U.S. Department of Transportation
United States Coast Guard

Commandant
United States Coast Guard

2100 Second Street, SW
Washington, DC 20593-0001
staff Symbol: (NMC-5)
Phone: 703-235-0018

COMDTNOTE 16000
OCT 11 1996
CANCELLED OCT 10 1997

COMMANDANT NOTICE 16000

Subj: CH-5 TO COMDTINST M16000.11 (SERIES), MARINE SAFETY MANUAL, VOLUME VI, PORTS AND WATERWAYS ACTIVITIES

1. PURPOSE. This Notice advises personnel assigned to Ports and Waterways Activities duties of the latest updated list of U.S. delegated authorities. Two new companies have been approved as delegated authorities and one3existing company has had their approval rescinded.

2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, commanders of Headquarters units, shall ensure compliance with the provisions of this Notice.

3. SUMMARY OF CHANGES. This change is a updated list of U.S. delegated authorities.

4. PROCEDURES. Remove and insert the following pages:

Remove	Insert
9-25 through 9-28, CH-2	9-25 through 9-29, CH-5

5. DOCUMENTATION. Date and sign the Record of Changes. File this notice with the manual as a record of changes.

J.C. CARD
Rear Admiral U. S. Coast Guard
Chief, Marine Safety
AND Evironmental Division

End: (1) CH-5 to COMDTINST M16000.11

Non-Standard Distribution:

B:c CCGD8 (14); CCGD7 (11); CCGD13 (9); CCGD9 (8); CCGD1, 5 (7); CCGD17 (6); CCGD2, CCGD11 (5); CCGD14 (4); MLCLANT, MLCPAC (FAC)(1).

C:e New Orleans (90); Morgan City (30); Galveston, San Francisco (25); Baltimore (22); Anchorage (20); Boston, Mobile (18); Hampton Roads (17); Portland OR (16); Miami, Honolulu (15); Portland ME (14); Los Angeles/Long Beach (13); Puget Sound, Chicago, Corpus Christi (12); Jacksonville, Houston (11); Savannah, Port Arthur, Philadelphia (9); Paducah, St. Louis, Providence, Wilmington, San Juan, Charleston (8); Pittsburgh, Toledo (7); Tampa, Buffalo, Juneau, San Diego, Milwaukee (6); Memphis, Detroit, Valdez (5); Huntington, Guam, Louisville, Duluth, Cleveland, Sault Ste. Marie (4).

C:m New York (10); Sturgeon Bay (3).

D:b National Strike Force Coordination Center (1) (only).

D:d New York (6) (extra).

D:k New York (3); Jacksonville, New Orleans, Houston, San Francisco (1) (extra).

D:l CG Liaison Officer U.S. Army Corps of Engineers, CG Liaison Officer MILSEALIFTCOMD (Code N-7CG), CG Liaison Officer RSPA (DHM-22), CG Liaison Officer MARAD (MAR-742), CG Advisor Panama Canal Commission, CG Liaison Officer American Samoa, CG Advisor NWC, CG Liaison Officer JUSMAGPHIL, CG Liaison Officer (IMO) London, CG Consultant (IMO/SAID) Caribbean, CG Attache US DAO Bogota, CG Liaison World Maritime University, CG Liaison Officer ABS, Maritime Liaison Office Commander U.S. Naval Forces Central Command (1).

E:o New York (15); Grand Haven (4); Long Island Sound (2); Sault Ste. Marie (2).

F:j Except Tampa.

ABS (1).
DOJ Torts Branch (Washington, DC; New York; San Francisco only) (1).
MARAD (MRG 4700) (1).
MSC (M-24) (1).
NOAA Fleet Inspection Officer (1).
NTSB (Marine Accident Division) (2).
World Maritime University (2).
U.S. Merchant Marine Academy, Kings Point, NY (1).

2100 Second St. S.W.
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COMDTNOTE 16000
MAY 31, 1996

COMMANDANT NOTICE 16000 CANCELLED: MAY 30, 1997

Subj: CH-4 TO COMDTINST M16000.11, MARINE SAFETY MANUAL, VOLUME VI, CHAPTER 8

1. PURPOSE. This Notice distributes the revised policy on Coast Guard fire fighting activities and requirements for marine fire fighting contingency planning as an integrated element of the Area contingency planning process.

2. ACTION. Area and district commanders and commanding officers of MSO/COTPs shall ensure appropriate distribution and implementation of this change. Revision of existing Marine Fire Fighting Contingency Plans (MFFCP) shall be in accordance with the new policy directives contained in the provisions of this instruction.

3. DISCUSSION.

   a. CH-4 to the Marine Safety Manual, Volume VI, Chapter 8 represents a major revision in the Coast Guard's policy and roles in the arena of Marine Fire Fighting.

   b. Central to the MSM change is the requirement for the development of Annex M of the Area Contingency Plans (ACP) as a replacement for the MFFCP or providing in the ACP a reference to a stand alone MFFCP developed in

accordance with this MSM change. This will ensure rapid access to related response contingency and resources information. Annex M of all ACPs is to be reserved for Marine Fire Fighting.

4. PROCEDURES. Remove Chapter 8 from existing Marine Safety Manual, Volume VI and replace with CH-4.

G.N.NACCARA
CAPTAIN, U.S. COAST GUARD
DIRECTOR OF FIELD ACTIVITIES
MARINE SAFETY AND ENVIRONMENTAL
PROTECTION

Encl: (1) CH-4 to COMDTINST M16000.11, VOLUME VI, CHAPTER 8

Non-Standard Distribution:

B:c CCGD9, 13 (15); CCGD8 (14); CCGD7 (11); CCGD5 (7); CCGD1, 17 (6); CCGD2, CCGD11 (5); CCGD14 (4); MLCLANT, MLCPAC (1).

C:e New Orleans (90); San Francisco (42); Puget Sound (40); Morgan City (30); Los Angeles/Long Beach (27); Baltimore (22); Anchorage (20); Houston (19); Mobile (18); Portland OR, Galveston, Hampton Roads, Honolulu (16); Miami, Boston (15); Port Arthur (13); Chicago, Corpus Christi (12); Jacksonville (11); San Diego, Philadelphia, Tampa, Guam (10); Savannah, Duluth (9); Paducah, St. Louis, Providence, Louisville, Wilmington (8); Memphis, Portland ME, Pittsburgh, Cleveland (7); San Juan, Buffalo, Juneau (6); Detroit, Toledo, Huntington, Valdez (5); Charleston, Milwaukee (4).

C:m New York (75); St. Ignace (4); Sturgeon Bay (3).

D:b National Strike Force Coordination Center (1) (extra).

D:d New Orleans (12); New York (6) (extra).

D:k New York (3); Jacksonville, New Orleans, Houston, San Francisco (1) (extra).

D:l CG Liaison Officer MILSEALIFTCOMD (Code N-CG7), CG Liaison Officer RSPA (DHM-22), CG Liaison Officer MARAD (MAR-742), CG Liaison Officer Army Corps of Engineers , CG Liaison Officer American Samoa, CG Advisor NWC, CG Advisor Panama Canal Commission, CG Liaison Officer JUSMAGPHIL, CG Liaison Officer (IMO) London, CG Consultant (IMO/SAID) Caribbean, CG Attache US DAO Bogota, CG Liaison World Maritime University, CG Liaison Officer ABS (1).

E:o New York (15); Grand Haven (4); Long Island Sound (3); Sault Ste. Marie (1).

F:jp Except Tampa.

ABS (8).
DOJ Torts Branch (Washington, DC; New York; San Francisco only) (1).
MARAD (MRG 4700) (1).
MSC (M-24) (1).
NOAA Fleet Inspection Officer (1).
NTSB (Marine Accident Division) (2).
World Maritime University (2).
U.S. Merchant Marine Academy, Kings Point, NY (1).

2100 Second Street, SW
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Phone: 703-235-0018

COMDTNOTE 16000
1 December 1995

COMMANDANT NOTICE 16000 CANCELLED 30 November 1996

Subj: CH-3 TO COMDTINST M16000.11 (SERIES), MARINE SAFETY MANUAL, VOLUME VI, PORTS AND WATERWAYS ACTIVITIES

1. PURPOSE. This Notice advises personnel assigned to Ports and Waterways Activities duties of the latest policies and procedures for program activities.

2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, commanders of Headquarters units, shall ensure compliance with the provisions of this Notice.

3. SUMMARY OF CHANGES. This change is a complete replacement of Chapter 1.

4. PROCEDURES. Remove and insert the following pages:

Remove	Insert
CONTENTS I through II CH-2	CONTENTS I through II CH-3
1-i through 1-41	1-i through 1-64, CH-3
	6-1-1 through 6-1-7, CH-3

5. DOCUMENTATION. Date and sign the Record of Changes. File this notice with the manual as a record of changes.

J.C. CARD,
REAR ADMIRAL, U.S. COAST GUARD
CHIEF, OFFICE OF MARINE SAFETY,
SECURITY AND ENVIRONMENTAL
PROTECTION

Encl: (1) CH-3 to COMDTINST M16000.11

Non-Standard Distribution:

B:c CCGD8 (14); CCGD7 (11); CCGD13 (9); CCGD9 (8); CCGD1, 5 (7); CCGD17 (6); CCGD2, CCGD11 (5); CCGD14 (4); MLCLANT, MLCPAC (FAC)(1).

C:e New Orleans (90); Morgan City (30); Galveston, San Francisco (25); Baltimore (22); Anchorage (20); Boston, Mobile (18); Hampton Roads (17); Portland OR (16); Miami, Honolulu (15); Portland ME (14); Los Angeles/Long Beach (13); Puget Sound, Chicago, Corpus Christi (12);
Jacksonville, Houston (11); Savannah, Port Arthur, Philadelphia (9); Paducah, St. Louis, Providence, Wilmington, San Juan, Charleston (8); Pittsburgh, Toledo (7); Tampa, Buffalo, Juneau, San Diego, Milwaukee (6); Memphis, Detroit, Valdez (5); Huntington, Guam, Louisville, Duluth, Cleveland, Sault Ste. Marie (4).

C:m New York (10); Sturgeon Bay (3).

D:b National Strike Force Coordination Center (1) (only).

D:d New York (6) (extra).

D:k New York (3); Jacksonville, New Orleans, Houston, San Francisco (1) (extra).

D:l CG Liaison Officer U.S. Army Corps of Engineers, CG Liaison Officer MILSEALIFTCOMD (Code N-7CG), CG Liaison Officer RSPA (DHM-22), CG Liaison Officer MARAD (MAR-742), CG Advisor Panama Canal Commission, CG Liaison Officer American Samoa, CG Advisor NWC, CG Liaison Officer JUSMAGPHIL, CG Liaison Officer (IMO) London, CG Consultant (IMO/SAID) Caribbean, CG Attache US DAO Bogota, CG Liaison World Maritime University, CG Liaison Officer ABS, Maritime Liaison Office Commander U.S. Naval Forces Central Command (1).

E:o New York (15); Grand Haven (4); Long Island Sound (2); Sault Ste. Marie (2).

F:j Except Tampa.
ABS (1).
DOJ Torts Branch (Washington, DC; New York; San Francisco only) (1).
MARAD (MRG 4700) (1).
MSC (M-24) (1).
NOAA Fleet Inspection Officer (1).
NTSB (Marine Accident Division) (2).
World Maritime University (2).
U.S. Merchant Marine Academy, Kings Point, NY (1).

(G-MP-4)

2100 Second Street, S.W.
Washington, DC 20593-0001
(202) 267-1483
COMDTNOTE 16000
07 MAY 1992

COMMANDANT NOTICE 16000 CANCELLED 06 NOV 1992

Subj: CH-1 to COMDTINST M16000.11 (Series), Marine Safety Manual, Volume VI, Ports and Waterways Activities

1. PURPOSE. This Notice advises personnel assigned Ports and Waterways Activities duties of revisions to the Notice of Federal Interest for an Oil Pollution Incident. These revisions incorporate the requirements mandated by the Oil Pollution Act of 1990. This Notice also serves to notify Coast Guard personnel that this revised Notice of Federal Interest for an Oil Pollution Incident will now be distributed to the field as standard Form CG-5549. In addition, this Notice updates the section on Operational Waste Disposal and revises Figure 5-1, Required Data For Ocean Dumping Reports.

