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# NY/NJ REGIONAL RESPONSE TEAM GUIDANCE FOR EMERGENCY OCEANING DUMPING DURING POLLUTION RESPONSE ACTIONS

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March 2016

## **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 New York/New Jersey Regional Response Team (RRT) guidance and decision-making tools to support and assist OSC/UC actions within the region when they are 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 emergency ocean dumping permits; 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 mentioned earlier, 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 RRT concurrence or consultation is required unless the OSC/UC needs the RRT's support to assist with this process. The RRT 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 Federal On-Scene Coordinator and their state On-Scene Coordinator partners, within the Unified Command, 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 substances; or
- Reduce or eliminate economic or aesthetic losses, which would otherwise presumably occur without the use of available resources.

### **Authority**

There are two 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 not listed in 40 CFR 227.6, 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 an emergency ocean dumping permit from EPA when no other suitable alternative dumping 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.
- **State Restrictions.** The states may place additional restrictions on ocean dumping in State waters.
- **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 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, the proposed location of the dumping, and the predicted fate and transport of the material to be dumped.
- 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.

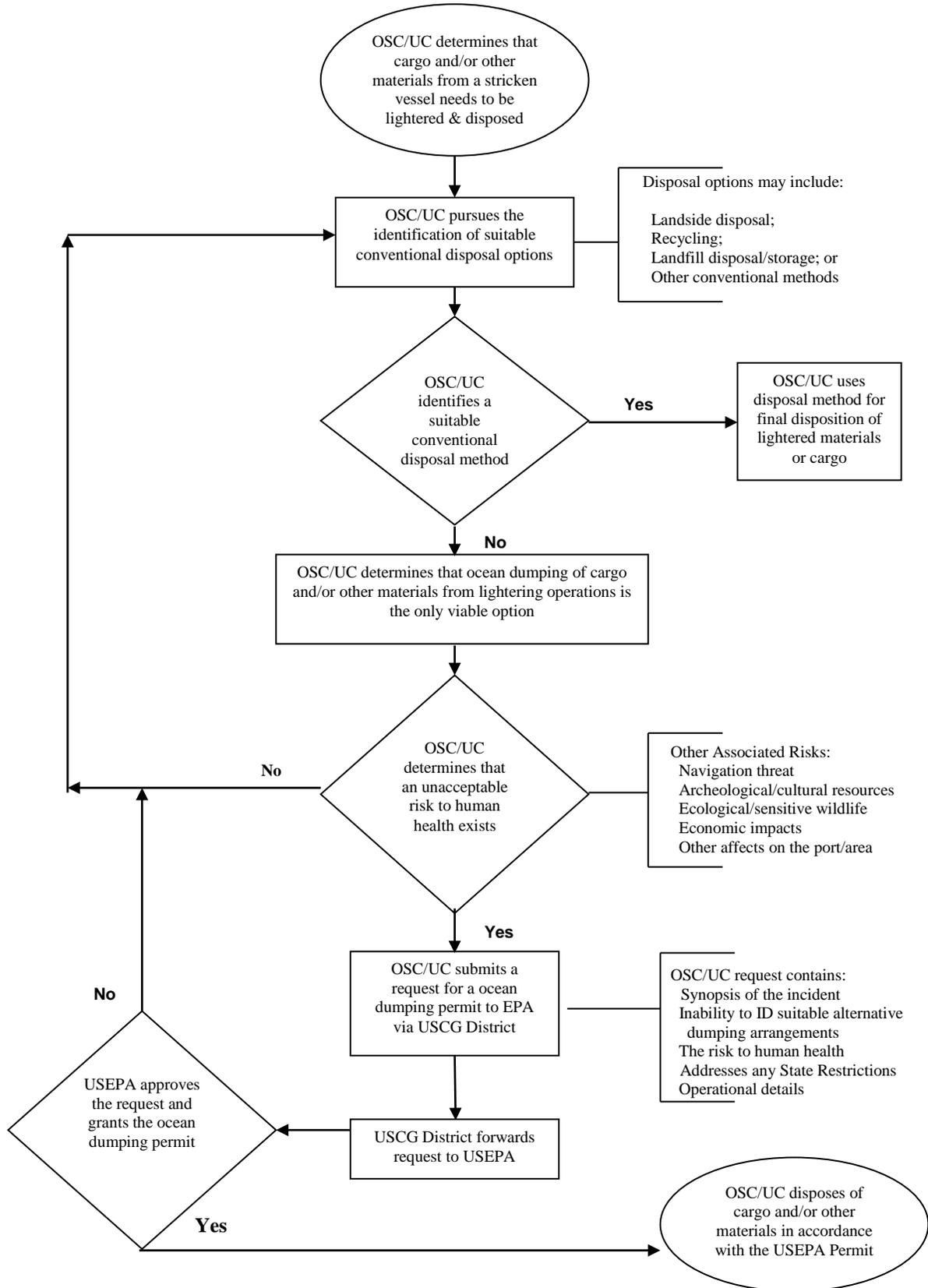
## **Section II**

### **Decision Tree for Requesting an Emergency Ocean Dumping Permit**

The decision tree for supporting a request for an emergency ocean dumping permit is as follows. The flowchart 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/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;
- RRT support available to process the request;
- Verbal contact with EPA Region 2 Clean Water Division to discuss the permit request; and
- OSC/UC forwarding of the request through the applicable Coast Guard District Chief of Response 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 Dumping/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 Federal OSC and Unified Command.

**NOTE: This checklist is designed as a job aid or tool to assist the FOSC through the permit request process. The information provided within the checklist is intended to provide sufficient background on the subject so the checklist is helpful when separated from other portions of this guidance document. This tool was developed to help quicken efforts and not hinder the process. There may be portions of the checklist that are not applicable to the 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.**

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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. Description of Incident:  
\_\_\_\_\_  
\_\_\_\_\_
- F. Spill/Incident Location:  
\_\_\_\_\_  
\_\_\_\_\_

#### **Pollutant/Oil Information:**

- H. Product(s) On Board: \_\_\_\_\_ 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

Short-Term Weather Projection: \_\_\_\_\_

Long- Term (Seasonal) Weather Projection: \_\_\_\_\_

\_\_\_\_\_

Prevailing Currents: \_\_\_\_\_

**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.

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## 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: _____

