

**UNITED STATES DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE
PACIFIC OCS REGION**

NTL No. 2009-P03

Effective Date: October 28, 2009
Expiration Date: October 28, 2014

**NOTICE TO LESSEES AND OPERATORS OF FEDERAL OIL AND GAS LEASES
IN THE PACIFIC OUTER CONTINENTAL SHELF REGION**

Oil Spill Response Plans (OSRP)

This notice supersedes NTL No. 99-P01.

This Notice to Lessees and Operators (NTL) and the attached guidelines provide clarification, guidance, and information on submitting an OSRP in the Pacific Outer Continental Shelf Region (POCSR) that will meet or exceed the OSRP requirements. The guidelines incorporate experience gained from evaluating OSRP's and give additional clarification as needed.

Your OSRP should give highest priority to protecting human health, safety, and the environment. You should write your plan in a format that is easy for your response personnel to use. It must include the use of the "Best Available and Safest Technology," as stated in 30 CFR 250.107(c). Also, as described in 30 CFR 250.141, nothing in this notice will preclude you from using new or alternative techniques, procedures, equipment, or activities other than those prescribed if they afford a degree of protection, safety, or performance equal to or better than that which currently exists and are approved by the Minerals Management Service (MMS).

This NTL and the attached guidelines do not supersede any agreements you have with other Federal, State, or local agencies, or any other responsibilities that you may have. As the OSRP was originally supporting information for the Development and Production Plan for your facility(ies), we suggest that any agreements or responsibilities applicable to oil spill response be reflected in the OSRP. We have also written the guidelines to be consistent with the Oil Pollution Act of 1990, the National Oil and Hazardous Substances Pollution Contingency Plan, the National Response Plan, the Marine Safety Office Los Angeles/Long Beach Area Contingency Plan, the U.S. Coast Guard Marine Safety Manual, and other applicable documents and requirements.

Although not required by 30 CFR 254, MMS encourages operators to adopt the National Incident Management System (NIMS) Incident Command System (ICS) for spill response. The NIMS ICS is a nationally recognized management system for responding to oil and hazardous material releases and is used by Federal and State response agencies.

The regulations under 30 CFR 254.3 allow operators to submit a regional OSRP that "covers multiple facilities or leases ... which are located in the same MMS Region" as defined at 30 CFR 254.6. To implement the requirement at 30 CFR 254.1(a) in an expedient manner, we encourage eligible lease operators to submit a regional OSRP that covers all of your existing OCS oil handling, storage, or transportation and renewable energy facilities and leases in the POCSR. The definition of oil in 30 CFR 254.6 includes (1) oil of any kind or in any form, (2) condensate that has been injected into a pipeline; or (3) gas and naturally occurring condensate. We will not require owners or operators of OCS facilities, including pipelines, that handle, store, or transport only "dry" gas to submit a regional OSRP.

The Regional Supervisor, Office of Field Operations, will notify you by letter when you must submit your new OSRP or revisions to us for review. Once we approve your OSRP, you must submit updates every 2 years according to 30 CFR 254.30(a), or sooner if any of the conditions of 30 CFR 254.30(b) become applicable.

You must submit all new and revised OSRP's for approval to:

Regional Supervisor, Office of Field Operations
Attention: Operations, Safety and Enforcement Section
Pacific OCS Region
Minerals Management Service
770 Paseo Camarillo
Camarillo, California 93010

You must submit copies of your OSRP or any subsequent revisions requested by the Regional Supervisor for your biennial update for review and approval. Revisions can be submitted as a hard copy or electronic copy. Final electronic copies of the plan should be on CD-ROM in portable document format (PDF) and include a hot linked index in the same order as the table of contents to facilitate review and use of the document. When you submit final approved revisions to your OSRP to an existing hardcopy of the plan, please provide instructions that clearly indicate how to insert the revisions.

If you have any questions regarding this NTL, please contact the Operations, Safety and Enforcement Section, Office of Field Operations, POCSR office, at (805) 389-7550.