2. SUMMARY OF CHANGES. Substantive changes have been marked with a vertical line; editorial changes are not marked. The following is a summary of the significant changes.

   a. Paragraph 5.F.2.b. Operational Waste Disposal. Annex V requirements are added. G-MEP is writing a separate MARPOL chapter for a future change to volume II.

   b. Figure 5-1, Required Data For Ocean Dumping. Figure 5-1 is revised to reflect information currently required.

   c. Paragraph 7.B.3.a. Notice of Federal Interest. The On-Scene Coordinator (OSC) shall present a Notice of Federal Interest for an Oil Pollution Incident (Form CG-5549) to every suspected discharger. [NOTE: This requirement is for internal direction only. The failure of an OSC to present this Notice in a given case does not affect any liability of any person which may arise in that case.] This informs the suspected discharger of a potential violation of the Federal Water Pollution Control Act (FWPCA), as amended, and of his or her possible liability to a civil penalty of up to $25,000 per day of violation or up to 3 times the costs incurred by the Oil Spill Liability Trust Fund (OSLTF). Notice should also be made in potential pollution incidents

2. c. (cont'd) when the actions of the potential discharger to abate the threat are considered insufficient, and Federal action is contemplated. If possible, any witness(es) should accompany the OSC's representative when the Notice is served. The OSC's representative shall retain the OSC's copy of the Notice that is signed and dated by the suspected discharger, or the suspected discharger's representative. If the discharger refuses to sign, the Notice will still be served. The investigator will note the circumstances on the copy, sign and date it. Should the owner/operator be unavailable, the Notice shall be sent via certified mail, return receipt requested. A Notice of Federal Interest for an Oil Pollution Incident (Form CG-5549) is shown as Figure 7-3.

3. ACTION.

a. Remove and insert the following pages:

Remove	Insert
	RECORD OF CHANGES, CH-1
FIGURES I through II	FIGURES I through II, CH-1
5-i	5-i, CH-1
5-3 through 5-11	5-3 through 5-9, CH-1
7-i through 7-ii	7-i through 7-ii, CH-1
7-7 through 7-10	7-7 through 7-10, CH-1

b. District commanders, commanders of maintenance and logistics commands, unit commanding officers, and chiefs of offices and special staff divisions in Headquarters shall ensure that all responsible parties are served with the Notice form when they are suspected of causing an oil pollution incident.

4. DOCUMENTATION. Date and sign the Record of Changes. File this notice with the manual as a record of changes.

5. FORMS AVAILABILITY. Commandant (G-MEP-2) will be the original distributor of the Notice of Federal Interest for an Oil Pollution Incident (Form CG-5549) to the marine safety units. Additional supplies of this form should be obtained from Supply Center Brooklyn, using SN: 7530-01-GF3-2620, U/I(PD), and U/D(25 sets to a pad). Supply Center will notify all units when form is available.

R. C. NORTH
CAPTAIN, U.S. COAST GUARD
ACTING CHIEF, OFFICE OF MARINE SAFETY,

Encl: (1) CG-1 to COMDTINST M16000.11

Non-Standard Distribution:

B:c CCGD9 (15); CCGD8 (14); CCGD7 (11); CCGD2 (10); CCGD13 (9); CCGD1, 5 (7); CCGD17 (6); CCGD11 (5); CCGD14 (4); MLCLANT, MLCPAC (1).

C:e New Orleans (90); Morgan City (30); Galveston, San Francisco (25); Baltimore (22); Anchorage (20); Boston, Mobile (18); Hampton Roads (17); Portland OR (16); Miami, Honolulu (15); Los Angeles/Long Beach, Puget Sound (13); Chicago, Jacksonville, Houston (11); Savannah, Port Arthur, Duluth, Philadelphia (9); Paducah, St. Louis, Wilmington, San Diego (8); Pittsburgh, Cleveland, Toledo (7); Portland ME, San Juan, Tampa, Buffalo, Juneau (6); Providence, Memphis, Corpus Christi, Detroit, Milwaukee, Valdez (5); Huntington, Guam, Louisville, Charleston, (4).

C:m New York (22); St. Ignace (4); Sturgeon Bay (3).

D:d New Orleans (12); New York (6) (extra).

D:k New York (3); Jacksonville, New Orleans, Houston, San Francisco (1) (extra).

D:l CG Liaison Officer U.S. Army Corps of Engineers, CG Liaison Officer MILSEALIFTCOMD (Code N-7CG), CG Liaison Officer RSPA (DHM-22), CG Liaison Officer MARAD (MAR-720.2), CG Advisor Panama Canal Commission, CG Liaison Officer American Samoa, CG Advisor NWC, CG Liaison Officer JUSMAGPHIL, CG Liaison Officer (IMO) London, CG Consultant (IMO/SAID) Caribbean, CG Attache US DAO Bogota, CG Liaison World Maritime University (1).

E:o New York (15); Grand Haven (4); Long Island Sound (3); Sault Ste. Marie (2).

ABS (2).
DOJ Torts Branch (Washington, DC; New York; San Francisco only) (1).
MARAD (MRG 4700) (1).
MSC (M-24) (1).
NOAA Fleet Inspection Officer (1).
NTSB (Marine Accident Division) (2).
World Maritime University (2).

(G-MP-3)

2100 Second Street, S.W.
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COMDTINST M16000.11
27 JUN 86

COMMANDANT INSTRUCTION M16000.11

Subj: Transmittal Of Volume VI - Ports And Waterways Activities - Marine Safety Manual, COMDTINST M16000.11

1. PURPOSE. This Instruction releases the revised volume VI of the Marine Safety Manual (MSM) for the information, use, and guidance of Coast Guard personnel assigned to port and environmental safety (PES) duties. It presents the authority, background, and rationale for the various programs associated with these duties, and prescribes essential functions which must be performed in order to attain the overall PES objectives of the Coast Guard.

2. DIRECTIVES AFFECTED. COMDTINST M16000.3 (old CG-495) dated 17 OCT 1977 is cancelled.

3. DISCUSSION.

   a. A comprehensive manual which provides guidance on the application of Coast Guard regulations, and explains the rationale behind their development, is vital to the successful execution of the PES Program. This volume serves that function by providing an overview of the various PES-related Coast Guard program areas, including deepwater ports (DWP's), bridge administration, vessel traffic management, ocean dumping, contingency planning for emergency response, pollution response, and Coast Guard firefighting.

   b. The master Table of Contents, found in the front of this volume, lists the Headquarters staff symbol and telephone number of the branch responsible for the information provided in that chapter.

   c. Chapter 87 of old CG-495, Port Security, has been moved to the new volume VII (TO BE DEVELOPED) of this manual, where discussion of this topic will be greatly expanded by Commandant (G-WPE-2).

3. d. The policies and directions in this volume, and in subsequent amendments to this volume, whether mandatory or permissive, are intended only for the internal use of the Coast Guard. Nothing herein is intended to create rights or expectations on the part of other parties, or to establish any duty or standard of care owing to other parties on the part of the Coast Guard. The provisions of this volume may not cover individual situations which are best handled through experience and sound judgment. Hence, the policies and directions herein are intended to promote consistent and uniform execution of the PES Program, without undue restriction of independent judgment on the part of marine safety personnel.

   e. In conforming with the policies of the Coast Guard Directives Systems, the MSM will continue to utilize three-ring binders. Coast Guard subscribers may obtain these binders through the federal supply system, using stock number 7510-01-114-3612. As three-ring binders are more readily available than four-ring binders, acquisition by the general public should present little difficulty.

   f. All personnel are encouraged to use the self-mailer, Form CG-5122, to make suggestions for improving the volume.

4. CHANGES. When necessary, the volume will be updated by consecutively numbered changes.

5. ACTION. District commanders and commanding officers shall ensure that personnel performing marine safety duties are familiar with the provisions of this volume. In cases of apparent conflict between this volume and provisions of statutes or regulations, the latter provisions shall be applied and Commandant (G-W) shall be advised of the apparent conflict. In cases where there is an apparent conflict between the volume and current marine practice, Commandant (G-W) should be contacted for further resolution of the matter. Appropriate action will be taken in such cases to correct conflicting provisions of this volume.

J.H. PARENT
Captain, U.S. Coast Guard
Acting Chief, Office of Marine
Environment and Systems

Non-Standard Distribution:

B:c CCGD3, 9 (15); CCGD8 (14); CCGD7 (11); CCGD2 (10); CCGD13 (9); CCGD1, 5 (7); CCGD17 (6); CCGD11, 12 (5); CCGD14 (4).

C:e Galveston, San Francisco (25); Baltimore (22); Anchorage (20); Boston, Mobile (18); Hampton Roads (17); Portland OR (16); Miami, Honolulu (15); Long Beach, Puget Sound, (13); Chicago, Jacksonville (11); Savannah, Port Arthur, Duluth (9); Paducah, St. Louis, Wilmington, San Diego (8); Pittsburgh, Cleveland, Toledo (7); Portland ME, Cincinnati, Nashville, San Juan, Tampa, Buffalo, Juneau (6); Providence, Memphis, Corpus Christi, Detroit, Milwaukee, Valdez (5); Huntington, Louisville, Charleston (4).

C:m New Orleans (140); New York (22); Houston (12); Philadelphia (9); St. Ignace (4); Sturgeon Bay (3).

D:d New Orleans (12); New York (6) (extra).

D:k New York (3); Jacksonville, New Orleans, Houston, San Francisco (1) (extra).

D:l CG Liaison Officer MILSEALIFTCOM M-65 STRAT MOB, CG Liaison Officer American Samoa, CG Liaison Officer JUSMAGPHIL, CG Advisor NWC (1).

E:o New York (15); New Orleans (13); Houston (12); Philadelphia (6); Muskegon (4); New Haven (3); Sault Ste. Marie (2); New London (1).

Panama Canal Coast Guard Advisor (1).
NTSB (Marine Accident Division) (2).
DOJ Torts Branch (Washington, DC; New York; San Francisco only) (1).
ABS (2).
MSC (M-24) (1).
NOAA Fleet Inspector (1).
CGLO MARAD (MAR 720.1) (1).

DEPARTMENT OF TRANSPORTATION U S COAST GUARD CG-5122 (Rev 10-84)	**SUGGESTION FOR IMPROVING THE MARINE SAFETY MANUAL, COMDTINST M16000 SERIES**

INSTRUCTIONS

Thoroughly describe your suggestion, giving careful consideration to whether it has local, Coast Guard-wide or broad marine safety applications You may wish to discuss your suggestion with appropriate supervisors and other personnel before submitting this form

FROM *(Unit name and address)*	NATURE OF SUGGESTION ☐ ADDITION ☐ CORRECTION ☐ DELETION ☐ OTHER *(Specify)* _____

SUGGESTION Explain your proposal in sufficient detail so reviewing officers will know exactly what you are proposing Specify if your proposal has local, Coast Guard-wide or broad marine safety application Cite the specific section(s) of the manual you are commenting on and specify the benefits of your suggestions *(If more space is needed, continue on extra sheet(s))*

SIGNATURE *(Title and Grade)*	DATE

PREVIOUS EDITION IS OBSOLETE

MARINE SAFETY MANUAL

VOLUME VI

LIST OF FIGURES

MARINE SAFETY MANUAL

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MARINE SAFETY MANUAL

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MARINE SAFETY MANUAL

CHAPTER 1. PORTS AND WATERWAYS SAFETY

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CHAPTER 1. PORTS AND WATERWAYS SAFETY

A. General Considerations.

1. Objectives.

a. To minimize deaths, personal injuries, and property loss or damage associated with vessels and onshore and offshore facilities engaged in commercial, scientific, or exploratory activity in the marine environment;

b. To safeguard the nation's ports, waterways, port facilities, vessels, persons, and property in the vicinity of the port, from accidental destruction, damage, loss, or injury;

c. To protect the navigable waters and adjacent shore areas of the U.S. and adjacent resources from environmental harm; and

d. To prevent pollution of the marine environment from accidental or intentional discharges of oil, hazardous substances, dredged spoils, sewage, and wastes from vessels.

