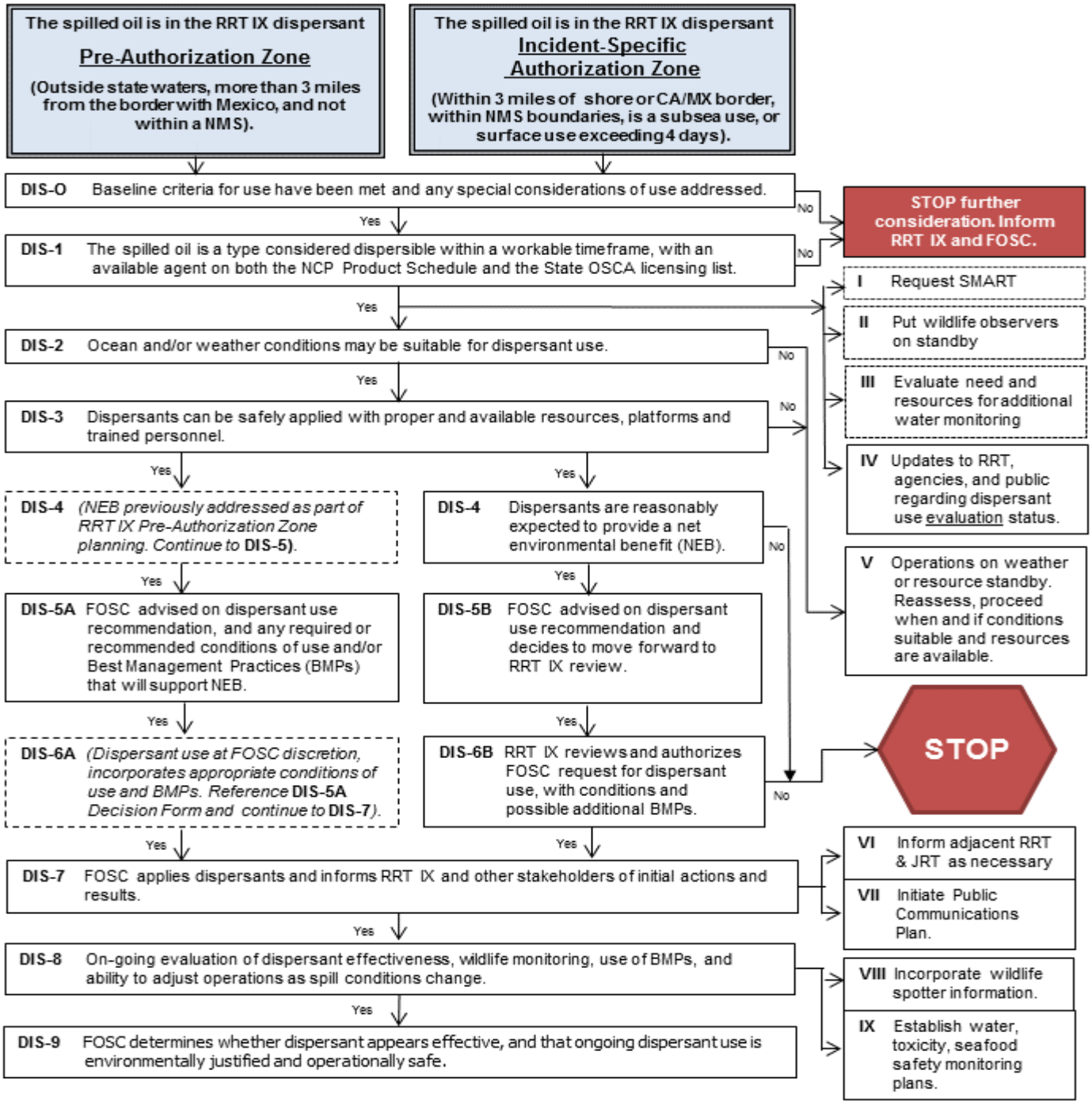
3.2 RRT IX DISPERSANT USE FLOWCHART AND DECISION SUPPORT CHECKLIST (FOLLOWING PAGES)

Note: The abbreviation "DIS" in the following flowchart and decision support checklist is short for "Dispersant". As there will be different flowcharts and different decision support checklists for different types of ART (e.g., in-situ burning, use of other types of oil spill cleanup agents), the DIS abbreviation is used to distinguish this set of box numbers from box numbers that may be used in other ART plans.

RRT IX Dispersant Use Decision Flowchart for California

Presumed: Oil has been spilled, dispersant use is being evaluated for its appropriateness to the incident, and the DISPERSANT DECISION SUPPORT CHECKLIST is being completed.

Policy: It is RRT IX policy that the NOAA SSC and/or the CDFW-OSPR ART Technical Specialist lead the dispersant evaluation process whenever possible.



RRT IX DISPERSANT USE PLAN FOR CALIFORNIA – DECISION SUPPORT CHECKLIST

PRESUMPTION: Oil has been spilled and suitability of dispersant use is being evaluated.

- ✓ **It is RRT IX policy that the NOAA SSC and/or the CDFW-OSPR ART Technical Specialist support the FOSC by leading the dispersant evaluation process whenever possible.**
- ✓ **Representatives of the Responsible Party (RP) may provide support, but the RP does not authorize dispersant use. The decision to use dispersants rests solely with the FOSC, as delegated by RRT IX.**
- ✓ **The RP's Oil Spill Response Organization (OSRO) will be the lead on development of a Dispersant Operations Plan, which must incorporate any operational conditions or Best Management Practices recommended by NOAA and/or OSPR and subsequently required by the FOSC and/or RRT IX.**

Initial Incident Information

This is a: ☐ **Drill** ☐ **Spill**

<table>
<tr><td colspan="2">Drill/spill name:</td><td colspan="2">Responsible Party (RP):</td></tr>
<tr><td>Drill/spill date:</td><td>Oil name:</td><td colspan="2">RP's Oil Spill Response Organization (OSRO):</td></tr>
<tr><td rowspan="4">Type of release (mark one)

☐ Instantaneous
☐ Continuous
☐ Surface
☐ Subsea</td><td>Estimated amount spilled:</td><td colspan="2" rowspan="4">OSRO Dispersant Operations lead:
Name (print):
Phone:
Email:

OSRO Dispersant Aerial Operations lead:
Name (print):
Phone:
Email:</td></tr>
<tr><td>API:</td></tr>
<tr><td>Estimated areal extent:</td></tr>
<tr><td>Flow rate if source not stopped:</td></tr>
<tr><td colspan="2">Incident location:</td><td colspan="2">Distance from shore:</td></tr>
<tr><td>Winds:</td><td>Wave/chop height:</td><td rowspan="2">Other notes:</td><td>Time to landfall:</td></tr>
<tr><td>Swell:</td><td>Ceiling conditions:</td><td>First counties impacted:</td></tr>
<tr><td colspan="4">Trajectory (can be general narrative description, but attach image if available):</td></tr>
<tr><td colspan="4">Protected areas (e.g., Sanctuaries, Marine Protected Areas, State Parks) at spill site or within trajectory:</td></tr>
</table>

RRT IX DISPERSANT USE PLAN FOR CALIFORNIA -- DECISION SUPPORT CHECKLIST

Box ("DIS-") numbers are as on "RRT IX Dispersant Use Decision Flowchart for California"

DIS-0

Determine if threshold criteria for dispersant use have been met, and address any other incident-specific special considerations of use.	Resources:
Threshold Criteria -- Dispersant use will not be used for or on: • Spills of gasoline, diesel, jet fuel, kerosene or similar light distillate (Type I) oils; • Sheens; • Non-petroleum oils; • Tar balls; • Natural seep oil; • Shorelines (per CA Government Code §8670.13.1); **Dispersant use may also not be recommended if spill is:** • Over water less than 60' deep, or with limited mixing; • Of relatively small volume, limited areal extent, or can be adequately recovered through mechanical means. **Conditions under which dispersant use could provide best environmental advantage:** • California offshore waters where rough and distant response will limit mechanical recovery (e.g., far offshore waters, remote central coast and north coast areas, probable NMS island impacts); • Very large spills (those that exceed available mechanical recovery) of a dispersible oil with adequate "window of opportunity" (e.g., Alaska North Slope), spilled offshore but heading toward shore and more dense/diverse/sensitive/long-lived environmental resources. **Other considerations:** • Subsea use (requires RRT IX authorization); • Surface use for more than 4 days (requires additional RRT IX authorization, regardless of dispersant zone type); • Use at initial concentration of 1:20 dispersant: oil ratio (USFWS recommendation).	• RRT IX Coastal Area Plan • CA ART Lead THSP or NOAA SSC (*Job Aid 1*) • *Job Aid 2* • Agency notification reports, SIT Unit, Field Response Teams, initial overflight info, ICS 201, etc.

Other notes:

DIS-O Action/Decision

☐ One or more threshold use criteria not met.

RRT IX informed:
☐ By phone
☐ By email

By:
Date: Time:

FOSC informed:
☐ By phone
☐ By email

By:
Date: Time:

☐ All threshold use criteria have been met. **Move on to DIS-1**.

RRT IX DISPERSANT USE PLAN FOR CALIFORNIA -- DECISION SUPPORT CHECKLIST

DIS-1

Determine if spilled oil is a type considered dispersible within a workable timeframe, with an available agent on both the NCP Product Schedule and the State OSCA licensing list.

Resources:

- RRT IX Coastal Area Plan
- CA ART Lead THSP or NOAA SSC (*Job Aid 1*)
- ADIOS2 models
- *Job Aid 3* (Dispersant Efficacy on Different Oil Types, and Available Resources)

Key attributes of dispersible oils:

- If oil is able to spread on the water, it is likely to be chemically dispersible.

API Gravity	Pour Point	Dispersibility
>45	----	Oil will sheen and/or quickly volatilize; dispersants unnecessary.
17-45	<0° C / 50° F	Oil should disperse easily; requires prompt application if API gravity of the oil is in 17-30 range.
17-45	>0° C / 50° F	Dispersibility an issue if pour point of the oil is higher than the water temp; need prompt application if oil API gravity is in 17-30 range.

- Dispersants most effective for oil viscosities less than 2000 cSt;
  - Oils with viscosity ~5000 cSt might show some dispersion with higher dispersant concentration;
  - Almost no dispersion would be expected if oil viscosity over 10000 cSt.
- More conclusive information about a particular oil's dispersibility comes from a "tailgate" test or test spray during a spill incident, using the subject oil and proposed dispersant.
  - RRT IX authorization is not required for a tailgate test occurring off the water.
  - RRT IX authorization is required for a test spray occurring within the RRT IX Incident-Specific Authorization Zone.

How long an oil remains dispersible:

- High (≥60%) water content (emulsification/mousse) can limit effectiveness;
- Short time window for some products (<24 up to 96+ hrs), depending on oil type and freshness.

Federal and State approved dispersants:

- A dispersant used on California waters must be listed on the NCP Product Schedule;
- It is RRT IX policy and a condition of the NMFS and USFWS ESA Section 7 concurrence letters that the dispersant used, even on spills in federal marine waters, be a product licensed by CA (OSPR) as an oil spill cleanup agent. See *Job Aid 1* and *Job Aid 4*.

General considerations:

- Use ADIOS2 (via download or NOAA SSC) to estimate oil weathering (viscosity and water content) over time and based on oil type and incident-specific weather/sea state conditions.

✓ **Do not use a dispersant not formulated for the temperature and salinity ranges at the spill site.**

✓ **Use of a dispersant on the Product Schedule but not licensed by the State is possible but may require additional Net Environmental Benefit Analyses and ESA Section 7 emergency consultations, regardless of dispersant zone type**.

Drill/spill incident-specific notes:

API gravity of spilled oil:: Surface water temp: Pour point:
Viscosity:

Emulsification potential (summarize or attach ADIOS results if available):

Results of tailgate test or test spray:

Based on above, estimated maximum window of opportunity:

DIS-1 Action/Decision

☐ Do not move on to DIS-2. State reason(s):

☐ All DIS-1 considerations have been addressed and conditions considered supportive of further evaluation.
Move on to DIS-1 Notification Boxes I-IV.

