

**From:** Lisa Jackson  
**Sent:** Wednesday, July 14, 2010 9:25 PM  
**To:** Zukunft, Paul RADM; Stanislaus.Mathy@epamail.epa.gov  
**CC:** Coleman.Sam@epamail.epa.gov; Hill.Franklin@epamail.epa.gov; Tulis.Dana@epamail.epa.gov; Armendariz.AI@epamail.epa.gov; Nash, Roy RDML; Korn, John RDML; Lodge, Michael CAPT; Laferriere, Roger CAPT; Poulin, Steven CAPT; Neffenger, Peter RDML; Allen, Thad W; Perciasepe.Bob@epamail.epa.gov  
**Subject:** Re: July 14 Aerial Dispersant Approval Request

Thanks ADM Z.

----- Original Message -----

**From:** "Zukunft, Paul RADM" [Paul.F.Zukunft@uscg.mil]  
**Sent:** 07/14/2010 09:14 PM AST  
**To:** Mathy Stanislaus  
**Cc:** Sam Coleman; Franklin Hill; Dana Tulis; Al Armendariz; "Nash, Roy RDML" <Roy.A.Nash@uscg.mil>; "Korn, John RDML" <John.H.Korn@uscg.mil>; "Lodge, Michael CAPT" <Michael.J.Lodge@uscg.mil>; "Laferriere, Roger CAPT" <Roger.R.Laferriere@uscg.mil>; "Poulin, Steven CAPT" <Steven.D.Poulin@uscg.mil>; "Neffenger, Peter RDML" <Peter.V.Neffenger@uscg.mil>; "Allen, Thad W" <thad.allen@dhs.gov>; Richard Windsor; Bob Perciasepe  
**Subject:** RE: July 14 Aerial Dispersant Approval Request

Mathy,

I just returned from the well-site where I observed no heavy oiling to the west of the site (clear blue water within one mile west of the source), and no immediate threat to Barataria Bay or Chandeleur Sound. There are numerous patches and streamers of heavy oil within a 50 square mile area east and southeast of the source, and due to the slow speed of our skimmers and ISB vessels (about one knot) while skimming for or burning oil, it is inevitable that some of this oil will elude the gauntlet. We had 48 skimmers and 14 ISB units working this area, and while the numbers of vessels and barrels removed are impressive, we cannot attain full removal. Weather has certainly played in our favor of late in terms of sea state, wind and trajectory, but will create a significant backlog of unrecovered oil if the seas and winds shift the other way like we had the previous two weeks, precluding all offshore skimming and burning operations.

So I encourage this continued dialogue and prudent consideration of dispersants on a case-by-case basis. On that note, I have rescinded the pre-authorization the Radm Watson signed on 12 July that granted ICP Houma up to 10,000 gal/day of aerial dispersant. Paul

-----Original Message-----

**From:** Stanislaus.Mathy@epamail.epa.gov [mailto:Stanislaus.Mathy@epamail.epa.gov]  
**Sent:** Wednesday, July 14, 2010 3:30 PM  
**To:** Zukunft, Paul RADM  
**Cc:** Coleman.Sam@epamail.epa.gov; Hill.Franklin@epamail.epa.gov; Tulis.Dana@epamail.epa.gov; Armendariz.AI@epamail.epa.gov; Nash, Roy RDML; Korn, John RDML; Lodge, Michael CAPT; Laferriere, Roger CAPT; Poulin, Steven CAPT; Neffenger, Peter RDML; Allen, Thad W; Richard Windsor; Bob Perciasepe  
**Subject:** Re: July 14 Aerial Dispersant Approval Request

Admiral:

EPA did not state that the dispersant tool must be completely removed from the toolbox. EPA has consistently stated that an adequate demonstration that all other higher priority tools (skimming, ISBs) are not available to

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TREX-247466R.000001

address identified dispersible oil before dispersants are applied. EPA has not been presented with any information regarding why the isolated streamers cannot be addressed by skimmers, ISBs or the whether the isolated streamers are significantly dispersible.

