
CARIBBEAN REGION REGIONAL RESPONSE TEAM GUIDANCE FOR OCEANING DUMPING DURING POLLUTION RESPONSE ACTIONS

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Introduction

Federal On-Scene Coordinators (OSC) and Unified Commands (UC) responding to pollution or the threat of pollution in the ocean and coastal water environment have been confronted either by limited disposal options or technology constraints when determining the final disposition of a stricken vessel or its cargo. The goal of the OSC/UC has always been and always will be to identify a means to dispose of a vessel and its cargo in accordance with conventional/routine disposal methods. However, there are times, in the interest of minimizing the impacts to human health, welfare, and safety and the environment, that emergency provisions for disposal may be required. After other disposal alternatives are investigated and found not to be acceptable to the OSC/UC, disposal at sea or "ocean dumping" may be requested.

This document provides Caribbean Regional Response Team (CRRT) guidance and decision-making tools to support and assist OSC/UC actions within the region when pursuing emergency ocean dumping permission to mitigate pollution or the threat of pollution when other conventional disposal methods are not viable. The information contained within this document was developed strictly to identify issues and provide consistent viewpoints and procedures to assist the OSC/UC, and alleviate potential barriers that may inhibit the decision and permit process. This is a planning and preparedness effort, and we encourage Area Committee members to incorporate concepts and information from this document into their respective Area Contingency Plans. This document is structured into four sections:

- Section I defines the purpose, authority, and scope of the process;
- Section II contains a decision tree for supporting a request for an emergency ocean dumping permit from the U.S. Environmental Protection Agency (EPA);
- Section III contains a decision checklist for determining/documenting the need to request an emergency ocean dumping permit; and
- Section IV contains a sample emergency ocean dumping permit request letter.

Section I

Purpose

The purpose of this guidance is to support and enhance the OSC/UC's ability to quickly determine the best course of action to obtain an emergency ocean dumping permit, if needed, from the EPA to support emergency removal actions under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR 300). This guidance outlines the decision-making process, identifies issues, suggests procedures, and provides checklists to help standardize the permit process. This guidance is a planning and preparedness tool that can be taken in part or in whole and incorporated into various Area Contingency Plans.

As previously mentioned, the identification of conventional disposal methods and techniques to support the mitigation of a pollution event is the desired objective and is an OSC/UC decision. No CRRT concurrence or consultation is necessary unless the OSC/UC needs the CRRT's support to assist with this process. However, the CRRT recognizes that in some instances the disposal of vessels, cargo, and other materials to support various phases of an OSC/UC response to a significant oil spill or hazardous substance incident is an increasing challenge. These guidelines were developed to allow the OSC and their commonwealth/territorial partners, within the UC, to employ concepts or tools from this guidance to help or assist in the pursuit of an ocean dumping permit to:

- Prevent or substantially reduce a hazard to human life;
- Minimize the environmental impact of spilled oil or hazardous materials; or
- Reduce or eliminate economic or aesthetic losses, which would otherwise presumably occur without access to an ocean dumping permit.

Authority

There are two key issues that confront the OSC/UC when engaged in emergency pollution response/removal or salvage actions, when conventional disposal methods for the vessel, its cargo, and other materials are not feasible.

- **Transportation and Disposal of Vessels.** General permit provisions provided within 40 CFR 229 adequately allow for the transportation and disposal of vessels in emergency situations. The process is clear and will not be further discussed within this document.
- **Disposal of Cargo and Other Materials.** Emergency permits are addressed in the ocean dumping regulations at 40 CFR 220.3(c), which provides:
 - A permit may be issued to dump materials where substances prohibited as other than trace contaminants are present in greater than trace amounts:

- after consultation with the Department of State, to determine if any of the signatories to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (the London Convention of 1972) are likely to be affected by the emergency dumping; and
 - when an emergency has been demonstrated to exist that requires such dumping. The emergency must pose an unacceptable risk relating to human health, and admit of no other feasible solution. As used in 40 CFR 220.3(c), “emergency” refers to situations requiring action with a marked degree of urgency, but is not limited to circumstances that require immediate action.
- Emergency permits may be issued for other materials, except those prohibited by 40 CFR 227.5, without consultation with the Department of State, when EPA determines that there exists an emergency requiring the dumping of such materials, which poses an unacceptable risk to human health and admits of no other feasible solution.
 - Article V(2) of the London Convention of 1972 (LC 72) allows the issuance of emergency permits as an exception to LC 72 Article IV(1)(a) and Annex I prohibitions against the dumping of certain substances. 40 CFR 220.3(c) implements the provisions of that article. Consistent with LC 72 Article V(2), 40 CFR 220.3(c) is intended to assure that necessary consultation with the International Maritime Organization and potentially affected states take place if the material to be dumped contains greater than trace contaminants of LC 72 Annex I substances. LC 72 Annex I constituents are listed in 40 CFR 227.6.