By: Agency/Employer:

Date: Time:

RRT IX DISPERSANT USE PLAN FOR CALIFORNIA -- DECISION SUPPORT CHECKLIST

DIS-1, continued

DIS-1 Notification Boxes I-IV	Resources:
I SMART requested • SMART data are collected by the Pacific Strike Team (PST, *Job Aid1*). The PST should be contacted by USCG; • SMART is a rapid monitoring effort to determine dispersant effectiveness and directly support tactical decisions. It is not used to quantify oil or monitor for toxicity; • Tier I SMART uses visual determination of dispersant effectiveness. If PST not immediately available, other trained observers can conduct Tier 1 observations (see *Job Aid 5*); • Tiers II and III add upper water column fluorometry for semi-quantitative indications of dispersed oil, and these Tiers are conducted only by PST SMART team members.	• *Job Aid 1* • *Job Aid 5* • NOAA SSC or CG rep
II Wildlife observers placed on standby • Standby status and general availability of trained wildlife observers is determined via the OSPR Wildlife Operations Branch Director (*Job Aid 1*); • The wildlife spotting function specific to dispersant use is limited to sightings of birds, mammals, turtles, bait fish and brown sea nettle aggregations in the potential spray zone and will assist dispersant spray operations in avoiding areas with aggregated wildlife; • Wildlife observers during dispersant operations are generally working from a dispersant monitoring aircraft and may share that airplane with a SMART Tier I observer; • Wildlife spotters will record and report wildlife appearing unexpectedly in the spray zone.	• *Job Aid 1* • *Job Aid 7* • OSPR Wildlife Operations Director
III Evaluate the need and resources for additional water sampling • While this effort is not required for tactical decision making, the opportunity to collect water samples for future toxicity assessments is very short-lived; • These data can support toxicity evaluations, validate NEBA planning assumptions regarding dispersed oil spreading and dissipation rates, and provide additional data for other monitoring efforts (e.g., seafood safety); • To reduce duplicate sampling and conflicts with other operations, water column sampling should be coordinated with SMART, NRDA, seafood safety, CG, OSROs and other contracted resources; • Minimal water column sampling points would ideally be just under the surface and at 1m, 5m and 10m below the surface. Sampling should occur both inside and outside the slick area, and before and after slick treatment with dispersant. Further guidance and sampling templates may be found in *Job Aid 8*.	• *Job Aid 1* • *Job Aid 8* • NOAA SSC or CG rep • ART Lead THSP • SMART • OSROs • Specified contractors
IV Inform RRT, other agencies, stakeholders and public that dispersant use is being evaluated. • Dispersant use decisions will almost always be politically and socially controversial. Early information to the public and other stakeholders (as press conference, fact sheets, etc.) to explain the environmental evaluation process can ease public uncertainty. This should occur in advance of the actual decision to use dispersants; • ART Lead THSP and/or NOAA SSC should communicate directly to RRT and FOSC/UC; • Outside communications should be handled through PIOs/JIC in accordance with FOSC/UC approved messaging. The risk communication and outreach tools are available from the NOAA SSC and ART Lead THSP; • The ART Lead THSP and NOAA SSC should be available as technical specialists to media events, as required or requested.	• *Job Aid 1* • *Job Aid 2* • ART Lead THSP • NOAA SSC • JIC/PIO
>>>>>>>>>> Turn to reverse for notes and DIS-4 Action/Decision >>>>>>>>>>	

RRT IX DISPERSANT USE PLAN FOR CALIFORNIA -- DECISION SUPPORT CHECKLIST

DIS-1 Notifications, continued

DIS-1 Notification Actions

I – SMART	II – Wildlife	III – Water Monitoring	IV – Initial Outreach
Initial request for SMART or Wildlife Spotter standby status may occur before the ICP is established. Note initial requests/actions on ICS 214 and have team availabilities reported to EUL and/or included in ISC 201 briefing. Subsequent requests for SMART or Wildlife Spotters should be on ICS 213RR (examples in *Job Aid 9*).		There are currently no water monitoring teams pre-established in CA for dispersant oil concentration or toxicity monitoring. SMART Tier III water sampling may suffice, in advance of or instead of more advanced sampling and analyses, if arrangements are made for off-site lab assessments.	**To RRT IX and other agencies:** ☐ Email ☐ Phone Communicated by: Date/time of update: **To PIOs and JIC:** ☐ Email and attachments (fact sheets, talking points, etc. Communicated by: Date/time:
SMART requested by: Request date/time: <u>SMART Team ETA to spill site</u> Date/time: Initial Tier(s) available: Platform needed? ☐ Plane/helo for aerial Tier I ☐ Vessel for Tiers II/III: How is platform request being met? Other notes:	**Wildlife Spotters requested by:** Request date/time: <u>Spotter ETA to spill site</u> Date/time: Initial number of spotters: Platform needed? ☐ Plane/helo for aerial ☐ Vessel How is platform request being met? Other notes:	**SMART Tier III water sample collection requested by:** Request date/time: Will SMART collect samples for off-site analyses, using the same vessel platform as Tier II/III SMART personnel? ☐ Yes ☐ No. Would need additional platform or personnel. Describe: How addressed: Off-site lab to conduct water analyses has been identified. ☐ Yes ☐ No ☐ In process Lab conducting analyses: Initial water sample handling and chain of custody being managed by: Name: Agency: Phone: Email: . Other sampling plans or arrangements (describe):	

RRT IX DISPERSANT USE PLAN FOR CALIFORNIA -- DECISION SUPPORT CHECKLIST

DIS-2

Determine if ocean and/or weather conditions are potentially conducive to dispersant use.	Resources:
General considerations: • Consider dispersants when mechanical technologies are inadequate or unsafe to operate under existing conditions (such as sea states over 4'); • More advanced sea states, chop and waves will enhance mixing of dispersant with oil; • Only use dispersants when there is adequate visibility for aerial operations (~1000' vertical ceiling, 3 mile horizontal visibility), and winds are less than 25 kts (29 mph), to provide operator safety and minimize wind drift of dispersant spray into non-target areas.	• RRT IX Coastal Area Plan • CA ART Lead THSP or NOAA SSC (*Job Aid 1*) • Agency notification reports, SIT Unit, Field Response Teams, initial overflight info, ICS 201, etc.
Drill/spill incident-specific notes (specify units in all cases): **Sea state** Currently 12 hr 24 hr 48 hr Wave height: Swell height: Chop present: **Visibility** Currently 12 hr 24 hr 48 hr Vertical: Horizontal: **Winds** Currently 12 hr 24 h 48 hr Direction (from): Speed:	
Other notes:	

DIS-2 Action/Decision

☐ Do not move to DIS-3. State reason(s):

☐ All DIS-2 considerations have been addressed and conditions considered supportive of further evaluation. **Move to DIS-3.**

By: Agency/Employer:

Date: Time:

RRT IX DISPERSANT USE PLAN FOR CALIFORNIA -- DECISION SUPPORT CHECKLIST

DIS-3

Determine if dispersants can be safely applied with appropriate and available resources, platforms and trained personnel.