2. Scope Of Enforcement Of Regulatory Activities.

The Captain of the Port (COTP) administers the multimission Marine Safety and Security (MSS) and Marine Environmental Protection (MEP) Programs by enforcing laws and regulations for the following activities:

a. General authority for maritime enforcement of U.S. laws: 14 USC 89.

b. Rendering aid to distressed persons, vessels, and aircraft on the high seas and waters over which the United States has jurisdiction: 14 USC 88.

c. Cooperation with any federal agency, state, territory, possession, or political subdivision thereof, or the District of Columbia: 14 USC 141.

d. Prevention of damage to, or the destruction or loss of any vessel, bridge, or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters; and protection of the navigable waters and the resources therein from environmental harm resulting from vessel or structure damage, destruction, or loss: 33 USC 1221 et seq.; 33 CFR 126, 127, 160, and 164.

e. Transportation of hazardous materials in vessels, including the carriage of explosives or other dangerous articles: 49 USC Chapter 51; 46 USC Chapter 34; 49 CFR 171-180, and 450-453.

f. Vessels carrying flammable or combustible liquids in bulk as cargo: 46 USC Chapter 37; 46 CFR 30-40.

g. Establishment of anchorage grounds and special anchorage areas for vessels in the harbors, rivers, bays, and other navigable waters of the United States: 33 USC Chapter 10; 33 CFR 109, 110.

h. Prevention of pollution from ships and enforcement of waste reception facility requirements: 33 USC Chapters 33 and 39; 33 CFR 151, 155, 157, and 158; 46 CFR Subchapter 0.

i. Prevention of oil discharges into navigable waters from vessels and transportation-related facilities: 33 USC 1231, 1321; 33 CFR 154-156.

j. Prevention of deposits of refuse in navigable waters of the United States: 33 USC 407 and 441.

k. Handling of explosives or other dangerous cargoes within or contiguous to waterfront facilities: 33 USC 1231; 33 CFR 126.

l. Handling of Liquefied Hazardous Gas at waterfront facilities: 33 USC 1231; 33 CFR 127.

m. Establishment of regulated navigation areas (RNA's) and limited access areas (LAA's): 33 USC 1225 and 1231; 50 USC 191; 33 CFR 6 and 165.

n. Requirements to follow orders and directions of the COTP and district commander: 33 USC 1223; 33 CFR 160.

o. Procedures for vessel traffic management: 33 USC 1223; 33 CFR 161.

p. Navigation safety regulations: 33 USC 1223; 46 USC Chapter 37; 33 CFR 164.

q. Safety zones for protection of vessels, structures, water and shore areas, Outer Continental Shelf (OCS) facilities, and deepwater ports (DWPs): 33 USC 1223, 1225, and 1509(d); 43 USC 1333; 33 CFR 147 and 165.

r. Regulation of Deepwater Ports: 33 USC Chapter 29; 33 CFR 148-150.

s. Enforcement of regatta regulations: 33 USC 1233-1234; 33 CFR 100; Commandant Instruction (COMDTINST) M16704.2 Series.

t. Termination of unsafe operation of recreational vessels! 46 USC 4308; Commandant Instruction (COMDTINST) M16704.2 Series; 33 CFR 177.

u. Surveillance of ocean dumping activities: 33 USC Chapter 27; 40 CFR Subchapter H (220-233).

v. Establishment of lightering zones: 46 USC 3715; 33 CFR 156.

w. Enforcement of Load Line requirements: 46 USC Chapter 51; 46 CFR 42-47.

x. International Convention for the Safety of Life at Sea (SOLAS 74/78).

y. International Convention on Standards of Certification, Training and Watchkeeping for Seafarers, 1978 (STCW 78).

z. International Convention on Load Lines, 1966 (ICLL 66).

3. Primary Authorities. The following laws provide the primary authority for the Marine Safety and Security Program.

a. Ports And Waterways Safety Act (PWSA) Of 1972. The purpose of the PWSA (33 USC 1221 et seq.) is to increase navigation and vessel safety, to protect the marine environment, and to protect life, property, and structures in, on, or immediately adjacent to the navigable waters of the United States. The PWSA does not provide for personnel screening programs or for emergency security powers, but does provide for the protection and "safe use" of the port and for protection against the degradation of the marine environment. It specifically provides for the establishment, operation, and maintenance of vessel traffic services (VTS), control of vessel movement, establishment of requirements for vessel operation, and other related port safety controls.

b. Port And Tanker Safety Act (PTSA) Of 1978. The Port and Tanker Safety Act of 1978 amended the PWSA, and provides the Coast Guard with broader, more extensive, and explicitly stated authority. The Act addresses improvements in the supervision and control over all types of vessels, foreign and domestic, operating in the U.S. navigable waters, and in the safety of all tank vessels, foreign and domestic, which transport and transfer oil or other hazardous cargoes in U.S. ports. Additionally, the Act addresses improvements in the control and monitoring of vessels operating in offshore waters near our coastline, and vessel manning and pilotage standards. The Act also includes regulatory authority over areas not previously covered, such as participation with neighboring nations in coordinated vessel traffic systems in boundary waters, lightering operations in offshore areas, and discouraging activities such as tank washing dumpings at sea in preparation for loading cargoes in U.S. ports. The Act now serves as the strongest authority for the Marine Safety and Security (MSS) Program, and is the basis for the navigation safety regulations and the Marine Safety Information System (MSIS).

c. Oil Pollution Act of 1990 (OPA 90). The Oil Pollution Act of 1990 (OPA 90) amended the PWSA and imposes new requirements on the operation of oil tankers in the U.S.; addresses shortcomings in the navigation safety in Prince William Sound, Alaska; and enhances the Coast Guard's authority to effectively regulate the conduct of oil tankers and merchant marine personnel in the U.S. OPA 90, section 4107, amended the PWSA's vessel operating requirements broadening the Coast Guard's authority so that they "... may construct, operate, maintain, improve or expand vessel traffic services...." In addition, section 4107 requires mandatory participation for "appropriate vessels" which operate in a VTS area.

d. The Espionage Act Of 1917. The Espionage Act of 1917 provided the initial authority for a Coast Guard Port Security Program during periods of national emergency. Following World War I, the program was discontinued until the outbreak of World War II. The program was again terminated in 1947.

e. The Magnuson Act Of 1950 (50 USC 191). With the commencement of hostilities in Korea and the continuing Cold War, it was determined that broader authority was required for control of vessels and waterfront facilities. The Magnuson Act of 1950 amended the Espionage Act of 1917. It authorized the President to institute such measures and issue such rules and regulations necessary to "... govern the anchorage and movement of any foreign-flag vessels in the territorial waters; inspect such vessels at any time; safeguard against destruction, loss or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature, vessels, harbors, ports, and waterfront facilities ... subject to the jurisdiction of the United States ..." whenever the President found the security of the U.S. endangered by "... war; invasion; potential subversive acts and or disturbances of international relations."

f. Executive Order (E.O.) 10173. President Truman, finding that the security of the U.S. was endangered, issued E.O. 10173 on 20 October 1950. This order directed implementation of the provisions of the Magnuson Act and prescribed certain port security regulations (33 CFR 6) to be enforced by the Coast Guard. This Order provided authority to prevent both intentional and accidental loss or destruction of vessels and waterfront facilities. It further directed all agencies and authorities of the United States Government and all state and local authorities to support, conform to, and assist in the enforcement of these regulations. This order was later amended by Executive Orders 10277, 10352, and 11249.

g. Title IX Of Public Law 99-399, The International Maritime And Port Security Act As Codified In 33 USC 1226. This act amended the Ports and Waterways Safety Act, adding a new section - Section 7: Port, Harbor and Coastal Facility Security. This section authorizes the Secretary of Transportation to carry out measures to prevent or respond to an act of terrorism against an individual, vessel, or public or commercial structure that is subject to the jurisdiction of the U.S. and located within or adjacent to the marine environment, or a vessel of the U.S. or an individual on board that vessel.

4. Program Coordination And Support. The proper achievement of MSS and MEP objectives requires the cooperation of all Coast Guard activities and consultation with many external interests by the COTP. Consultation with representatives of the maritime community, port and harbor authorities, environmental groups, and other affected parties is required by 33 USC 1224 (b). Consultation with state and local officials is required by E.O. 12372.

5. Environmental Review. Whenever the Coast Guard issues a permit, promulgates a rule, or approves an activity that affects the environment, it raises environmental compliance concerns. Construing our authorities to allow discretionary enforcement of the law whenever possible (and concomitant disapproval of activities via COTP orders, etc) rather than to require individual approvals or permits, should minimize our exposure. To the extent the Coast Guard acts so to trigger environmental compliance concerns, the procedures to ensure proper consideration of environmental impacts is contained in COMDTINST M16475.1 Series. The issuing authority may obtain from the Maintenance and Logistics Command on request: advice on consultation with Federal, state and local agencies to identify the potential for significant environmental impacts; and determinations of significant environmental impacts and review of environmental documentation. Authority to sign environmental documents may be delegated to the issuing authority.

B. Surveillance And Detection Policy.

1. Authority. A number of pollution prevention, vessel inspection, and navigation laws and treaties call for Coast Guard enforcement:

   a. Authority under the Federal Water Pollution Control Act (FWPCA), as amended, delegated to the Commandant enforcement authority and responsibility in cases where oil or hazardous substances are discharged in quantities which may be harmful into the navigable waters of the U.S. In addition, Coast Guard responsibility extends seaward to cover discharges in connection with activities under the Outer Continental Shelf Lands Act (OCSLA) and the Deepwater Port Act (DPA) of 1974, and discharges which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (includes the resources covered by the Magnuson Fishery Conservation and Management Act and the Exclusive Economic Zone).

b. The Act to Prevent Pollution from Ships (APPS) (33 USC 1901 et seq.) implements the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL 73/78). This statute limits the operational discharges of oil from ships through equipment and operational requirements, and provides reception facilities to receive waste that cannot be discharged at sea. The Marine Plastic Pollution Research and Control Act of 1987 (P.L. 100-220) amended the APPS authorizing the Coast Guard to enforce Annex V of MARPOL which covers prevention of pollution from plastics and garbage. The Coast Guard is tasked with APPS enforcement.

c. The Refuse Act (33 USC 407) is enforced jointly by the Coast Guard and the U.S. Army Corps of Engineers (USACE). It has been interpreted to prohibit the discharge of virtually any material into the navigable waters of the U.S., but is limited in its usefulness since it only provides criminal remedies (33 USC 411).

d. The Marine Protection, Research, and Sanctuaries Act of 1972 (MPRSA) (33 USC 1401 et seq.) requires Coast Guard surveillance of ocean dumping activities (see chapter 5 of this volume).

e. The PWSA (33 USC 1221 et seq.) and 46 USC Chapter 37 provide broad authority in the areas of safety and environmental protection in ports, harbors, waterfront areas, and navigable waters. The Coast Guard is further charged with regulating the carriage of explosives or other dangerous articles on vessels (49 USC 1801 et seq.).

f. The Shore Protection Act (SPA) (33 USC 2601 et seq.) requires owners or operators of waste sources, vessels transporting waste and waste reception facilities to take reasonable steps to minimize the amount of municipal or commercial waste deposited into coastal waters during vessel loading and unloading operations and during vessel transportation from a waste source to receiving facilities. The SPA prohibits vessels from transporting municipal and commercial waste unless they have a permit and display a number or other prescribed marking, and outlines provisions for enforcing these requirements. DOT is responsible for issuing permits, prescribing the number or marking which vessels must display, and enforcing regulations implementing the SPA. These responsibilities have been delegated to the Coast Guard.

2. Port Safety Surveillance.

a. Scope Of COTP Multimission Patrols. The need for port safety patrols arises from the continuing potential for maritime casualties in our ports: vessel collisions or groundings, vessel or facility fires, accidental cargo discharges, discharges and releases of pollutants, any of which may cause property damage and personnel casualties or other harm to the marine environment or other national interests. Casualties may arise through negligence, lack of training or knowledge or deliberate acts. Port safety patrols are aimed at detection, deterrence and prevention of marine casualties through the enforcement of safety regulations. The port safety patrol is a basic tool of the COTP covering a wide range of responsibilities and tasks. In addition to inspection and response functions, patrol members are a visible enforcement arm of the COTP and the OCMI. Ideally, they deter regulatory and statutory violations of all kinds.

b. Action Of COTP Multimission Patrols. Patrol personnel should observe, report, and act upon, as directed by the COTP:

(1) The presence and location of all vessels in authorized anchorages, (including restricted anchorages) to ensure compliance with requirements pursuant to 33 USC 471 and 474 and 33 CFR 110, if applicable;

(2) The presence and location of other vessels in the port area;

(3) Load lines and draft markings of all vessels in the port to detect possible violations of the Load Line Act of 1986 (46 USC Chapter 51, 46 CFR 41-47);

(4) Vessel bunkering and lightering operations, or other transfer operations involving vessels, barges, and/or facilities within the harbor;

(5) The presence of oil or hazardous substance pollution around vessels and along the waterfront;

(6) The presence of any obstructions to navigation;

(7) Any observed discrepancies to the operation of aids to navigation in the harbor area;

(8) The presence of dangerous or illegal conditions or situations, such as improperly moored vessels, vessel or waterfront fires, or oil spills; and

(9) Any other matter for which the Coast Guard has regulatory or statutory authority.

c. Employment Of Resources.

(1) Use Of Personnel. A working knowledge of the port area is essential to the successful performance of patrol duty. Patrols should consist of two or more persons adequately trained in the various regulatory requirements and duties of the patrol. It is also an effective way to introduce new unit personnel to the port environment. The use of two or more person patrols is especially effective in large port complexes with concentrated waterfront facilities, structures, and shipping activity, because it provides for effective personnel safety and support within potentially hazardous port environments, provides a witness in case of disputed actions or alleged violations of requirements, and lends itself to cross training and sharing experience in the execution of all marine safety enforcement duties.