Guidance Document Statement

The MMS issues NTL's as guidance documents in accordance with 30 CFR 250.103 to clarify, supplement, and provide more detail about certain MMS regulatory requirements and to outline the information you provide in your various submittals. Under that authority, this NTL sets forth a policy on and an interpretation of a regulatory requirement that provides a clear and consistent approach to complying with that requirement. However, if you wish to use an alternate approach for compliance, you may do so, after you receive approval from the appropriate MMS office under 30 CFR 250.141.

Paperwork Reduction Act of 1995 Statement

The collection of information referred to in this NTL provides clarification, description, or interpretation of requirements in 30 CFR 250, Subpart A, and 30 CFR 254. The Office of Management and Budget (OMB) approved the information collection requirements in these regulations under OMB control numbers 1010-0114 and 1010-0091, respectively. This NTL does not impose additional information collection requirements subject to the Paperwork Reduction Act of 1995.



Ellen G. Aronson
Regional Director
Pacific OCS Region

10.28.09
Date

**U.S. DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE**

**GUIDELINES FOR OIL SPILL RESPONSE PLANS
IN THE PACIFIC OCS REGION**

30 CFR 254, Subpart A--General

A. General (clarifies 30 CFR 254.1 through 254.9)

As required under 30 CFR 254.1, we receive, review, and approve facility oil spill response plans located seaward of the coastline. Biennially (every 2 years), we request that you submit your new Oil Spill Response Plans (OSRP) or revisions to your plan to us. If, within that period, you revise your plan to meet other Federal or State agency requirements, we request that you also submit a copy to MMS for our review and approval under 30 CFR 254.30.

When we receive an OSRP, we review the plan, coordinate with other reviewing agencies as necessary, provide you with comments if revisions are necessary, and review your final revisions. We will notify you by letter when your plan is approved contingent upon MMS receipt of a specified number of hard and electronic copies of your plan. For facilities in Federal waters, the plan goes into effect when approved by MMS.

If you plan to operate a facility but do not have an MMS-approved OSRP, you can still operate the facility for up to 2 years if you can certify that you have the capability to respond to the worst case discharge from the facility(ies) you plan to operate. You must submit your plan to the MMS for review and approval during this 2 year period. You should submit this certification in a letter, to the Regional Supervisor, Office of Field Operations (RS, OFO), and certify that you have ensured the availability of personnel and equipment needed to respond to the discharge by contract or other means. This letter should also include verification from the organization(s) providing the personnel and equipment. This verification may be a certificate or copy of a contract. The organization(s) you use must have RS, OFO approval.

30 CFR 254, Subpart B Oil--Spill Response Plans for OCS Facilities

B. Response Plan Format (clarifies 30 CFR 254.21)

As long as your OSRP is a useful working document, we have no preference as to the format of your plan. You may use either the format in 30 CFR 254.21(b) or your own format and provide a cross-reference table. If you use a cross-reference table, it should show the location of the information in your plan required under this Subpart.

C. "Emergency Response Action Plan" (clarifies 30 CFR 254.23)

Your Emergency Response Action Plan provides the information necessary for responding to a spill from your facility(ies). The information you provide in this section should be comprehensive, accurate, and current to ensure that you can effectively and efficiently respond to a spill.

For example, under 30 CFR 254.23(e), "a listing of the type of oil handled, stored, or transported at the facility" is required. We suggest that you include the platform from which crude oil is produced, crude oil type, API gravity, specific gravity, viscosity, flash point, solubility, volatility, pour point, sulphur content, susceptibility to mousse formation, natural dispersion, relative toxicity (high, medium or low), weathering characteristics, flash point, hydrogen sulfide concentration (if any), and any other appropriate factors for your oil which would help in a spill response. In addition, a Material Safety Data Sheet for your crude oil should be easily accessible as a reference.

When you identify methods to monitor and predict spill movements as required by 254.23 (g)(2), take into account the prevailing winds and current forces that would drive a slick. You must predict oil spill movement by using any available real-time data in the context of the known oceanic surface circulation flow regimes characteristic of the area of operations.