Resources:

General considerations:

- Assign additional ART THSP to liaise between ART in Planning Section and Operations (Dispersant Operations, Wildlife Operations);
- ART Operations THSP/Liaison may use the task list in *Job Aid 2* to focus on the following:
  - ✓ Assist OSRO preparation of draft Dispersant Operations Plan and/or ICS 204s that include BMPs;
  - ✓ Develop ICS 213RRs for 24-96 hours of SMART and wildlife spotting personnel and determine platform availability for each team;
  - ✓ As appropriate, develop ICS 213RRs for water sampling and air monitoring for airborne volatiles and atomized oil;
  - ✓ Optimize resource use and minimize conflicts with multiple operational platforms (e.g., aircraft).
- Choice of dispersant application platform will depend on, 1) amount of oil spilled; 2) location; 3) surface oil distribution (e.g., cohesive vs. patchy), and 4) weather and sea state.
- Related evaluations:
  - ✓ Is selected dispersant available in the quantity needed;
  - ✓ Timeframe in which required resources can be on-scene;
  - ✓ Number of daylight hours for an effective dispersant application(s);
  - ✓ Can the estimated "window of opportunity" be met
- Follow safely procedures appropriate to the conditions, which may be included in a dispersant-specific Site Safety Plan Annex.
- Dispersants only applied if there is no significant risk to response personnel.

- *Job Aid 1*
- *Job Aid 2*
- *Job Aid 4*
- *Job Aid 5*
- *Job Aid 7*
- *Job Aid 8*
- *Job Aid 9*
- SITSTAT or NOAA SSC for updated weather and overflight information
- CG Equip. Specialist
- OSRO dispersant operations experts

Drill/spill incident-specific notes:

☐ ART Operations Liaison assigned Print name: Agency/Org:

Email: Cell phone:

Platform availability	ETA (date/time @ staging area)		ETA (Date/time @ at spill location, w/ dispersant loaded)		Dispersant payload/sortie	Swath width
C-130						
Other large multi-engine plane (specify type):						
Single-engine plane (specify type);						
Helicopter:						
Work boat (specify type):						
Dispersant availability	On NCP?	CA licensed?	Needs NEBA?	Needs ESA Sec. 7?	Amount available w/i 24 hrs	ETA (date/time @ staging area)
Corexit 9500						
Other (specify type):						

DIS-3 Action/Decision

☐ Do not move to DIS-4. State reason(s):

☐ All DIS-3 considerations have been addressed and conditions considered supportive of further evaluation. **Move to DIS-4.**

By: Agency/Employer:

Date: Time:

DIS-4

RRT IX Incident-Specific Authorization Zone
Determine expectation of Net Environmental Benefit (NEB)

This is the most critical decision regarding the potential benefits and consequences of dispersant use.

General considerations:

- OSPR ART Lead THSP and/or NOAA SSC lead NEB discussions with the other trustee agencies;
- Dispersant use decisions are made by the RRT IX and delegated only to the FOSC;
- A decision to use dispersants does not presume the absence of sensitive species in the area;
- Dispersants do not remove oil from the system. A strategic decision must be made about whether exposing water-column resources to oil and PAHs is environmentally preferable to leaving oil at the water's surface;
- Oil dispersed into water depths greater than 10 m (30 ft) will quickly dilute to levels where acute toxic effects are unlikely. California dispersant policy is conservatively set at a 60' water depth;
- Tradeoffs will be necessary. The ecological impacts of oil are generally longer lasting and more persistent than most other (political, social, economic, cultural) impacts;
- Trustee agency consultation will be critical and emergency ESA Section 7 consultation required If dispersant could reasonably achieve NEB but nevertheless impact ESA-listed species,
- The trustee agencies must agree there will be an overall benefit to species considered as "ecological drivers" and impacts to other species will be relatively short-term or to a limited portion of that specie's local population;
- The RRT IX is unlikely to give authorization to the FOSC for dispersants if the trustee agencies do not agree a likely net environmental benefit will outweigh known or perceived risks;
- Under the National Contingency Plan, the FOSC has the authority to use dispersants, without authorization from the RRT IX, if doing so protects human life (40 CFR 300.910(d)).

Specific FOSC and RRT IX considerations:

- The type and value of habitat potentially affected;
- The sensitivity of affected resources to oil, and to different oil spill response strategies;
- Natural recovery rates of affected species and habitats;
- Likely oil persistence and degradation rates with and without dispersant use;
- Potential oil toxicity on surface water species compared to water column and/or seafloor species.

Required dispersant use conditions and Best Management Practices (BMPs) on pages 26 and 30

Resources:

- *Job Aid 1*
- *Job Aid 2*
- *Job Aid 6*
- CDFW-OSPR ART Lead THSP
- NOAA SSC
- CG or other agency staff familiar with NEB evaluations
- Federal (NMFS, USFWS) and State (CDFW, Parks) trustee agencies
- National Marine Sanctuary staff
- State Marine Managed Area staff

>>>>>>>>>> Turn to reverse for notes and DIS-4 Action/Decision >>>>>>>>>>

DIS-4, continued

Determine or affirm if dispersants are reasonably expected to provide a Net Environmental Benefit

Drill/spill incident-specific notes:

Discuss and determine the following, using *Job Aid 6*, results of previous ESA Section 7 consultations, ART Lead TS and/or NOAA SSC, and all other available trustee and situation resources.

Environmental Resources for Priority Evaluation

The following are the key species (ecological drivers) or habitats likely to be exposed in this incident to surface oil, general response operations, and dispersant operations.