(2) Use Of Small Boats. Small boats are most often used to patrol anchorage areas, RNAs, bridge and tunnel areas, and the watersides of piers and wharfs; to enforce safety zones; to aid or transport inspection and boarding teams; to conduct boardings for the enforcement of navigation and boating safety requirements (see volume II of this manual, and COMDTINST M16247.1 Series); to participate in search and rescue (SAR) operations, as required; to transport government personnel or serve as a surveillance platform in support of government operations and to take appropriate action regarding any other matter for which the Coast Guard has authority. (See COMDTINST 16114 Series for required small boat coxswain and crew qualifications; for specific type orientation and basic operating information on 211 Ports and Waterways Boat, Medium (PWM), see COMDTINST M16114.23.)

Security zone patrol tactics are outlined in volume VII, chapter 7, section 7.F of this manual. In those situations where a Coast Guard boat may be required but is unavailable, the COTP may request assistance from local authorities having harbor patrol craft. Establishment of local agreements is encouraged.

(3) Targeting. Patrol areas should be targeted based on a thorough assessment of local risk factors, and should be aimed at achieving program goals as set forth in the Business Plan for Marine Safety, Security and Environmental Protection, COMDTINST 16000.26 Series. When evaluating areas for targeting of harbor patrols, the COTP may consider, among others, the following factors:

(a) The number of vessel transfer operations of oil and/or chemicals in bulk;

(b) The oil and chemical transfer operations spill rate;

(c) A recent history of spills detected by the Coast Guard or the public, which were not reported by industry;

(d) Incidence of unknown source spills;

(e) A recent history of serious cargo related accidents (e.g., fires, explosions, leaking containers, personnel injuries, etc.), or violations which could have led to serious accidents; or

(f) Incidence of any activities that cause the COTP extra concern for port safety or the marine environment.

(4) Harbor Patrol Frequencies. Patrols are most effective when operated at irregular intervals. To determine the frequency with which to conduct harbor patrols in a given area, COTPs and district commanders (m) should evaluate local risk factors such as the potential of the area for spills, accidents or violations, and any other pertinent information. The COTP may also determine the appropriate mode (foot, bicycle, boat or vehicle) and time (day or night) for conducting harbor patrols to achieve the desired harbor patrol frequency.

In all cases, harbor patrol frequency should be aimed at achieving the goals established by COMDTINST 16000.26 Series.

3. Detection.

a. Load Line Violations. Under the provisions of the Load Line Act of 1986, 46 USC Chapter 51, the Coast Guard has established load line regulations for merchant vessels. These regulations are contained in 46 CFR 41-47. The COTP should ensure that boarding team and harbor patrol personnel are alert to possible load line violations. They should observe commercial vessels to ensure that load lines are marked conspicuously and permanently on both sides of the hull amidships. Additional background and reference material on load line violations may be found in volumes IV and V of this manual.

(1) Vessel Applicability. All oceangoing commercial vessels over 150 gross tons (GT), and existing vessels over 24 meters (79 feet) in length on foreign voyages, coastwise voyages, and Great Lakes voyages must have assigned load lines. Naval ships, new vessels under 24 meters (79 feet) in length, existing vessels under 150 GT, fishing vessels, pleasure yachts not engaged in trade, and vessels engaged solely in voyages in U.S. inland waters are not required to have load lines. "Existing vessel" is defined in 46 CFR 42.05-30.

(2) Meaning Of Markings. Load line markings indicate the drafts at which, for various conditions and types or classes of vessels, there will still be left a sufficient percentage of reserve buoyancy to ensure the vessel's safety. On it are indicated the maximum safe drafts for salt and fresh water, for winter and summer, and for various geographical regions defined by the Load Line Act.

(3) American Bureau Of Shipping Responsibility. As provided in the Load Line Act, the American Bureau of Shipping has been delegated authority to assign load lines and issue load-line certificates. Corresponding classification societies in other nations serve the same purpose. The authority by whom the load lines are assigned may be indicated by letters marked alongside the Plimsoll mark and above the centerline (see Figure 1-1).

(4) Plimsoll Mark. The basic load line mark is the "Plimsoll mark," either a circle or diamond with a horizontal line drawn through the center. The top of the line marks the center of the circle or diamond, and it is from that point that the measurement is taken. The Plimsoll mark is permanently marked amidships on both sides of a vessel. Directly above the Plimsoll mark is the deck line reference mark, usually a painted or welded line in the shell plating, from which freeboard measurements are made (figure 1-1). If the applicable seasonal freeboard load line (not the Plimsoll mark) is completely submerged, personnel should investigate further. This may be due to the vessel's listing toward the submerged mark or climatic conditions such as salinity of the water. If it is determined that both load line marks are submerged, the patrol should report to the duty officer, who should arrange for an investigating officer (I.O.) to board the vessel and conduct a load line investigation.

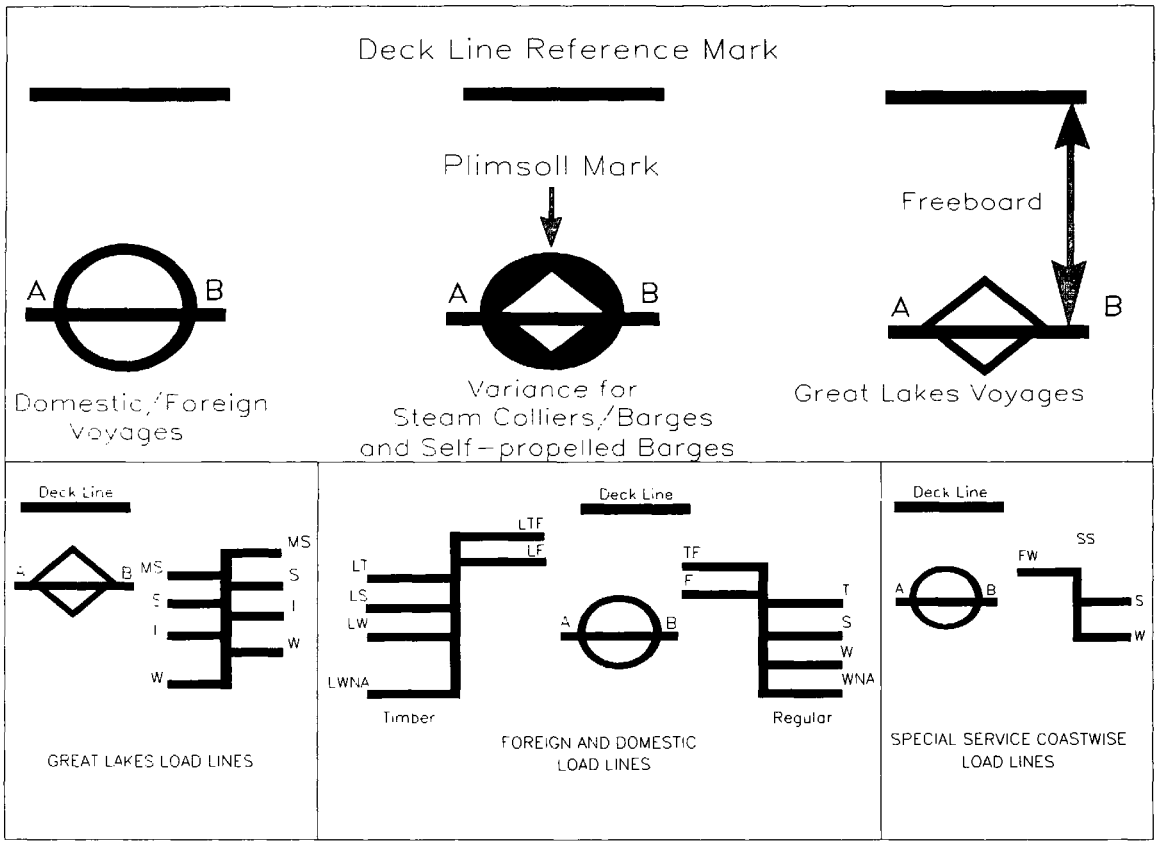

FIGURE 1-1
LOAD LINE MARKS

b. Pollution Detection. Patrol members should be constantly alert to indications that a pollution incident has taken place or may take place, including:

(1) Oil in the water, booms, or cleanup equipment;

(2) Calmer areas on water (oil on water reduces wave action);

(3) Unusual waterfowl activity which might indicate a foreign substance in the water;

(4) Dark streaks down a vessel's hull that may indicate a recent spillage over the side;

(5) Unusual activity on the deck of a vessel, on a pier, or on a beach that may indicate a discharge on deck (pier, beach), such as:

(a) Hosing down of an area in attempts to remove or disperse oil on the ground or in the water;

(b) The dumping of absorbent or dispersant material (such as liquid soaps) into the water or on the ground;

(c) Flashing lights indicating the presence of fire department vehicle, ambulance, etc.; and

(d) Clusters of people on a pier or on shore;

(6) Vapor clouds of any type, or smoke;

(7) Overboard discharges from a vessel or any discoloration of the water;

(8) A wrecked or beached vessel;

(9) A vessel listing or deeper than its load line, or any other unusual vessel attitude;

(10) Unblanked hoses on a pier or unblanked manifolds;

(11) Runoff from storm sewers, banks and shoreline after rainfall;

(12) A vessel circling in one area; or

(13) Persons painting over the side of a vessel or painting on a bridge over water.

c. The above list is not all-inclusive, but it provides examples of activities that may warrant further investigation. If the patrol determines that a pollution incident has occurred, the duty officer should be notified as soon as possible after discovery.

C. Waterfront Facility Safety Surveys.

1. Introduction.

a. A safety survey is a detailed account of a facility's physical plant, and is generally used to update information in the unit's facility file and contingency plans. Safety surveys should be conducted at adequate intervals, as established by the COTP, to ensure that facility data are current and accurately describe the facility's physical plant.

b. The primary reason for conducting safety surveys of waterfront facilities is to have information readily available to assist in making a proper and well.informed response to an emergency. Disclosure of this information by facility operators is voluntary and subject in part to the Privacy Act of 1974 (5 USC 552a). However, facility operators should be made aware that the lack of such information may impair the Coast Guard's response in the event of an emergency. The compilation of waterfront facility data is essential for proper contingency and operational planning. In the event that this information is already contained in an approved Facility Response Plan required under 33 CFR Part 154, Subpart F, it is not necessary to perform a separate safety survey to gather this information.

2. Elements Of A Survey. The following list contains a sampling of information gained from waterfront facility safety surveys:

a. Owner and operator names;

b. Emergency phone numbers;

c. Facility purpose;

d. Cargoes handled (capacity, frequency);

e. Firefighting equipment;

f. Pollution abatement and response equipment;

g. Emergency equipment;

h. Physical security equipment (e.g., guards, fences, lighting, and access control/restrictions);

i. Physical description of facility (tanks, berths, buildings, pipelines, water intakes and permitted discharges, etc.);

j. Special features (cranes, tugs, etc.) of aerial photographs;

k. Operations manuals, where required;

l. Names and emergency telephone numbers of persons authorized to immediately expend funds (without having to obtain administrative approval); and

m. Facility site plans, including locations of fire mains, installed sprinkler systems (including valve locations), first aid stations, and response equipment.

3. Completed surveys shall be reported using MSIS as outlined in volume I, chapter 12 of this manual.

D. Anchorage Administration.

1. Introduction. The Coast Guard has been delegated authority to establish, administer, and enforce anchorage areas, pursuant to 49 CFR 1.46. [NOTE: The authority to establish special and general anchorages pursuant to 33 USC 471, 474, 2030, 2035, and 2071 has been redelegated to district commanders, see 33 CFR 1.05-1(g).]

2. Special Anchorage Areas. The Commandant or district commander may designate certain areas as special anchorage areas, in which vessels not more than 65 feet in length may anchor without being required to show anchor lights. Guidance on establishing special anchorage areas is found in COMDTINST M16704.2 Series. Special anchorages are listed at 33 CFR 110, subpart A.

3. Anchorage Grounds. are those areas which have been established by the Commandant or district commander as such. Established anchorage grounds and the regulations pertaining to each are contained in 33 CFR 110, Subpart B. In some cases, the anchorage ground and the special anchorage area may overlap.

The two areas (anchorage ground & special anchorage area) need to be cross referenced in the CFR when doing a rulemaking. [NOTE: The term "general anchorage" is frequently used as a synonym for "anchorage grounds," but this usage is incorrect. A general anchorage is an area not designated specifically for anchoring for special purposes such as quarantine, lightering, or transferring explosives.] Guidance on establishing anchorage grounds is found in COMDTINST M16704.2 Series.

