

From: Michael_Slack@deq.state.ms.us [Michael_Slack@deq.state.ms.us]
Sent: Thursday, May 05, 2011 7:13 PM
To: Avanni, Arex CDR
CC: Hein, Julia CAPT; Wayne_Stover@deq.state.ms.us
Subject: RE: USCG - Belle Fountaine and other issues

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Thanks CDR Avanni. I appreciate the detailed response; I have forwarded your response. Thanks again.

Michael

Michael T. Slack, P.E., BCEE
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-----Arex.B.Avanni@uscg.mil wrote: -----

To: <Michael_Slack@deq.state.ms.us>, <wayne_Stover@deq.state.ms.us>
From: "Avanni, Arex CDR"
Sent by: Arex.B.Avanni@uscg.mil
Date: 05/05/2011 05:26PM
Cc: "Hein, Julia CAPT" <Julia.A.Hein@uscg.mil>
Subject: RE: USCG - Belle Fountaine and other issues

Mike/Wayne,

Good afternoon, I have prepared a some comments regarding Mr. Etheridge's e-mail below as well as, tried to provide some information that may help allay some of your Executive Director's concerns and help explain the context/complexity of the situation we face with regard to Federal Law/regulation. I ask that you please forward this to your Executive Director through the proper channels and as always, I would be happy to discuss any of these points further if needed. Again, I want to re-iterate the fact that we have an outstanding relationship with the SOS's here at the GC-IMT and as always if an issue is brought to your attention, we have always been able to address any real concerns that you have brought to the table.

First and foremost, the GCIMT has established protocols and procedures to address this issue and I want to assure you we have verified that they were followed in this instance. Additionally, neither the NCP nor any other federal law or statute authorizes the USCG to direct an RP of one spill to pick product of another spill. Our protocols do have a provision for BP to (voluntarily) pick up suspected non-MC252 oil if their crews are actively working a segment and they come across it. (please see attached e-mail as an example of this actively working in MS). Lastly, I will discuss in detail your director's concerns with both D8 and each of the Sector Commanders to see if we can come up with any other additional work arounds to address the Coast Guard's well-documented manpower shortages to meet all its missions.

To further clarify some of the comments that Mr. Etheridge had made below:

"4 incidents involving tar balls over the last 2 weeks USCG GCIMT has declared all 4 to be non 252 oil. This was based at first on appearance only. The only one I agreed with

was the grease tar balls in Hancock Cty. Appearance of 252 oil products will change over time do to weathering and time itself."

Clarification: Since November, there have been approximately 26 incidents where upon visual determination the experienced and trained responders have found tarballs that are not consistent with the weathering patterns of MC-252. Of the 26 samples taken, 26 of them have been confirmed through oil fingerprinting analysis to be non-MC-252 oil. Our experienced and trained professionals have a full understanding of how oil weathers over time and we have been thus far 100% accurate with our initial visual determinations of whether or not it is MC-252.

"While USCG samples came back as non 252 it really said unknown. You really came compare source 252 oil to year old weathered hydrocarbons."

Clarification: YES you CAN compare source MC-252 oil (and the subsequent testing as it weathers - which the CG Lab has done throughout this response). Each oil source has a very specific "fingerprint" that changes very little during the weathering process (it does start to change in the severe stages of weathering the 4-6 year timeframe). That is why we do fingerprint analysis... Also a fact about the terminology: the USCG Lab uses specific terms when it returns its results (which may have caused some confusion to those unfamiliar with sample results) - when a sample comes back "unknown" that does NOT mean that they do not know whether or not it is MC-252. It means that the Source from a sample is not in our library of known sources, therefore the "unknown" result IS 100% confirmation that the sample is not MC-252. If the lab were unsure of that the source of a sample was MC-252 or not it would have come back as "undetermined".

"In regards to the Bell Fontaine Beach GCIMT filed a NRC report which said non 252 tar balls had covered a half mile of beach. Posey and I went there and only found enough to fill three samples jars. Hardly 200ft let alone one half mile."

Clarification: initial reports are notoriously inaccurate, in my 20 years in the response community I have yet to come across an NRC report that accurately reported the amount spilled/area affected.... During the Cosco Busan spill (Nov 2007) the Coast Guard was vilified because they initially reported a 58,000 gallon spill as 350 gallons in San Francisco. Since then, the Coast Guard's position on initial reporting has been that: it is better to overestimate and find less than to underestimate and have to explain why there was more than they said.

"There seems to be a problem between USCG Mobile and USCG GCIMT. When GCIMT calls the tar balls non 252 Mobile has to hire contractors for clean up. They seem to have a problem with GCIMT calling everything non 252 and overestimating the quantity and coverage. They have had problems in Florida on St. Georges island where they said they had 8 miles of beach covered but Mobile could only come up with less than one pound."

Clarification/Comment: Not sure what he is talking about here, I have discussed this issue with both the Chief of Incident Management and the Deputy Sector Commander at Sector Mobile and neither of them stated having any issue with the GC-IMT's reporting, but I will ask them to follow up on this comment and try to discern whom Mr. Etheridge was referring to, and if he could provide me a name of a coast guardsman at Sector Mobile that believes there is a real problem, I will definitely follow up with the Sector Commander.

"One idea quietly advanced that GCIMT is looking to extend their jobs. I do know that these NRC non 252 oil reports are public record and once this gets out we will have a negative impact on our beaches and water."

