RRT7

OCT 26 2012

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

Re: Request for RRT7 pre-authorization of Oil Spill Eater II (OSE II)

Dear Mr. Pedigo:

It is general policy of the Regional Response Team 7 (RRT7) that except for specific circumstances [i.e., to prevent or substantially reduce a hazard to human life in accordance with 40 Code Federal Regulations §300.910 (b)] the use of chemical oil spill treating agents (COSTAs) will be considered only on a case-by-case basis. However, the RRT7 did consider your request to pre-authorize Oil Spill Eater II for use within Region 7. As you may know, RRT7 includes membership from 15 federal departments and agencies as well as the environmental agencies from Iowa, Kansas, Missouri, and Nebraska. The member representatives present agreed unanimously to not pre-authorize the use of OSE II within the boundaries of Region 7.

Several factors formed the basis for our decision. Region 7 promotes the use of mechanical recovery of spilled oil first and in most cases. Access to spilled oil in Region 7's rivers and streams is typically not problematic; therefore mechanical recovery is usually all that is necessary for a successful response. Furthermore, if the state or federal On-Scene Coordinator (OSC) has determined it may be necessary or beneficial to use a COSTA on the response, he/she may convene an incident-specific RRT for approval to do so. Except for cases where the spill threatens human life, there is usually time available to consider the specific incident conditions. This incident-specific RRT may then evaluate important incident conditions regarding the use of a COSTA and determine if such use will be protective and not hazardous to the public health and the environment while still addressing the response objectives.

The conditions that must be evaluated are too variable for RRT7 pre-authorization of OSE II and likely any other COSTA. Region 7, being entirely an inland Region, has only freshwater environments. These environments are highly varied, sensitive, complex, and have many different uses. The occurrence of Threatened and Endangered Species is often geographically and temporally very specific and requires consultation with natural resource trustees to determine if such species are present. Trustees must also advise on the specific response actions that could adversely impact the species. COSTAs may pose greater threat to certain species than the oil itself. Furthermore, there are many recreational areas and surface water intakes for both industrial water and drinking water within Region 7. The locations of these must be determined on an incident-specific basis. The use of COSTAs would not be acceptable in the presence of a drinking water intake or a recreational area.

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RRT7 appreciates your concern for protecting our resources, the public health, and the environment.

Thank you.

Scott D. Hayes
RRT7 Co-chair
Region 7
US Environmental Protection Agency

Michael K. Sams
RRT7 Co-chair
Eighth District
US Coast Guard

Working Together to Protect Against Threats to Our Land, Air and Water