4. Enforcement Activities. Insofar as practicable, the COTP should maintain a listing of vessels in the anchorage grounds in the COTP zone. This can be facilitated by agreements with local pilots' associations and maritime exchanges. COTPs should check vessels present in an anchorage ground to ensure that they meet the criteria for that anchorage ground under 33 CFR 110. VTS's, where established, may assist the COTP in anchorage administration.

   a. Enforcement Patrols. To allow a close inspection of anchored vessels, boat patrols of the anchorage grounds are preferable. This is one function of the harbor patrol as outlined in subparagraph B.2. Boat crews should be thoroughly familiar with the regulations covering each anchorage ground they are to patrol. Supervisory personnel should be proficient in piloting and navigation to the extent that, if a discrepancy is believed to exist, a fix of the vessel or vessels involved can be obtained in the event violations are detected.

   b. Enforcement Records. A record of each vessel using the anchorage ground is of great help in controlling anchorage and enforcing anchorage regulations. These records are not required, but they are strongly encouraged in high traffic density ports where the majority of users are not local vessels. The following items are noteworthy:

      (1) Date-time group of vessel arrivals;

      (2) Vessel name and home port;

      (3) Vessel flag;

      (4) Length and draft;

      (5) Load line observed;

      (6) Estimated time of departure;

(7) Any special operations, such as lightering, along with the times begun and ended; and

(8) Any vessel limitations as to manning or maneuverability.

[NOTE: These records are generally for local use only, and should be destroyed when the vessel departs the anchorage, unless a violation has been noted.]

c. Other Considerations. In establishing an anchorage, the Coast Guard does not guarantee that the anchorage is clear of sunken, uncharted obstructions. Accordingly, Coast Guard personnel should not make representations about the depth of an anchorage. Nevertheless, before a COTP directs a vessel to go to a particular location in an anchorage, the COTP should be satisfied that the particular location appears safe for that vessel. Directives to anchor in a specific location should be limited to emergencies.

E. Control Of Vessel Movements.

1. Introduction.

a. Relevant Acts. This part outlines procedures to be used by the COTP in fulfilling responsibilities under the PWSA (33 USC 1221-1232), regarding the movement of any vessel in U.S. waters within the COTP's area of jurisdiction. Since the greatest threats to the safety of the port usually occur with the transport of hazardous materials, the COTP should generally concentrate efforts on that phase of waterborne traffic. However, the COTP is equally responsible for enforcement of anchorage and navigation laws which extend beyond the commercial community. Consequently, COTP boarding teams should be alert to all violations of maritime laws and regulations.

b. 33 CFR 6. Regulations in 33 CFR 6 provide for the protection and security of vessels, harbors, and waterfront facilities. Under 33 CFR 6.04-1 & 6.04-8, the COTP is authorized to control the movement of vessels, within the COTP zone, whenever such action is necessary to prevent damage or injury to a vessel, waterfront facility, or waters of the U.S., or to secure the rights and obligations of the U.S.

c. 33 USC 1223; 33 CFR 160.101-115. These authorities provide that vessel traffic controls may be imposed in areas determined to be hazardous, or under conditions of reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances by the following:

(1) Specifying times of entry, movement, or departure;

(2) Establishing vessel traffic routing schemes;

(3) Establishing vessel size, speed, and draft limitations, and vessel operating conditions; and

(4) Restricting vessel operation, in a hazardous area or under hazardous conditions, to vessels which have particular operating characteristics or capabilities considered necessary for safe operation.

d. 33 CFR 161.1-60; 33 CFR 1.01-30; 33 CFR 160.5. The provisions set forth in 1.01-30 (Captains of the Port) and 160.5 (Delegations) delegate certain COTP vessel traffic management duties to the Commanding Officers of VTSs. This authority is subject to the supervision of the COTP and may be redelegated by the Commanding Officer, Vessel Traffic Services. The following are the COTP duties which have been redelegated:

(1) Directing the operation, movement, and anchoring of vessels within a VTS area;

(2) Managing of vessel traffic within anchorages and;

(3) Enforcing VTS and ports and waterways safety regulations.

Additionally, regulations contained in 33 CFR 161 set forth VTS regulations applicable within established VTS areas.

2. Considerations In Exercising PWSA Authority. The PWSA serves an important dual purpose. It bolsters Coast Guard authority and capability to handle current problems in marine safety and environmental protection; it also provides the permanent statutory basis for the Coast Guard's port safety activities. The purpose of the statute is to prevent damage to, or the destruction or

loss of, any vessel, bridge, or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters; and to protect the navigable waters and the resources therein from environmental harm resulting from damage to the vessel or shore structures.

a. Controls.

(1) Regulations in 33 CFR 160.101-160.115 were developed to implement portions of the PWSA by delegating to district commanders and COTPs authority to handle emergency or temporary situations. Effectively, the Commandant has delegated to COTPs and district commanders the authority to temporarily control a vessel in hazardous areas or during hazardous circumstances, and to direct the movement of a vessel when necessary to prevent damage to, or by, that vessel. The general thrust of 33 CFR 160.101-160.115 is to allow for field level controls that, if not applied when necessary, would result in an unacceptable hazard to property or the environment. (NOTE: These controls do not include the establishment of safety zone regulations under the PWSA. The use of safety zone regulations to handle emergency situations is discussed in section 1.J. Only COTPs and district commanders may issue orders under 33 CFR 160.111. Generally, the district commander will exercise authority for the purpose of coordinating promulgation of an order that may affect more than one COTP within the district or when, due to the absence of the COTP, the district commander assumes the duties of the COTP. See volume I of this manual for clarification of the authority of the alternate COTP. (NOTE: The authority under the PWSA does not apply to vessels on the St. Lawrence Seaway.]

(2) The regulations contained in 33 CFR 161 implement portions of the PWSA by establishing VTSs and requiring mandatory participation for designated vessels in certain U.S. ports. The objective of VTS vessel traffic management is to minimize the risk of marine casualties (i.e., collisions, rammings, and groundings), and to facilitate commerce to the greatest extent practicable. The level of

control to be exercised, including VTS measures and directions, is typically determined on a case-by-case basis and is directed at a specific vessel or vessels in a specific situation.

(3) Subject to the exigencies of safe navigation, a VTS user shall comply with all measures established or directions issued by a VTS. if, due to the particular circumstances of a case, a measure or direction is issued by the VTS and a VTS user deems that it is unable to comply, the VTS user may deviate only to the extent necessary to avoid endangering persons, property or the environment. The deviation shall be reported to the VTS as soon as is practicable as set forth in 33 CFR 161.5 and 33 CFR 161.21.

b. COTP Orders. COTP Orders under the PWSA (33 CFR 160, Subpart B) are issued by a COTP and are directed only to a specific vessel, facility, or individual in order to: restrict or stop vessel operations; require specific actions to be taken; deny a vessel further entry to port until a deficiency is corrected; or detain a vessel in port. COTP Orders cannot be issued to "all vessels" or a class of vessels, facilities, or individuals. Where a group or class of entities is targeted, a safety zone or RNA is more appropriate. An example of the correct use of a COTP Order is to deny entry to the navigable waters within a COTP zone to a specific cargo vessel or tankship until a particular discrepancy is repaired. An example of incorrect use of a COTP Order would be to require all vessels transiting a channel during a transfer of a cargo of particular hazard (COPH) to reduce speed to 5 knots. A COTP Order is inappropriate in this latter case since it is directed at all vessels transiting the area.

c. Requirements. The COTP should be specific when issuing orders for the control of vessels, especially with regard to the following:

(1) The time a vessel is permitted to enter an area;

(2) The time a vessel is permitted to depart an area or shift berth;

(3) The route a vessel is to follow;

(4) All requirements and other specifications with respect to the actions expected of the person to whom the order is directed; and

(5) The legal authority for issuing the order.

d. Notification. COTP Orders can be enforced only against persons who have been given notice of their contents. All necessary means should be employed to ensure actual knowledge of an order by each person to whom an order is directed.

e. Appeals. An appeal of an order issued by the district commander or COTP shall in all cases be routed via the established chain of command [COTP, district commander, and Commandant (G-M) as appropriate; see 33 CFR 160.7]. An appeal may be made verbally requesting relief from an order, but it must be confirmed in writing. A response to an appeal may be verbal, but shall be confirmed in writing and shall state the reason(s) for granting or denying.

f. Guidelines.

(1) Public Impact. Consideration should be given to the impact that specific courses of action are likely to have on safety, the environment, the economy, and public/industry relations. Enforcement officials should be thoroughly familiar with the provisions of the order and should receive additional instructions and guidance when considered necessary.

(2) Applicability. It is stressed that the controls in 33 CFR 160.101-160.115 are directed to specific situations and hazards.

(3) Relevant Factors. Relevant factors should be evaluated in considering the need for and the degree of controls of individual vessel movements per 33 USC 1224. Where a VTS has been established, vessel controls should be coordinated through this service. Major factors for both the transit route and the port area proper include, but are not limited to, the following:

(a) Public activity in the area of the hazard;

(b) Conditions of weather, visibility, tide, current, high water, low water, etc.;

(c) Vessel control/maneuverability;

(d) Any impairment of vessel or cargo that may affect the safe transit of the vessel;

(e) The nature of the vessel's cargo and cargo characteristics;

(f) Vessel conditions (draft, fire, flooding, navigational equipment status, etc.);

(g) Channel conditions (physical limits, status of bridges and aids to navigation, traffic density, etc.);

(h) Anchorage areas and conditions of anchorage;

(i) The COTP's personal knowledge of the area;

(j) Recommendations of local experienced personnel (pilots, port authority, etc.); and

(k) Channel data hydrographic features available from the USACE.

(4) Planning. District commanders should ensure that district operations center (OPCEN) procedures exist to provide COTPs information concerning any occurrences which may affect their area of responsibility.

g. VTS Measures And Directions; 33 CFR 161.11. VTS Measures and Directions (33 CFR 161.11) are issued by the VTS to enhance navigation and vessel safety and to protect the marine environment. VTS measures are directed only to a specific vessel located within the VTS area. VTS measures may include, but are not limited to:

(1) Designating temporary reporting points and procedures;

(2) Imposing vessel operating requirements;

(3) Establishing vessel traffic routing schemes; and

(4) During conditions of vessel congestion, restricted visibility, adverse weather, or other hazardous circumstances, a VTS may control, supervise, or otherwise manage traffic, by specifying times of entry, movement, or departure to, from or within a VTS area.

Notification and appeals procedures for COTP orders, contained in E.2.d. and E.2.e., are applicable to VTS Measures and Directions.

3. Direct Control.

a. Introduction. Under authority of Executive Order (E.O.) 10173, as amended, the Coast Guard may supervise or control the movement of any vessel within the navigable waters of the U.S. when such action is necessary to secure a vessel from damage or injury, or to prevent damage to a waterfront facility. The Commandant has delegated this authority to the COTP (see 33 CFR 6), who may promulgate orders to move vessels for preventive reasons. Such orders, coordinated with industry and other agencies, may control movements in heavily congested areas, the movement of especially dangerous cargoes, or the movement of a vessel on fire or otherwise damaged. For example, to prevent damage to a pier or vessel, where either is on fire, the COTP may assume actual control of the vessel and may arrange for the engagement of the services of commercial tugs (see 33 CFR 6.04- 8). Appropriate advance contracting authority should be obtained by the COTP from the district commander.

b. SOLAS. U.S. navigation and vessel inspection laws are used as authority to enforce the terms of the SOLAS convention; no special authority is necessary. Under the authority of Regulation 19, Chapter I of the SOLAS convention, the COTP/OCMI can exercise control (intervention) over foreign flag commercial vessels whose certificates are invalid, or whose material condition does not correspond substantially with the particulars of its certificates and/or applicable SOLAS regulations according to the circumstances and hazards encountered. Generally, when conditions on foreign vessels violate U.S. regulatory requirements, all reasonable efforts should be made to obtain permanent correction as soon as possible. However, if the vessel constitutes a hazard to the environment, or the safety of the port, control measures are appropriate. Volume II of this manual contains additional information and guidance on SOLAS intervention procedures.

c. Incurring Liability. The Federal Tort Claims Act (28 USC 2671 et seq.) and other federal laws exempt the U.S. from liability where the loss or damage flows from the exercise of discretionary governmental function. (See Dalehite,et al. v. United States, 346 U.S. 15 (1953).)

For example, if conditions require the movement of a vessel, the loss of time or damage caused in obedience to the movement order normally will not be made the basis of a successful claim against the government. On the other hand, if the owner or master of the vessel refuses to comply with the order, and the COTP undertakes to move the vessel to the new location, and the vessel or other property, or the environment is damaged through negligence in the towing operations, there may be a basis for claim against the government.

