Regional Response Team

WWW.RRT6.ORG

RRT

Environmental Protection Agency

United States Coast Guard

Department of Commerce

Department of the Interior

Department of Agriculture

Department of State

Department of Justice

Department of Transportation

Department of Health and Human Services

Federal Emergency Management Agency

General Services Administration

Department of Energy

Department of Labor

Department of Defense

Nuclear Regulatory Commission

States of
Arkansas
Louisiana
New Mexico
Oklahoma
Texas

From: Regional Response Team (RRT) 6

To: B. K. PENOYER, CAPT
CG SECTOR Houston-Galveston

Date: October 10, 2014

Subj: SURFACE WASHING AGENT PREAUTHORIZATION

Ref: (a) RRT-6 Emergency Response Preauthorization Guidelines to Decontaminate Vessels and Hard Structures in Port Areas Using Surface Washing Agents, dated 2003
(b) Your memo 16474 dated 15 Sep 2014

1. Per reference (a), RRT6 grants you, as the Chair of the Central Texas Coastal Area Committee (CTCAC) and predesignated Federal On-Scene Coordinator, surface washing agent preauthorization. As such, you will implement this preauthorization through the Central Texas Coastal Area Contingency Plan (CTCACP) Section 3253 which can be accessed at the following website: http://www.homeport.uscg.mil/. Per 40 CFR 300.5, a surface washing agent is any product that removes oil from solid surfaces through a detergency mechanism and does not involve dispersing or solubilizing the oil into the water column. This preauthorization is granted for the following five port locations as specified within reference (b) and the CTCACP Section 3253:
    a. Upper Houston Ship Channel (including Barbour's Cut)
    b. Bayport Ship Channel
    c. Freeport
    d. Texas City Ship Channel
    e. Galveston Channel

2. This preauthorization has no expiration date; however, we encourage the CTCAC to conduct periodic review of locations and response protocols, updating as necessary. Any requests for surface washing agents beyond these five identified port locations must be directed to the RRT6 for consideration.

3. Thank you for your commitment to improved preparedness. Please direct any questions to Mr. Michael Sams, USCG RRT6 Co-Chair at 504-671-2234 or Michael.K.Sams@uscg.mil.

Michael K. Sams

Michael K. Sams
Region 6 RRT Co-Chair, USCG District 8

October 10, 2014
Date

Ronald D. Crossland

Ronnie Crossland
Region 6 RRT Co-Chair, EPA Region 6

October 10, 2014
Date

U.S. Department of Homeland Security
United States Coast Guard

Commander
United States Coast Guard
Sector Houston-Galveston

13411 Hillard Street
Houston, TX 77034
Phone: (281) 464-4861

16474
SEP 15 2014

MEMORANDUM

From: B. K. PENOYER, CAPT
CG SECTOR Houston-Galveston

To: Regional Response Team 6 (RRT-6)

Subj: PREAPPROVED LOCATIONS FOR THE USE OF SURFACE WASHING AGENTS

Ref: (a) RRT-6 Emergency Response Preapproved Guidelines to Decontaminate Vessels and Hard Structures in Port Areas Using Surface Washing Agents dated 2003

1. Per reference (a), as Chair of the Central Texas Coastal Area Committee (CTAC), I request RRT-6 preapproval for use of surface washing agents (SWA) within the following five specified port locations:

   A. Upper Houston Ship Channel (including Barbour's Cut)
   B. Bayport Ship Channel
   C. Freeport
   D. Texas City Ship Channel
   E. Galveston Channel

2. The Central Texas Coastal Area Contingency Plan Section 3253 is provided for your review and comment (enclosure 1). I have requested and received concurrence from the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service for required consultations (enclosures 2, 3, and 4).

3. Thank you for your timely consideration of this request. Please direct any questions to my primary POC: LTJG Denys Rivas at (281) 464-4866 or Denys.Rivas@uscg.mil.

#

Enclosures: (1) Central Texas Coastal Area Contingency Plan Section 3253
(2) USFWS Concurrence
(3) NMFS EFH Concurrence
(4) NMFS ESA Section 7 Concurrence

Copy: NOAA Scientific Support Coordinator
Department of the Interior representative to RRT-6
Department of Commerce representative to RRT-6

Regional Response Team

Regional VI Oil and Hazardous Substances Pollution Contingency Plan

July 09, 2003

From: Co – Chair, Regional Response Team VI

To: All Coastal On-Scene Coordinators (OSC's)

RRT
Environmental Protection Agency
United States Coast Guard
Department of Commerce
Department of Interior
Department of Agriculture
Department of Defense
Department of State
Department of Justice
Department of Transportation
Department of Health and Human Services
Federal Emergency Management Agency
Department of Energy
General Services Administration
Department of Labor
Nuclear Regulatory Commission
States of:
Arkansas
Louisiana
New Mexico
Oklahoma
Texas

Regional Response Team (RRT) VI, in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300, Section 300.910), grants pre-authorization to all coastal OSC's for using surface washing agents in pre-identified in Area Contingency Plans (ACPs), as defined by the " RRT VI Emergency Response Pre-approved Guidelines to Decontaminate Vessels and Hard Structure in Coastal Port Areas".

This pre-authorization is based on RRT VI's last semi-annual meeting held in Fort Smith, Arkansas on June 18, 2003. These guidelines authorizes the OSC's the use of surface washing agents under the following conditions:

For a product to be used, it must be listed on the National Contingency Plan (NCP) Product Schedule. Only pre-identified and approved port locations listed in or amended to your ACP are to be considered. Surface washing agents may be considered when conventional flushing techniques are inadequate in removing oil residues to the required cleanup standard or when cleanup time can be reduced such that a significant positive impact on overall cleanup goal is achieved. Efforts must be made to minimize the use of chemical agents and to collect, contain, and recover all flushed oil.

The provisions of the "RRT VI, Emergency Response Pre-Approval Guidelines to Decontaminate Vessel and Hard Structure in Coastal Port Areas" must be fully complied with in order to meet the requirements of these guidelines.

A copy of this letter should be retained in the front of this document.

D. F. Ryan II
Captain, U.S. Coast Guard
Region VI Co-Chair

RRT VI APPROVAL SIGNATURES

RRT VI EMERGENCY RESPONSE PREAPPROVAL GUIDELINES TO DECONTAMINATE VESSELS AND HARD STRUCTURES IN PORT AREAS USING SURFACE WASHING AGENTS

July 09, 2003

Charles A. Gazda
Chief, Emergency Response Branch
U.S. Environmental Protection Agency
Region VI, RRT Co-Chair

D. F. Ryan II, Captain, USCG
Chief, Marine Safety Division
Eighth Coast Guard District
Region VI, RRT Co-Chair

Stephen R. Spencer
Acting, Regional Environmental Officer
U.S. Department of the Interior

Michael DeVany, LCDR
Primary RRT VI Member
U.S. Department of Commerce, NOAA

Roland Guidry
Louisiana Oil Spill Coordinator
Office of the Governor

Greg Pollock
Deputy Commissioner
Oil Spill Prevention and Response
Texas General Land Office

RRT VI EMERGENCY RESPONSE PREAPPROVED GUIDELINES TO DECONTAMINATE VESSELS AND HARD STRUCTURES IN PORT AREAS USING SURFACE WASHING AGENTS
22 January 2003

Disclaimer

References to any specific surface washing product does not constitute an endorsement or recommendation. The National Contingency Plan (NCP) identifies many chemical agents suitable for the decontamination and cleaning of hard surfaces. It is the responsibility of the Unified Command (UC) to insure that selected products meet the requirements of these guidelines, and are consistent with established cleanup goals.

Introduction

As a result of the successful use of surface washing agents to enhance the cleaning and demobilization of oiled vessels during several spill events in Galveston Bay Texas, the United States Coast Guard (USCG) sought to expedite the RRT VI approval process by establishing preapproval authorization to the Federal On-Scene Coordinator (FOSC). Preapproval is limited to the guidelines delineated in this document for the use of shoreline cleaning agents to decontaminate vessels and hard surfaces in predesignated port areas during emergency events. In short, preapproval extends only to the use of NCP listed cleaning agents that demonstrate a "lift and float" action when used in accordance with the manufactures recommended practices. Preapproval extends only to preidentified and approved port locations listed in or amended to Area Contingency Plans (ACP). All effort must be made to minimize the use of chemical agents and to collect, contain, and recover all flushed oil. Preapproval requires a minimum level of monitoring and reporting to the RRT.

This document provides background information on the use of surface washing agents during two spills in the Galveston Bay area (the M/V GENMAR HECTOR and the M/V NEW AMITY incidents), an overview of surface washing agents with specific application guidelines approved by RRT VI, the procedures to approve specific port areas for preapproval, and RRT VI reporting and monitoring requirements. All locations identified for preapproval must be reviewed by the appropriate trustee and regulatory agencies with respect to any unique sensitivities which must be factored into response actions. Request for inclusion in this preapproval authorization will come from the local Area Contingency Plan (ACP) process.

Background

On 14 March 2001, the M/V GENMAR HECTOR was oiled on both the super structure and hull after a transfer line broke during an unexpected storm event with winds gusting to 70 mph. In addition to the tanker vessel, seven vessels were oiled at the waterline as well as floating docks and barges. The crude oil rapidly weathered to the point that conventional cleanup techniques were ineffective at removing residual oil from the vessels so that they could be released from the port area. The use of surface washing agents was evaluated in a field trial and found to enhance the demobilization process by reducing the time required and improving the degree of cleanliness.

During the response, members of RRT VI were convened and the use of NCP listed surface washing agents identified as having the effect of "lifting and floating" remobilized oil were approved. Using the guidance of the RRT, a test was conducted to evaluate conventional washing techniques as well as chemically enhanced washing techniques. As a result of the test, pretreatment with PES-51 followed by high pressure, hot water wash resulted in the desired cleanup level which was essential complete remove of oil and oil stain. PES-51 was selected for this application because of it's availability and minimal contact time required before flushing. The demobilization of the oiled vessels and port cleanup was greatly enhanced using a surface washing agent.