On-shore and In-shore: Shoreline, intertidal, supratidal, bays, harbors, lagoons, river mouths, estuarine

Open coast: In-water vertical habitats (e.g., kelp forests, reefs, piers, oil platforms, sea mounts

Nearshore (0-3 miles from shore)	Offshore (more than 3 miles from shore)

Open coast: Water surface

Nearshore (0-3 miles from shore)	Offshore (more than 3 miles from shore)

Open coast: Upper water column (.10 – 10 m)

Nearshore (0-3 miles from shore)	Offshore (more than 3 miles from shore)

Open coast: Shallow (<10 m) subtidal benthic

Nearshore (0-3 miles from shore)	Offshore (more than three miles from shore)

DIS-4 Action/Decision

☐ Trustee agencies have been consulted
☐ Listed species in the spill area that require ESA Emergency Section 7 consultation:
USFWS species (specify): NMFS species (specify):

Agency consultants			Agreement on potential NEB, with proposed conditions of use:
Print name:	Agency:	Date/time:	☐ Yes ☐ No ☐ Not sure
Print name:	Agency:	Date/time:	☐ Yes ☐ No ☐ Not sure
Print name:	Agency:	Date/time:	☐ Yes ☐ No ☐ Not sure
Print name:	Agency:	Date/time:	☐ Yes ☐ No ☐ Not sure
Print name:	Agency:	Date/time:	☐ Yes ☐ No ☐ Not sure
Print name:	Agency:	Date/time:	☐ Yes ☐ No ☐ Not sure

☐ All DIS-4 considerations have been addressed and conditions considered supportive of further evaluation. ART Lead TS or NOAA SSC briefs FOSC on ART Team recommendation.
☐ FOSC decides to **Move to DIS-5.**

By: Agency/Employer:

Date: Time:

DIS-5A

RRT IX Pre-Authorization Zone

Recommendation and implementation processes and required or recommended conditions of use and/or Best Management Practices (BMPs)	Resources:
• The ART Lead THSP and/or NOAA SSC can advise the FOSC on whether dispersant use has met the threshold criteria and screening steps, availability of dispersant application and monitoring team resources, and confirm inclusion of best management practices (BMPs) for wildlife avoidance. • The ART Lead THSP and/or NOAA SSC can facilitate FOSC communications with trustee agencies (NMFS, USFWS) on any additional emergency Section 7 consultation needs and/or changes to marine animal buffer zone distances. **Required and other dispersant use conditions/BMPs listed on reverse**	• *Job Aid 1* • *Job Aid 5* • *Job Aid 7* • *Job Aid 9* • CA ART Lead THSP and/or NOAA SSC • Trustee agency reps at briefings as appropriate

Notes from FOSC:

DIS-5A Action/Decision

☐ The FOSC and OSRO will implement all required conditions and BMPs (checked boxes on reverse)

☐ The FOSC has additional conditions/BMPs (checked boxes on reverse) for OSRO implementation

Authorizing FOSC:

Printed name	Signature	Date/Time

Other UC or agency representatives advising and/or attending FOSC decision:

Printed name	Agency/Org	Date/Time

Action recorded by:

Printed name	Agency/Org	Date/Time

☐ This page (both sides) conveyed to OSRO

☐ This page (both sides) conveyed to EUL, PSC, OSC, Documentation

Move to DIS-6A and then DIS-7

Required dispersant use conditions

Per RRT IX policy and NMFS and USFWS ESA Section 7 concurrence letters

- ☐ Only use dispersant products that are on the NCP Product Schedule, licensed by California, and already subject to NEB and ESA Section 7 reviews
- ☐ Initial authorization not to exceed 96 hours
- ☐ Dispersant application limited to marine surface waters only
- ☐ Provide SMART and wildlife observers, which should be over the spray site before the start of dispersant testing and spraying operations and to provide wildlife spotting for dispersant spraying
- ☐ Provide SMART results to RRT agencies within 24 hours of dispersant application
- ☐ Observe minimal 100 m spraying buffer from visible aggregations of marine mammals, sea turtles, surface-schooling fish and brown sea nettles
- ☐ Observe 1000 ft (~300m) spraying buffer from flocked birds
- ☐ Vessels involved in dispersant operations to maintain speeds of 10 kts or less, 100 m minimal distance from marine mammals and sea turtles, 200 m minimal distance from killer whales, 400 m minimal distance from any bird or mammal haul-outs, rookeries and foraging areas
- ☐ Vessels involved in dispersant spraying to provide for protected species observers (use aerial wildlife spotters to optimize resources and observer safety)
- ☐ Initial dispersant to oil ratio (DOR) of 1:20 (approximately 5 gallons dispersant / acre of oil slick). Higher concentrations require RRT Authorization.

Additional avoidance and authorization considerations

- ☐ Avoid seasonal offshore breeding areas of marbled murrelet along Del Norte, Humboldt and Mendocino counties, 3-5 nm from shore, March 24- September 15. This area is not part of the pre-authorization zone during this period. Incident-specific authorization from the RRT will be required for dispersant use
- ☐ Conduct tailgate or test sprays before each new day of authorized operations, provide efficacy results to ART Lead TS and NOAA SSC
- ☐ Conduct wildlife surveys over operational area before each new day of authorized operations and any test spraying, provide results to ART Lead TS and NOAA SSC
- ☐ Aerial assets involved in dispersant operations to avoid transiting over/near offshore islands
- ☐ Avoid use over large and persistent larval retention areas (confer with trustee agencies)
- ☐ No dispersant use within 1 mile of an anadromous river mouth
- ☐ Avoid use near aquaculture facilities, seawater intakes, and shellfish beds

Other considerations or BMPs per ESA Section 7 emergency consultation

- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____

DIS-5B

RRT IX Incident-Specific Authorization Zone

Recommendation to FOSC and next steps for RRT IX authorization	Resources:

General considerations and recommended process:

For spills in this zone, the FOSC initiates a request of the RRT for their review of a dispersant use request. The ART Team will develop a dispersant use recommendation focused on whether a Net Environmental Benefit (NEB) can be expected. This process will generally be led by the OSPR ART Lead THSP, with assistance from the NOAA SSC.