4. Advance Notice Of Arrival. Requirement for the advance notice of arrival contained in 33 CFR 160 is the basis for Coast Guard management of vessel movements within U.S. ports and waterways. The owner, master, agent, or person-in-charge of each U.S. or foreign vessel of 1,600 or more GT on a voyage of 24 hours or more is required to give a 24-hour advance notice of arrival to the COTP for every U.S. port or place of arrival (exceptions are noted in 33 CFR 160.201). Although 33 CFR 160 does not specify the means of communication, it is preferred that the advance notice be given by radio message, a phone call, or letter. Advance notice of arrival given in accordance with 33 CFR 160 Subpart C does not constitute compliance with the requirements for vessels participating in a VTS system established in accordance with 33 CFR 161, Subpart B. Advance notice of arrival requirements for arriving and departing vessels carrying certain dangerous cargoes are found in 33 CFR 160.211 and .213, and in 33 CFR 160.215 for vessels having a hazardous condition, as defined in that part. The maximum civil penalty for violating an advance notice of arrival or notice of hazardous condition regulation issued under the PWSA is $25,000 (see 33 USC 1232).

   a. Advice To Industry On Advance Notice Requirements. The COTP should advise agents, shipping associations and companies, and other commercial agencies concerned with vessel operations that advance notice of arrival from vessels on a voyage of 24 hours or more and destined for U.S. ports is required under 33 CFR 160, Subpart C. Industry personnel should be advised that any vessel which arrives without having complied with this requirement may be subjected to boarding, search, and penalty action as necessary for enforcement purposes.

   b. Advance Notice And MSIS. The advance notice requirements also serve as part of the MSIS. All notice of arrival information must be recorded in

MSIS. Using the compiled 24-hour advance notice of arrival data, a COTP is able to review violation histories and data on boardings and inspections of particular vessels. This information enables the COTP to better direct boarding teams to those vessels having histories of unsafe operation (see volume I of this manual for further discussion of MSIS).

5. Sources Of Information. Certain vessels are required to notify the COTP 24 hours before entering port, and harbor patrols can identify a vessel's location within the port at the time of the patrol. Following is a list of possible sources of information for determining the precise location of a specific vessel at other times:

   a. Shipping agents;

   b. Pilot associations;

   c. Shipping associations and companies;

   d. Marine terminal operators;

   e. Local shippers and consignees;

   f. U.S. Customs Service;

   g. The Immigration and Naturalization Service (INS);

   h. Towing (tugboat) companies;

   i. Vessel Traffic Services (VTS); |

   j. Harbor masters; and

   k. Any other government agency, company, or person able to furnish information in this regard.

   Arrangements should be made for the pilot who goes aboard a merchant vessel to confirm its identity and to notify the COTP of the existence of any unsafe or suspicious circumstances. In most cases, pilots are well acquainted with vessels which visit the port regularly and can recognize an unsafe or suspicious vessel.

6. Receipt Of Notice By Other Units. Other Coast Guard units, such as Vessel Traffic Services (VTSs), SAR stations or Group offices, may receive advance notice of arrivals, vessel safety information, or requests by vessels for permission to enter ports. Any such communications should be forwarded as soon as possible to the COTP.

A radio communications system and vessel movement watch should be maintained during normal working hours at each COTP office, to receive and record vessel movement data from sources in and out of the Coast Guard. The time and source of every notice of arrival shall be logged.

7. Vessel Tracking. The COTP should know which vessels operate in the port area, when they are in port, and where they are located. From collected vessel movement information, a daily list of anticipated arrivals of vessels should be prepared and distributed to all harbor and shoreside patrols and VTSs where established, as well as those boarding officers on specific assignments; MIS may be used to generate such lists. These personnel should compare the vessels in port with the list of anticipated arrivals. one purpose of harbor patrols is to advise the COTP of the presence and location of vessels within the harbor area. Whether at anchorage or berth, patrol members, both waterside and shoreside, should also attempt to verify the identity of each vessel. The COTP should establish procedures for coordinating this information and verifying it against the list of anticipated arrivals. The Port Safety Vessels In Port (PSVP) product set in MSIS can be used to help track the vessels in a COTP zone. For ready reference, a vessel movement status board can be maintained by the vessel movement watch. In those ports or waterways serviced by a VTS, the VTS should be used to maintain the vessel movement status board in lieu of the COTP. One particularly effective means of tracking the vessel locations listed on the board is "grid coding" for direct referral to a large-scale chart of the port area or sections thereof.

F. Force Majeure.

1. General. Force Majeure is a doctrine of international law which confers limited legal immunity upon vessels which are forced to seek refuge or repairs within the jurisdiction of another nation due to uncontrollable external forces or conditions. This limited immunity prohibits coastal state enforcement of its laws which were breached due to the vessel's entry under force majeure.

2. Definition. Emergency entry, or force majeure, is defined as an overwhelming force or condition of such severity that it threatens loss of the vessel, cargo or crew unless immediate corrective action is taken. Force majeure is based upon the historical premise in international law that, if a vessel is compelled to move into the waters of a foreign state by some uncontrollable external force, then the vessel should be excused from compliance with domestic laws which prohibit such entry.

3. Burden Of Proof. The burden of proof that a vessel has a valid claim of force majeure rests with the vessel, its master and owner. A claim of force majeure is supported only by the existence of overwhelming conditions or forces of such magnitude (e.g., severe storm, fire, disablement, mutiny) that they threaten the loss of the vessel, crew, or cargo unless immediate corrective action is taken. Conversely, an invalid claim of force majeure has no effect on the authority of the coastal state to take all appropriate law enforcement action against an entering vessel.

4. COTP Authority. Each Coast Guard COTP, and the district commander, has the authority to verify and then accept or reject claims of force majeure for the purposes of enforcing applicable laws. Even if a vessel exhibits a valid force majeure claim, the COTP may nevertheless take action to remove a hazard to life or property under the authority of the Ports and Waterways Safety Act (33 USC 1221 et seq.). For example, in the event of fire, flooding, or collision damage which may affect the safety of a vessel or its cargo the COTP would ascertain the condition of the vessel, determine the existence of any hazard to the port, and make any COTP order consistent with the right of entry under force majeure and the protection of the port. The COTP may direct the vessel to a specific location and not to the port of their choice. However, once a force majeure claim has been validated, the Coast Guard alone is the Federal agency responsible for granting or denying vessel entry.

G. Layup Of Commercial Vessels.

1. Introduction. In early 1975 the Coast Guard began receiving inquiries regarding the layup of foreign tank vessels in U.S. waters. These inquiries ranged from Maine to California and concerned vessels from 28,000 to 250,000 deadweight tons (DWT). Due to a surplus of tank vessels in the international market, it was anticipated that the owners and operators of foreign tank vessels would seek to take advantage of the superior anchorage areas available in U.S. waters. Under 33 USC 471, 33 USC 1221, and 50 USC 191, the Coast Guard has certain responsibilities regarding the anchorage and movement of vessels, the protection of vessels, bridges, or other structures on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters, and the protection of navigable waters and their resources from environmental harm resulting from vessel or structure damage, destruction or loss.

2. Criteria For Layups. The following guidelines should be used in dealing with a layup proposal. These should ensure that the layup should be safe and environmentally sound, and that it does not unduly obstruct or restrict navigable waters. The layup proposal should consider the following items:

   a. The specific location (anchorage, berth) of the layup(s) and its proposed duration;

   b. Assurance that cargo tanks, adjacent cofferdams, ballast tanks, pumprooms, cargo piping systems, and cargo venting arrangements are thoroughly clean and gas-free, and will be maintained in this condition (gas-free certification shall be made by a qualified marine chemist);

   c. In addition to the evidence of financial responsibility required by the FWPCA, suitable liability insurance for each vessel should be shown;

   d. Anchoring specifications prepared by a qualified marine surveyor as to size and scope of chain, number and size of anchors to be used, according to freeboard, depth of water, type of bottom, and extreme climatic, tidal and current conditions in the area. In areas of doubtful holding ground, a statement of a geologist based on test borings may be required. Safe under-keel clearance should be ensured at extreme low tides;

   e. If a laid-up vessel is to be moored to a waterfront facility, that facility and all shoreside mooring fittings, and the number, size, arrangement, and condition of mooring lines, should be certified by a qualified marine surveyor as safe and capable of holding the vessel secure, taking into account the vessel's freeboard and draft, and extreme climatic, tidal, and current conditions in the area;

   f. Contingency plans for heavy weather, firefighting, use of tug boats, and emergency evacuation of crewmembers;

   g. Assurance of compliance with sewage and garbage disposal plans;

   h. Plans for safe rendering;

   i. Standard and emergency communications plans between shore and the shipkeeping crew;

   j. Possession of current "deratting" certificate;

k. Qualifications of the shipkeeping crew. If no liveaboard crew is planned, the applicant should show that periodic visits by competent persons are adequate to assure safety and compliance with U.S. laws;

l. Assurance that prescribed navigation lights and shapes will be displayed;

m. A statement that the applicant will notify the COTP of a change in registry or ownership of the laid-up vessel; and

n. Consistency with the State's coastal zone management plan.

The COTP may approve foreign vessel layup proposals. If individual approvals are issued, they may need a NEPA analysis and a CZMA consistency determination. If there are local objections to the layup of a vessel in a certain area, the COTP should take this into consideration. If deemed advisable, the COTP may hold a public hearing to allow all sides of the issue to be aired.

H. Regattas And Marine Parades.

1. General. The authority to issue regulations to promote the safety of life on navigable waters during regattas and marine parades is contained in 33 USC 1233-1236. It was assigned to the Commandant under Reorganization Plan No. 3, effective 16 July 1946. Regulations addressing regattas and marine parades are promulgated in 33 CFR 100 to provide effective control over regattas and marine parades conducted on the navigable waters of the United States so as to insure safety of life in the regatta or marine parade area. As with any regulations, the person issuing the rules must ensure compliance with NEPA and other applicable environmental laws. Events of major importance should be scheduled well in advance. Early conferences should be held to permit public hearings, and to provide extensive notice to commercial interests regarding any special local regulations developed for the event. Other federal, state, or civil agencies should also be kept informed of developments that might affect their plans or impinge upon their authority. In those ports or waterways serviced by a VTS, the VTS should also be included in the planning, coordination, and review of the event permit. Guidance on processing regatta and marine parade permits is found in Commandant Instruction (COMDTINST) 16751.3 Series.

2. Authority Of The District Commander. Under 33 CFR 100, the district commander may promulgate special local regulations for a regatta or marine parade. These regulations may include restrictions and controls over vessel movement immediately before, during, and immediately after the event, and may also establish any aids to navigation necessary for the observance and enforcement of those special local regulations. Guidance on establishing special local regulations is found in COMDTINST M16704.2 Series. The district commander may detail Coast Guard vessels to patrol the course of a regatta or marine parade for the purpose of enforcing special local regulations, providing assistance, and enforcing laws in general. Coast Guard Auxiliary and private vessels may be employed subject to the restrictions imposed in 33 CFR 100.40. Because of the number of marine events held annually and resource limitations, the use of Coast Guard vessels is limited to those events which may be expected to introduce extra or unusual hazards, or to impede the normal flow of marine traffic.

   a. Concurrent Jurisdiction. Where concurrent federal/state jurisdiction exists, the district commander is authorized under 33 CFR 100.10 to enter into agreements with state authorities to permit them to review applications and issue permits for certain events when it is clearly within the capabilities of the state to do so. Such agreements are in keeping with the Commandant's policy of encouraging the states to assume a greater role in boating safety, and are encouraged.

   b. Establishment Of Temporary Aids To Navigation. The district commander may establish temporary aids to navigation and authorize private aids to navigation to mark marine parades or regattas (see 33 CFR 100.45). Such markers are not considered "aids to navigation" for the Coast Guard's purposes, as long as the following conditions are met:

      (1) They are established for a marine event of a specified and limited duration authorized by the Coast Guard and not for general navigational use;

      (2) They are established to mark turning points, a slalom course, or other lanes of restriction to participants; and

      (3) They do not display the characteristics prescribed for the lateral or Intracoastal Waterway (ICW) marker systems.

3. Responsibility For The Event. The sponsoring organization is responsible for the safe conduct of the event and adequate preparations, such as obtaining a Coast Guard permit, establishing instructions to and qualifications of participants, making safety equipment inspections, placing rescue and first aid facilities, controlling activities, and removing obstructions and navigational hazards as applicable to the event. In those ports or waterways serviced by a VTS, the sponsoring organization should be required to maintain radio contact with the VTS until completion of the event, especially if the event has the probability of interfering with commercial traffic.

4. Applications.

   a. General. Annual notices may be sent to all boat clubs and yacht associations outlining circumstances when applications are required by the Coast Guard. Figure 1-2 is an example of such a notice. Applications must be submitted to the district commander not less than 30 days prior to the proposed event. The application must provide sufficient data to determine that the event has been organized and planned adequately. The data in the application also provides the basis for issuing a local Notice to Mariners, checking for military exercises and other previously scheduled marine events, establishing a regatta patrol, stipulating any conditions of the permit, and promulgating special local regulations. To determine the environmental impact of the event, see COMDTINST M16475.1 Series. Form CG-4423, Application for Approval of Marine Event, should be used by the sponsors of a regatta or marine parade.

   b. State Notice Required. When state authorities require notification concerning application or approval of marine events, streamlined routing procedures should be developed locally to minimize paperwork and delays. When applications are returned to the sponsor because they are not required by federal regulations, it should be clearly stated that Coast Guard approval is not required. Direct referral by the sponsor to state authorities should be encouraged when required.