Currently, the Pacific OCS Region (POCSR) has a spill response strategy based upon a three-tiered oil spill response for exploratory, development, production and renewable energy operations. This strategy was developed in consultation with the U.S. Coast Guard, California Coastal Commission, and other agencies. It includes primary, secondary, and tertiary response equipment. When identifying the procedures that you will follow in the event of spills of differing sizes (as required in 250.23(g)), you should follow the three-tiered response strategy outlined in the following paragraphs.

Primary oil spill response equipment provides the first tier of response. This equipment consists of open-ocean boom for containment and skimmers or other devices for mechanical recovery that are maintained at or near the platform for quick deployment.

The initial goal of the primary oil spill response equipment is to quickly contain a small oil spill from a facility by limiting the spread of the spill. This reduces the surface area to be cleaned, allows quick recovery of spilled oil, and confines the environmental effects to the immediate area of the spill. The open-ocean boom used for containment must be appropriate for the conditions at the site with vessels available to deploy the boom within approximately 1 hour of discovery of the spill. This requirement applies to certain geographic areas in the POCSR and may be contingent upon the agreements in your OSRP or any other conditions that satisfy other agency requirements.

Once a spill is contained, primary oil spill response recovery equipment is used to recover the spilled oil. This equipment consists of a skimmer capable of operating in open ocean conditions with a recovery rate of 1,000 barrels/day (after derating to 20 percent of the manufacturer's listed efficiency factor) that can be deployed in seas in the 5-6 foot range and that can continue to operate in 8-10 foot seas and 20-knot winds after deployment, per the U. S. Coast Guard (USCG) Marine Safety Manual.

Historically, once the primary oil spill response containment equipment contains the spill, we have required cleanup operations to begin within 2 hours after discovery of the spill. This requirement applies to certain geographic areas in the POCSR and may be contingent upon the agreements in your OSRP or any other conditions that satisfy other agency requirements. Primary oil spill response equipment as identified in the OSRP should be available at all times.

Secondary oil spill response is provided by an oil spill cooperative. The cooperative maintains dedicated Oil Spill Response Vessels that can deploy additional boom(s) and/or recovery equipment. These vessels also have capacity for storage of the recovered oil. If the vessels are appropriately equipped and have trained personnel, they can also use applied response technologies such as dispersants, in situ burning, and bioremediation when approved to do so. The dedicated oil spill response vessel can act as both a primary and secondary oil spill responder, provided that it can meet the timeframes for primary response at all times.

Tertiary oil spill response is provided by additional resources, which can include the USCG Pacific Strike Team and the U.S. Navy. These resources would be called in for a prolonged spill response if additional resources are needed; they may also deploy applied response technologies.

For exploratory operations involving a mobile offshore drilling unit (MODU), we have required on-site oil spill response equipment. We have generally required a dedicated vessel equipped with open ocean containment and recovery equipment, the means to track a spill, a storage container with capacity of at least 15 barrels, and the means to deploy the equipment, such as a crane and boom deployment vessel. We now handle the on-site equipment requirements for exploratory drilling on a case-by-case basis, depending upon location of the drilling operations, sensitive areas, worst case scenario, and other environmental conditions.

D. Equipment Inventory Appendix (clarifies 30 CFR 254.24)

Your equipment inventory should include all spill response equipment, such as booms, skimmers, and vessels that you would use to contain and recover a worst case discharge to the maximum extent practicable. You also should include effective recovery capacities of the spill response equipment according to 30 CFR 254.44.

Before relocating, upgrading or replacing, downgrading, or removing any response equipment listed in your plan, you must seek concurrence from the RS, OFO, as these changes may require a revision to your OSRP under 30 CFR 254.30.

E. Contractual Agreements Appendix (clarifies 30 CFR 254.25)

Furnish evidence in your plan that you have under contract, the means to respond to the worst-case crude oil discharge. Such evidence could include any contract or membership agreement with an Oil Spill Response Organization (OSRO), cooperative, spill response service provider, or spill management team members who are not your employees, that you cite in the plan. Any contractual agreements that you furnish in your plan must be current and up-to-date.