The ART Lead THSP should:

- Facilitate the NEB discussions and analyses within the Planning Section and provide liaison support to Dispersant Operations personnel to make sure all proposed conditions and BMPs discussed in the Planning Section are appropriate to the incident and operationally feasible.
- Prepare materials for FOSC briefing related to NEB and lead (or co-lead with NOAA SSC) the briefing;
- Advise the FOSC on whether dispersant use has met the initial threshold criteria and screening steps;
  - Summarize availability of dispersant application and monitoring team resources;
  - Summarize discussions and concerns of Service agencies, and how any issues will be addressed;
- Offer an affirmative decision of whether an incident-specific dispersant use, as conditioned, will provide a reasonable expectation of a net environmental benefit;
- Record all FOSC concerns, and how those will be addressed;
- Determine whether the FOSC wants to proceed to a conference call with RRT IX to gain RRT authorization.

Other expectations:

- The FOSC will generally be briefed on recommendations within an UC meeting;
- Other UC members may be asked by the FOSC for their advice, although their concurrence with a FOSC decision whether to move forward to the RRT IX review and approval step is not required;
- Available trustee agency representatives, or other experts assisting with the dispersant recommendation, may be invited to either or both of the FOSC and follow-on RRT IX briefings in order to answer specific FOSC or RRT IX questions.

Resources:

- *Job Aid 1*
- *Job Aid 2*
- *Job Aid 5*
- *Job Aid 7*
- *Job Aid 9*
- CA ART Lead THSP and/or NOAA SSC
- Trustee agency reps at briefings as appropriate

DIS-5B Action/Decision

☐ FOSC decides not to move forward to RRT IX conference call.

☐ Is this decision open to reconsideration if aspects of the spill response change? Provide answer with context. If not, suspend dispersant consideration.

☐ FOSC decides to move forward to RRT IX conference call. **Move to DIS-6B**.

Action recorded by:

Printed name	Agency/Org	Date/Time

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DIS-6B

RRT IX Incident-Specific Authorization Zone

RRT IX review and authorization of FOSC request

Resources:

General considerations and recommended process:

If the FOSC decides (as part of DIS-5B) to move forward and seek RRT IX review and approval of an incident-specific dispersant use request:

The CG Coordinator to the RRT IX should:

- Help assemble and forward review materials to the RRT IX in advance of the conference call, facilitate the conference call, and assist in distributing decision forms for wet signature.

The ART Lead THSP should:

- Determine read-ahead packet materials for RRT read-ahead;
- Lead (or co-lead with NOAA SSC) the briefing to RRT, summarizing whether and how dispersant use has met the initial threshold criteria and screening steps, availability of dispersant application and monitoring team resources; discussions and concerns of Service agencies, and how any issues will be addressed.

Other expectations:

- Based on the information provided, the RRT IX will provide an approval/disapproval decision for dispersant use within 2 hours of the request.
- A dispersant use authorization will be made with the concurrence of the US EPA representative to the RRT IX and, as appropriate, the State of California and in consultation with the US DOC and the US DOI;
- Available trustee agency representatives, or other experts assisting with the dispersant recommendation, may be invited to the call to answer specific questions on behalf of their own agencies or reflecting their own expertise

- *Job Aid 1*
- *Job Aid 2*
- *Job Aid 5*
- *Job Aid 7*
- *Job Aid 9*
- CA ART Lead THSP and/or NOAA SSC
- Trustee agency reps at briefings as appropriate

DIS-6B Action/Decision: RRT IX Incident-Specific Authorization Zone

☐ The RRT IX does not authorize dispersant use for this incident. Do not move to **DIS-7**.

☐ The RRT IX does authorize dispersant use for this incident. The FOSC and OSRO will implement all required conditions and BMPs (checked boxes on reverse).

Authorizing Incident-Specific RRT IX members:

For EPA: Printed name	Signature	Date/Time
For OSPR: Printed name	Signature	Date/Time

Other UC or agency representatives advising and/or attending RRT decision:

Printed name	Agency/Org	Date/Time
Printed name	Agency/Org	Date/Time
Printed name	Agency/Org	Date/Time
Printed name	Agency/Org	Date/Time

☐ The FOSC has decided to implement the RRT authorization.

Printed name	Agency/Org	Date/Time

☐ This page (both sides) conveyed to OSRO, EUL, PSC, OSC, Documentation

Actions recorded by:

Printed name	Agency/Org	Date/Time

Move to DIS-7

Required dispersant use conditions

Per RRT IX policy and NMFS and USFWS ESA Section 7 concurrence letters

- ☐ Only use dispersant products that are on the NCP Product Schedule, licensed by California, and already subject to NEB and ESA Section 7 reviews
- ☐ Initial authorization not to exceed 96 hours
- ☐ Dispersant application limited to marine surface waters only
- ☐ Provide SMART and wildlife observers, which should be over the spray site before the start of dispersant testing and spraying operations and to provide wildlife spotting for dispersant spraying
- ☐ Provide SMART results to RRT agencies within 24 hours of dispersant application
- ☐ Observe minimal 100 m spraying buffer from visible aggregations of marine mammals, sea turtles, surface-schooling fish and brown sea nettles
- ☐ Observe 1000 ft (~300m) spraying buffer from flocked birds
- ☐ Vessels involved in dispersant operations to maintain speeds of 10 kts or less, 100 m minimal distance from marine mammals and sea turtles, 200 m minimal distance from killer whales, 400 m minimal distance from any bird or mammal haul-outs, rookeries and foraging areas
- ☐ Vessels involved in dispersant spraying to provide for protected species observers (use aerial wildlife spotters to optimize resources and observer safety)
- ☐ Initial dispersant to oil ratio (DOR) of 1:20 (approximately 5 gallons dispersant / acre of oil slick). Higher concentrations require RRT Authorization.