Scope of Process

This guidance outlines the process to pursue a ocean dumping permit from EPA when no other suitable alternative disposal arrangements can be identified.

- **Alternative Disposal Arrangements.** The OSC/UC must pursue the identification of suitable alternative disposal options prior to seeking an ocean dumping permit. Landside disposal options, including recycling, landfill disposal and storage, or other conventional methods must be investigated for the subject material and determined to be infeasible due to logistical considerations and the immediacy of the threat.
- **Human Health Risk.** The OSC/UC must document or identify the unacceptable risk to human health that the urgency of the situation poses. This threat should illustrate that the risk to human health requires, in the public’s interest, the issuance of an emergency permit as soon as possible.
- **Emergency Ocean Dumping Permit Request Criteria.** The following issues should be addressed and documented within the OSC/UC permit request:
 - Background synopsis of the incident, focusing on the operational need to mitigate the event and the proposed solution, including a discussion on the proposal for ocean

dumping of cargo or other materials.

- The inability of the OSC/UC to identify an alternative disposal arrangement suitable and feasible to support the operation given the existing threat. Included within this discussion should be the type of material involved in the permit request, the quantity proposed for dumping, and the proposed location of the dumping.
- The risk to human health should the permit not be granted. Also mention supporting threat issues such as inhibiting navigation, archeological/cultural resource protection, ecological/sensitive wildlife, etc.