Six months later, the collision between the M/V NEW AMITY and a barge tow resulted in a 1000 bbl oil spill in the Upper Galveston Bay. Shortly after the collision, the holed vessel was moved into the Barbours Cut port facility resulting in heavy oiling of the piers and vessels in port. In the M/V NEW AMITY incident, the spilled oil was an IFO-380, a very heavy and persistent residual fuel oil. Again, RRT VI was petitioned to allow the use of surface washing agents in a manner similar to that which was approved during the M/V GENMAR HECTOR incident. Approval was granted and was later amended to include limited use on hard structures such as the Passenger Cruise Ship Terminal within Barbours Cut. Although approved, high pressure was not used for vessel demobilization, but was used for final cleaning of some hard structures within the port under RRT approval. Most of the vessels were cleaned using low pressure flushing and PES-51 as required. Corexit 9580 was also used during this response. The use of a surface washing agent enhanced the emergency response and cleanup actives by allowing port operations to continue. Vessels were allowed into the port to unload and load cargo then rapidly cleaned as they prepared to exit the port.

During the M/V NEW AMITY response, a third spill located at a port closer to Houston, resulted in a similar request to the RRT for the use of surface washing agents to clean and relocate an oiled vessel. From these events, it was clear that some form of RRT preapproval guidance was needed to both expedite approval and provide specific RRT VI concerns and restrictions on the use of surface washing agents for such emergency actions. Developing preapproval guidelines has the added benefit of providing planners proper time for a detailed evaluation of the response action request with a corresponding opportunity for the RRT to fully review the action. Such comprehensive considerations are often difficult during late night conference calls during actual spill response events.

The need for monitoring was identified by several of the trustee agencies; therefore, some form of monitoring must be established to evaluate effectiveness and potential environmental hazards. The information gained would improve the science of surface washing agents and future spill response decision making. Water sampling would be required for situations where oil dispersion was either observed or expected to result from the agent/washing technique employed. As a result of the need expressed during past spill responses and discussions with RRT members, a guidance document which clearly defines acceptable practices approved by RRT IV was developed. This is that document.

When to Consider a Surface Washing Agent?

Surface washing agents may be considered when conventional flushing techniques are inadequate in removing oil residues to the required cleanup standard or when cleanup times can be reduced such that a significant positive impact on overall cleanup goal is achieved. Often, it is difficult and time consuming to configure and use conventional high temperature and high pressure systems to demobilize small bands of oil near the waterline of vessels that have been inadvertently oiled. By using surface washing agents and simple techniques such as hand wiping and lower pressure - ambient water flushing from small boats, effective cleaning and demobilization of vessels can be achieved quickly (often with enhanced results relative to conventional hot water, high pressure washing).

The application of shoreline cleaners are at times an appropriate response tool since cleaning and returning collaterally oiled vessels back to commerce or, at a minimum, removing them from cleanup zones is often a priory element while responding to a spill in a port area. As with all alternative cleanup techniques, there should be a determination that the use of surface washing agents during a specific spill response provides an overall positive benefit to the response objectives.

Surface Washing Agents and Mode of Action

Surface-washing agents are chemicals that are used to enhance oil removal from beach substrates and hard surfaces. Most chemicals that are classified for this application contain a mixture of a non-polar solvent and a surfactant. The solvent dissolves into the highly viscous or weathered oil to create a less viscous and somewhat uniform liquid oil or oily mixture. The surfactant reduces the interfacial tension between the liquid oil and the surface the oil has adhered. Depending on environmental conditions and the selection and combination of solvents and surfactants, the removed oil will either float or disperse. The latter has a negative environmental impact for most shallow water coastal environments; therefore, products which "lift and float" are preferable. An exception would be in high-energy environments where the surface oil cannot be recovered. Under such conditions, it may be preferable to let the oil disperse rather than reoil adjacent areas. Note, preapproval does not extend to lift and disperse products, but this document should serve to expedite their appropriate use, when the situation requires such agents.

Approved "Lift and Float" Agents and Technical Support

For a product to be used, it must be listed on the NCP Product Schedule. The Product Schedule does not specifically identify shoreline cleaners as to their mode of action. The manufacture's product information, prior experience using a particular product, or laboratory test should provide the information necessary to classify a surface washing agent as "lift and float" or "lift and disperse." The Job Aids for Spill Countermeasures Technologies (see the following web site http://homepage.mac.com/csusalis/index.html) is highly useful in determining the mode of action for many of the listed products. Technical specialist such as the NOAA Scientific Support Coordinator should be consulted if there is any doubt as to the applicability of NCP listed products for specific applications. In addition, scientific and technical publications such as those published in the Proceedings of the International Oil Spill Conference may be consulted for technical overview and case studies (Michel et al is one such publication).

Application Guidelines

Each product will have recommended instructions for use provided by the manufacturer. During spill responses, these methods may require some modification to achieve the desired cleanup goals. The RRT does not wish to

define too narrow an approval guideline. The environmentally friendly and cost practical approach is to minimize the amount of chemical used and maximize containment and recovery of the treated oil. Several approaches which have been recommended and used in the past are outlined. Each has positive and negative trade-offs that must be balanced with the overall response goals including removing the oil to an acceptable standard with minimal additional environmental impact. The two most common approaches are the "Spray and Wipe" and the "Spray and Flush" techniques.

Technique I: Spray and Wipe. There are two ways to use this technique, spraying agent on a sorbent pad then wiping the oiled surface or spraying agent directly on the oiled surface and then wiping with sorbent pad. This technique is most useful on small accessible thin bands of oil and "bathtub rings" above the waterline of vessels and other hard surfaces.

Spray Chemical on Sorbent Pad then Wipe

Pros:

- uses less chemical agent
- minimal or no oil and chemical transported to the water
- no need for on-water recovery
- no additional equipment needed other than sorbent pads, sprayer, and a platform to work from
- good during periods of high wind (over spray minimized)

Cons:

- individual workers come in close contact with chemical
- may take longer than high pressure flushing techniques
- labor intensive
- less effective if the product requires contact or soak time

Spraying Agent on Oiled Surface then Wiping

Pros:

- generally less time consuming than spray pad and wipe technique
- no additional equipment needed other than sorbent pads, sprayer, and platform to work from

Cons:

- may require on water recovery as some of the oil will rapidly run down vertical surfaces and come in contact with the water (sorbent boom and/or pads at the contact point between the structure's surface and the water may serve this function).

- workers come in close contact with agent and may pose an inhalation hazard
- time consuming (but generally faster than cleaning without chemicals)
- labor or manpower intensive
- may require contact or "soak" time based on manufacturers recommendations

Technique II. Spray and Flush: The basic form of this technique is simply applying the surface washing agent using a low pressure garden type hand held sprayer followed by flushing the mobilized oil from the hard surface with water hoses. Removed oil is flushed into a containment boom system and collected using either sorbents or a skimming system. This technique has been demonstrated as useful on porous structures such as cement pilings and large oiled surfaces. The pressure and temperature of the water flushing system can be highly variable, but low pressure and ambient water temperatures are preferred since they more easily available and reduce the potential for physical oil dispersion into the water column.

Spray and Flush (General Considerations)

Pros:

- can remove oil from large areas effectively
- less manpower required (more efficient for larger areas)
- fewer workers come in direct contact with chemical agent
- soak time less of an issue due to time it takes to cover a large area with the agent prior to flushing.

Cons:

- requires more equipment to include containment boom
- must recover oil flushed onto the water surface
- higher pressures increase physical dispersion of both oil and chemical agent into the water column and will require sample collection.
- concerns for over spray to include collateral public and occupational worker exposure during windy conditions

There are several variations on the Spray and Flush technique that may be considered:

a) Apply agent then use low pressure (<10 psi) ambient or hot water (between 90 and 171°F) to wash.

b) Apply agent then use high pressure (>100 psi) ambient or hot water (between 90 and 171°F) to wash.

c) Apply agent then use steam cleaning (water temperatures > 171°F). Note, steam cleaning is general used in conjunction with very high pressure systems (often >2000 psi), but water volumes generated are very low relative to flushing systems.

d) High pressure ambient or hot water wash the surface to remove the bulk of the oil, apply surface washing agent, then low pressure wash to remove residual stain.

Ideally, the use of chemical agents should enhance the use of lower water pressures and cooler water temperatures to achieve the same degree of oil removal relative to high pressure steam cleaning. High pressure systems should only be used if lower pressure systems fail to achieve the cleanup goals. The same is true with water temperature: a good practice is to start with ambient water and increase temperature only if required. For some applications, high pressure flushing of the bulk of the oil from the surface followed by product treatment and low pressure flushing have been highly successful and minimize the amount of chemical agent required. Hot water and steam cleaning systems will increase worker inhalation exposure.

Monitoring Requirements and Guidelines

At a minimum, the FOSC is required to provide visual monitoring to insure that the surface washing agents are being applied as recommended, evaluate effectiveness, document any observed negative effects, and to make recommendations which may enhance future use of such cleanup technologies. The requirement for visual monitoring does not imply continuous monitoring during the entire cleanup process. Observations of the initial trails and spot observations during the response will normally meet this guideline. Photographic documentation is recommended, but not required. If subsurface plumes are observed, water sampling should be requested. If high pressure flushing is employed, water sampling is required under this preapproval guidance document to assess hazards to the aquatic environment. Worker health and safety monitoring must be established consistent with concerns identified by individual Material Safety Data Sheets (MSDSs).

During an oil spill response, there is a requirement to collect information about the use and effectiveness of various response technologies in a real-time, scientifically based manner to support decision making during the current

response and add to lessons learned for future responses. This is especially true for products that there is little or no actual field information available. Monitoring is primarily based on visual observations, but water sampling, as previously stated, is required where subsurface plumes are observed or when high pressure flushing systems are used. Observations should address the following questions where appropriate:

General Observations

- Does the product improve the rate of oil removal?
- Does the process achieve the required cleanup standard?
- Is the treated oil dispersed?

