

Pre-Approval Guidelines for the Use of Solidifying Agents by Marina Owner/Operators on Lake Tahoe

The purpose of this policy is to outline the process requirements and procedural guidelines for the pre-approved use of State licensed and Federally-listed solidifiers in sock, pillow and/or boom form to remove oil-related products from Lake Tahoe.

The use of any Oil Spill Cleanup Agents (OSCA) is regulated at both the State and Federal levels. This policy outlines the pre-approval guidelines of these agents to provide responders with greater flexibility to address timely and rapid response. Pre-approval is granted by the Administrator of the California Office of Spill Prevention and Response and the Region IX Regional Response Team (RRT) and will be instituted for a period of four months, beginning May 25, 2007 and ending September 23, 2007. After such time, the Administrator and the RRT can reevaluate the appropriateness of this pre-approval and act accordingly. For purposes of this pre-approval, only products licensed within California as collecting agent and listed on the Federal NCP as Miscellaneous – solidifying agents are applicable.

Pre-approval Guidelines

1. If a vaso-elasticizer is licensed by the State and is listed on the Federal NCP Product Schedule as a miscellaneous - solidifier, it can be used in spill response as specified by this pre-approval. Currently, these products are Rubberizer, ALSOCUP and CI-Agent.
2. Products can only be used in a contained form including boom, socks or pillows. Loose material may not be broadcast along the waters or shorelines of the Lake and is not allowed under the provisions of this pre-approval.
3. It is the responsibility of the marina owner/operator or designated responder utilizing the product to ensure that all products used under this pre-approval meet the conditions outlined above.
4. All oils spills, which include anything that creates a sheen on the water, must be reported to the National Response Center (NRC) at 1-800-424-8802 as required by federal law.
5. All products and oily waste must be disposed of properly and in accordance with all State and Federal disposal requirements.

Monitoring and Reporting Procedures

Responders will keep of a record of product use. Representatives of the RRT will meet monthly with marina owner and operators and/or their designated responders to evaluate the effectiveness of these products for use in Lake Tahoe as well as the utility of this pre-approval

Background Information: Definitions & Authority

Administrator means the administrator for oil spill response appointed by the Governor pursuant to Government Code Section 8670.4

Collecting Agent means a type of OSCA, the function of which is to absorb, congeal, or gel oil. The end product of these actions is an agent-oil mass that remains afloat for later collection or burning. This includes elasticity modifiers and sorbents. For purposes of this pre-approval, emulsion treating agents, herding agents and peat-moss-based sorbents are not included in this definition.

Oil Spill Cleanup Agent (OSCA) is defined as any chemical, or any other substance, used for removing, dispersing, or otherwise cleaning up oil or any residual products of petroleum in or on, any of the waters of the state or shorelines thereof. This category of substances would include surface washing agents and shoreline cleaners, dispersants, gelling agents, herding agents, emulsifiers-demulsifiers, chemical booms, sorbents (other than polypropylene or other inert products) and bioremediants.


Regional Response Team (RRT), for purposes of oil spill response operations, is the federal coordinating committee comprised of the U.S. Department of the Interior, National Oceanic and Atmospheric Administration, federal trustee agencies, the U.S. Coast Guard, the U.S. Environmental Protection Agency (USEPA), and a California State representative (the OSPR is the current state designee for marine waters and the Governor's Office of Emergency Services for all inland areas). The Coast Guard and the Environmental Protection Agency are co-chairs of this group.

Authority and Regional Requirements

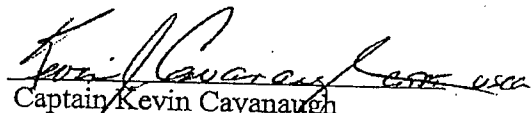
All Alternative Cleanup and Chemical Countermeasures must be approved in advance of use by the RRT. This includes dispersants, *in-situ* burning and chemical OSCAs; but the USEPA does not require listing of products deemed inert or otherwise considered sorbing agents. As outlined in the Regional Contingency Plan, OSCAs are used to further enhance the ability for oil to be removed from the on-water environment. While the use of chemical cleaning agents may be appropriate under proper circumstances, certain limitations must be recognized. The potential for toxic responses in indigenous fauna or flora to the cleaning agent must be considered. For purposes of this pre-approval, only products licensed within California as vaso-elastomers and listed on the Federal NCP Product Schedule as Miscellaneous – solidifying agents are applicable.

Subpart J of the National Oil and Hazardous Substances Pollution Contingency Plan (the National Contingency Plan or NCP) provides that the Federal On-Scene Coordinator (FOSC) with the concurrence of the USEPA representative to the RRT and the concurrence of the State with the jurisdiction over the navigable waters polluted by the oil discharge; may authorize the use of oil spill cleanup agents. The Commandant of the US Coast Guard has pre-designated the USCG Captains of the Port under his jurisdiction as on-Scene Coordinators for oil spills and has delegated authority and responsibility for compliance with Section 311 of the Federal Water Pollution Act (FWPCA), as amended, to them. The Governor of the State of California has delegated responsibility to coordinate State approval for proper usage of oil spill cleanup agents for control of oil spills within State waters to the State of California Office of Spill Prevention and Response (OSPR), with in the Department of Fish and Game (DFG). The USEPA has been delegated authority under Subpart J of the NCP to authorize use of oil spill cleanup agents for control of oil spills.


APPROVALS

DM

Mr. Daniel Meer, Co-Chair
Environmental Protection Agency
Region 9
Regional Response Team

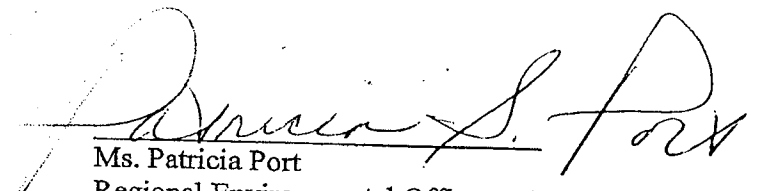
25 May 07
Date


Captain Kevin Cavanaugh
U.S. Coast Guard

5/25/07
Date


Lisa Curtis
Administrator
Office of Spill Prevention and Response

May 23, 2007
Date


Ms. Patricia Port
Regional Environmental Officer
U.S. Department of the Interior

05/28/07
Date