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Recent Oil Spill Response  
&  
Jones Act Waiver Request

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CAPT Stanton  
Sector Mobile

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# Background

- Jones Act
    - Section 27 of the Merchant Marine Act of 1920 (46 U.S.C. 883)
    - Protect U.S. coastwise trade interest
  - Waiver may be granted by Secretary of Transportation/MARAD“ whenever action is necessary in the interest of national defense”
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# Situation Overview

Saturday, 6 Jan 2007



- Alabama Bulk Terminal

- Structural failure Tank #10

- 330,000 Barrels of Crude Oil

Aerial Photo: Blakely Island, Mobile, AL

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# On-Site Assessment



## Major Concerns:

- Safety
- Catastrophic failure of Tank #10
- Accumulation of rain water



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# Transfer Options (2 Plans)

## Barges

- Advantages:
  - Barges were already conducting transfer ops
  - Waiver not required
- Disadvantages:
  - Prolong overall transfer time (4 + days)
  - Required at least two barges
  - Could only on-load one barge at a time

## Foreign Tanker Vessel

- Advantages:
  - Decreased transfer time by  $\frac{1}{2}$
  - Large enough capacity to hold entire contents
  - No other U.S. flagged vessel available
- Disadvantages:
  - Violates Jones Act



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# Jones Act Waiver

- 06 Jan 07: Alabama Bulk Terminal initiated waiver by contacting Customs and Border Protection (CBP)
  - Sector Mobile consulted D8 Legal
    - Cannot violate US law
    - Actual waiver required and not promise of a waiver
  - 07 Jan 07: Unified Command Meeting @ Incident Location
    - USCG Sector Mobile, US EPA, ADEM, CBP, Alabama Bulk Terminal, City of Mobile Police Department
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# Decision Process

- Catastrophic failure of Tank #10 possible
  - Minimizing potential environmental impacts vs. political fallout for granting waiver
  - CBP agreed to present waiver request to the Secretary of Homeland Security
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# Outcome

- Weather complications
    - Foreign Flagged Vessel fog bound
    - Unable to enter port as scheduled
  - Alabama Bulk Terminal elected to withdraw waiver request
    - Utilized barges
    - Took 7 days to complete transfer ops
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