Effectiveness Observations

- Can the flushing pressure and temperature be reduced without loss of effectiveness?
- What fraction of the treated (removed) oil is recovered?

Effects Observations

- What were the oil concentrations in the water adjacent to the treated areas?
- Were there any observations of negative impact to animals in the adjacent waters?

Water Sampling and Laboratory Analysis.

Ideally, subsurface water grab samples should be collected at a depth of 1 meter into precleaned 1 liter amber bottles. Samples should be collected prior to treatment and several times during the cleanup process. Insure that samples are collected "downstream" from the location. Record the date and time each was sample collected, distance from actual cleaning operation, as well as log what activities were being conduct during and prior to sample collection. A simple drawing of the location and sample collection points is recommended. A field blank should also be submitted for analyses for QA/QC. Water samples should, at a minimum, be analyzed for TPH-Oil.

Reporting and Follow-up Documentation to the RRT

When time permits, the FOSC should notify the RRT co-chairs that surface washing agents are being used as defined in the preapproval. The initial

notification should include the location, product being used, and a short justification. The USCG 8th District Response Assistance Team (DRAT) can be tasked by the FOSC or his representative to make this initial notification to the RRT.

To document monitoring observations and provide a follow-up report to the RRT such that information gained may be used to improve future spill responses, the RRT request that a short summary be submitted to the RRT co-chairs as well as the Science and Technology Subcommittee Chairman. The responsibility for providing this feedback rest with the FOSC, but the actual task may be directed to a technical support specialist. The report need not be long and may be submitted electronically. For many situations, a simple email would capture the essential observations and lessons learned. The DRAT can be used as as the point of contact for RRT communication.

Preapproved Areas

Specific port locations to which preapproval applies should be proposed in a written request by the USCG Captain of the Port (COTP) as chairman of the ACP process. To be included as a preapproved area, the port and adjacent habitat must be reviewed to insure compliance with the Inter-agency Memorandum of Agreement Regarding Oil Spill Planning and Response Activities Under the National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act and Essential Fish Habitat (EFH) consultation as required under the Magnuson-Stevens Fishery Conservation and Management Act (amended 1996). The NOAA SSC and other technical specialist may coordinate these consultations for the COTP. Area planners should evaluate the unique requirements for specific geographical regions and submit a request for approval within practical spatial limits. The RRT recommends that environmental assessments extend 0.5 nautical miles from the port entrances. Ideally, individual ports will be identified, but geographical regions may be proposed for highly clustered port areas so long as specific environmental concerns are not overlooked.

The RRT will review the information submitted in the written request and make any additional consultations deemed appropriate before approval. Once submitted and approved, the request to the RRT with a signed response cover letter will, in effect, serve as the preapproval document with this guideline referenced and attached.

References

Michel, J., A. Walker, D. Scholz, and J. Boyd. 2001. Surface-washing agents: product evaluations, case histories, and guidelines for use in marine and freshwater habitats. In the *Proceedings of the International Oil Spill Conference*, Tampa Florida. pp 805-813.

U.S. EPA. 2003. The Job Aids for Spill Countermeasures Technologies. http://homepage.mac.com/csusalis/index.html

Section 3253 Surface Washing Agent Plan

References: (a) Regional Response Team (RRT) VI Emergency Response Preapproval Guidelines to Decontaminate Vessels and Hard Structures in Port Areas Using Surface Washing Agents signed 9 July 2003
(b) Resources at Risk for Pre-Approved Areas within Central Texas Coastal Region dated November 2013
(c) Endangered Species Act Technical Assistance Comments on Surface Washing Agents and Surface Washing Locations in Central Texas, National Marine fisheries Service, dated 2 August 2013
(d) Threatened and Endangered Species Comments including Designated Critical Habitats within Port Locations for the Upper Houston Ship Channel, Bayport Ship Channel, Freeport, Texas City Ship Channel, and Galveston Ship Channel, U.S. Fish and Wildlife Service, 22 August 2013

This plan outlines requirements for the use of surface washing agents within the Central Texas Coastal Area, to include specific procedures to be followed in areas where the use of NCP Product Schedule approved "lift and float" surface washing agents has been preapproved.

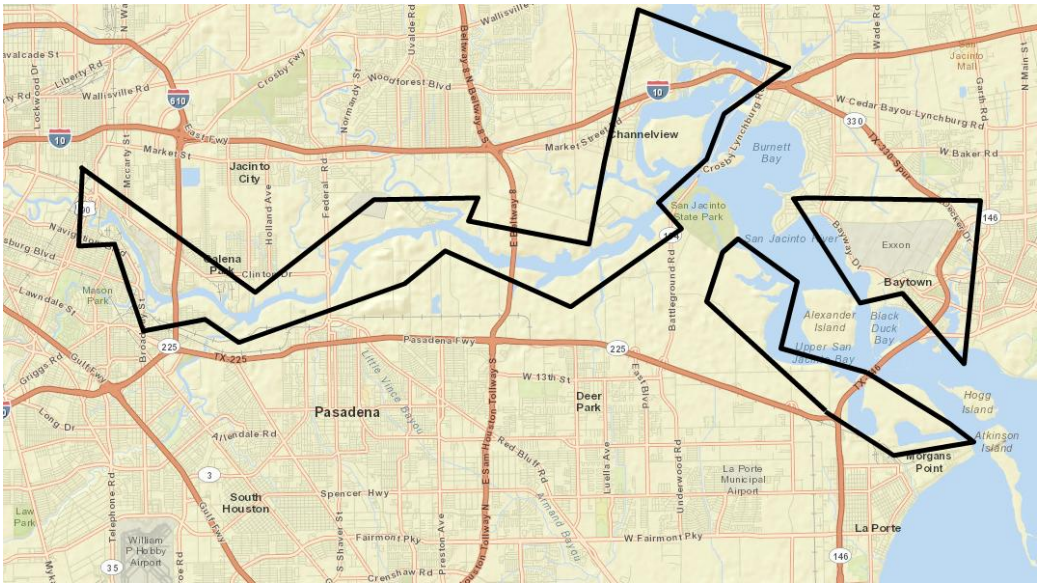
Regarding pre-approved locations in the Central Texas Coastal area, the United States Coast Guard (USCG), in coordination with the Texas General Land Office (TGLO) and the Texas Parks & Wildlife (TPW), sought to expedite the RRT VI approval process in 2013 as a result of continuous successful local interagency efforts in the safe evaluation and effective use of surface washing agents to enhance the cleaning and demobilization of oiled vessels during several spill events in industrial port areas within Houston, Galveston, Texas City and Freeport. Specifically, pre-approved areas were established for the use of surface washing agents in locations where such use in accordance with reference (a) would not adversely affect the environment, whereby approval authorization would be given by the Federal On-Scene Coordinator (FOSC) versus the RRT. Consultation with our federal and state trustees have greatly assisted our Area Committee in identifying locations where the use of surface washing agents would not adversely impact the environment or species therein. Furthermore, consultation with our trustees has also helped re-emphasize important steps that must be followed in both deciding whether to use surface washing agents and the parameters to be followed during the application of surface washing agents.

The industrial areas identified within the Central Texas Coastal Area for the pre-approved use of "lift and float" surface washing agents for oil cleanup and recovery operations of vessel hulls and hard structures include the Upper Houston Ship Channel, Bayport Ship Channel, Texas City Ship Channel, Galveston Channel, and Freeport Ship Channel. The shorelines in these pre-approved areas are dominated by hard man-made structures (including riprap) with some smaller isolated marshes, fine-medium grained sand beaches, and scarps. The following maps illustrate the boundaries of these pre-approved locations.

3253.1 Pre-Approved Locations for Surface Washing Agents in the Central Texas Coastal Area of Operations

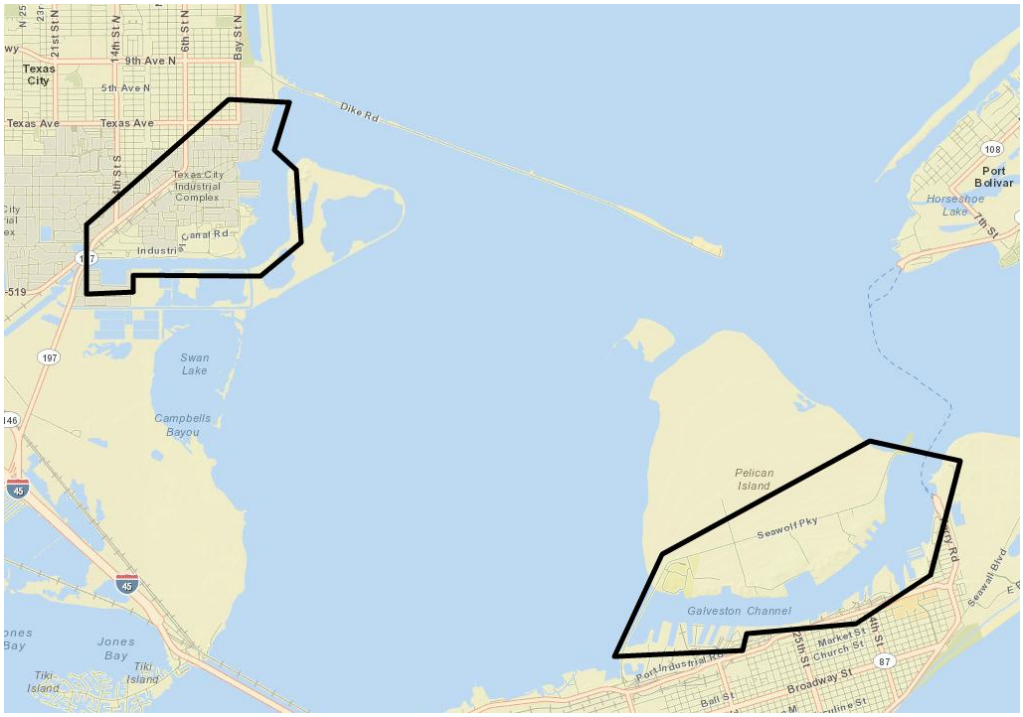
Note: The boundaries depicted in the following preapproved locations are coarsely delineated. The FOSC or designated representative on-scene shall assess and ensure that the use of surface washing agents within these areas, in consultation with the Texas General Land Office and the Texas Parks and Wildlife, meet the intent of this pre-approval.