Clarification: The number one goal of this response has been and always will be - we are working to complete a proper and complete response as quickly and efficiently as possible, I have personally fired (demobbed) several individuals during this response on the premise that they had an attitude that was not aligned with this philosophy. The fact that we are moving to legacy response ops posture with regard to Non-MC252 oil is proof positive that we are trying to focus the current response on BP oil and letting the Regular Coast Guard begin to deal with the other incidents. The proposed solution of continuing to have BP continue to respond to everything will guarantee that this response is extended... With the exception of an ongoing criminal negligence investigation, ALL NRC Reports are public record and so are the case files that the Coast Guard compiles on disposition of these reports. If needed/requested I can have

Sector Mobile provide any case/response document that MS would like to have visibility on... just let me know.

Thank you for bringing this issue to my attention and look forward to improving our relations with all your personnel...

With kind regards,

CDR Arex B. Avanni
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-----Forwarded by Michael Slack/HW/OPC/DEQ on 05/04/2011 07:49PM -----

To: "Michael Slack" <Michael_Slack@deq.state.ms.us>
<mailto:Michael_Slack@deq.state.ms.us>
From: Trudy_Fisher@deq.state.ms.us
Date: 05/04/2011 06:43PM
Subject: Fw: USCG

Yes, I have questions and concerns. Calling this non MC252 is disingenuous. Coast Guard must do better than this.....

First of all, Mississippi does not want visual determinations of what is or is not MC252 oil. Second, we expect BP contractor to pick the material up off our beaches quickly and to be so directed by Coast Guard, it appears to me Coast Guard is to readily willing to determine material is not MC252 by just looking at it. Pick the material up--especially as we enter tourist season. Third, I have little patience with lack of coordination between Mobile and New Orleans or lack of man power. All that had to be done was for BP contractor to be told to remove material from our beaches. We had qualified staff present confirming presence. We expect better response than this.

----- Original Message -----
From: Earl_Etheridge
Sent: 05/04/2011 06:29 PM EST
To: Trudy Fisher
Subject: USCG

In regards to the 4 incidents involving tar balls over the last 2 weeks USCG GCIMT has declared all 4 to be non 252 oil. This includes Hancock County, Biloxi, Petit Bois and Bell Fontaine Beach. This was based at first on appearance only. The only one I agreed with was the grease tar balls in Hancock Cty. Appearance of 252 oil products will change over time do to weathering and time itself.

While USCG samples came back as non 252 it really said unknown. You really came compare source 252 oil to year old weathered hydrocarbons.

In the Hancock Cty and Biloxi tar balls USCG Mobile hired contractors to do a beach clean up after GCIMT said non 252 oil. We had to sample a boat for the GCIMT to go to Petit Bois as they had no boat. Sampling in this case removed the tar balls so no contractor was needed.

In regards to the Bell Fontaine Beach GCIMT filed a NRC report which said non 252 tar balls had covered a half mile of beach. Posey and I went there and only found enough to fill three samples jars. Hardly 200ft let alone one half mile.

There seems to be a problem between USCG Mobile and USCG GCIMT. When GCIMT calls the tar balls non 252 Mobile has to hire contractors for clean up. They seem to have a problem with GCIMT calling everything non 252 and over estimating the quantity and coverage. They have had problems in Florida on St. Georges island where they said they had 8 miles of beach covered but Mobile could only come up with less than one pound.

One idea quietly advanced that GCIMT is looking to extend their jobs. I do know that these NRC non 252 oil reports are public record and once this gets out we will have a negative impact on our beaches and water. I suggest all tar balls be treated as 252 unless we have another known source. USCG and GCIMT need to work better together. Right now Mobile really does not want to take GCIMT word on these tar balls. I suggest trust verify and clean at once.

Earl Etheridge

SOSC

MDEQ

----- Message from "Avanni, Arex CDR" <Arex.B.Avanni@uscg.mil> on Thu, 5 May 2011 13:52:52 -0500 -----

To: "Avanni, Arex CDR" <Arex.B.Avanni@uscg.mil>

Subject: FW: Re Oiling

From: Allan, Bob (Swift)
Sent: 05 May 2011 12:25
To: 'michael_slack@deg.state.ms.us'; 'arex.b.ananni@uscg.mil'
Subject: FW: Re Oiling

CDR/Mike,

FYI

Bob S Allan

Deep Water Horizon Response

Gulf Coast Incident Management Team - Deputy IC

Email: allanrs@bp.com

Phone: 832-386-9564

CONFIDENTIAL

HCG287-007948

From: Henley, Derwin
Sent: Wednesday, May 04, 2011 2:06 PM
To: Wallace, William (BP MC252); Harrison, Robert (SWIFT TECHNICAL SERVICES); Glossner, Dan [SWIFT]
Subject: RE: Re Oiling

Forgot to add the NRC number: 974842

Derwin Henley
GCRO - Mississippi
Area Operations Manager

Office 228-236-1410 ext 8067

Cell 601-310-2460

From: Henley, Derwin
Sent: Wednesday, May 04, 2011 2:05 PM
To: Wallace, William (BP MC252); Harrison, Robert (SWIFT TECHNICAL SERVICES); Glossner, Dan [SWIFT]
Subject: Re Oiling

FYI

Our USCG field personnel observed approximately ½ mile stretch of tar patties (dinner plate size) spaced about every 5-10 feet apart in MSJK 3 segments 10 & 11. NRC has been contacted. The path forward is that Response operations will recover the product tomorrow, bag, tag, and segregate this waste. Sector Mobile stated that they would take 2 to 3 days to get out to the site for recovery, the branch USCG will provide the sample and chain of custody to Sector Mobile for fingerprinting. We will capture and document the resources used and the time to recover in order to bill back if not MC 252 oil. Sector Mobile stated that they would be more aggressive if this was not an active segment. We will perform this recovery to mitigate any negative feedback from any stakeholders or the public.

Derwin Henley
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