The background of the slide is a light gray gradient with several realistic water droplets of various sizes scattered across it. The droplets have highlights and shadows, giving them a three-dimensional appearance.

# PROPOSED RULE: NCP SUBPART J REVIEW OF KEY CHANGES

NY/NJ RRT MEETING

GRAND ISLAND, NY

MAY 12-13, 2015

# WHERE CAN I FIND IT?

- FEDERAL REGISTER; VOL. 80 , NO. 14 (THURSDAY, JANUARY 22, 2015)
- [EPA WEBSITE: HTTP://WWW2.EPA.GOV/EMERGENCY-RESPONSE/REVISIONS-NATIONAL-OIL-AND-HAZARDOUS-SUBSTANCES-POLLUTION-CONTINGENCY-PLAN](http://www2.epa.gov/emergency-response/revisions-national-oil-and-hazardous-substances-pollution-contingency-plan)
  - SUBPART J PROPOSED RULE SUMMARY
  - SUBPART J HISTORY
  - LINKS TO FEDERAL REGISTER AND DOCKET
  - FACT SHEET AND FAQs

# WHY IS EPA PROPOSING THESE AMENDMENTS?

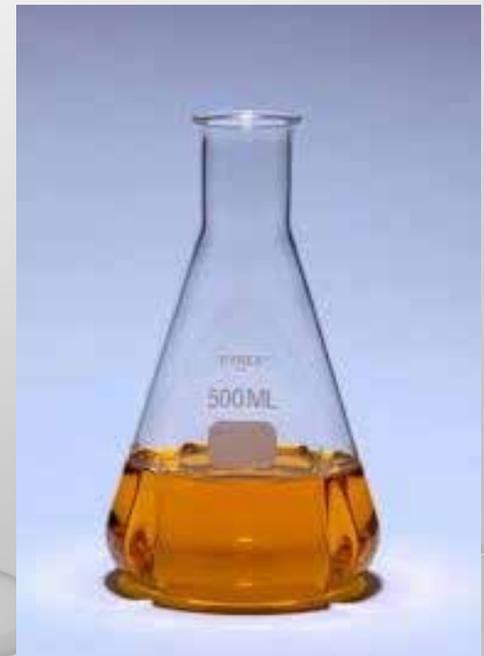
- EPA RESEARCH ON IMPROVED LABORATORY PROTOCOLS FOR DISPERSANT AND BIOREMEDIATION EFFICACY
- LESSONS LEARNED DURING DEEPWATER HORIZON EVENT
- PROPOSED REVISIONS CONSIDER:
  - EFFICACY
  - TOXICITY
  - CONTINGENCY PLANNING
  - MONITORING
  - CONFIDENTIAL BUSINESS INFORMATION
  - ENVIRONMENTAL IMPACTS

# TOXICITY AND EFFICACY

- FOR DISPERSANTS, REQUIRES A NEW *BAFFLED-FLASK TEST* FOR EFFICACY.
- NEW DEVELOPMENTAL AND SUB-CHRONIC TOXICITY TESTING REQUIREMENTS.
- REVISES ACUTE TOXICITY TESTING METHODOLOGIES AND LISTING CRITERIA.
- ESTABLISHES USE LIMITATIONS TO SALTWATER ENVIRONMENTS.

# 300.915 (B)(1) -DISPERSANT EFFICACY TEST AND LISTING CRITERIA

- TEST THE DISPERSANT PRODUCT FOR EFFICACY USING *THE BAFFLED FLASK TEST* (BFT) METHOD IN APPENDIX C TO PART 300.
- TO BE LISTED ON THE SCHEDULE, THE DISPERSANT MUST DEMONSTRATE A DISPERSANT EFFECTIVENESS (DE) AT THE 95% LOWER CONFIDENCE LIMIT (LCL95) GREATER THAN OR EQUAL TO:
  - (I) 55% FOR *INTERMEDIATE FUEL OIL 120* (IFO-120) AT 5°C;
  - (II) 65% FOR IFO-120 AT 25°C;
  - (III) 70% FOR *ALASKA NORTH SLOPE (ANS) CRUDE OIL* AT 5°C; AND
  - (IV) 75% FOR ANS AT 25°C.



# CONTINGENCY PLANNING & AUTHORIZATION OF USE

- UNDER THE NCP, NO AGENT MAY BE USED UNLESS IT IS AUTHORIZED BY AN OSC.
- THE NCP CONTAINS PROCEDURES FOR *PRE-AUTHORIZING USE* OF AN AGENT UNDER CERTAIN CONDITIONS *AND FOR AUTHORIZING USE AT THE TIME OF AN OIL SPILL*.
- THE PROPOSAL REVISES THE **AUTHORIZATION OF USE REQUIREMENTS** TO:
  - CLARIFY PLANNING AND PREAUTHORIZATION RESPONSIBILITIES
  - ESTABLISH LIMITATIONS AND PROHIBITIONS ON THE USE OF CERTAIN AGENTS
  - ESTABLISH REQUIREMENTS FOR STORAGE AND USE OF AGENTS
  - CLARIFY AUTHORITIES FOR REQUIRING SUPPLEMENTAL TESTING/INFORMATION ON AGENTS
  - ESTABLISH REQUIREMENTS FOR AGENT RECOVERY FROM THE ENVIRONMENT, AND
  - PROVIDE NOTIFICATION OF AGENT USE.