A. Upper Houston Ship Channel Pre-approved Areas

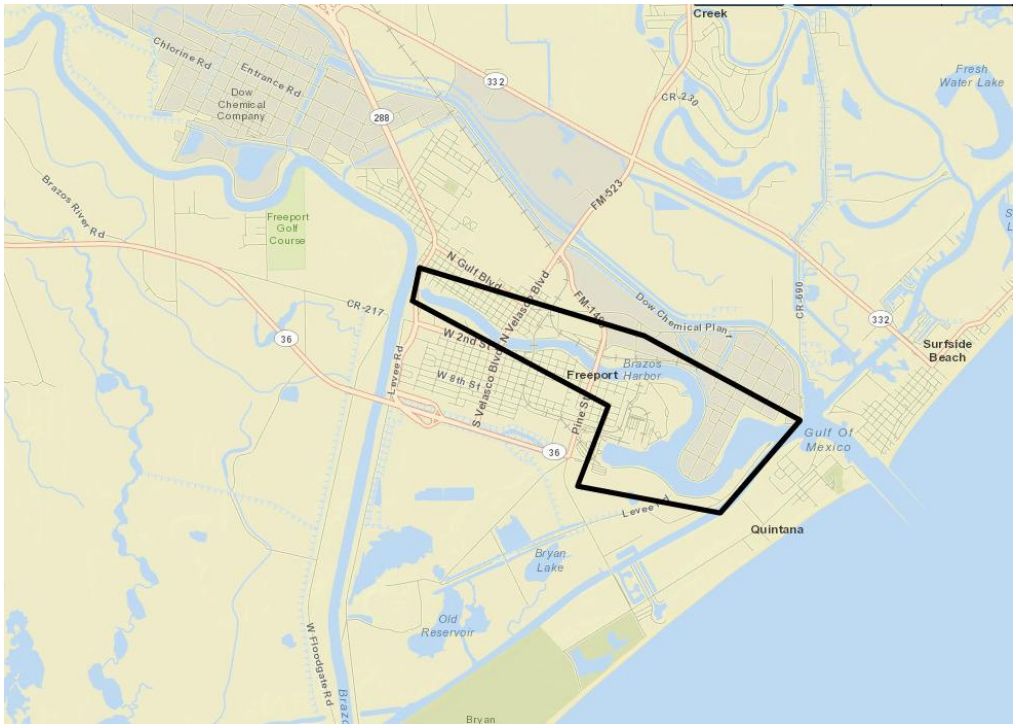


B. Bayport Ship Channel Pre-approved Area

C. Texas City Ship Channel and Galveston Channel Pre-approved Areas



D. Freeport Pre-approved Area



3253.2 Surface Washing Agent Operations Guidance in Pre-approved Areas

1. All procedures set forth in Section 3253.3 shall be followed with the exception of requesting concurrence of the Regional Response Team VI for the use of surface washing agents in the designated pre-approved areas. FOSC approval is still required prior to the authorization to commence surface washing agent operations.

2. For the purposes of this pre-approval, approved "lift and float" surface washing agents as per the NCP Product Schedule are the only surface washing agents authorized for consideration in the pre-approved areas. The FOSC shall review the properties of the particular surface washing agent (i.e. MSDS) and ensure that the use of the surface washing agent selected, and the application technique, will not adversely impact the environment (in accordance with reference (a)). [To clarify the importance of this statement, refer to reference (c). NMFS cited an example of how one particular product was found not to be appropriate for the particular environment in the Tampa, FL area. Please also consider that this example is not meant to eliminate a surface washing agent choice by the FOSC, but only to share an example of how a particular surface washing agent may not be the best choice in a particular environment.]

3. For the purpose of this pre-approval, surface washing agent operations are limited to vessel hulls and hard structures within the designated pre-approved areas.

3253.3 Minimum Requirements for Use of Surface Washing Agents

In accordance with the RRT VI guidelines set forth in reference (a), the following steps are the minimum requirements which must be addressed prior to the consideration and implementation for the use of surface washing agents in the Central Texas Coastal area.

1. Conventional approaches have been tried, but failed to meet the cleanup objectives. [The cleanup objectives are not restricted only to the degree of oil removal or "degree of cleanliness." Often during a response, the need to enhance the rate of cleaning by using a chemical agent is justified as long as there is minimal additional risk to environmental resources. Cleaning the hulls of large commercial vessels oiled by the spill such that they can be released to return to commerce would be an example where the rate of cleaning to a desired standard might benefit from the use of surface washing agents.]

2. Only approved surface washing agents listed on the NCP Product Schedule should be considered for oil cleanup and recovery operations.

3. Consultation with the Environmental Unit or natural resource protection managers to determine if any additional restrictions or additional safety precautions are required in the proposed operation. [At a minimum, the Texas General Land Office, Texas Parks and Wildlife, NOAA Scientific Support Coordinator, and current ESI maps and wildlife information must be consulted prior to conducting cleanup operations involving surface washing agents. Specifically, highlighting the content in references (b) though (d), it should be asked of the Texas Parks and Wildlife of any new information concerning federally threatened and endangered species and critical habitats, notably least terns, piping plovers and sea turtles.]

4. Cleanup areas requiring the use of surface washing agents shall be boomed off. [Boom shall be placed as appropriate to both prevent potential oil and/or surface washing agents from escaping the cleanup area, and to establish a perimeter to prevent potential fish, marine mammals, and other marine life from entering the cleanup site.]

5. A trained observer shall be posted to ensure the safety of all responders involved in the surface washing agent cleanup operations. Additionally, the trained observer posted shall also ensure that the use of surface washing agents will not pose harm to the surrounding environment, including any marine life and/or sensitive shoreline. Trained observers will report any potential harmful impacts immediately to the FOSC or designated representative. [Trained observers are considered trained after having read/reviewed this Section in its entirety and after having consulted with the Texas Parks and Wildlife on scene representative. The use of trained observers shall be listed and addressed in the proposed surface washing agent plan.]

6. Surface washing agent operations are not intended to be used in or near sea grass areas.

7. In consideration of the safety of workers assigned to the application of surface washing agents, and in consideration of the protection of the environment, it is preferred that surface washing agents are applied during daylight hours.

8. Ensure that the oil spill removal organization/spill management team develops an approved work plan in writing for use that includes worker safety precautions. [This plan should be in writing to the FOSC, should be incorporated into the Incident Action Plan, and in compliance with reference (a). The work plan can be formatted in accordance with company standards, or may be in the form of an ICS-204 work assignment form (an example has been provided in Section 3253.6).]

9. It is a requirement that the FOSC ensure all provisions of this Section are met, and to notify the RRT VI of any decision to use surface washing agents in a timely manner for concurrence. An after action report is also required. At a minimum, the monitoring checklist found in Section 3253.4 should be completed to aid in generating this report. [The level of detail in the after action report would be dictated by the response and any lessons learned that would aid future decision-making. The after action report can be generated by the RP or by federal or state personnel, but the report must be approved by the FOSC or their representative prior to being submitted to the RRT. In the past, the NOAA SSC or USCG FOSCR has often been tasked with this responsibility.]

3253.4 Checklist for Monitoring Surface-Washing Operations

- ❑ The product to be used is on the NCP Product schedule and is a "lift and float" agent.

- ❑ **Confirm that the correct product is being used by:**
  - MSDS
  - drum labels
  - invoices
  - spray packs

- ❑ **Provide visual monitoring to ensure that the surface-washing agents are being applied as recommended.**

Technique I: Spray and Wipe

- ❑ Spray agent on sorbent pad then wipe
- ❑ Spray agent on oiled surface, then wipe with pad
- ❑ Other:

Technique II: Spray and Flush

- ❑ Apply agent, flush with high pressure (>100psi) ambient or hot (90^o to 171^o F) water
- ❑ Apply agent, then steam clean (water temp > 171^oF)
- ❑ High pressure or hot water wash to remove bulk of oil, then apply agent, then low pressure wash to remove residual stain
- ❑ Other:

Evaluate effectiveness:

- ❑ Can the flushing pressure and temperature be reduced without loss of effectiveness?
- ❑ What fraction of the treated (removed) oil is recovered?

Document any observed negative effects or future recommendations (impacted animals, for example): _____

_____

_____

Reminders

- ❑ Photographic documentation is recommended, but not required.
- ❑ If subsurface plumes are observed, water sampling should be requested.
- ❑ If high pressure flushing is employed, water sampling is required under this pre-approval guidance document to assess hazards to the aquatic environment.
- ❑ If sampling is being conducted, record the oil concentrations in the water adjacent to the treated areas.

3253.5 Approved Techniques in Pre-Approved Areas

Technique I:	**Spray and Wipe**
Description:	There are two ways to use this technique, spraying agent on a sorbent pad then wiping the oiled surface or spraying agent directly on the oiled surface and then wiping with sorbent pad. This technique is most useful on small accessible thin bands of oil and "bath tub rings" above the waterline of vessels and other hard surfaces.