### **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)

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## 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?

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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

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## *Step 4: Emergency Ocean Dumping Permit Request*

### **OSC/Unified Command Ocean Dump 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 (USEPA). 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.
  - 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.

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

**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) \_\_\_\_\_

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**Emergency Ocean Dumping Permit Request Development:**

D. Has the Unified Command addressed the following issues within the 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 the OSC/UC, working through the Coast Guard District Response Division and Legal staff, verbally communicated with USEPA?

**Yes** (if, yes, proceed)

**No** (If no, please make contact...may use the District to do this for the OSC/UC)

G. U.S. EPA Contacts for federal Region II:

**Primary Contact:**

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

**RRT Support**

Tel: (732) 321-4368  
Alt: (732) 906-6850 (Regional Emergency Operations Center)  
Fax: (732) 452-6451  
24 hr: (800) 424-8802

**Permit Request Processing:**

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

**Yes** (if, yes, proceed)

**No** (If no, please forward request)

Coast Guard District contacts:

Chief, Response Division  
First Coast Guard District  
408 Atlantic Avenue  
Boston, MA 02110  
Tel: 617-223-8458 / Fax 617-223-8471  
24 hr: 617-223-8587

Chief, Response Division  
Fifth Coast Guard District  
431 Crawford Street  
Portsmouth, VA 23704  
Tel: 757-398-6364 / Fax: 757-391-8149  
24 hr: 757-398-6390

Chief, Response Division  
Ninth Coast Guard District  
1240 E. 9<sup>th</sup> Street  
Cleveland, OS 44199  
Tel: 216-902-6053 / Fax: 216-902-6121  
24 hr: 216-902-6117

I.

The OSC/UC drafts the permit request and forwards the same to the applicable Coast Guard District Response staff. A sample request letter is contained within Section IV of this guidance document.

K.

Emergency Ocean Dumping Permit request is forwarded by the applicable Coast Guard District Response staff, after consultation with District Legal, to the U.S. EPA.

## **Section IV**

### **Emergency Ocean Dumping Permit Request Sample Letter**

The following document is a sample 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.

- Synopsis of the incident;
- Inability to identify suitable alternative dumping/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 (material type, quantity, proposed location, etc.).

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
U.S. Coast Guard  
Seventh District

909 SE 1st Ave.  
Miami, FL 33131  
Staff Symbol: (d)  
Phone: (305) 415-6670  
Fax: (305) 415-6674

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AUG 02 2012

Ms. Judith A. Enck  
Regional Administrator  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, Suite 2620  
New York, NY 10007-1866

Dear Ms. Enck:

I am writing to inform you that the U.S. Coast Guard intends to dispose of a grounded derelict vessel at sea, in accordance with the general permit authorized by 40 C.F.R. § 229.3. Disposal of the vessel will prevent an ongoing threat to the ecologically-sensitive habitats on and around Mona Island, Puerto Rico. Furthermore, I have determined that this constitutes an "emergency situation" within the meaning of 40 C.F.R. § 229.3.