Additional avoidance and authorization considerations

- ☐ Avoid seasonal offshore breeding areas of marbled murrelet along Del Norte, Humboldt and Mendocino counties, 3-5 nm from shore, March 24- September 15. This area is not part of the pre-authorization zone during this period. Incident-specific authorization from the RRT will be required for dispersant use
- ☐ Conduct tailgate or test sprays before each new day of authorized operations, provide efficacy results to ART Lead TS and NOAA SSC
- ☐ Conduct wildlife surveys over operational area before each new day of authorized operations and any test spraying, provide results to ART Lead TS and NOAA SSC
- ☐ Aerial assets involved in dispersant operations to avoid transiting over/near offshore islands
- ☐ Avoid use over large and persistent larval retention areas (confer with trustee agencies)
- ☐ No dispersant use within 1 mile of an anadromous river mouth
- ☐ Avoid use near aquaculture facilities, seawater intakes, and shellfish beds

Other considerations or BMPs per ESA Section 7 emergency consultation

- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____

RRT IX DISPERSANT USE PLAN FOR CALIFORNIA -- DECISION SUPPORT CHECKLIST

DIS-7

FOSC applies dispersants and informs RRT IX and other stakeholders of initial actions and results	Resources:
• The FOSC provides initial (as part of DIS-6A) or on-going information (as part of DIS-6B) to the RRT IX regarding results of the FOSC-authorized dispersant use actions. These can include, but are not limited to, status updates on: ✓ Tailgate or test sprays; ✓ SMART or other effectiveness data; ✓ Application platforms and parameters; ✓ Conditions of use and/or BMPs used; ✓ Timeline of continued spray operations; ✓ Any additional monitoring programs implemented.	• NOAA SSC and/or ART Lead THSP, ART Operations TS / Liaison
Summary notes from initial day of dispersant operations: **Day 1:**	
DIS-7 Action/Decision	
Day 1 update to RRT IX made: ☐ No ☐ Yes By: Date: Time: **Move to Boxes DIS-7 VI-VII and then DIS-8**	

DIS-7, continued

DIS-7 Boxes VI - VII	Resources:
VI Inform adjacent RRT and JRT as necessary • The RRT IX Co-Chairs and/or RRT Coordinators should make the following notifications when appropriate: ✓ RRT X should be informed of any dispersant use near the CA/OR border; ✓ Mexico (via the Joint Response Team) must be advised of any dispersant use within 3 miles of the CA/Mexico border	• *Job Aid 1* • RRT IX Co-Chairs and Coordinators
VII Initiate full Public Communications Plan • Once a decision is made to use dispersants, it is critical that a complete public communications plan be implemented (this extends beyond the initial communications of DIS-I Box IV):; • Risk communicators should be chosen carefully, and should have both subject area depth and an ability to clearly, yet with understanding and empathy, explain the benefits and consequences of dispersant use; • Schedule a public meeting as soon as possible to provide mechanisms for sharing information and addressing on-going public concerns and fears. Areas that may have been touched on in DIS-I Box IV, but that should be repeated or addressed in more detail, include: – By whom and how is the decision made to use dispersants; – Seafood safety, air and water quality; – Public and worker safety; – Results of environmental consequence analyses, species of special concern, and how trustee agency concerns are being addressed; – The environmental and safety monitoring programs implemented, and how the public will continue to be informed.	• *Job Aid 1* • Informational resources from NOAA SSC or ART Lead THSP • PIOs/JIC • RRT members Trustee agencies

DIS-7 Box VI – IX Actions

VI – Adjacent RRT and JRT	VII – Public communications
☐ In place ☐ In process	☐ In place ☐ NA ☐ In process
Other notes:	Other notes:
By:	By:
Agency:	Agency:
Date: Time:	Date: Time:

RRT IX DISPERSANT USE PLAN FOR CALIFORNIA -- DECISION SUPPORT CHECKLIST

DIS-8

On-going evaluation of dispersant effectiveness, wildlife monitoring, use of BMPs, and ability to adjust operations as spill conditions change	Resources:
General considerations: • The ART Lead THSP in Planning, along with the ART Operations THSP / Liaison assigned in DIS-3, should: ✓ Assure that all conditions of use and BMPs approved by the FOSC and/or RRT are incorporated in final Dispersant Operations Plans and ICS 204s; ✓ Communicate tailgate and pilot spray test results, and SMART, wildlife spotting and water monitoring team data; ✓ Incorporate status update information to assist with DIS-7 Boxes VI and VII; ✓ Assist in data QA/QC review role as appropriate; ✓ Provide continued coordination with Dispersant Operations when slick conditions change (e.g., thinning or patchy oil) that will warrant modification or suspension of dispersant applications; ✓ Assure regular updates to NOAA SSC and participate in EU and/or ART to provide regular informal status reports.	• *Job Aid 1* • *Job Aid 5* • *Job Aid 6* • *Job Aid 7* • *Job Aid 8* • *Job Aid 9* • ART Lead THSP and/or NOAA SSC • SMART Team lead, Wildlife Operations Director, Water Monitoring lead • Trustee agency reps and other dispersant operations experts
Other notes:	
DIS-8 Action/Decision	
☐ Major elements of DIS-8 have been or are being addressed. **Move to DIS-8 Boxes VIII– IX and DIS-9**. By: Agency: Date: Time:	

RRT IX DISPERSANT USE PLAN FOR CALIFORNIA -- DECISION SUPPORT CHECKLIST

DIS-8 , continued

DIS-8 Boxes VIII - IX	Resources:
VIII Incorporate updated wildlife spotter information • The FOSC, NOAA SSC, ART Operations Liaison, and/or ART Lead TS can take additional information and advantage from the Wildlife Spotters (notified as part of DIS-I Box II and deployed as part of any conditions or BMPs from DIS-6) to refine real-time or near real-time information on marine animal presence; • This information can guide the FOSC on any potential need to alter dispersant application parameters to further minimize impacts to those resources.	• *Job Aid 7* • ART Operations Liaison • Wildlife Operations Director • NOAA SSC and/or ART Lead THSP
VIX Water sampling • Assure that all appropriate and/or required water samples (to support water column oil concentration and toxicity analyses), if provided for as part of DIS I Box III, are being taken and appropriately processed.	• *Job Aid 8* • RRT IX Coastal Area Plan Seafood Safety Enclosure • ART Lead THSP, ART Operations Liaison • NOAA SSC

DIS-8 Box VIII – IX Actions	
VIII – Wildlife info	**IX –Water sampling**
☐ In place ☐ In process	☐ In place ☐ NA ☐ In process
Other notes:	Other notes:
By:	By:
Agency:	Agency:
Date: Time:	Date: Time:

DIS-9

FOSC determines whether dispersant appears effective, and that ongoing dispersant use is environmentally justified and operationally safe.	Resources:
• Effectiveness monitoring should continue throughout active dispersant operations; • Availability of SMART results will vary with operation. See *Job Aid 5*. • Indications of diminishing effectiveness may prompt alteration of dispersant operations; • If the latest dispersant effectiveness (SMART) monitoring indicates diminished effectiveness and/or dispersant operations are approaching the expected end of the "window of opportunity" (DIS-1), then tailgate or test spraying, followed by visual confirmation of effectiveness, is recommended before each new day of sorties.	• *Job Aid 5* • NOAA SSC or other trained (and FOSC-designated) QA/QC staff

Notes from Dispersants Operations:

☐ Acquire information from dispersant monitoring team (SMART, or other FOSC-designated monitors) regarding any apparent effectiveness of test sprays

☐ Determine if dispersant application is effective

☐ Review dispersant monitoring results after each test or full dispersant application (use QA/QC protocols in *Job Aid 5)*

☐ Assess whether changing application parameters could make the application more effective (options in Action/Decision Box)

- Dispersant formulation
- Dispersant to oil application ratio
- Application platform or method
- Monitoring method(s) or interpretation of monitoring results
- Oil weathering (e.g., emulsified oil may require longer action time)
- Sea state (e.g., waters too calm at present to allow sufficient mixing)
- Other

DIS-9 Action/Decision

Are there indications the dispersant is effective?

☐ Yes. Continue with sorties. Return to **DIS-6B** to seek additional RRT IX Authorization if applying for more than 4 days.

☐ No. Results clearly indicate lack of dispersant effectiveness. S**top operations,** FOSC signs below**,** informs RRT IX.

☐ Maybe Evaluate whether changed application parameters provide improved effectiveness:

☐ Dispersant spraying (with initial application parameters) effective through Day ___
☐ Dispersant spraying (with initial application parameters) suspended after Day ___

☐ Dispersant spraying (with modified application parameters) effective through Day ___
☐ Dispersant spraying (with modified application parameters) suspended after Day ___

THERE WILL BE A POINT WHEN DISPERSANT USE IS NO LONGER EFFECTIVE.
FOSC stops dispersant sorties when ineffective or no longer providing a Net Environmental Benefit.
Informs RRT when all runs are completed.

FOSC orders full cessation of dispersant operations:

_____	_____	_____
Printed name	Signature	Date/Time

4 ACRONYMS AND ABBREVIATIONS

AC, ACP	Area Committee, Area Contingency Plan
ADIOS	Automated Data Inquiry for Oil Spills
API	American Petroleum Institute
ART	Applied Response Technologies
ASTM	American Society for Testing and Materials
BMP	Best Management Practice
CDNMS	Cordell Bank National Marine Sanctuary
CCC	California Coastal Commission
CDFW	California Department of Fish and Wildlife
cSt	Centistokes
CFR	Code of Federal Regulations
CINMS	Channel Islands National Marine Sanctuary
COTP	Captain of the Port
CZMA	Coastal Zone Management Act
DIS	Abbreviation for “Dispersant”, used in Flowchart and Decision Support Checklist
DOC	Department of Commerce
DOI	Department of Interior
DUP	Dispersant Use Plan
EFH	Essential Fish Habitat
EPA	Environmental Protection Agency
ESA	Endangered Species Act
ETA	Estimated Time of Arrival
ETD	Estimated Time of Departure
FOSC	Federal On-Scene Coordinator
GFNMS	Gulf of the Farallones National Marine Sanctuary
GIS	Geographic Information System
GPS	Global Positioning System
IAP	Inland Area Plan or Incident Action Plan
ICP	Incident Command Post
ICS	Incident Command System
JIC	Joint Information Officer
JRT	Joint Response Team
LA, LALB	Los Angeles, Los Angeles/Long Beach
LISST	Laser In-Situ Scattering and Transmissometry
MBNMS	Monterey Bay National Marine Sanctuary

MMPA	Marine Mammal Protection Act
MSDS	Material Safety Data Sheet
NCP	National Contingency Plan
NEB, NEBA	Net Environmental Benefit, Net Environmental Benefit Analysis
NMFS	National Marine Fisheries Service
NMS	National Marine Sanctuary
NOAA	National Oceanic and Atmospheric Administration
NRC	National Response Center or National Response Corporation
NRDA	Natural Resource Damage Assessment
OCS	Outer Continental Shelf
OWCN	Oiled Wildlife Care Network
OSC	On-Scene Coordinator
OSCA	Oil Spill Cleanup Agent
OSPR	Office of Spill Prevention and Response
OSRO	Oil Spill Response (or Removal) Organization
QA/QC	Quality Assurance/Quality Control
PAH	Polycyclic Aromatic Hydrocarbon
PDF	Portable Document Format
PIO	Public Information Officer
PPE	Personal Protective Equipment
PST	Pacific Standard Time or Pacific Strike Team
RCP	Regional Contingency Plan
RP	Responsible Party
RR	Resource Request
RRT	Regional Response Team
SCB	Southern California Bight
SDS	Safety Data Sheet (formerly MSDS)
SIT	Situation Unit
SITSTAT	Situation Status
SMART	Special Monitoring of Advanced Response Technologies
SSC	Scientific Support Coordinator
THSP, TS	Technical Specialist
UC	Unified Command
USCG	U.S. Coast Guard
USFWS	U.S. Fish and Wildlife Service
UHF	Ultra High Frequency

5 LINKS TO ASSOCIATED JOB AIDS

Job Aid 1 ***Contacts***

Job Aid 2 ***Dispersant Evaluation: ART Technical Specialist Task Lists***

Job Aid 3 ***Dispersant Efficacy on Different Oils***

Job Aid 4 ***Available Dispersant Products, Application Platforms and Other Resources***

Job Aid 5 ***SMART Efficacy Monitoring***

Job Aid 6 ***Resources at Risk from a Dispersant Use***

Job Aid 7 ***Wildlife Spotting Protocols***

Job Aid 8 ***Water Monitoring for Dispersed Oil Concentration / Droplet Size***

Job Aid 9 ***Operational Templates and Safety Tools***

Job Aid 10 ***FOSC and RRT Briefing Tools***

Job Aid 11 ***Dispersant Use After-Action Report and Outline***

Job Aid 12 ***PDF-Fillable Forms of Worksheets, Checklist and Job Aids***