The ongoing use of dispersants is not a foregone conclusion. A number of precautions and actions were taken in the past couple of weeks to assure that measures other than dispersants would be used except in the rarest of circumstances. Addendum 3 to the Dispersant Directive directs BP to eliminate the use of Aerial dispersant, and USCG and EPA issued an Emergency Rule to facilitate the availability of additional skimming capacity. These actions along with the ongoing burning and capture capacity has resulted in a number of days where "dispersible oil" is not being found.

BP is applying dispersant at the lowest rate since the beginning of the response. On 7 of the last 14 days, no targets were found and no dispersant was applied. The average amount applied over the last 14 days is 2,600 gal. The average over the last 7 days is 285 gal. Viable targets were not identified during afternoon spotter flights on 7/14. The spotters have become more proficient in identifying targets. The communications system between the spotters and the spray aircraft is greatly improved and allows for a relatively quick response when targets are identified. Additionally EPA staff is well integrated in with the CG decisions makers in Houma and with the spotters. EPA staff in Houma made it clear that EPA does not concur on the use of dispersant for 7/14 in the absence of specific targets and specific evidence that this is dispersible oil. Applying significant amounts of dispersant in lieu of adequate recovery is an approach that EPA cannot agree to. EPA believes the USCG should make appropriate decisions when targets are identified whether it be in the afternoon or in the morning.

EPA believes that the failure of BP to fully consider all other measures and to simply default to dispersant use does not fit with in the strategic goals for this response. We recognize that justification for the use of dispersant at certain points in time based on insufficient skimming capacity, bad weather not conducive to skimming or burning, and mechanical failures causing the loss of recovery capacity has been used and agreed to. The situation on this day seems to be different and not justifiable.

----- Original Message -----

From: "Zukunft, Paul RADM" [Paul.F.Zukunft@uscg.mil]

Sent: 07/14/2010 10:53 AM AST

To: Mathy Stanislaus

Cc: Sam Coleman; Franklin Hill; Dana Tulis; Al Armendariz; "Nash, Roy RDML" <Roy.A.Nash@uscg.mil>;

"Korn, John RDML" <John.H.Korn@uscg.mil>; "Lodge, Michael CAPT" <Michael.J.Lodge@uscg.mil>;

"Laferriere, Roger CAPT" <Roger.R.Laferriere@uscg.mil>; "Poulin, Steven CAPT"

<Steven.D.Poulin@uscg.mil>; "Neffenger, Peter RDML" <Peter.V.Neffenger@uscg.mil>; "Allen, Thad W"

<thad.allen@dhs.gov>

Subject: RE: July 14 Aerial Dispersant Approval Request

Mathy,

There are isolated streamers getting away from the sight during darkness, and I cannot take the dispersant tool out of my kit when those same streamers threaten to enter our environmentally sensitive areas in Louisiana. We spent over a month cleaning Barataria Bay with over 1500 people and 600 vessels, and still incurred significant wildlife kills while exposing these clean-up crews to extreme heat conditions. That is the trade-off option where dispersants come into play, and I must continue to keep this option in play, albeit in a prudent manner. Paul

-----Original Message-----

From: Stanislaus.Mathy@epamail.epa.gov [mailto:Stanislaus.Mathy@epamail.epa.gov]

Sent: Tuesday, July 13, 2010 10:24 PM

To: Zukunft, Paul RADM

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HCG394-014116

TREX-247466R.000002

Cc: Coleman.Sam@epamail.epa.gov; Franklin Hill; Dana Tulis; Al Armendariz  
Subject: Fw: July 14 Aerial Dispersant Approval Request

Paul:

Based on the recommendation of Sam Coleman below, EPA does not concur on the aerial dispersing request.

