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## **Oceania Regional Response Team Guidance for Ocean Dumping and Emergency Disposal Sites**

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This appendix provides the Oceania Regional Response Team (ORRT) guidance and decision-making tools to support and assist On-Scene Coordinator (OSC) and Unified Command (UC) actions within the region when they are pursuing permission for emergency ocean dumping to mitigate pollution or the threat of pollution when other conventional disposal methods are not viable. The information contained within this appendix was developed strictly to identify issues and provide consistent viewpoints and procedures to assist the OSC and 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 appendix into their respective Area Contingency Plans.

This appendix is structured into seven sections:

- Section 1: Purpose, Authority, and Scope
- Section 2: Requirements for Ocean Disposal of Vessels
- Section 3: Decision Checklist for Emergency Ocean Dumping Permits
- Section 4: Pre-designated Disposal Sites
- Section 5: Contact Information
- Section 6: Requirements for Permit Letter Requesting Emergency Ocean Dumping Permit
- Section 7: Decision Matrix for Requesting an Emergency Ocean Dumping Permit

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## Section 1. Purpose, Authority, and Scope

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The purpose of this guidance is to support and enhance the OSC's and UC's ability to quickly determine the best course of action to obtain an emergency ocean dumping permit, if needed, from the U.S. Environmental Protection Agency (EPA) to support emergency removal actions under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (Title 40 Code of Federal Regulations [CFR] Part 300). This guidance outlines the decision-making process, identifies issues, suggests procedures, and provides checklists and other pertinent information 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.

The identification of conventional disposal methods and techniques to support the mitigation of a pollution event is the desired objective and is an OSC and UC decision. No concurrence or consultation with ORRT is necessary unless the OSC and UC need ORRT's support to assist with this process. However, ORRT recognizes that in some instances the disposal of vessels, cargo, and other materials to support various phases of an OSC and UC response to a significant oil spill or hazardous substance incident is an increasing challenge. These guidelines were developed to allow the federal OSC and their commonwealth/territory OSC partners, within the UC, to use 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 substances; or
- reduce or eliminate economic or aesthetic losses, which would otherwise presumably occur without the use of available resources.

### 1.1. AUTHORITY

Two issues confront the OSC and UC when engaged in emergency pollution response and 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 Title 40 CFR Part 229 adequately allow for transportation and disposal of vessels in emergency situations. This process is clear and will not be further discussed within this appendix.
- ***Disposal of Cargo and Other Materials.*** Emergency permits are addressed in the ocean dumping regulations of Title 40 CFR Section (§) 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 [LC 72]) 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 no other feasible solution is available. As used in Title 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 an emergency exists requiring the dumping of such materials that pose an unacceptable risk to human health and admits of no other feasible solution.
- Article V(2) of 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. Title 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 ensure that necessary consultation with the International Maritime Organization and potentially affected states takes place if the material to be dumped contains greater than trace contaminants of LC 72 Annex I substances. LC 72 Annex I contaminants are listed in Title 40 CFR § 227.6.

## 1.2. SCOPE OF PROCESS

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

- **Alternative Dumping Arrangements.** The OSC and UC must pursue the identification of suitable alternative dumping 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.
- **State Restrictions.** The states may place additional restrictions on ocean dumping within state waters.
- **Human Health Risk.** The OSC and 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 and 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 and UC to identify an alternative dumping 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, supporting threat issues, such as inhibiting navigation, archeological/cultural resource protection, ecological/sensitive wildlife, etc., should be mentioned.

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## Section 2. Requirements for Ocean Disposal of Vessels

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The following required information must be received by EPA Region 9 before authorization can be given to dispose of a vessel under the General Permit for Transportation and Disposal of Vessels (40 CFR § 229.3). Except in emergency situations, as determined by the U.S. Army Corps of Engineers (USACE) and/or the U.S. Coast Guard (USCG), the applicant must provide the following information in writing to EPA Region 9 no later than 30 days before the requested disposal date:

1. a discussion of the need for ocean disposal of the vessel;
2. a description of the vessel to be disposed of, the vessel's name, registration number, type of cargo normally carried, or vessel use;
3. a detailed description of the proposed disposal procedures and requested date of disposal;
4. information on the potential effect of the vessel disposal on the marine environment; and
5. documentation of an adequate evaluation of alternatives to ocean disposal (i.e., scrap, salvage, reclamation, artificial reef, etc.).

The appropriate offices of the National Marine Fisheries Service, USCG, USACE (District Office), and state resources agencies shall be contacted to determine whether proposed ocean disposal of the vessel poses any unacceptable environmental hazards with regard to local resources of concern, or whether the vessel is suitable for (nearshore) artificial reef structures [40 CFR § 220.1(c)(2)].