On June 21, 2012, the M/V JIREH grounded on Mona Island, Puerto Rico. The vessel was traveling with six crewmembers and 78 Haitian passengers, who claimed to be traveling from Haiti to St. Martin. During operations to remove hazardous materials from the vessel, a sizeable quantity of marijuana was found hidden in a fuel tank. A criminal investigation into the vessel's voyage, and the activity of the crew, is ongoing.

The grounded vessel now lies within in the Mona Island Natural Preserve, a marine protected area managed by the Puerto Rico Department of Natural and Environmental Resources. Since the grounding, a Unified Command composed of representatives from relevant Federal and local agencies, has worked to coordinate the removal of over 5,000 gallons of diesel oil and oily water mixture, 20 drums of other hazardous substances (e.g., batteries, cleaners, paint, aerosol cans), and 520 tons of oiled cargo, including soft drink containers and pallets of cinder block, from the vessel. Additional salvage and debris removal operations are planned over the next few days. However, flooding of the vessel prohibits the safe removal of some residual diesel fuel and lube oil. Those pollutants, and the vessel itself, will continue to threaten the many endangered and threatened species, and their habitats, found nearby. As a result, the Federal On-Scene Coordinator (FOSC), in consultation with, and with the concurrence of, the many partners in the Unified Command, has determined that removal of the M/V JIREH is necessary to prevent an on-going threat to the ecologically-sensitive area. Pursuant to the authority of 40 C.F.R. §§ 300.305(d)(1) and 300.322(b), the FOSC has determined that M/V JIREH, in its current condition in an environmentally sensitive location, constitutes a substantial threat to the public health or welfare of the United States, and has directed the removal and destruction of the vessel to prevent or mitigate the substantial threat of a discharge.

Consistent with the FOSC's determination, and in accordance with 40 C.F.R. § 229.3(a)(1), I have determined that the condition of the vessel, and its continued presence within this critical

habitat, presents an emergency situation that prohibits a 30-day delay before the disposal of the vessel. Several damage assessments of the grounded vessel have revealed several conditions that have degraded the vessel's structural integrity, including: a prolonged lack of necessary maintenance; extensive flooding within the engine room and cargo holds; and a split seam in the vessel's hull, approximately 10 feet long and 4-6 inches wide.

The extensive flooding of the vessel will continue to degrade the M/V JIREH's already poor condition. In addition, a significant storm or hurricane will likely cause more damage to the M/V JIREH; a concern increasingly likely as we get further into hurricane season. Further, storms or the degrading condition of the vessel could result in the M/V JIREH moving onto nearby colonies of endangered coral or nesting areas for endangered Hawksbill sea turtles. As a result of this emergency situation, the FOSC intends to remove the M/V JIREH and dispose of the vessel at sea in less than 30 days.

I find, given the facts and circumstances outlined above, that the ongoing salvage--and eventual removal and destruction--of M/V JIREH represents an 'emergency situation' within the meaning of 40 C.F.R. § 229.3. The following additional information is provided, to the extent feasible, in accordance with 40 C.F.R. § 229.3(a):

- (i) Disposal of the M/V JIREH is necessary to prevent an ongoing threat of significant environmental harm to the endangered species and critical habitats found in the Mona Island Natural Reserve. Residual fuel oil will pose a continuing threat to species, like the endangered Hawksbill turtle and the nine other listed species that inhabit the area. Movement of the vessel caused by its deteriorating condition also threatens nearby colonies of endangered coral. The attached enclosures from the Unified Command's Environmental Unit, the U.S. Department of the Interior, the National Oceanic and Atmospheric Administration, and the Puerto Rico Department of Natural and Environmental Resources further detail the threats posed by leaving the M/V JIREH near Mona Island. *See* Enclosures (1) – (4).

Removing and disposing of the vessel at sea will allow the M/V JIREH to be relocated to an area with less ecological harm. The FOSC anticipates that disposal of the vessel would take place more than 12-nautical miles from Mona Island, outside of the environmentally sensitive habitats, and in water more than 6,000 feet deep. This action would significantly reduce the harm posed by the M/V JIREH.

- (ii) The M/V JIREH was built in 1963. It is a 202-foot, steel-hulled cargo vessel that displaces approximately 979 gross tons. On this voyage, the M/V JIREH was carrying a cargo of mangos, fruits, nuts, cement blocks, beer, water, and energy drinks from Haiti to St. Martin. The vessel was previously flagged in Honduras, but is not currently registered with any flag State, and we cannot locate an owner for the vessel.
- (iii) The FOSC, in consultation with the Unified Command, is currently developing detailed disposal procedures. The Unified Command has consulted extensively with

Mr. Douglas Pabst, Mr. Mark Reiss, Mr. Eric Mosher, and Mr. Steve Touw from your office, and will work with them as detailed disposal plans are developed.