BP is applying dispersing at the lowest rate since the beginning of the response. On 7 of the last 14 days, no targets were found and no dispersing was applied. The average amount applied over the last 14 days is 2,600 gal. The average over the last 7 days is 285 gal. Viable targets were not identified during this afternoon's spotter flights.

The spotters have become more proficient in identifying targets. The communications system between the spotters and the spray aircraft is greatly improved and allows for a relatively quick response when targets are identified. Additionally EPA staff is well integrated in with the CG decisions makers in Hours and with the spotters. I believe we can make appropriate decisions when targets are identified whether it be in the afternoon or in the morning.

Additionally, the skimmer fleet has proven extremely effective over the last few days. Burning and skimming continues to be effective counter measures for preventing oil from escaping the source area and reaching the shoreline.

Finally, the scheduled integrity test will cause the Q4000 to be off line for an additional period of time. This could potentially put an undetermined amount of oil at the surface and potentially overwhelm the skimming capacity. This has not been the case and I do not feel it will be the case.

CG decision makers in Hours are well equipped to deploy the dispersing as the targets are identified.

For these reasons, EPA cannot concur on the request for aerial dispersals.

Mathy Stanislaus  
USEPA  
Assistant Administrator  
Office of Solid Waste &  
Emergency Response

----- Original Message -----

From: Sam Coleman  
Sent: 07/13/2010 09:08 PM CDT  
To: Mathy Stanislaus  
Cc: Al Armendariz; Dana Tulis  
Subject: Fw: July 14 Aerial Dispersant Approval Request

I track the dispersant use, the daily requests/justifications and the decisions made each day. I discussed this request with my staff in Houma and have some thoughts on today's request.

BP is applying dispersant at the lowest rate since the beginning of the response. On 7 of the last 14 days, no targets were found and no dispersant was applied. The average amount applied over the last 14 days is 2,600 gal. The average over the last 7 days is 285 gal. Viable targets were not identified during this afternoon's spotter flights.

The spotters have become more proficient in identifying targets. The communications system between the spotters and the spray aircraft is greatly improved and allows for a relatively quick response when targets are identified. Additionally EPA staff is well integrated in with the CG decisions makers in Houma and with the spotters. I believe we can make appropriate decisions when targets are identified whether it be in the afternoon

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TREX-247466R.000003

or in the morning.

Additionally, the skimmer fleet has proven extremely effective over the last few days. Burning and skimming continues to be effective countermeasures for preventing oil from escaping the source area and reaching the shoreline.

Finally, the scheduled integrity test will cause the Q4000 to be offline for an additional period of time. This could potentially put an undetermined amount of oil at the surface and potentially overwhelm the skimming capacity. This has not been the case and I do not feel it will be the case.

CG decision makers in Houma are well equipped to deploy the dispersant as the targets are identified. I suggest that you consider the above when deciding how much if any of the 10,000 gal requested amount you decide to approve.

Let me know if you have any questions.

Samuel Coleman, P.E.  
Director, Superfund Division Region 6  
214 665-6701  
[REDACTED] (cell)  
coleman.sam@epa.gov

----- Forwarded by Sam Coleman/R6/USEPA/US on 07/13/2010 09:07 PM -----

From: Ronnie Crossland/R6/USEPA/US

To: Sam Coleman/R6/USEPA/US@EPA

Cc: Mark Hansen/R6/USEPA/US@EPA, Craig Carroll/R6/USEPA/US@EPA, R6 DWH REOC RIC@EPA

Date: 07/13/2010 07:29 PM

Subject: Fw: July 14 Aerial Dispersant Approval Request

Sam,

Here is the request for tomorrow's aerial dispersant application.

Today, Unified Command applied 999 gallons of dispersant. For tomorrow, Unified Command is requesting concurrence on an initial 10,000 gallons to rapidly commence operations if opportunities are located during the morning reconnaissance overflights and improve the safety of our operations by reducing the risk due to thunderstorms and the efforts to quickly deploy assets.