You should include in your plan a copy of the contractual agreements with, or certificates from, any OSRO and cooperatives. To provide evidence of any other contractual agreements for spill response or services, we request that you list the organization or company you have an agreement with, the services provided, and a contact with phone number. The evidence you provide should be comprehensive enough so that we can determine that you have the resources necessary to respond to your worst-case oil spill while your OSRP is in effect.

F. Worst-Case Discharge Scenario Appendix (clarifies 30 CFR 254.26)

We use your worst-case discharge scenario to determine the adequacy of your spill response capabilities. You should first calculate the source and volume of potential oil spilled, which can be determined by following the process under 30 CFR 254.47 for your worst-case scenario. Your spill response strategy is then based upon this volume.

In developing your worst-case oil spill discharge scenario you must provide us with enough information, supporting evidence and details so that we can determine if you have sufficient resources to respond to the size of spill you calculated for your worst-case discharge. When demonstrating your ability to respond to the worst-case discharge from your facility, you should describe how you would respond to the initial spill volume at the site and then demonstrate how you would support operations for a well blowout lasting 30 days (a continuous flow) if it is part of the scenario.

In determining your adequacy to respond to your worst-case discharge, a key factor will be response time as stated in 30 CFR 254.26(d)(4)(v). An appropriate response time should take into account the time necessary to mobilize response equipment, while ensuring the safety of the responders, with the proximity of the spill site to sensitive resources, oil spill trajectories, weather conditions, and other environmental conditions.

For example, facilities located in the southeastern portion of the Santa Barbara Channel are within close proximity to the boundaries of the Channel Islands National Marine Sanctuary and its sensitive resources. A worst-case discharge from an offshore facility in this area, based on the trajectory analysis, may require a fast, if not immediate response. To provide a fast or immediate response, equipment may need to be prepositioned at the facility.

Before you modify or change your currently-approved oil spill response strategy, you should consult with MMS and determine if there are permit conditions or agreements with other Federal, State, or local agencies that may be affected by such a change. If practicable, you should consult with that agency prior to submitting the changes to the MMS.

Our requirements do not specify which model to use in developing oil spill trajectory for the worst-case scenario. We suggest that you choose a spill trajectory model of the same caliber used today by industry, academia, and government (state-of-the-art). The trajectory analysis must reflect the maximum distance your oil can move in a time period that your oil can persist in the environment. Also, include your method to track the movement of the spill.

In addition, your oil spill trajectories should reflect each of the known characteristic oceanic circulation regimes in the area of operation. You must use the best current and wind data available for your oil spill trajectory analysis. You may obtain this information from scientific papers recently submitted to professional oceanographic journals and from recent doctoral theses. As appropriate, you may use the most recent Oil Spill Risk Analysis (OSRA) that we have conducted.

G. Dispersant Use Plan (clarifies 30 CFR 254.27)

Your OSRP should reference the most current and up-to-date documents regarding application issues, policies, and the availability of dispersant application equipment. Such documents include the National Contingency Plan (NCP), National Response Plan, the appropriate Area Contingency Plan (ACP), the "California Dispersant Plan" and other applicable documents.

You should include how you will transport the dispersants from their storage location to the aircraft or vessel dispersant loading location and an estimate of the time this will take. In the unlikely event of a major oil spill which will exceed the local dispersants' inventory, describe in the dispersant use plan appendix how you will obtain more dispersant and the time necessary to requisition and relocate it to the dispersant loading location.

You should include in your OSRP any forms necessary to apply for the use of dispersants. Portions of the application form can be completed prior to an oil spill. You may not store dispersants or dispersant application equipment on your platforms or MODU's, to help reduce the potential for unauthorized application. In addition, you should include any information you may have on the efficacy of dispersants on crude oils produced or transported from your facility. You can also find such information on the MMS Oil Spill Response Research Chemical Treating web site (<http://www.mms.gov/tarprojectcategories/chemical.htm>) or Environment Canada web site (<http://www.etcentre.org>) or from other tests conducted on oils produced from your facility.

