

NRT Vision & Strategy

Updates & Action



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Disclaimer

- This presentation presents a general overview of information on relevant statutes and regulations in and is not itself a regulation. In the event of any conflict between this presentation and applicable statutes or regulations, the applicable statutes or regulations control.

Background

- Deepwater....
- Date it was enacted
 - 2021 – Final Rule for Dispersant Monitoring Requirements -Effective January 24, 2022 - 86 FR 4023
 - 2023 – Final Rule amending Authorization of Use and Testing and Listing Requirements – Effective December 2023 - 88 FR 38280
 - 2025 – Interim Final Rule - Extension of Transition Period for New Product Schedule Listing – Effective November 17, 2025 -90 FR 51181

Key Regulatory Changes

- Monitoring requirements for atypical dispersant use:
 - Any Subsurface use
 - Surface use in oil discharge over 100,000 gallons per 24 hours
 - Surface use over 96 hours after initial application to oil discharge.
- Factsheets:
 - <https://www.epa.gov/emergency-response/oil-spill-emergency-response-dispersant-monitoring-fact-sheets>

Key Regulatory Changes

- **Authorization of Use**

- **Clarifies use parameters that must be included in preauthorization plans and Case-by-case authorization,**
 - Must at minimum specify quantities and duration of use; water depth; distance to shoreline, and proximity to populated areas.
- **New requirements for preauthorization plan review, revision, and withdrawal.**
- New requirements storage and use
- Clarifies authorities for requiring supplemental testing, monitoring and information on agents,
- Includes requirements for agent recovery from the environment, and
- Provides OSC reporting requirements to the RRT and public.
- Authorized chemical or biological agents can only be used for the specific purpose for which they were listed

40 CFR 300.910(a)(1)

- **Limits** for the quantities and duration of use.
- **Use parameters** for water depth, distance to shoreline, and proximity to populated areas.
- **Regional factors** are addressed including likely sources and types of oil that might be discharged, various potential discharge scenarios, the existence and location of environmentally sensitive resources or restricted areas that might be impacted by discharged oil.
- **Logistical factors** including inventory, storage locations and manufacturing capability of available agents, availability of equipment needed for agent use, availability of adequately trained operators, and means to monitor agent use in the environment.

Response Plans

- Vessel Response Plans
 - 33 CFR 155.1035 (Tank)
 - 33 CFR 155.5035 (Nontank)
- Facility Response Plans
 - 33 CFR 154.1035 (Facilities)



Regulatory Impacts

- Preauthorization Plan Updates

District	Status
Northeast	Will not renew their preauthorization.
Eastern	Updated incident specific. Withdrawn preauthorization.
Southeast	In the process of updating.
Great Lakes	Does not have preauthorizations
Heartland	In the process of updating.
Southwest	Valid preauthorization.
Northwest	In the process of updating.
Arctic	In the process of updating.
Oceana	In the process of updating.

Questions

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