Spray Chemical on Sorbent Pad then Wipe	
Advantages:	**Disadvantages:**
Uses less chemical agent	Individual workers come in close contact with chemical
Minimal or no oil and chemical transported to the water	May take longer than high pressure flushing techniques
No need for on-water recovery	Labor intensive
No additional equipment needed other than sorbent pads, sprayer, and a platform to work from	Less effective if the product requires contact or soak time
Good during periods of high wind (over spray minimized)	

Spraying Agent on Oiled Surface then Wiping	
Advantages:	**Disadvantages:**
Generally less time consuming than spray pad and wipe technique	May require on water recovery as some of the oil will rapidly run down vertical surfaces and come in contact with the water (sorbent boom and/or pads at the contact point between the structure's surface and the water may serve this function)
No additional equipment needed other than sorbent pads, sprayer and platform to work from	Workers come in close contact with agent and may pose an inhalation hazard
	Time consuming (but generally faster than cleaning without chemicals)
	Labor intensive
	May require contact or "soak" time based on manufacturer's recommendations

Technique II:	Spray and Flush
Description:	The basic form of this technique is simply applying the surface washing agent using a low pressure garden type hand held sprayer followed by flushing the mobilized oil from the hard surface with water hoses. Removed oil is flushed into a containment boom system and collected using either sorbents or a skimming system. This technique has been demonstrated as useful on porous structures such as concrete pilings and large oiled surfaces. The pressure and temperature of the water flushing system can be highly variable, but low pressure and ambient water temperatures are preferred since they are more easily available and reduce the potential for physical oil dispersion into the water column.
Variations:	1. Apply agent then use low pressure (<10 psi) ambient or hot water (between 90 and 171* F) to wash. 2. Apply agent then use high pressure (>100 psi) ambient or hot water (between 90 and 171*F) to wash. 3. Apply agent then use steam cleaning (water temperatures > 171*F) Note, steam cleaning is generally used in conjunction with very high pressure systems (often >2000 psi), but water volumes generated are very low relative to flushing systems. 4. High pressure ambient or hot water wash the surface to remove the bulk of the oil, apply surface washing agent, then low pressure wash to remove residual stain.

Ideally, the use of chemical agents should enhance the use of lower water pressures and cooler water temperatures to achieve the same degree of oil removal relative to high pressure steam cleaning. High pressure systems should only be used if lower pressure systems fail to achieve the cleanup goals. The same is true with water temperature: a good practice is to start with ambient water and increase temperature only if required. For some applications, high pressure flushing of the bulk of the oil from the surface followed by product treatment and low pressure flushing have been highly successful and minimize the amount of chemical agent required. Hot water and steam cleaning systems will increase worker inhalation exposure.

Advantages:	Disadvantages:
Can remove oil from large areas effectively	Require more equipment to include containment boom
Less manpower required (more efficient for larger areas)	Must recover oil flushed onto the water's surface
Fewer workers come in direct contact with chemical agent	Higher pressures increase physical dispersion of both oil and chemical agent into the water column and will require sample collection
Soak time less of an issue due to time it takes to cover a large area with the agent prior to flushing	Concerns for over spray to include collateral public and occupational worker exposure during windy conditions.

3253.6 Sample ICS 204 Work Assignment Form for Surface Washing Agent Operations

1. Incident Name	2. Operational Period (Date/Time)	ASSIGNMENT LIST ATTACHMENT
M/T ELIA	From: 0600 To: 1800	ICS 204a-CG
3. Branch	4. Division/Group	
5. Strike Team/Task Force/Resource (Identifier)	6. Leader	7. Assignment Location

8. Work Assignment Special Instructions, Special Equipment/Supplies Needed for Assignment, Special Environmental Considerations, Special Site Specific Safety Considerations

SITE LOCATION: Exxon (Baytown), Dock #5
SITE DESCRIPTION: Industria
APPROVED AGENT: PES -51

GENERAL SAFETY

- All required Personal Protective Equipment shall be utilized at all times during decontamination operations.
- In the event that the decontamination team feels that the they can not operate safely due to weather or other considerations, they shall cease operations and report the circumstances to the supervisor immediately.
- All operations shall be conducted with adequate lighting - during daylight.

OPERATIONS

- The primary focus of the operation will be to safely clean up the oil residual on the hull of the M/T ELIA and the Exxon Baytown facility pier in an efficient and organized manner.
- Decontamination (clean up of oil on each of the hulls) will commence only after ensuring the proper placement and setup of the containment and sorbent boom around the vessel. Boom will be continuously monitored for effectiveness.
- The use of surface washing agents shall be performed in accordance with the "RRT VI Emergency Reponse Pre-approved Guidelines to Decontaminate Vessels and Hard Structures in Port Areas Using Surface Washing Agents (January 2003)".
- As per the RRT document: THE APPROVED TECHNIQUE FOR APPLICATION OF OF THESE APPROVED SURFACE WASHING AGENTS IS:
  1. Spray the agent onto a sorbent pad, or rag that must be used to apply the agent to the contaminated surface.
  2. Wipe the oiled surface continuously until clear.
  3. After surface is clean dry wipe the area to ensure oil is cleaned and to remove any product residue.
  4. Once the surface washing agent has been applied, additional water shall NOT be used to flush the effected area.
  5. A Representative of the U.S.C.G. shall be available during every stage of the surface washing agent application in order to ensure that the approved application technique is being used and that the operations is being carried out in a safe and responsible manner.
  6. If any negative effects from the application are observed, the use of surface washing agents shall cease immediately until a determination is made by the FOSC with regards to further use.
  7. No other surface washing agent shall be used other than the aproved agent - PES 51.
  8. All materials shall be properly bagged and/or disposed of at an approved facility.
  9. Any floating oil allowed to float into the boomed area shall be collected, removed and properly disposed of.
  10. The vessel owners representative will certify that the vessel has been properly decontaminated.

EQUIPMENT

1. Containment Boom
2. Sorbent Boom
3. PES 51 (Surface Washing Agent)
4. Personnel Protective Equipment
5. Small Boat

COMMENTS

All other convent onal methods have been attempted and/or discussed. Due to the nature and thickness of the oil, using sorbents without a surface washing agent as well as various flushing types is determined to be insufficient at removing oil from the vessels hull.

It is believed by USCG that utilizing a surface washing agent as described for this response will not likely result in any impacts to threatened or endangered species and the services will not be consulted on this action.

CONTACTS
LCDR Kevin Boyle - 832-240-3275

Approved Site Safety Plan Located at:

9. Other Attachments (as needed)

☐ MapChart ☐ Weather Forecast/Tides/Currents ☐ _____
☐ _____ ☐ _____ ☐ _____

10. Prepared by: Date/Time	11. Reviewed by (PSC): Date/Time	12. Reviewed by (OSC): Date/Time

ASSIGNMENT LIST ATTACHMENT ICS 204a-CG (Rev 04/04)

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701-5505
http://sero.nmfs.noaa.gov

April 30, 2014 F/SER4:DD

Captain Brian Penoyer
Commander U.S. Coast Guard Sector Houston-Galveston
13411 Hillard Street
Houston, Texas 77034

Dear Captain Penoyer:

The U.S. Coast Guard provided the National Marine Fisheries Service Southeast Regional Office the Surface Washing Agent Plan (Section 3253) of the Central Texas Coastal Area Contingency Plan for review. This section of the plan outlines procedures for use of surface washing agents in pre-approved locations in the Central Texas Coastal area and would allow the Federal On-Scene Commander, in consultation with the Texas General Land Office, Texas Parks and Wildlife Department, and the NOAA Scientific Support Coordinator, to authorize the use of Environmental Protection Agency approved "lift and float" surface washing agents if conventional methods are not sufficient in the cleanup of oil from contaminated vessel hulls and hard structure surfaces in certain locations identified in the plan. These locations are generally industrial port areas of the Upper Houston Ship Channel, Bayport Ship Channel, Texas City Ship Channel, Galveston Channel, and Freeport Ship Channel.

As specified in the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), essential fish habitat (EFH) consultation is required for federal actions which may adversely affect EFH. As the federal action agency in this matter, the U.S. Coast Guard has determined the proposed actions would not adversely affect the environment in the pre-approved areas. The Habitat Conservation Division has reviewed the proposed actions and determined any adverse impact to EFH resulting from the proposed response activities would be minimal. Due to the context and nature of the proposed activities, we have no EFH conservation recommendations to provide pursuant to Section 305(b)(2) of the MSFCMA.

We appreciate the opportunity to provide these comments. Please direct related correspondence to the attention of Mr. David Dale at the letterhead address. He may be reached at (727) 824-5317 or by e-mail at david.dale@noaa.gov.

Sincerely,

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc:
F/SER31, Kyle.Baker@noaa.gov
F/SER46, Rusty.Swafford@noaa.gov
USCG, Kevin.C.Boyd@uscg.mil
USCG, Michael.K.Sams@uscg.mil

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701-5505
http://sero.nmfs.noaa.gov

JUN 5 2014

F/SER31:KPB
SER-2014-13339

Captain B. Penoyer
United States Coast Guard
Commander, Sector Houston-Galveston
13411 Hillard Street
Houston, Texas 77034

Ref.: Surface Washing Agent Pre-Approval Plan, Central Texas Coastal Area Contingency Plan; Chambers, Houston, Galveston, and Brazoria Counties, Texas

Dear Captain Penoyer:

This letter responds to your January 23, 2014, request to the National Marine Fisheries Service (NMFS) for concurrence with your project-effects determination under Section 7 of the Endangered Species Act (ESA). You determined the projects may affect, but are not likely to adversely affect, leatherback, loggerhead, hawksbill, green, and Kemp's ridley sea turtles. Prior to this request for concurrence, we received a June 4, 2013, request for a species list and comments on the development of the Surface Washing Agent (SWA) Plan for the Central Texas Coastal Area from Lieutenant Commander Kevin Boyd of the U.S. Coast Guard (USCG), Sector Houston-Galveston. We provided comments and a species list on August 2, 2013. Thank you for including our comments in the SWA Plan. Our findings on the plan's potential effects are based on the description in this response. Changes to the proposed action for any of these projects may negate our findings and may require the reinitiation of consultation.