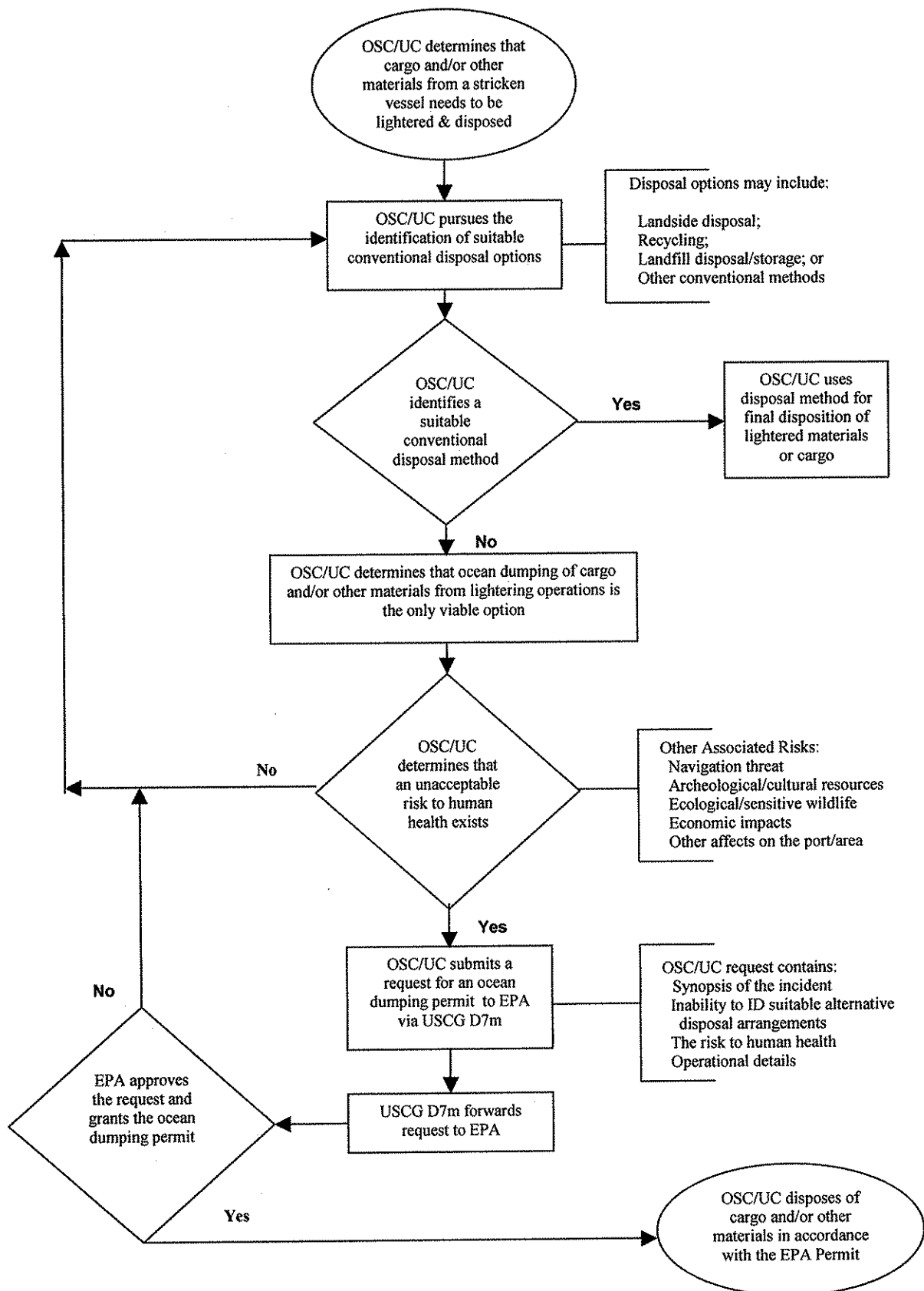
Section II

Decision Tree for Requesting an Emergency Ocean Dumping Permit

The decision tree for supporting a request for an emergency ocean dumping permit follows. The flowchart outlines the various steps and decision-making needed to request a permit. The process addresses the following high points in the process:

- Search for alternative disposal options;
- The risk or threat to human health;
- CRRT support available to process the request;
- Verbal contact with EPA Region 2's Division of Environmental Planning and Protection to discuss the permit request; and
- OSC/UC forwarding of the request through the Seventh Coast Guard District Chief, Marine Safety Division to EPA.

EMERGENCY OCEAN DUMPING PERMIT DECISION TREE



Section III

Decision checklist for an emergency ocean dumping permit follows. The checklist is separated into four steps.

- **Step 1** – Spill, Pollutant, and Environmental Background Information
- **Step 2** – Alternative Disposal Options
- **Step 3** – Human Health and Other Associated Risks
- **Step 4** – Emergency Ocean Dumping Permit Request

Each step allows the user to address and check-off each of the issues presented within the “Emergency Ocean Dumping Permit Decision Tree.” Additionally, the checklist provides points of contact and other amplifying information to streamline the process for the OSC/UC.

NOTE to the OSC: This checklist is designed as a job aid or tool to assist you through the permit request process. The information provided within the checklist was intended to provide you with sufficient background on the subject so the checklist would be helpful when separated from other portions of this guidance document. This tool was developed to help quicken your efforts and not hinder the process. There may be portions of the checklist that are not applicable to your specific incident or the user may not need to complete each portion of the checklist to sufficiently meet the objectives of the permit request process. Use the tool to your best advantage in whole or in part.

Emergency Ocean Dumping Permit Operational Checklist

Step 1: Spill, Pollutant, and Environment Background Information

General Information:

A. Name of Incident: _____

B. Unified Command Location: _____

C. Responsible Party (if known): _____

D. Date and Time of the Incident: _____

E. Type of Incident: (check all that apply)

- _____ Vessel Grounding
- _____ Vessel Fire
- _____ Facility Incident
- _____ Tank Truck Incident
- _____ Transfer Operation (Vessel, Facility, Truck, or Pipeline)
- _____ Explosion
- _____ Vehicle Accident
- _____ Blowout
- _____ Pipeline
- _____ Mystery
- _____ Pollution Involved or Threatened
- _____ Other: _____

F. Spill Location: _____

G. Distance and Direction to nearest human use areas (e.g., schools, hospitals, recreation areas, surface water intakes, public wells, channels, harbors, etc.):

<u>Area</u>	<u>Distance</u>	<u>Direction</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Pollutant/Oil Information:

H. Product(s) Released: _____ Heavy Crude
_____ Bunker C/#6 Fuel Oil
_____ Medium Crude
_____ Diesel/#2 Fuel Oil
_____ Jet Fuels
_____ Gasoline
_____ Other (please specify): _____