In addition to providing the above information to EPA Region 9, the applicant must certify that all materials that may pollute the marine environment will be removed to the maximum extent practicable [40 CFR § 229.3(a)(3)]. The certification shall document that:

1. all petroleum hydrocarbon products have been removed;
2. all possible pipes, tanks, pumps, and fittings have been removed before disposal, and those not removed will be flushed with water and capped;
3. all other materials that may pollute the marine environment have been removed;
4. all readily detachable material capable of creating debris or contributing to chemical pollution has been removed, including friable or loose asbestos;
5. the vessel is rigged suitably so it is capable of remaining afloat during transportation and can withstand the strain of towing to the disposal site, or the vessel is placed on a suitable barge for towing to the disposal site; and

6. the vessel may be towed to the designated disposal site without cause for concern regarding the safety of the transporter, other vessels, or the environment.

EPA Region 9 and USCG shall determine a suitable site for disposal of the vessel. This site shall be at least 12 nautical miles from the nearest land and in water no less than 300 feet deep. All measures shall be taken to be sure that the vessel sinks rapidly and that marine navigation is not impaired [40 CFR § 229.3(a)(5)]. Disposal shall not be permitted in established shipping lanes, in a designated marine sanctuary, in a dredged material disposal site, or in a location where it may present a hazard to commercial trawling or national defense [40 CFR § 229.3(a)(6)].

No later than 10 days before the proposed disposal date, the applicant shall notify EPA Region 9 and USCG that the vessel is clean and ready for inspection. The vessel may be transported for dumping only after EPA Region 9 and USCG agree that the requirements listed above have been met [40 CFR § 229.3(a)(4)], and after the applicant receives written approval from EPA Region 9 to dispose of the vessel.

The applicant shall notify EPA Region 9 and USCG 48 hours in advance of the proposed disposal and 12 hours in advance of the vessel's proposed departure time. When the 12-hour notification is given to USCG, the applicant shall provide the estimated time of arrival at the disposal site and the name and communication capability of the towing vessel. Any change in the above notification shall be reported to USCG as soon as possible [40 CFR § 229.3(a)(8)].

The vessel disposal operation shall take place during daylight hours [40 CFR § 229.3(a)(7)]. The towing vessel shall remain at the disposal site for at least 2 hours to confirm that no large portions of the disposed vessel rise to the surface, or to recover any floating scrap material. If the vessel is authorized for disposal, the applicant shall report the exact coordinates of the disposal site to EPA Region 9 and USCG as soon as possible after sinking. In addition, the applicant shall report the exact coordinates of the disposal site to the National Ocean Survey, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852, so the location can be marked on appropriate navigational charts [40 CFR § 229.3(a)(9)].

## Section 3. Decision Checklist for Emergency Ocean Dumping Permits

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A decision checklist for an emergency ocean dumping permit is provided following this page. The checklist is separated into four steps:

- Step 1: Spill, Pollutant, and Environmental Background Information
- Step 2: Alternative Dumping and 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 Matrix.” Additionally, the checklist provides points of contact and other amplifying information to streamline the process for the federal OSC and UC.

**NOTE: 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 and can be used on its own. This tool was develop to help streamline the decision-making process, and portions of the checklist may not be applicable to all situations.**

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## Emergency Ocean Dumping Permit Operational Checklist

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### 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 Potentially Released: \_\_\_\_\_ 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

### **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  
 \_\_\_\_\_ Overcast  
 \_\_\_\_\_ 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 and 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 OSC/UC:

- \_\_\_\_\_ Landside Disposal
- \_\_\_\_\_ Recycling
- \_\_\_\_\_ Landfill Disposal/Storage
- \_\_\_\_\_ Other Conventional Methods (please specify): \_\_\_\_\_

C. Has 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 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?

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- 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): \_\_\_\_\_  
 \_\_\_\_\_

- D. Other issues that need to be considered about the potential dump site.

- \_\_\_\_\_ Projected travel of any potential contaminants  
 \_\_\_\_\_ Are there any endangered species in the area  
 \_\_\_\_\_ The biological community that may be impacted  
 \_\_\_\_\_ Are the waters near a State or National Park, Preserve, or Refuge  
 \_\_\_\_\_ Distance to shore  
 \_\_\_\_\_ Recreational uses of the area

### Step 4: Emergency Ocean Dumping Permit Request

#### **OSC/UC Ocean Dump Determination:**

- A. An Emergency Ocean Dumping Permit to dispose of cargo and/or other materials must be obtained through EPA. 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 (LC 72) 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 no other feasible solution is available. 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 an emergency exists requiring the dumping of such materials that pose an unacceptable risk to human health and admits of no other feasible solution.
  - Article V(2) of the 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 ensure that necessary consultation with the International Maritime Organization and potentially affected states takes place if the material to be dumped contains greater than trace contaminants of LC 72 Annex I substances. LC 72 Annex I contaminants are listed in 40 CFR § 227.6.