The USCG is proposing areas for the in situ use of "lift and float" surface washing agents (SWAs) as an emergency oil spill response technique, to clean oiled vessel hulls and other hard manmade structures that are impacted by oil spills that occur within the designated port areas along Texas waterways. The SWAs have been tested and approved by EPA, as required for inclusion in the National Contingency Plan (NCP) Product Schedule. The NCP requires that the approval of any regional plan to use any chemical countermeasure must first be evaluated for the potential to affect the environment, including ESA-listed species, which is the focus of this consultation on the potential effects to sea turtles. This consultation is for pre-approval of use of SWAs, as described below, to streamline spill response actions by evaluating the potential effects prior to a spill occurring that warrants the use of SWAs.

The SWA Plan for the Central Texas Coastal Area includes specific procedures to be followed for SWA use to clean commercial vessels oiled in pre-identified, industrial, port areas within Houston, Galveston, Texas City, and Freeport, Texas (Figures 1-4, images from the Surface Washing Agent (SWA) Plan for the Central Texas Coastal Area submitted by the USCG). Typically, vessels oiled outside of non-oiled areas are not allowed to transit the unoiled areas; thus, only vessels oiled by spills that occur within the designated areas are proposed for cleaning with SWAs. The designated SWA areas were chosen to avoid the most sensitive resources in each port area using an environmental sensitivity index (ESI) that identified the most environmentally sensitive areas found in each of these industrial areas. The areas for use of SWAs were chosen with input from state and federal natural resource managers. The shorelines in the pre-approved areas are dominated by hard man-made structures (including riprap) with some smaller isolated marshes, fine- to medium-grained sand beaches, and scarps. Although the identified SWA areas are of a lower habitat quality, mobile species such as sea turtles can be potentially found there. A number of protocols and requirements are proposed to avoid and minimize any potential impacts to sea turtles in the event they are in the area during a spill in which SWAs will be used.