H. In Situ Burning Plan (clarifies 30 CFR 254.28)

Your in situ burning (ISB) plan should reflect the availability of equipment from your spill response providers and should discuss the criteria for in situ burns by referencing the latest guidance provided in the NCP, ACP, and any other applicable plans. Your OSRP should include any forms and checklists which could be used to apply for the use of ISB. Also keep in mind that 40 CFR 300.910(c) states that the "On-Scene Coordinator, with the concurrence of the EPA representative to the Regional Response Team and, as appropriate, ... and in consultation with the Department of Commerce and DOI natural resource trustees, when practicable, may authorize the use of burning agents on a case-by-case basis."

I. Training and Drills Appendix (clarifies 30 CFR 254.29)

If you have on-site spill (primary) response at your facility, you should have a spill response team comprised of one or more trained individuals to operate the equipment onboard at all times. Your spill response team, as described in 30 CFR 254.23(c), must be trained and available on a 24-hour basis to deploy and operate the equipment.

For platforms that do not maintain on-site spill response equipment, oil spill cooperative personnel will operate the primary and/or secondary oil spill response equipment. The oil spill cooperative personnel may act on your behalf as the oil spill response operating team for your platform(s) in the POCSR. We recognize the importance of having a spill response trained individual at each platform at all times.

J. Response Plan Revisions (clarifies 30 CFR 254.30)

You must review your plan and submit revisions to the MMS for review and approval within a 2-year period from the last time the plan was approved. We will notify you when your plan is due for a biennial revision. If your review finds that there are no revisions to the plan, you must inform the RS, OFO in writing that there are no changes.

If you send your plan to another Federal or State agency for review during that period, you should also send a copy to us. You should update any significant changes to your OSRP and submit it to the RS, OFO, for approval.

30 CFR 254, Subpart C--Related Requirements for OCS Facilities

K. Records and Exercises (clarifies 30 CFR 254.40 and 254.42)

We will periodically initiate unannounced drills to test your oil spill response preparedness. Each of your facilities will receive only one unannounced drill per calendar year unless results of a previous exercise warrant a greater frequency. We conduct both minor and major unannounced oil spill response drills.

Minor unannounced drills involve simulated spills up to 15 barrels of oil and are designed to test your primary oil spill response equipment. A major unannounced oil spill drill is designed to test your response at facility and require you to mobilize your command center in response to a larger volume of oil spill. In both drills, equipment is deployed at the site of the spill.

In addition to an exercise, we conduct "Pollution Prevention Inspections." According to 30 CFR 250.40, upon request you must make available to any authorized MMS representative all records of service, maintenance, training, personnel, equipment, etc., provided by OSRO's or cooperatives.

You must exercise your entire response plan at least once every 3 years (triennial requirement). To satisfy the minimum triennial exercise requirement, you should conduct the following:

1. An annual tabletop exercise of your spill management team which is identified in your plan.
2. An annual deployment exercise of response equipment identified in your plan that is staged at onshore locations owned and operated by you, your OSRO, or cooperative.
3. An annual notification exercise between facility personnel and your qualified individual at each facility that is manned on a 24-hour basis.

4. A semiannual (twice a year) deployment exercise of any response equipment that MMS requires an owner or operator to maintain at the facility or on dedicated vessels.

To ensure that your entire plan is exercised, different scenarios, personnel, facilities, and equipment should be drilled at each exercise over the 3-year period. During your exercises, you must simulate weather conditions in the area of operations. You must maintain all records of a spill response exercise for the complete 3-year cycle. You must inform the RS, OFO of the date of any exercise(s) at least 30 days before the exercise(s).

We may also require changes in the frequency or location of MMS initiated exercises, equipment to be deployed and operated, or deployment procedures or strategies. We will evaluate the results of the exercise and advise you of any needed changes in response equipment, procedures, or strategies. Your compliance with the National Preparedness and Response Exercise Program will satisfy the exercise requirements of 30 CFR 254.42 and the POCSR's guidelines. We believe these oil spill exercises are essential for maintaining a safe and pollution-free operation.

