UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

AUG 24 2011

Mr. Steven Pedigo
Oil Spill Eater International, Corp.
P.O. Box 515429
Dallas, Texas 75251

Dear Mr. Pedigo:

I am responding to your email of July 03, 2011, to provide information on the process for authorizing the use of bioremediation agents for spill response, and to clarify what appears to be some misconceptions regarding the current status of consideration for use of your product on the remaining oiled areas from the Deep Water Horizon Spill.

The processes for approving the use of bioremediation agents for use in spill response, and for pre-approving such uses are established in Subpart J of the National Contingency Plan (NCP) in 40 CFR Part 300.910(b) and (a), respectively. The Federal On-Scene Coordinator (FOSC) may approve the use of such agents during a spill response, with the concurrence of the Regional Response Team (RRT) representatives from EPA, the states with jurisdiction over the waters threatened by the release or discharge, and in consultation with the appropriate DOC and DOI natural resource trustees. In the case of the Deep Water Horizon spill, the USCG provided the FOSC, and has made no request for concurrence by the RRT representatives listed above on the use of your product.

The RRT may also approve preauthorization plans for the use of bioremediation agents, if they are proposed by an Area Committee, with the concurrence of its representatives from EPA, the states with jurisdiction over the waters of the area to which a preauthorization plan applies, and the DOC and DOI natural resource trustees. The Region 6 RRT has received no such request for preauthorization of the use of your product.

In response to your request for issuance of a permit for use of your product on BP's Deepwater Horizon Macondo oil blowout of April 20, 2010, there are no existing authorities for issuing such a permit.

The goal of the RRT, in making decisions regarding the use of alternative spill response technologies is to minimize environmental damage. While the Region 6 RRT has acted to issue pre-authorization to FOSCs for use of dispersants in waters deeper than 10 meters, and/or farther than 3 nautical miles, whichever is farther from shore, it has also maintained a policy of favoring mechanical removal of oil from the environment when feasible. The near shore and inland environments are ecologically diverse, and variables such as seasonality, temperature, nutrient levels, substrate,

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environmental sensitivity, and the nature of the spilled oil all have to be taken into account in determining which spill cleanup methods minimize overall environmental impacts. For these reasons, it is highly unlikely that preauthorization would ever be issued for all navigable waters within Region 6 as you have requested. Instead, decisions on the use of your product, pending a request for concurrence from a FOSC, would more likely be made on a case by case basis, and would involve consideration of the full range of available cleanup methods, with the goal of minimizing overall environmental damage.

If you have any questions or would like additional information, please feel free to contact me or Mr. Jim Staves of my staff at 214-789-3417, or you can email Mr. Staves at, **Staves.james@epa.gov.**

Sincerely yours,

Ragan Broyles

Ragan Broyles, Associate Director
Prevention & Response Branch (6SF-P)