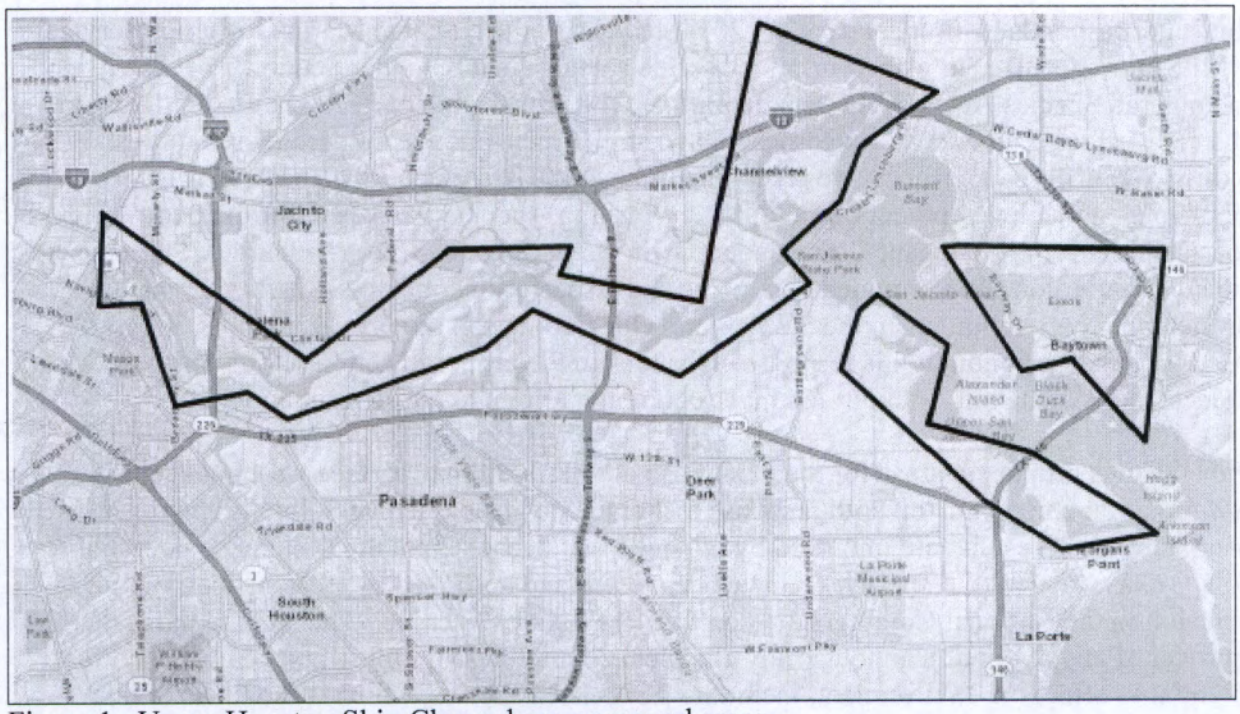


Figure 1. Upper Houston Ship Channel pre-approved areas

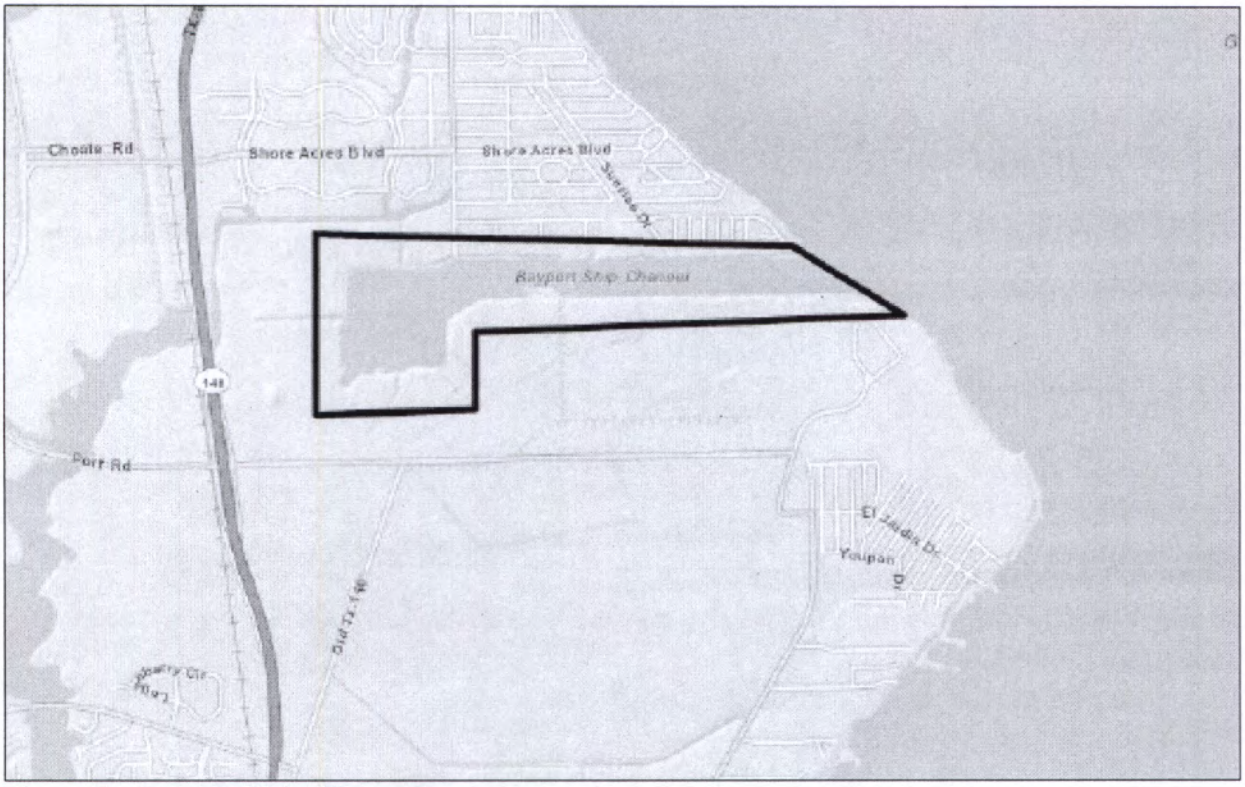


Figure 2. Bayport Ship Channel pre-approved area

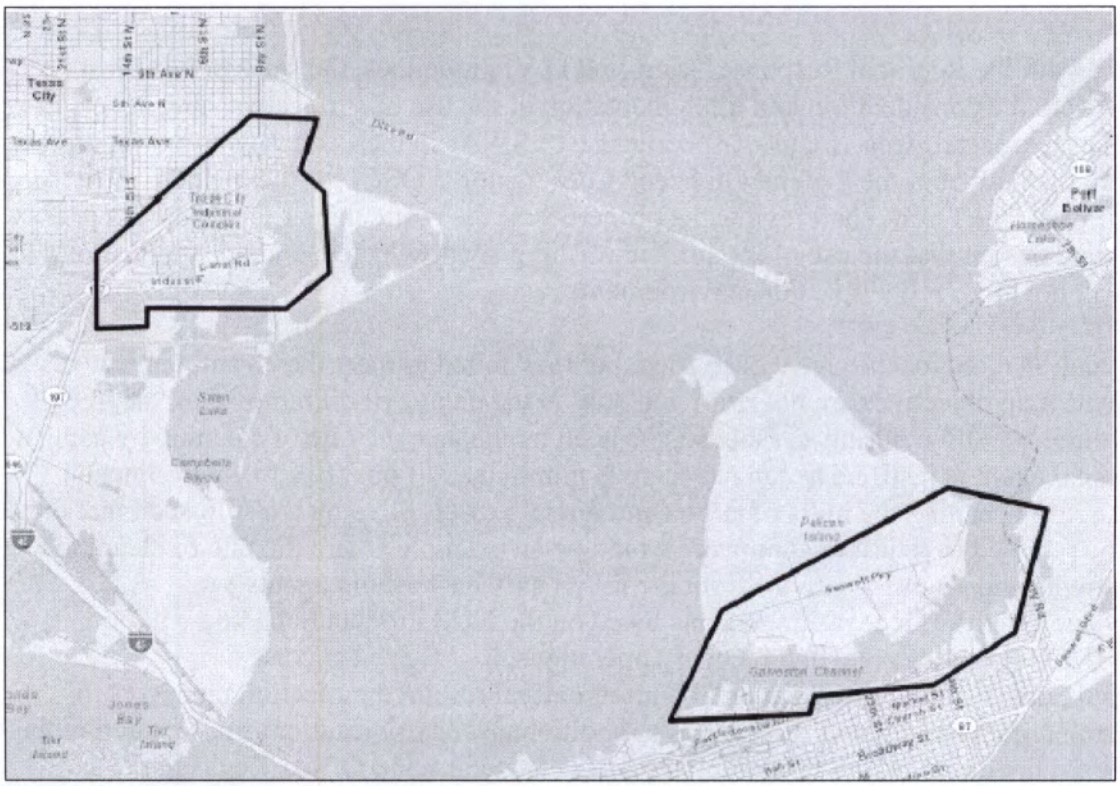


Figure 3. Texas City Ship Channel and Galveston Channel pre-approved areas

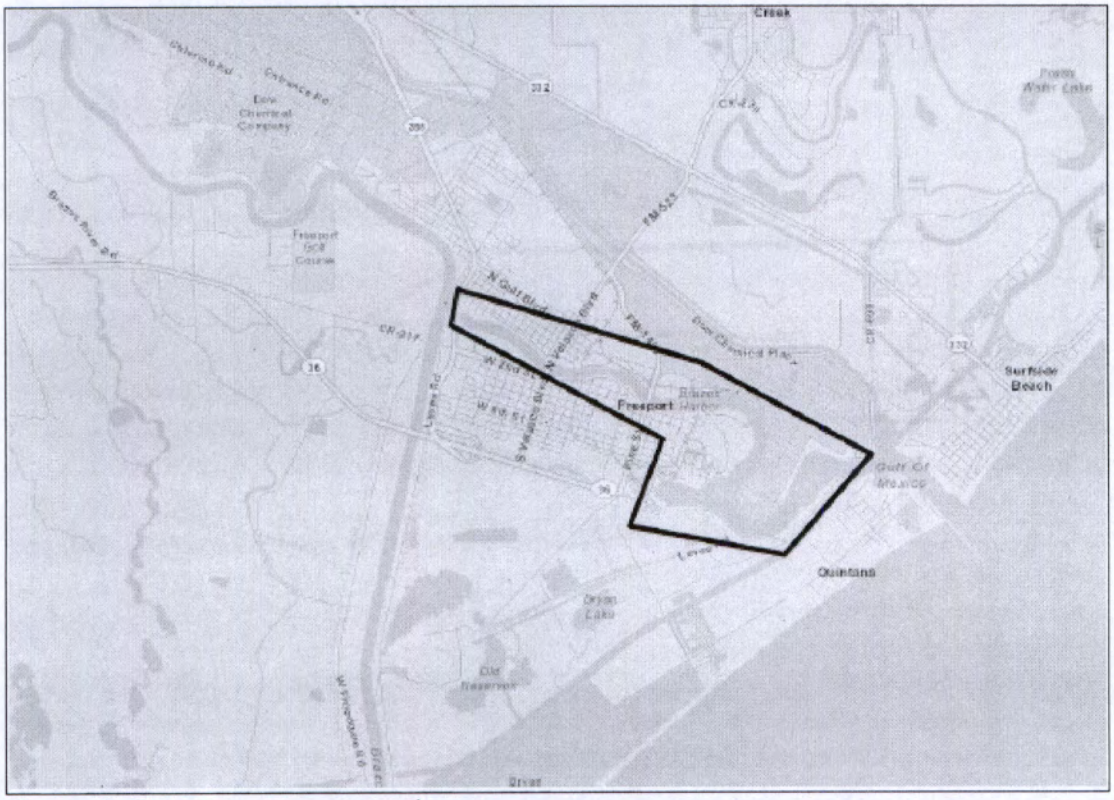


Figure 4. Freeport pre-approved area

Guidelines for Use of SWAs

In accordance with the Regional Response Team (RRT) VI guidelines, the steps below must be addressed prior to the consideration and implementation of the use of surface washing agents in the Central Texas Coastal Area. Incident-specific use of SWAs in these areas does not require approval from the RRT, but the Federal On Scene Coordinator (FOSC) for the incident must approve their use. The FOSC shall review the properties of the particular surface washing agent (i.e. MSDS) and ensure that the use of the surface washing agent selected, and the application technique, will not adversely impact the environment:

1. Conventional approaches have been tried, but they failed to meet the cleanup objectives. (The cleanup objectives are not restricted only to the degree of oil removal or "degree of cleanliness." Often during a response, the need to enhance the rate of cleaning by using a chemical agent is justified as long as there is minimal additional risk to environmental resources. Cleaning the hulls of large commercial vessels oiled by the spill such that they can be released to return to commerce would be an example where the rate of cleaning to a desired standard might benefit from the use of surface washing agents.)
2. Only approved surface washing agents listed on the NCP Product Schedule will be considered for oil cleanup and recovery operations.
3. Consultation with the Environmental Unit or natural resource protection managers to determine if any additional restrictions or additional safety precautions are required in the proposed operation. (At a minimum, the Texas General Land Office, Texas Parks and Wildlife, National Oceanic and Atmospheric Administration Scientific Support

Coordinator, and current ESI maps and wildlife information must be consulted prior to conducting cleanup operations involving surface washing agents.)

4. Cleanup areas requiring the use of surface washing agents shall be boomed off. (Booms shall be placed as appropriate to both prevent potential oil and/or surface washing agents from escaping the cleanup area, and to establish a physical perimeter to minimize potential fish, marine mammals, and other marine life from entering the cleanup site.)
5. A trained observer shall be posted to ensure the safety of all responders involved in the surface washing agent cleanup operations. Additionally, the trained observers will report any potential harmful impacts immediately to the FOSC or designated representative.
6. Surface washing agent operations shall not be used in or near seagrass areas.
7. In consideration of the safety of workers assigned to the application of surface washing agents, and in consideration of the protection of the environment, it is preferred that surface washing agents are applied during daylight hours.
8. Ensure that the oil spill removal organization/spill management team develops an approved, written work plan for use that includes worker safety precautions. (This plan should be in writing to the FOSC, should be incorporated into the Incident Action Plan, and in compliance with reference (a). The work plan can be formatted in accordance with company standards, or may be in the form of an ICS-204 work assignment form [an example has been provided in Section 3253.6].
9. An after-action report is also required. At a minimum, the monitoring checklist found in Section 3253.4 should be completed to aid in generating this report. The level of detail in the after-action report would be dictated by the response and any lessons learned that would aid future decision-making. The after-action report can be generated by the Responsible Party or by federal or state personnel. The report must be approved by the FOSC or their representative prior to being submitted to the RRT.
10. The FOSC or designated representative shall halt surface washing agent operations if sea turtles are sighted within the designated cleanup locations and obtain guidance from appropriate trustee. Additionally, on-scene FOSCs and trustees shall also be mindful of the potential exposure of SWAs to the prey of sea turtles.

NMFS Analysis

The following sea turtles species may occur in any of the surface washing areas. We believe the proposed SWA Plan will not adversely affect sea turtles for the reasons discussed below.

Table 1. Endangered and threatened species in the central Texas coastal area

Common Name	Scientific Name	Status
leatherback sea turtle	*Dermochelys coriacea*	endangered
Kemp's ridley sea turtle	*Lepidochelys kempii*	endangered
green sea turtle[a]	*Chelonia mydas*	endangered
hawksbill sea turtle	*Eretmochelys imbricata*	endangered
loggerhead sea turtle[b]	*Caretta caretta*	threatened

[a] Green turtles in U.S. waters are listed as threatened except for the Florida breeding population which is listed as endangered.

[b] Northwest Atlantic Ocean Distinct Population Segment

The use of SWAs would remove oil from vessels and the oil/SWA mixture would float on the surface for recovery. Adult crabs or shellfish live on the sea bottom and would not come into contact with the SWAs at the surface. There is a potential for some free-floating larval stages and adult prey to contact SWAs at the water/shoreline interface. These potential effects will be infrequent and localized during some spill response activities. The SWAs will have no measureable effect of the recruitment of larval stages into adult stages that turtles forage on. There will be no measurable reduction of the foraging success of sea turtles from the mortality of intertidal invertebrates exposed to SWAs. The use of SWAs is prohibited in seagrasses and other sensitive areas. However, despite the approved use of SWAs in only lower quality habitat areas, there is the potential for SWAs unintentionally contacting shorelines and resulting in some toxic effects to intertidal and benthic invertebrates. The potential effect that SWAs may have on the mortality of intertidal invertebrates is expected to be too small to have any detectable effect on the availability of sea turtle prey and would be insignificant.

The direct exposure of sea turtles to SWAs or the floating oil it creates will be avoided through the use of floating boom and observers. The use of SWAs will not increase the impacts in the oil footprint because it will be freed from oiled substrates and cause it to float and spread at the surface. However, the floating oil will be contained within a small area, and recovered with sorbent materials such as pads and boom. To prevent any adverse impacts to sea turtles, observers shall be employed during SWA operations and trained on SWA use and restrictions associated with resources at risk. Observers will lookout for sea turtles to ensure their protection and report any sightings in the area. In addition to the use of observers to prevent any impacts to wildlife, boom will be deployed to cover the entire water column so that large animals such as sea turtles will be excluded from the immediate work area. The boom will be removed after cleanup and will not appreciably block use of the area (for foraging or sheltering) by sea turtles. Therefore, we believe the above-described potential effects will be discountable or insignificant.

This concludes the USCG's consultation responsibilities under the ESA for species under NMFS's purview. Consultation must be reinitiated if a take occurs or new information reveals effects of the actions not previously considered, or the identified actions are subsequently modified in a manner that causes an effect to the listed species or critical habitat in a manner or to an extent not previously considered, or if a new species is listed or if critical habitat is designated that may be affected by the identified actions.