## § 300.910(A)(1) PREAUTHORIZATION PLAN DEVELOPMENT

FOR DISCHARGE SITUATIONS IDENTIFIED WHERE SUCH AGENTS MAY BE USED, THE PREAUTHORIZATION PLAN ***MUST SPECIFY LIMITS FOR THE QUANTITIES AND THE DURATION OF USE, AND USE PARAMETERS FOR WATER DEPTH, DISTANCE TO SHORELINE, AND PROXIMITY TO POPULATED AREAS.***

## § 300.910(A)(3) - PREAUTHORIZATION PLANS REVIEWS

THE RRT AND/OR THE AREA COMMITTEES MUST REVIEW, AND REVISE AS NEEDED, PREAUTHORIZATION PLANS AT LEAST EVERY 5 YEARS;

- AFTER A MAJOR DISCHARGE OR A SPILL OF NATIONAL SIGNIFICANCE (SONS);
- TO ADDRESS REVISIONS OF THE SCHEDULE;
- TO REFLECT NEW LISTINGS OF THREATENED AND/OR ENDANGERED SPECIES;
- TO ADDRESS ANY OTHER CHANGE THAT MAY IMPACT THE CONDITIONS UNDER WHICH THE USE OF CHEMICAL AND BIOLOGICAL AGENTS IS PREAUTHORIZED.

§ 300.910(B) - USE OF AGENTS IDENTIFIED ON THE  
SCHEDULE ON OIL DISCHARGES ***NOT***  
***ADDRESSED BY A PREAUTHORIZATION PLAN***

- THE OSC MUST CONSIDER AND DOCUMENT THE PARAMETERS FOR THE USE OF AGENTS *INCLUDING THE QUANTITIES TO BE USED, THE DURATION OF USE, THE DEPTH OF WATER, THE DISTANCE TO SHORELINE AND PROXIMITY TO POPULATED AREAS, AND SHOULD ADDRESS* FACTORS SUCH AS ENVIRONMENTALLY SENSITIVE RESOURCES OR RESTRICTED AREAS THAT MIGHT BE IMPACTED, AGENT INVENTORY AND STORAGE LOCATIONS, ***AGENT MANUFACTURING CAPABILITY***, AVAILABILITY OF EQUIPMENT NEEDED FOR AGENT USE, AVAILABILITY OF ADEQUATELY TRAINED OPERATORS AND APPROPRIATE MEANS TO MONITOR AGENT USE IN THE ENVIRONMENT.

# MONITORING

- COMPREHENSIVE MONITORING IS NECESSARY TO DETERMINE OVERALL EFFECTIVENESS OF DISPERSANTS.
- MONITORING PROVIDES PRODUCT INFORMATION FOR DECISION-MAKING DURING UNDERWATER OR PROLONGED SURFACE DISPERSANT APPLICATIONS.
- PROPOSED AMENDMENTS ESTABLISH SPECIFIC MONITORING REQUIREMENTS

## § 300.913 MONITORING THE USE OF DISPERSANTS

AS DIRECTED BY THE OSC, THE RESPONSIBLE PARTY MUST MONITOR:

- ***ANY SUBSURFACE USE OF DISPERSANT*** IN RESPONSE TO AN OIL DISCHARGE,
- SURFACE USE OF DISPERSANT OF ***MORE THAN 100,000 U.S. GALLONS OCCURRING WITHIN 24 HOURS,***
- SURFACE USE OF DISPERSANT FOR ***MORE THAN 96 HOURS***

# CONFIDENTIAL BUSINESS INFORMATION

- IMPORTANT FOR THE PUBLIC AND STAKEHOLDERS TO HAVE INFORMATION ABOUT CHEMICALS BEING ADDED TO THE ENVIRONMENT, ALONG WITH THEIR TOXICITY AND FATE.
- PROPOSED AMENDMENTS LIMIT WHAT SUBMITTERS ARE ALLOWED TO CLAIM AS CBI.
- EFFORT TO BALANCE PUBLIC ACCESS TO INFORMATION WITH PROPRIETARY BUSINESS NEEDS.

# ENVIRONMENTAL IMPACTS

- PROPOSED AMENDMENTS PROVIDE OSCS, RRTS AND EPA ADEQUATE INFORMATION TO ENSURE THAT FIRST RESPONDERS ARE BETTER ABLE TO MITIGATE ENVIRONMENTAL EFFECTS WHEN SPILLS OCCUR.
- THE REQUIRED SUBMISSION OF ADDITIONAL PRODUCT TOXICITY INFO HELPS DECISION-MAKERS
- TO ENCOURAGE DEVELOPMENT AND USE OF SAFER TECHNOLOGIES, PROPOSED REQUIREMENT TO IDENTIFY PRODUCTS THAT ARE “*DESIGN FOR THE ENVIRONMENT*” CERTIFIED.



# CURRENT STATUS

- COMMENTS WERE DUE BY APRIL 22<sup>ND</sup>
- EPA WORKGROUP WILL REVIEW COMMENTS
- WILL KEEP THE RRT INFORMED OF FUTURE DEVELOPMENTS

The image features a light gray gradient background with several realistic water droplets of various sizes scattered in the corners. The droplets have highlights and shadows, giving them a three-dimensional appearance. The word "QUESTIONS?" is centered in a bold, black, sans-serif font.

**QUESTIONS?**