L. Maintenance and Inspection of Response Equipment (clarifies 30 CFR 254.43)

You must inspect and maintain your response equipment listed in the response plan to ensure optimal performance. Optimal performance means that your oil spill response equipment will perform at or above the level advertised by the equipment manufacturer at all times. We will evaluate your spill response equipment during MMS drills and inspections.

MMS will conduct unannounced inspections of the OSRO to verify oil spill response equipment to validate the resources identified in your OSRP. The inspection team may include members from the MMS and the U.S. Coast Guard, and may include other State and Federal agency representatives.

The primary purpose of unannounced inspection is to ensure you have the capabilities to respond to your worst-case discharge by auditing the OSRO's equipment and personnel inventory, inspecting personnel training records, inspecting equipment maintenance records, verifying contractual agreements, verifying equipment condition and status of readiness, and to conduct an overall assessment of the accuracy of the OSRO's capabilities as referenced in your OSRP. The audit is a quality assurance check of the equipment and trained personnel and not a guarantee of performance.

If the OSRO's equipment and personnel status do not accurately reflect the information provided in the Regional Resource Manual, the MMS will inform the operator to make changes which appropriately reflect its actual resources.

M. Verification of Response Equipment Capabilities (clarifies 30 CFR 254.45)

All oil spill response equipment should be state-of-the-art. It should be capable of open ocean operations in 8-10 foot seas and 20-knot winds and deployment in 5-6 foot seas as described by the USCG Marine Safety Manual. If we think that your oil spill response equipment does not

meet the criteria or have these capabilities, the RS, OFO can require performance testing of the equipment to verify its capabilities.

OSRO's or operators should maintain its oil spill response equipment is in good operating condition, perform manufacturer-recommended preventive maintenance, ensure that equipment is transportable, and use compatible system components. You may not include equipment that is inoperable, not mobile or transportable, or has incompatible system components in the overall removal capacity.

N. Notifications (clarifies 30 CFR 254.46)

Section 311 of the Federal Water Pollution Control Act requires immediate notification of spills of oil or spills of hazardous substances into any body of water. This applies to releases into wetlands, lakes, streams, rivers, and navigable waters offshore out to approximately 200 miles. You must report spills from your facility, from another facility, or spills of unknown origin to the National Response Center by calling 1-800-424-8802.

To reduce duplicate reporting of spills, the National Response Center forwards all reports of offshore spills to the MMS. We only require you to notify MMS directly for spills of one barrel or more. For spills of one barrel or more, you are required to provide oral notification to the District Manager without delay. You are also required to provide a written report to the District Manager within 15 days after spillage has stopped. Guidance for this report can be found in NTL 2007-N04.

O. Determining Worst Case Discharge (clarifies 30 CFR 254.47)

The highest worst case discharge volume from all facilities covered by your plan is used to determine if you have sufficient resources to respond to this spill. To determine the initial volume of your worst case oil discharge from an oil production platform facility (30 CFR 254.47(a)), you must sum the following:

- (1) maximum capacity of all oil tanks and flow lines;
- (2) volume of oil from a break in a pipeline connected to the facility considering factors which may affect amount; and
- (3) daily production volume of oil that would flow from the highest capacity well at the facility.

You must show all assumptions and calculations used to determine this amount. Your spill scenario should discuss how you would respond to a well flowing for 30 days.

**30 CFR 254, Subpart D--Oil-Spill Response Requirements for
Facilities Located in State Waters Seaward of the Coastline**

P. Spill Response Plans for Facilities Located in State Waters Seaward of the Coastline

If you operate a facility in State waters, you must biennially submit an OSRP to us for review and approval. If you submit a response plan to the California Department of Fish and Game, Office of Spill Prevention and Response (OSPR), also send us a copy (30 CFR 254.53). We have an agreement with OSPR for the cooperative review of OSRP's.