

# Industry Guidelines on Requesting Regulatory Concurrence for Subsea Dispersant Use

API BULLETIN 4719  
FIRST EDITION, JUNE 2017



AMERICAN PETROLEUM INSTITUTE

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## Introduction

Subsea dispersant injection (SSDI) was used as a response method during the Deepwater Horizon oil spill of 2010. The Region VI Response Team (RRT VI) had pre-authorization plans for surface dispersant use in place, but concluded that those plans were not applicable to a subsea, relatively continuous application of dispersant. As a result, incident-specific implementation policies were developed during the course of the response. Since 2010, several command-post exercises sponsored by industry have indicated that existing policies and guidance can be enhanced for operational decisions relating to the use of subsea dispersant.

To clarify what type of information may be required by RRTs to support subsea dispersant–use decisions, the API D3 Subsea Dispersants Joint Industry Task Force developed guidelines for industry on recommended procedures for seeking FOSC authorization and RRT concurrence. These guidelines are based on lessons learned from the above-mentioned exercises and valued input from RRT VI agencies, which helped to continually improve the document to simulate the approval and concurrence of using subsea dispersants for exercise scenarios.

Dispersant use in the United States is governed by Subpart J of the National Contingency Plan (NCP), which is found at 40 CFR (Code of Federal Regulations), §300.910. This guidance offers clarification on how API has interpreted requirements of 40 CFR §300.910 as applied specifically to subsea dispersant use, but does not in any way modify the roles, requirements, and procedures contained therein. At the time of preparation of this document, the Environmental Protection Agency (EPA) had issued proposed revisions to Subpart J of the NCP. Some of the proposed revisions may alter recommendations contained in this guidance, and may be revised after publication of the EPA final rules.

# Industry Guidelines on Requesting Regulatory Concurrence for Subsea Dispersant Use

## 1 Scope

The purpose of this document is to provide guidelines, forms, and checklists recommended for use by industry. The API guidelines describe the RRT concurrence request process, proposed information submission recommendations that are specific to subsea dispersant injection, and the use of Spill Impact Mitigation Analysis (SIMA) and other forms of tradeoff analyses as decision support tools. Also included are practical flowcharts and checklists specific to Incident Management Team (IMT) positions that are integral to subsea dispersant use, and guidance on the preparation of subsea dispersant operations and monitoring plans. This document provides operational guidelines intended for actual events or exercises and provides a basis for engagement from a range of relevant stakeholders.

This document provides guidelines for the regulatory approval in accordance with Subpart J for the use of subsea dispersants in the United States with several U.S. references since subsea dispersants were first used for one incident in the United States. The lessons learned captured by numerous companies, in addition to input from members of IPIECA and IOGP, serve as a baseline for initial guidance to share with other countries and organizations to assist in developing their own guidelines.

NOTE The main text of this document provides context, and the annexes represent the work tools and templates that can serve as part of a submission package.

## 2 Acronyms and Abbreviations

CERA	consensus ecological risk assessment
DOC	Department of Commerce
DOI	Department of Interior
DOR	dispersant-to-oil ratio
DWH	Deepwater Horizon
EDMU	Environmental Data Unit
EPA	Environmental Protection Agency
EFH	Essential Fish Habitats
ESA	Endangered Species Act
EU	Environmental Unit
EUL	Environmental Unit Leader
FWS	Fish and Wildlife Service
FOSC	Federal On-Scene Coordinator
GOM	Gulf of Mexico
ICS	Incident Command System
ISB	in-situ burn
IMT	Incident Management Team
LEL	lower explosive limit
LSC	Logistics Section Chief

MV	monitoring vessel
NCP	National Contingency Plan
NEBA	net environmental benefit analysis
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NRC	National Response Center
NRS	National Response System
NRT	National Response Team
OSC	Operations Section Chief
OPS	Operations Section
PS	Planning Section
PSC	Planning Section Chief
QI/IC	Qualified Individual/Incident Commander
RAR	resources at risk
ROV	remotely operated vehicle
RP	Responsible Party
RRT	Region Response Team
SCB	Source Control Branch
SCS	Source Control Section
SDU	Subsea Dispersant Unit
SIMA	spill impact mitigation assessment
QAPP	Quality Assurance Project Plan
SIMOPS	simultaneous operations
SO	Safety Officer
SSDI	subsea dispersant injection
UC	Unified Command
USCG	United States Coast Guard
VOC	volatile organic compounds
WCD	worst-case discharge

### **3 Overview**

#### **3.1 General**

The National Contingency Plan (NCP) establishes the National Response System (NRS) for oil and hazardous substances response actions. The NCP defines the roles of its major components, which include the National Response Team (NRT), the Regional Response Team (RRT), the Federal On-Scene Coordinator (FOSC), and Unified Command (UC), for managing incident-specific response actions of the federal government, state government, and the responsible party. The following section summarizes the key roles of each in authorizing and implementing subsea dispersant use, and proposes a concurrence process that is specific to subsea dispersant injection.