- (iv) Disposal of the M/V JIREH at sea would significantly reduce the threat of environmental harm by removing the vessel from the critical habitats and close proximity to endangered species. The U.S. Department of the Interior, in enclosure (2) evaluates the potential harm posed by disposal at sea as: *“deep water disposal in the Mona Channel would not impact any significant benthos, and would only cause minor impacts by the venting of residual oil since there are no sensitive marine habitats in the area.”*
- (v) The FOSC and Unified Command have given significant consideration of alternatives to disposing of the M/V JIREH at sea. The vessel could be left aground near Mona Island with additional efforts taken to steam clean the vessel to remove residual oil. As discussed in enclosure (5), a report from an on-scene salvage company, this option would be impractical due to logistical challenges associated with the vessels location on the isolated island. Rough seas, a common occurrence on the island, and the current flooding on the M/V JIREH further complicate the ability to thoroughly clean the vessel. Most importantly, steam cleaning does not mitigate the threat posed by the M/V JIREH as it will eventually shift and break apart; a threat of physical impact on coral colonies and nesting areas, and a risk of damage to the coral caused by flaking iron particles into the sensitive area.

Another alternative considered by the FOSC would be removing the M/V JIREH to a scrap facility. However, salvage experts from four salvage companies have advised that the M/V JIREH is a poor candidate for scrapping because of the quality and condition of the vessel. In addition, transport the vessel to a scrap facility, all located several thousand miles away in Texas, would be impracticable due to the vessel's poor condition and the significant cost.

In accordance with 40 C.F.R. § 229.3(a)(2), I have designated the FOSC to supervise the disposal of the M/V JIREH.

In accordance with 40 C.F.R. § 229.3(a)(3), and as discussed in enclosure (5), the FOSC has removed, to the extent safe and practicable, fuel oil, other hazardous substances, and other equipment from the M/V JIREH. Oiled cargo and identifiable contaminants, such as paint, have been removed. Ongoing salvage efforts include removing floatable and other detachable materials. However, the vessel's poor condition and the extent of flooding onboard prevent a complete removal of all possible contaminants. We estimate that 270 gallons of residual oil will remain onboard the vessel.

In accordance with 40 C.F.R. § 229.3(a)(4), the M/V JIREH is available for an inspection of the removal efforts undertaken to date. The earliest date for potential removal and destruction of the vessel is Thursday, 09 August 2012. Every effort will be made to notify you before the actual disposal date. However, as discussed, I have determined that removal of the M/V JIREH presents an emergency situation due to the significant, ongoing threat of environmental harm.

AUG 02 2012

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In accordance with 40 C.F.R. § 229.3(a)(4), the M/V JIREH is available for an inspection of the removal efforts undertaken to date. The earliest date for potential removal and destruction of the vessel is Thursday, 09 August 2012. Every effort will be made to notify you before the actual disposal date. However, as discussed, I have determined that removal of the M/V JIREH presents an emergency situation due to the significant, ongoing threat of environmental harm. As a result, the FOOSC may be required to dispose of the vessel with less than 10-days notice before the actual disposal date.

The disposal of the M/V JIREH will comply with the additional requirements found in 40 C.F.R. § 229.3(a)(5) – (9).

I welcome any questions you have regarding our intent to dispose of the M/V JIREH at sea in accordance with the general permit of 40 C.F.R. § 229.3. If you have any questions regarding this matter, please contact my point of contact, Captain P. J. McGuire at (305) 415-6950.

Sincerely,



W. D. BAUMGARTNER  
Rear Admiral, U.S. Coast Guard  
Commander, Coast Guard Seventh District

- Encl:
- (1) Response Options for M/V JIREH Grounded on Mona Isle, PR – Unified Command Environmental Unit
  - (2) Justifications for the Removal of the M/V JIREH vessel from Mona Island, PR – United States Department of the Interior, Office of Environmental Policy and Compliance
  - (3) National Oceanic and Atmospheric Administration (NOAA) Comments and Recommendations Regarding the Pollution Threat and Disposition of the Grounded M/V JIREH
  - (4) Letter from Government of Puerto Rico, Department of Natural and Environmental Resources
  - (5) Statement from Resolve Marine Group, Inc. dated 17 Jul 12

Copy: Commander, Coast Guard Sector San Juan