We have enclosed additional relevant information for your review. We look forward to further cooperation with you to ensure the conservation and recovery of our threatened and endangered marine species. If you have any questions regarding this consultation, please contact Kyle Baker, Consultation Biologist, by email at Kyle.Baker@noaa.gov or by telephone at (727) 824-5312.

Sincerely,

Mike M Clifton

for Roy E. Crabtree, Ph.D.
Regional Administrator

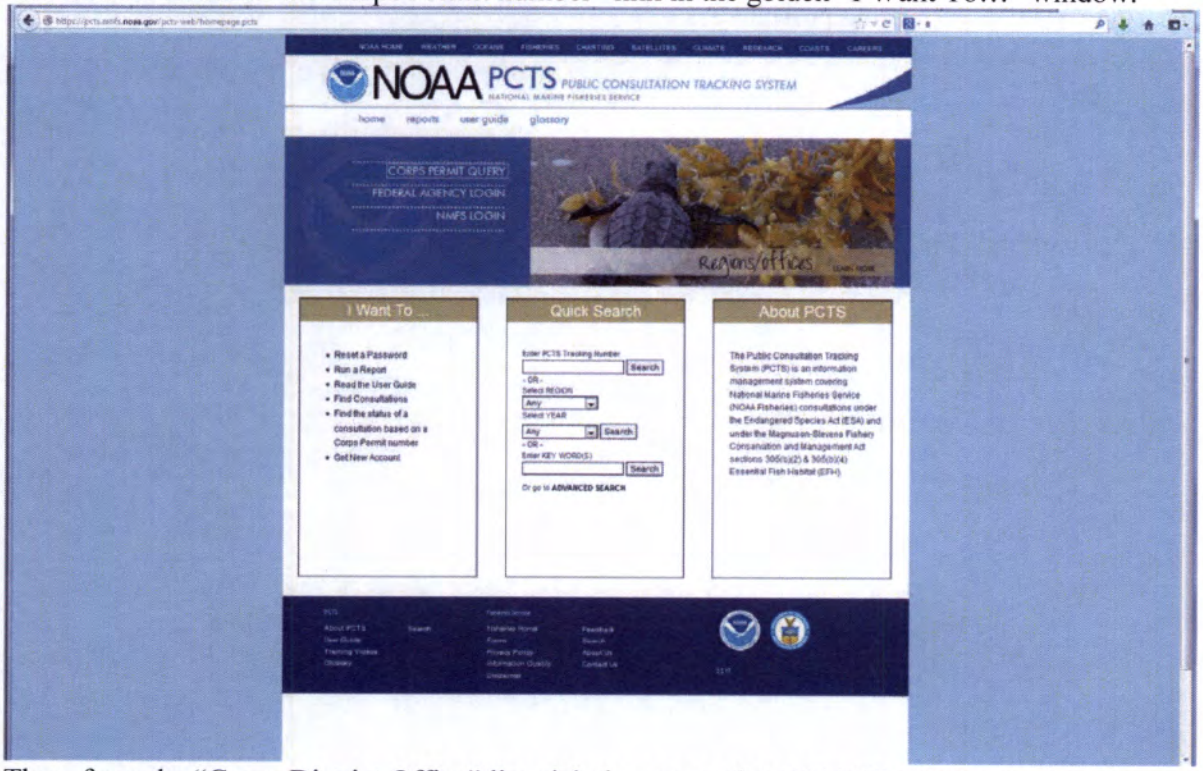
Enc.: 1. *PCTS Access and Additional Considerations for ESA Section 7 Consultations* (Revised June 11, 2013)

File: 1514-22.H

PCTS Access and Additional Considerations for ESA Section 7 Consultations
(Revised 6-11-2013)

Public Consultation Tracking System (PCTS) Guidance: PCTS is a Web-based query system at **https://pcts.nmfs.noaa.gov/** that allows all federal agencies (e.g., U.S. Army Corps of Engineers - USACE), project managers, permit applicants, consultants, and the general public to find the current status of NMFS's Endangered Species Act (ESA) and Essential Fish Habitat (EFH) consultations which are being conducted (or have been completed) pursuant to ESA Section 7 and the Magnuson-Stevens Fishery Conservation and Management Act's (MSA) Sections 305(b)2 and 305(b)(4). Basic information including access to documents is available to all.

The PCTS Home Page is shown below. For USACE-permitted projects, the easiest and quickest way to look up a project's status, or review completed ESA/EFH consultations, is to click on either the "Corps Permit Query" link (top left); or, below it, click the "Find the status of a consultation based on the Corps Permit number" link in the golden "I Want To…" window.



Then, from the "Corps District Office" list pick the appropriate USACE district. In the "Corps Permit #" box, type in the 9-digit USACE permit number identifier, with no hyphens or letters. Simply enter the year and the permit number, joined together, using preceding zeros if necessary after the year to obtain the necessary 9-digit (no more, no less) number. For example, the USACE Jacksonville District's issued permit number SAJ-2013-0235 (LP-CMW) must be typed in as 201300235 for PCTS to run a proper search and provide complete and accurate results. For querying permit applications submitted for ESA/EFH consultation by other USACE districts, the procedure is the same. For example, an inquiry on Mobile District's permit MVN201301412 is entered as 201301412 after selecting the Mobile District from the "Corps District Office" list. PCTS questions should be directed to Eric Hawk at Eric.Hawk@noaa.gov or (727) 551-5773.

EFH Recommendations: In addition to its protected species/critical habitat consultation requirements with NMFS' Protected Resources Division pursuant to Section 7 of the ESA, prior to proceeding with the proposed action the action agency must also consult with NMFS' Habitat Conservation Division (HCD) pursuant to the MSA requirements for EFH consultation (16 U.S.C. 1855 (b)(2) and 50 CFR 600.905-.930, subpart K). The action agency should also ensure that the applicant understands the ESA and EFH processes; that ESA and EFH consultations are separate, distinct, and guided by different statutes, goals, and time lines for responding to the action agency; and that the action agency will (and the applicant may) receive separate consultation correspondence on NMFS letterhead from HCD regarding their concerns and/or finalizing EFH consultation.

Marine Mammal Protection Act (MMPA) Recommendations: The ESA Section 7 process does not authorize incidental takes of listed or non-listed marine mammals. If such takes may occur an incidental take authorization under MMPA Section 101 (a)(5) is necessary. Please contact NMFS' Permits, Conservation, and Education Division at (301) 713-2322 for more information regarding MMPA permitting procedures.

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Coastal Ecological Services Field Office
17629 El Camino Real, Suite 211
Houston, Texas 77058
281/286-8282 / (FAX) 281/488-5882

In Reply Refer To:
FWS/R2/CESFO/

March 10, 2014

Brian Penoyer
Captain, U.S. Coast Guard
Commander, Sector Houston-Galveston
9640 Clinton Drive
Houston, TX 77029

Dear Captain Penoyer:

Thank you for the U.S. Coast Guard's (USCG) recent letter acknowledging the U.S Fish and Wildlife Service's (Service) review and response to a request for Endangered Species Act (Act) informal consultation regarding resources at risk in proposed pre-approved areas for use of surface washing agents. The Service welcomes the opportunity to provide updated information that benefits Service trust resources, such as federally listed threatened or endangered species under the Act and critical habitat designations. Your sharing of provided information with the other state and federal trustee agencies for use in updating the Central Texas Coastal Area Contingency Plan (CTCACP) is also greatly appreciated.

Regarding your letter dated January 23, 2014, and our review of the attached Surface Washing Agent Plan (Section 3253), the Service concurs with the USCG's finding that the specified use of Environmental Protection Agency approved "lift and float" surface washing agents within port locations, identified as pre-approved areas, is not likely to adversely affect federally listed species or critical habitats that are the responsibility of the Service.

Please note that this concurrence does not cover any consideration for use of a surface washing agent outside of the pre-approved areas within port locations in the Central Texas Coastal Area. Use of such agents outside the pre-approved areas will require emergency consultation by the Regional Response Team VI. In addition to this concurrence, the Service is in agreement with inclusion of Section 3253 into the CTCACP.

In the event changes to Section 3253 occur or additional information on the distribution of listed or proposed species or designated critical habitat becomes available, the informal consultation process should be reinitiated for effects not previously considered. If you have any questions or need any additional information, please contact Ron Brinkley at 281/286-8282 ext.245.

Sincerely,

for

Edith Erfling
Field Supervisor

Attachment

MEMORANDUM

Texas General Land Office • Jerry Patterson • Commissioner

Date: September 30, 2014

To: Michael K. Sams, USCG RRT 6 Co-Chair

From: Greg Pollock, Deputy Commissioner, Oil Spill Prevention and Response

Subject: Surface Washing Agent Pre-authorization and RRT 6 Emergency Response Pre-authorization Guidelines to Decontaminate Vessels and Hard Structures in Certain Port Areas Using Surface Washing Agents

As a signatory to the initial 2003 RRT 6 Emergency Response Pre-approved Guidelines to Decontaminate Vessels and Hard Structures in Coastal Port Areas, I fully support the recently completed Surface Washing Agent Plan of the Central Texas Coastal Area Contingency Plan (CTCACP). The CTCACP provides for pre-authorization in five port locations: Upper Houston Ship Channel (including Barbour's Cut), Bayport Ship Channel, Freeport, Texas City Ship Channel and the Galveston Channel. As you know, after consultation with the Texas General Land Office, Texas Parks and Wildlife Department and the NOAA Scientific Support Coordinator, the plan allows the Federal On-Scene Coordinator to authorize the use of NCP listed "lift and float" surface washing agents if more traditional means are not sufficient.

Consider this memorandum as my concurrence with including the pre-authorization in the CTCACP.

Greg Pollock
Deputy Commissioner
Oil Spill Prevention and Response Division
Texas General Land Office
September 30, 2014

cc: Richard Arnhart
Steve Buschang