I. Product Details: Product Name: _____
Viscosity: _____
API Gravity: _____
Pour Point: _____

Percent Evaporation in: 24 Hours - _____ 48 Hours - _____

J. Estimated Volume of Released oil: _____ gals _____ bbls

K. Estimated Volume of oil threatening to release: _____ gals _____ bbls

L. Release Status: _____ Continuous _____ Intermittent

One Time Only, Now Stopped? Yes _____ No _____

If Continuous or Intermittent, Specify Rate of Release: _____ gals/bbls per hour

M. Estimated Surface Area Covered: _____ acres/sqft Slick/Sheen size: _____

Cargo Information:

N. Cargo Type: _____ Bulk Oil
_____ Bulk Liquid Hazardous Substance
_____ Dry Bulk
_____ Containerized
_____ Other (please specify): _____

O. Product Details: Product Name: _____

P. Estimated Volume of Cargo Released or Threatened to Release: _____ units _____

Q. Estimated Volume of Cargo Potentially Released: _____ units _____

R. Release Status: _____ Continuous _____ Intermittent

One Time Only, Now Stopped? Yes _____ No _____

If Continuous or Intermittent, Specify Rate of Release: _____ units per hour

S. Estimated Surface Area Covered: _____ acres/sqft

Environment Information:

T. Current Weather: _____ Clear
_____ Partly Cloudy
As of _____ Overcast
Date/time _____ Rain/Snow/Fog
_____ Inversion

24 – Hour Projection: _____

48 – Hour Projection: _____

Wind Speed:

	<u>Surface</u>	<u>Forecasted</u>
Current Wind Speed (mph):	_____	_____
Direction (from):	_____	_____
24-Hour Projection (mph):	_____	_____
Direction (from):	_____	_____
48-Hour Projection (mph):	_____	_____
Direction (from):	_____	_____

Note: Any information from visual overflights of the slick, including estimations of slick thickness, should be included here. All additional available information pertaining to physical characterization of spilled oil should be included here.

Step 2: Alternative Dumping/Disposal Options

Identification of Cargo and/or Other Materials for Dumping/Disposal:

A. Cargo and or other materials to be disposed of:

Material Name: _____	Quantity: _____
Material Name: _____	Quantity: _____
Material Name: _____	Quantity: _____
Material Name: _____	Quantity: _____
Material Name: _____	Quantity: _____

Identification of Dumping/Disposal Options:

B. Dumping and disposal options investigated by the OSC/UC:

_____ Landside Disposal
_____ Recycling
_____ Landfill Disposal/Storage
_____ Other Conventional Methods (please specify): _____

C. Has the OSC/UC identified a suitable dumping/disposal option given the operational constraints or windows of opportunity of the response action?

☐

Yes (if yes, use the selected disposal option)

☐

No (if no, continue with Step 3)

Step 3: Human Health and Other Associated Risks

- A. Has the OSC/UC determined that if the cargo and/or other materials are not disposed of within the established window of opportunity a human health risk is present?

☐

Yes (if yes, explain)

☐

No (if no, do not proceed with permit request)

- B. What is the human health risk?

- C. What are other risks associated with a failure to expedite the disposal process?

- ☐ Threat to navigation
- ☐ Archeological/cultural resource protection
- ☐ Ecological/sensitive wildlife impact
- ☐ Economic impact
- ☐ Other (please specify):

Step 4: Emergency Ocean Dumping Permit Request

OSC/Unified Command Ocean Dumping Determination:

- A. An Emergency Ocean Dumping Permit to dispose of cargo and/or other materials must be obtained through the U.S. Environmental Protection Agency (EPA). Emergency permits are addressed in the ocean dumping regulations 40 CFR 220.3(c), which provides:
- A permit may be issued to dump materials where substances prohibited as other than trace contaminants are present in greater than trace amounts:
 - after consultation with the Department of State, to determine if any of the signatories to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (the London Convention of 1972) are likely to be affected by the emergency dumping; and
 - when an emergency has been demonstrated to exist that requires such dumping. The emergency must pose an unacceptable risk relating to human health, and admit of no other feasible solution. As used in 40 CFR 220.3(c), "emergency" refers to situations requiring action with a marked degree of urgency, but is not limited to circumstances that require immediate action.

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B. Has the OSC/Unified Command decided to pursue an ocean dumping permit for EPA?

- ☐ **Yes** (if yes, explain why below)
- ☐ **No** (if no, pursue other conventional disposal methods)

C. What are the recommended disposal sites offshore (if known)?

Recommended Disposal Sites:

Location (Coordinates): _____ N _____ W

Depth of Water: _____ (units) _____

Location (Coordinates): _____ N _____ W

Depth of Water: _____ (units) _____

Emergency Ocean Dumping Permit Request Development:

D. Permit Request Content:

- ☐ Synopsis of the incident;
- ☐ Inability to identify suitable alternative dumping/disposal options;
- ☐ Risk to human health;
- ☐ Other associated risks; and
- ☐ Operational details (material type, quantity, proposed location, etc.)