Thanks,  
Ronnie

----- Forwarded by Ronnie Crossland/R6/USEPA/US on 07/13/2010 07:10 PM

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HCG394-014118

TREX-247466R.000004

From: Mark Hansen/R6/USEPA/US

To: "Ronnie Crossland" <Crossland.Ronnie@epamail.epa.gov>

Date: 07/13/2010 07:05 PM

Subject: Fw: July 14 Aerial Dispersant Approval Request

Sent by Blackberry

Mark Hansen

Associate Director for Prevention and Response Superfund Division U.S. EPA Region 6 Dallas, Texas 75202

Cell Phone [REDACTED]

----- Original Message -----

From: "Carter, William CDR" [William.Carter@uscg.mil]

Sent: 07/13/2010 06:27 PM EST

To: Mark Hansen; Mark Hansen

Cc: <jordan.stout@noaa.gov>; <jjoeckel@seaconsulting.com>; <hubercharles [REDACTED]>; <jzee@la.gov>; "McFarland, Robert CDR"

<Robert.E.McFarland@uscg.mil>; "Laferriere, Roger CAPT"

<Roger.R.Laferriere@uscg.mil>; "Starnes, Michael LT"

<Michael.T.Starnes@uscg.mil>

Subject: FW: July 14 Aerial Dispersant Approval Request

Mark,

Good evening.

Please route this through your chain of command as appropriate.

Thank you for your help.

Bill

CDR Bill Carter

Deputy Incident Commander, ICP Houma, LA Deepwater Horizon Response

-----Original Message-----

From: hubercharles [REDACTED]

Sent: Tuesday, July 13, 2010 5:20 PM

To: Carter, William CDR; Laferriere, Roger CAPT

Cc: 'Ken Schacht'; 'Marie BenKinney'; 'Debbie Scholz'; 'John Daigle'; 'Richard F. Landrum'; 'Ronnie Crossland'; 'Sam Coleman'; 'Nancy Sheets'; 'Jeff Jappe'; 'Craig Carroll'; 'Don Toenshoff Jr.'; James P (PLBU); Max'; 'Terry B. Wood'; 'John Joeckel'; 'Mark Hansen'; 'Tim Spoerl'; bbarker@airbornesupport.com; scottymeador@bellsouth.net; brian.bauer@uk.bp.com; Utsler, Mike J; Jordan Stout;

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HCG394-014119

TREX-247466R.000005

jerome.zeringue@LA.GOV; Briggs, Wyman; Auth, Nicole LT  
Subject: July 14 Aerial Dispersant Approval Request

CDR Carter and CAPT Laferriere,

I am forwarding the dispersant spray request for July 14, 2010, to apply dispersants to the dispersible oil slicks that we will identify tomorrow. In line with our normal routine, we will be sending up spotter aircraft at 0615 to re-assess the area and re-locate targets. Forecasted weather for air operations appears excellent as well as for skimming and ISB. We are requesting an initial 10,000 gallons to rapidly commence operations if opportunities are located during the morning reconnaissance overflights and improve the safety of our operations by reducing the risk due to thunderstorms and the efforts to quickly deploy assets.

Based on our morning reconnaissance, we may submit an additional request identifying the location of the dispersible slicks identified and the amount of dispersant needed to spray these slicks if they are in excess of 10,000 gallons.

We will coordinate with you to confirm that the initial application amount of 10,000 gallons is approved and will follow-up with the secondary request if necessary pending recon observations and subsequent approval of any requests for additional dispersant volumes.

If you have any additional information requests or questions concerning this matter, we will gladly provide to you in the morning.

Best Regards,  
Charlie Huber

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Charles A. Huber  
Five Captain's Court  
Williamsburg, VA 23185  
Office 757-253-9875  
Cell [REDACTED]  
Fax 757-253-8123  
Email [REDACTED]

(See attached file:  
July\_14\_request\_for\_aerial\_spray\_operations\_FINAL.doc)