FIGURE 1-2
SAMPLE LETTER TO SPONSORS OF MARINE EVENTS

Gentlemen:

If you plan to sponsor a marine event, Title 33, Code of Federal Regulations, Part 100 requires you to submit an application to the Coast Guard in cases where the nature, circumstances, or location of the event will introduce extra or unusual hazards to the safety of life on the navigable waters of the United States. Examples of such conditions include, but are not limited to, an inherently hazardous competition, the customary presence of commercial or recreational vessels in the area, any expected obstruction of a navigable channel, or any expected large accumulation of spectator craft.

If you sponsor an event which does not present such a hazard, no federal approval is required. However, you should check further with your local and state governments for their requirements. if you are in doubt as to whether a Coast Guard permit is required, you may inquire informally or submit an application for review. Application forms are available from the address above.

Often, a great deal of information is required. Fully completed, the application form will enable me to act with a minimum of further communication and time. Please observe the instructions on the form carefully. Your application must be received by the Coast Guard at least 30 days prior to the event so that it may be reviewed and the necessary provisions made to serve you and other members of the boating public. Please submit your permit application for an event as early as possible to avoid potential delay or cancellation of the event should processing of the application exceed 30 days. Late applications must be disapproved, so please observe the deadline. If you seek approval of a calendar of events, a conference is suggested. You should be prepared to furnish the information for each event.

You should understand that the sponsor is responsible for the safe conduct of such an event. This includes instructions to, qualification of, and positive control over participants, as well as protective measures for the spectator fleet and the general boating public. Measures to prevent interference with the normal flow of commercial and recreational traffic are also required unless special local regulations are issued by me for this purpose.

It is my desire to give you the best possible service. With your cooperation, the Coast Guard can better serve you.

Sincerely,

5. Review Of Event Applications.

a. General. The district commander may act on applications as follows:

(1) Issue a permit;

(2) Disapprove the application;

(3) Return the application without action as not required;

(4) Return the application for additional information or changes; or

(5) Forward the application to the state authority for action.

[NOTE: Issuing a permit does not imply any endorsement of the activity, guarantee that it will be accident free, or make the Coast Guard responsible for the safety of the participants. These factors should be clearly stated on the Form CG-4424, Permit for Marine Event, which is issued to the sponsor of an event as per 33 CFR 100.30.]

b. Environmental Review. Certain permit actions are listed in the COMDTINST M16475.1 Series as being categorically excluded from further environmental review. However, several limitations exist on using categorical exclusions. Persons processing or approving applications for permits should be alert to those circumstances described in COMDTINST M16475.1 Series that may require additional environmental review and documentation. The issuing authority should ask permittees to certify that their event is consistent with the State's coastal zone management plan and may ask them to voluntarily provide information to assist in the environmental review under NEPA to shorten the application processing time.

c. Disapprovals. When an application is disapproved, the district commander should indicate the reason(s) for disapproval. These may include the following:

(1) Obstructing navigation traffic by blocking a channel or harbor entrance, which creates an unsafe condition;

(2) Impeding commercial traffic, which creates unsafe congestion;

(3) Exposing small craft to hazards due to presence of large ships, tows, etc.;

(4) Conflicting activities in the area, such as another marine event, range firing, military maneuvers or dredging;

(5) Inadequate provisions for safety measures which are prudent for the nature of the event;

(6) Exposing a wildlife or waterfowl refuge, areas frequented by a threatened or endangered species or other environmentally sensitive areas to adverse impacts of noise, turbulence or likelihood of physical injury to wildlife;

(7) High risk factors render the event (in the opinion of the district commander or delegate) unsafe;

(8) Previous experience with the sponsoring organization has involved irresponsibility, gross violations of the terms of approval, or ineffective control of the event without adequate corrective measures;

(9) Late submission of application; or

(10) Potential for significant environmental impacts that cannot be avoided or reduced or compensated to a level of no significance.

6. Regatta Patrols. Regatta patrols are intended to control spectator and transient craft for their protection, eliminate safety hazards in the event area, and enforce special local regulations. The primary responsibility to protect participants and spectators from the hazards of the event (including other participants) rests with the regatta sponsor. If the COTP determines Coast Guard patrols are necessary, the patrol commanders may be commissioned, warrant, or petty officers on active duty, designated for the event by the district commander or the district commander's representative. Coast Guard vessels and Auxiliary facilities may be used to patrol events, including embarking of the patrol commander. All vessels on regatta patrol under orders shall display proper identification. Instructions for the use of Auxiliarists on regatta patrols, and identification of patrol vessels, are found in the Auxiliary Operations Policy Manual, COMDTINST M16798.3 Series. When an event is patrolled exclusively by Auxiliarists, a facility commander shall be in charge of the patrol.

I. Permits Issued By The COTP.

1. Authority. The COTP has the authority to permit or prohibit a variety of activities in and around the port. Among these are unsafe vessel movements; transfers of dangerous cargoes, including explosives; the operation of designated waterfront facilities which do not meet their regulatory requirements; and the operation of vessels not in compliance with the navigation safety requirements in 33 CFR 164. Permit applications should be reviewed for compliance with applicable environmental requirements, including the National Environmental Policy Act (NEPA) (42 USC 4321-4370) and the Coastal Zone Management Act (16 USC 1451-1464). Consultation with state and local officials is required by E.O. 12372.

2. General Permit To Operate Designated Waterfront Facilities. Regulations covering the handling, storing, and transporting of dangerous cargoes at waterfront facilities are found in 33 CFR 126. A "general permit" to carry on these activities has been issued by regulation. The general permit is not a document or form in the usual sense of a permit. Rather, it is general permission, granted in 33 CFR 126.27, to operate a designated waterfront facility when the conditions detailed in 33 CFR 126.15 exist at the facility. The COTP is authorized in 33 CFR 126.31 to suspend that general permit "whenever he deems that the security or safety of the port or vessels or waterfront facilities therein so requires." The suspension must be in writing. The general permit may be revived by either the COTP or district commander upon a finding that the cause of termination no longer exists.

3. Alternative Stowage Procedures. Under 49 CFR 176.65 the COTP may authorize alternate stowage locations, methods of handling, or stowage of packaged hazardous materials under certain conditions. When the COTP authorizes such alternatives, the following procedures are to be followed:

   a. The authorization shall be in writing, signed by the COTP;

   b. The original of the authorizations shall be retained on board the vessel with the Dangerous Cargo Manifest as long as the authorization remains in effect; and

   c. The COTP shall make an entry in the MSIS indicating the existence and term of the authorization.

4. Deviations From Requirements Of 33 CFR 164. Although such a deviation is not a permit per se, the COTP may authorize a deviation or, in emergencies, must be notified of any situation in which a vessel 1,600 GT or over is not in compliance with the requirements in 33 CFR 164.

   a. Emergency Conditions. 33 CFR 164.51 states that, except for the requirements of 33 CFR 164.53(b), in an emergency, any person may deviate from any rule in 33 CFR 164 to the extent necessary to avoid endangering persons, property, or the environment. The significance of this rule is that, in such a situation, the person responsible is not subject to sanctions for deviating from certain of the rules. The burden is generally on the person deviating from the rules to show the existence of the emergency.

   b. Reporting Non-Operating Equipment.

      (1) 33 CFR 164.53(a) allows a vessel (already underway) to continue to the next port of call if any of the equipment required by this part stops operating properly, subject to the directions of the district commander or COTP, as provided in 33 CFR 160. However, a vessel may not depart a COTP's jurisdiction with inoperable equipment unless the COTP has authorized a deviation in accordance with 33 CFR 164.55.

      (2) 33 CFR 164.53(b) requires the reporting of failures of equipment critical to the safe navigation of the vessel "as soon as possible." The COTP or district commander to whom the report has been made should determine if additional requirements should be imposed, in accordance with 33 CFR 160, to ensure the safe transit of the vessel. Such additional requirements might include limiting a vessel to daylight navigation only or calling for tug escorts.

      (3) While the regulations in 33 CFR 164.55 are written so as to allow a COTP to use judgement in granting deviations, the intent of these regulations should be kept in mind. It is intended that a vessel, under certain circumstances upon reporting non-operating equipment, be permitted to continue its voyage under the agreement that repairs will be made at the next port or prior to returning to U.S. waters.

Deviations are not to be granted indiscriminately, and the granting of multiple deviations between COTPs for the same discrepancy is not authorized. The COTP of the next port on the vessel's itinerary should hold that vessel accountable in making all necessary repairs to the maximum extent practicable.

(4) Each discrepancy for which a deviation letter is issued must be recorded in MSIS on a Port Safety Discrepancy Report (PSDR). If an operational control is placed on the vessel, a Port Safety Operational Control (PSOC) must also be filed. This applies even if unit personnel do not board the vessel.

5. Hot-Work Permits.

a. Introduction. COTP approval is required before hotwork may be performed on vessels or designated waterfront facilities under the following circumstances:

(1) On regulated waterfront facilities or vessels moored thereto during the handling, storing, stowing, loading, discharging, or transporting of dangerous cargoes (see 33 CFR 126.15(c), 33 CFR 127.617, and 33 CFR 154.735(l));

(2) On vessels having military explosives on board as cargo (see 49 CFR 176.415); and

(3) On vessels having explosives or other hazardous materials on board as cargo (see 49 CFR 176.54).

b. Approval. The COTP should use the Welding and HotWork Permit, Form CG-4201, to approve hot-work. Approvals shall be issued to the facility person in charge or the vessel's master or chief mate, not to the contractor who will be performing the work. it is the responsibility of the permittee to ensure that the requirements on the permit are complied with by contracted workers. The permittee must ensure that other federal, state, and local regulations are complied with, such as the requirements in 46 CFR 30.01-10 and 35.01-1 for inspections and testing aboard tank vessels before repairs or alterations may be made. Holding a Coast Guard hot-work permit does not constitute final authority to conduct hot-work; the vessel or facility must also comply with other applicable state and local laws and regulations.

c. Extent And Duration Of Permits.

(1) A facility permit may be issued for a single operation, or for a continuing period of time, at the discretion of the COTP. The continuing permit shall not exceed one year.

(2) For a continuing permit, the COTP may require notice from the permittee whenever hot-work is scheduled. Rather than being notified of every instance when hot-work is to be conducted, the COTP may specify on the permit what conditions and criteria require notification by the permittee. Notification may include such information as the start date and time, duration of the operation, and the proximity of any dangerous cargoes to the site of the operation. For facilities holding a continuing permit, conditions should be checked to ensure the validity of the permit during normal facility inspections.

(3) A vessel permit may be issued for a single operation, or for a period not greater than 30 days.

d. Hot-Work At Coal And Grain Facilities And Shipyards. Shipyards and coal and grain facilities generally do not handle or store (or have vessels loading or discharging) explosives, flammable or combustible liquids in bulk, or other dangerous articles or cargo as defined in 33 CFR 126.05. They are thus not generally designated "waterfront facilities" under 33 CFR 126. Any facility that does engage in such activity shall be treated as a designated waterfront facility when such activities occur. Even when dangerous cargoes are not present, the COTP may issue a COTP Order controlling the hot-work on a vessel at the facility under 33 CFR 160, when conditions for issuing such an order exist. The provisions of 46 CFR 35.01-1 and 49 CFR 176.54 apply to hot-work on board certain vessels at waterfront facilities. Under these regulations, permits are issued to the vessel, not the facility.

6. Anchorage Permits. Individual anchorage regulations issued in accordance with 33 CFR 110 may specify the maximum duration a vessel is allowed to remain in an anchorage. These regulations may also specify when and under what conditions the COTP may issue an extended anchorage permit.

Before issuing such a permit, the COTP should consider congestion and traffic conditions to avoid dangerous situations for vessels transiting the vicinity. Requests for extended anchorage permits should be considered on the merits of each particular case. (See section 1.D. above for additional information concerning anchorages.)

J. Limited Access Areas (LAAs).

1. General. The Coast Guard may, when safety, security or other national interests dictate, establish certain LAAs to control access to, and movement within, areas under its jurisdiction. The Coast Guard also has the authority to implement several control mechanisms in the navigable waters of the U.S. and adjacent shore areas under the PWSA (33 USC 1221 et seq.) and the Anchorage Grounds Act (33 USC 471). Certain offshore controls may be established under the OCSLA (43 USC 1331 et seq.) and the DWPA (33 USC 1501 et seq.). These controls may apply in varying degrees to persons, vehicles, vessels, and objects within these areas. The intent of this part is to discuss the establishing, purpose, major features, and application of each type of limited access area, i.e., Safety Zones, Security Zones, and Regulated Navigation Areas (RNAs). Regulations applicable to Safety Zones, Security Zones, and RNAs are codified in 33 CFR Part 165.