E. Has the Unified Command addressed the following issues within the request?

- ☐ **Yes** (if yes, continue checklist.)
- ☐ **No** (if no, review steps and obtain desired information.)

Communications:

- F. Has the OSC/UC, working through the Coast Guard District Marine Safety and Legal staff, verbally communicated with EPA?

☐

Yes (if, yes, proceed)

☐

No (If no, please make contact with the District office for assistance)

- G. U.S. EPA Contacts for federal Region II/Caribbean Region:

Primary Contact:

Division of Environmental Planning and Protection
U.S. Environmental Protection Agency, Region II
290 Broadway – 24th Floor
New York, NY 10007

Tel: (212) 637-3799

Fax: (212) 637-3891

Secondary Contact:
CRRT Support

Chief, Response and Prevention Branch
U.S. Environmental Protection Agency, Region II
2890 Woodbridge Avenue
Edison, NJ 08837-3679

Tel: (732) 321-6656

Fax: (732) 321-4425

24 hr: (732) 548-8730

Permit Request Processing:

- H. Has the OSC/UC forwarded the permit request to the Seventh Coast Guard District?

☐

Yes (if, yes, proceed)

☐

No (If no, please forward request)

- I. Seventh Coast Guard District contacts:

Marine Safety Division: Tel – (305) 415-6860
Fax - (305) 415-6875

Legal Staff: Tel – (305) 415-6954/6958/6957

Commander (m)
Seventh Coast Guard District
909 SE First Avenue
Brickell Plaza Federal Building, Room 808
Miami, FL 33131-3050

- J. ☐ The OSC/UC drafts the permit request and forwards the request to the Seventh Coast Guard District Marine Safety staff. A sample request letter is contained within Section IV of this guidance document.
- K. ☐ Emergency Ocean Dumping Permit request is forwarded by the Seventh Coast Guard District Marine Safety staff, after consult with District Legal, to the EPA.

Section IV

Emergency Ocean Dumping Permit Request Sample Letter

The following document is a sample permit request letter that can be used to complete the final step of the proceeding checklist. The letter should at a minimum include the following criteria specified within the request development portion of Step 4:

- Synopsis of the incident;
- Inability to identify suitable alternative disposal options;
- The risk to human health;
- Other associated risks; and
- Operational details (material type, quantity, proposed location, etc.).

U.S. Department
of Transportation

United States
Coast Guard



Commanding Officer
Coast Guard Marine Safety Office

Staff Symbol: _____
Phone: _____
Fax: _____

16465

Date:

Division of Environmental Planning and Protection
U.S. Environmental Protection Agency, Region II
Attn: _____
290 Broadway – 24th Floor
New York, NY 10007

Dear _____:

RE: REQUEST FOR EMERGENCY OCEAN DUMPING PERMIT

I have determined that an emergency situation exists with respect to the need to offload and dispose of the _____ on board the vessel M/V _____ which is hard aground near _____. I request an emergency permit in accordance with 40 CFR 220 to dispose of the _____ on board the M/V _____ at sea, in approximate position _____ N, _____ W. This permit is necessary to remove the necessary weight to refloat the vessel before it breaks-up and poses a threat to the public health and welfare.

[Provide a synopsis of the situation:] _____

[Explain the inability of the Unified Command, to identify suitable alternative dumping/disposal options to support the operation within a specific response window:] _____

[Explain the risk to human health and other associated risks:] _____

If this cargo/material is not offloaded, the vessel will break apart due to the continuing weather stresses on the vessel's hull, spilling approximately _____ gallons of oil into the coastal waters of the United States. This will pose a threat to the safety of mariners, threaten commerce, and endanger the archeological, historic, and cultural resources of the area. Landside and other alternative disposal options for the cargo/material have been ruled out as unfeasible, given the deteriorating condition of the vessel and timing involved. I request your concurrence with the Unified Command's plan to dispose of the cargo/material at sea and request that an emergency permit be granted. If you have any questions regarding this matter, please contact me at the above number.

Sincerely,

Commander, U.S. Coast Guard
Federal On-Scene Commander

Copy: CGD SEVEN (m), (dl)
COMDT (G-LCL), (G-LGL), (G-MOR)