**B. Has OSC/UC decided to pursue an ocean dumping permit for the 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 Site:**

Location (Coordinates): \_\_\_\_\_ N \_\_\_\_\_ W

Depth of Water: \_\_\_\_\_ (units) \_\_\_\_\_

Location (Coordinates): \_\_\_\_\_ N \_\_\_\_\_ W

Depth of Water: \_\_\_\_\_ (units) \_\_\_\_\_

Any Significant Water Current Information: No \_\_\_\_ Yes (Explain) \_\_\_\_\_

**Emergency Ocean Dumping Permit Request Development:**

**D. Has UC addressed the following issues within request?**

**Yes** (if yes, continue checklist.)

**No** (if no, review steps and obtain desire information.)

**E. Permit Request Content:**

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

**Communications:****F. Has OSC/UC, working through USCG District Marine Safety and Legal staff, verbally communicated with EPA?**

- Yes** (if, yes, proceed)
- No** (If no, please make contact; may use the District to do this for OSC/UC)

**G. EPA contacts for federal Region 9:**

**Primary Contact:** Allan Ota, Oceanographer  
**ORRT Support** U.S. Environmental Protection Agency, Region 9  
 75 Hawthorne Street WTR-8  
 San Francisco, CA 94105

Tel: (415) 972-3476  
 Fax: (415) 947-3537  
 24 hr: (650) 387-8820

**Permit Request Processing:****H. Has OSC/UC forwarded the permit request to the Fourteenth USCG District?**

- Yes** (if, yes, proceed)
- No** (if no, please forward request)

**I. Fourteenth USCG District contacts:**

Waterways Management Division (dpw):

Tel – (808) 535-3411

Fax - (808) 535-3409

Legal Staff: Tel – (808) 535-3242

Commander (District Prevention)  
Fourteenth USCG District  
300 Ala Moana Boulevard, Room 9-204  
Honolulu, HI 96850-4982

- J.  OSC/UC drafts the permit request and forwards the same to Fourteenth USCG District Prevention staff.
- K.  Emergency Ocean Dumping Permit request is forwarded by Fourteenth USCG District Prevention staff after consult with District Legal to EPA.

## **Section 4. Pre-designated Disposal Sites**

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The following ocean disposal sites for Hawai'i are pre-designated:

- 21-45N 159-26W South of Kaua'i
- 21-06N 158-10W Southwest of Honolulu
- 21-00N 155-48W East of Maui
- 20-18N 156-25W Southeast of Kaho'olawe
- 19-43N 154-39W East of Hawai'i

## Section 5. Contact Information

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EPA Region 9: Allan Ota

Phone: (415) 972-3476

Email: [ota.allan@epa.gov](mailto:ota.allan@epa.gov)

USCG District 14 Prevention and ORRT Co-Chair: CAPT William Marhoffer

Phone: (808) 535-3401

Email: [william.r.marhoffer@uscg.mil](mailto:william.r.marhoffer@uscg.mil)

USCG Sector Honolulu: CDR Amy Cocanour

Phone: (808) 842-2661

Email: [amy.b.cocanour@uscg.mil](mailto:amy.b.cocanour@uscg.mil)

USCG Sector Guam: LCDR Felton Gilmore

Phone: (671) 355-4941

Email: [felton.l.gilmore@uscg.mil](mailto:felton.l.gilmore@uscg.mil)



## **Section 6. Requirements for Permit Letter Requesting Emergency Ocean Dumping Permit**

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The following section provides the required elements for a permit request letter that can be used as a tool 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 of the checklist.

- Synopsis of the incident;
- inability to identify suitable alternative dumping and disposal options;
- any additional restrictions by the state in areas where they have jurisdiction;
- the risk to human health;
- other associated risks; and
- operational details (e.g., material type, quantity, proposed location, etc.).

## **Section 7. Decision Matrix for Requesting an Emergency Ocean Dumping Permit**

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The decision matrix follows the various steps and decision-making needed to request a permit. The process addresses the following high points in the process:

- search for alternative dumping and disposal options;
- inquire as to any additional restrictions by the applicable state in areas where they have jurisdiction;
- the risk or threat to human health;
- ORRT support available to process the request;
- verbal contact with EPA to discuss the permit request; and
- OSC/UC forwarding of the request through the Fourteenth USCG District Chief, Prevention Department to EPA.

**EMERGENCY OCEAN DUMPING PERMIT DECISION MATRIX**