2. Establishment.

a. All limited access areas (LAAs) can only be established by rulemaking. The issuance of such rules may also require analysis of their effects under laws such as NEPA and the CZMA as discussed in paragraph 1.A.5. Guidance on preparing local LAA regulations is found in Preparation and Publication of Field Regulations; COMDTINST M16704.2 Series. Under the Administrative Procedures Act (APA), 5 USC 552, rulemaking normally includes opportunity for "notice and comment", i.e., publication of a Notice of Proposed Rulemaking (NPRM) with a comment period and a 30 day period between publication of the final rule and its effective date. Only when specifically excepted by the APA, or when "good cause" exists, may a rule be exempt from the these requirements. Temporary LAAs which are established under emergency situations meet the requirements for what constitutes "good cause" and are exempt from the notice and comment requirements of the APA. However, LAAs established for major marine events or other situations where there is advance knowledge of the need for the regulations do not meet this exception.

b. Most situations requiring a LAA arise with little advance warning. As a result, it is not uncommon for the regulation to be terminated before it can be published in the Federal Register. However, publication is still necessary. Publication of the establishment of a LAA in the Federal Register provides "constructive legal notice" to the public and the maritime community of their establishment. Until a final rule is published in the Federal Register, it can be enforced only against those who have actual knowledge of the regulation.

c. Temporary LAAs issued in response to an unanticipated event are usually issued as final rules, and are effective immediately. Each final rule must specify an effective date. Temporary rules must also include the termination date. When the need exists, LAAs of indefinite duration may also be issued in this manner. In all cases, establishment of a new area, whether permanent or temporary, should be published in the Federal Register as soon as practicable following its implementation.

d. Prior to the signing of a final rule by the COTP, or the district commander, these LAAs do not exist and therefore cannot be enforced. If the alternate COTP is signing in place of the COTP, he/she must sign the final rule as "acting COTP." The final rule must be signed on or before the date the area is to become effective (i.e., an area cannot be established "after, the fact"). Commandant (G-LRA) has provided district legal staffs with formats for Federal Register documents for establishing LAAs.

e. Under 33 CFR 165.5(b), any person may request that a COTP, or the district commander, establish a LAA. The information required for the request is listed in the regulations.

3. Notification.

a. General. Prior to publication in the Federal Register, a final rule can only be enforced against those having "actual notice" of the rule. The Administrative Procedures Act provides that "except to the extent that the person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published" (see 5 USC 552(a)]. Consequently, if the establishment of a limited access area has not been published in the Federal Register, a person is not bound to recognize it unless that person has actual notice.

b. Actual Notice. Because the emergency nature of many LAAs often precludes publication in the Federal Register before the zones go into effect, and because broader dissemination of the rule is often desirable, the COTP, or the district commander, should use all means available to notify any interested parties. This includes giving notice to any parties affected. Such notification normally includes the physical boundaries of the area, the reasons for the establishment of the area, its estimated duration, and the method for obtaining authorization to enter the area. Rules establishing limited access areas must still be published in the Federal Register (see COMDTINST M16704.2 Series).

c. Dissemination Of The Rulemaking.

(1) Copies Of the Signed Rulemaking Document. The rulemaking document may be reproduced and handed out as a leaflet. This technique is relatively easy, since the command must produce the document for Federal Register publication and the document includes all of the necessary information. The leaflet should also include other information that might be of interest or value to the recipient (such as penalties, appeal procedures, enforcement agencies, etc.).

(2) Notice To Mariners. Whether published or broadcast, a Broadcast Notice to Mariners is one means of getting information to such persons as tugboat operators, masters of inbound vessels, etc.

(3) Newspapers/Radio/Television Releases. These are ways of

reaching members of the maritime public not attainable through other methods (such as recreational boaters). The principal drawback is that the Coast Guard has no control over whether or not a release is published or broadcast, or how it is edited and delivered, nor can we know if a release was received. Prior contact with local media members can be extremely helpful in this regard.

(4) Unit Newsletter. The unit newsletter is a vehicle for widespread notice of regulations having local impact. The newsletter mailing list should cover all of the "interested parties" referred to in the PWSA.

4. Safety Zones.

a. Introduction. A safety zone is a water area, shore area, or water and shore area to which, for safety or environmental protection purposes, access is limited. Safety zones may be established by the district commander, or the COTP, in U.S. ports and waterways, under the authority of the PWSA and 33 CFR 165, for the protection of vessels, structures, waterways, and shore areas. In a safety zone, access is limited to persons, vehicles, vessels or objects authorized by the COTP. It may be described by fixed limits, or it may be a zone around a vessel in motion (see 33 CFR 165.20). For example, a safety zone may be established as follows:

(1) Around a damaged or burning vessel, to facilitate access for fire or rescue units and to protect uninvolved persons and vessels;

(2) To limit vessel access to an area in which spill removal operations are underway;

(3) For a long period of time, to safeguard a vessel grounded or sunk in or near a navigable channel, or to keep vessels off an uncharted shoal before marking or dredging; or

(4) To limit access to shoreside areas suffering from explosions or fires.

b. Purpose. Most safety zones are established in response to some emergency situation and are temporary in nature. However, it may become necessary to establish safety zones for indefinite periods. For example, a permanent safety zone may be established around the water and shore area of a high-risk waterfront facility. Entry into a safety zone is prohibited unless authorized by the COTP or district commander. Each person in a safety zone is required to obey any lawful order of the COTP or district commander, or their representatives. Failure to do so may result in civil or criminal sanctions under 33 USC 1232.

c. Discretion Of The COTP. To promote safety and protect the environment, the COTP may limit access to, and control activities within, the zone. Those vessels which are given permission to enter the area may be required to meet certain conditions specified by the COTP before access is granted. Nevertheless, the primary purpose of the zone is to limit access. Where a COTP primarily desires to control vessel operations in the zone, a more appropriate tool for this purpose is the establishment of a Regulated Navigation Area (RNA).

5. Security Zones.

a. Introduction. Security zones are designated areas of land, water, or land and water established for such time as is necessary to prevent damage or injury to any vessel or waterfront facility; to safeguard ports, harbors, or waters of the United States; or to secure the obligations of the U.S. Security zones may be established by the COTP, or the district commander, under the authority of 50 USC 191 and 33 CFR 6.04-6. Security zones are primarily used for national security interests rather than strictly for safety considerations.

b. Purpose. The purpose of a security zone is to safeguard vessels, harbors, ports, and waterfront facilities from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature. Once a security zone is established, all persons and vessels within the zone are required to obey any direction or order issued by the COTP. Within the zone, the COTP may control the access and movement of all vessels, persons, and vehicles (including their removal) and may take control and possession of any vessel. Violations of the zone are subject to criminal penalties only.

6. Regulated Navigation Areas (RNAs).

a. Purpose. A Regulated Navigation Area (RNA) is a water area within a defined boundary for which regulations for vessels navigating within the area have been established by the district commander under the authority of the PWSA and 33 CFR 165.11. It is an area that requires control of vessel operations to preserve the safety of the adjacent waterfront structures, to ensure safe transit of vessels, or to protect the marine environment.

For example, an RNA may be established to provide for safety of navigation when conditions require higher standards of control than that provided by the Navigation Rules. In such a case, the rules for the RNA may be designed to permit permanent passive traffic management; vessels may be required to comply with specific criteria in order to enter or transit the area. An RNA may also be established for other purposes. For example, an RNA could be used in an environmentally sensitive area to limit activities which would create an unusually high risk of harm (e.g., to prohibit oil transfer operations while the vessel is anchored).

b. Distinctions. An RNA should be distinguished from a COTP Order issued under the authority of 33 CFR 160. The primary difference is that an RNA is established by regulation, whereas the COTP order is not. An "order" is the appropriate means to control individual vessel movement when the hazard is an immediate one caused by an explosion, grounding, attempted blockade, or large oil spill. However, to be enforceable, actual knowledge of the order must be established. Where a hazardous condition exists that requires control of a number of vessels, the establishment of an RNA or safety zone is appropriate. RNAs may be established only by the district commander, and not by COTPs. RNAs are typically established when extensive vessel controls are needed over an extended period of time. Whenever possible, the normal rulemaking process of notice and comment is followed for the establishment of RNAs (see COMDTINST M16704.2 Series). However, RNAs may also be established as immediate emergency measures to respond to emerging, unanticipated events. As in the case of a temporary safety zone, a temporary RNA may, in emergency circumstances, be made effective immediately (i.e., on the same date that the regulation is signed).

7. VTS Special Areas.

a. Purpose. A VTS Special Area is a waterway contained wholly within a VTS Area within which special operating requirements or restrictions (33 CFR 161.13) for VTS users apply. The Commandant, under the authority of the PWSA may establish these areas by regulation (33 CFR 161). The VTS Special Area will preserve the safety of adjacent waterfront structures, ensure safe transit of vessels, or protect the marine environment.

It is a water area that requires additional vessel operating procedures beyond the general vessel operating requirements set forth in 33 CFR 161 and is administered by the VTS. These special operating requirements may be tailored for each particular VTS Special Area. An example of this is contained in 33 CFR 161.55(d).

b. Distinction. A VTS Special Area should be distinguished from an RNA. A VTS Special Area may only be established by the Commandant within a VTS Area whereas an RNA may be established by the district commander anywhere within the navigable waters of the U.S. Both types of Area are established and enforced alike.

8. Limited Access Areas In The Offshore Environment.

a. Outer Continental Shelf (OCS) Safety Zones. Safety zones on the OCS are established by district commanders under the authority of the Outer Continental Shelf Lands Act (OCSLA); 43 USC 1333, as amended, and 33 CFR 147. Such zones are limited to within 500 meters of artificial islands, installations, and other devices (including offshore drilling units) which are used for the purposes of OCS resource exploration and exploitation. Under 33 CFR 147, the district commander may control access to and actions within the zone, and failure to obey regulations may result in civil or criminal penalty under 43 USC 1350 and 33 CFR 140.40. Civil penalties are assessed by the Minerals Management Service (MMS), pursuant to 30 CFR 250.80.

b. Deepwater Ports (DWP) Safety Zones. DWP safety zones are established by the Commandant under the authority of the Deepwater Ports Act (DPA); 33 USC 1509. DWP safety zones are intended to establish controlled access zones around DWPs (as defined in the act) in which activities specified in 33 CFR 150, Subpart C only may be conducted. The COTP is not authorized to establish DWP safety zones.

c. Notification To Federal Agencies. District commanders should ensure that other federal agencies interested in the closure of a waterway are among the parties notified of the establishment of a limited access area. Figure 1-3 provides a condensed information chart concerning limited access areas. The federal agencies listed in figure 1-4 have indicated their interest in being notified of waterway closures.

District commanders should also contact the local offices of these and other agencies to determine if notification is desired at the local level.

9. Additional Information. Questions and recommendations concerning limited access areas for security purposes, safety zones in ports and waterways, and OCSLA and DWP safety zones should be directed to Commandant (G-MCO). Additional information on enforcement of LAAs can be found in volume VII, chapter 2 of this manual.

10. Temporary Flight Restrictions(TFRs).

a. General. The establishment of any LAA does not include the airspace above the zone. The FAA may issue TFRs as provided for in 14 CFR 91.91 of the FAA Regulations to limit air traffic over certain areas. The FAA may impose TFRs to prevent congestion of sightseeing aircraft over an event which may generate a high degree of public interest and/or provide a safe operating environment for disaster relief or emergency response aircraft.

b. Requests For TFRs. Requests for TFRs should be made to the FAA Air Route Traffic Control Center (ARTCC) nearest the incident through the district operation center. The following information should be necessary when requesting a TFR:

(1) Name and organization of person recommending or requesting a TFR;

(2) Brief description of the situation;

(3) Estimated duration of restriction;

(4) Name of agency responsible for on-scene emergency activities and telephone or other communications contact, including radio call sign and frequency of official in charge of onscene emergency response activities;

(5) Description of the affected area by reference to prominent geographical features depicted on aeronautical charts, if possible; otherwise, by geographical coordinates;

(6) Description of material or activity posing a hazard to persons and property in the air;

(7) Description of hazard that would be magnified, spread, or compounded by low flying aircraft or rotor wash;

(8) Nature of airborne relief, proposed aircraft operations, and location of relief aircraft base; and

(9) Contact point or radio frequency for handling news media requests to operate at altitudes used by relief aircraft.

c. Cancellation. The coordinating ARTCC should cancel the TFR when the Coast Guard notifies the ARTCC that the restrictions are no longer required.

FIGURE 1-3
INFORMATION CHART FOR LIMITED ACCESS AREAS

NAME	AUTHORITY/PENALTY	PURPOSE	UTILIZATION
SAFETY ZONE	33 USC 1221 et seq. 33 CFR 160 33 CFR 165 CIVIL PENALTY: $25,000 CRIMINAL PENALTY: Class D felony	Protects vessels, structures, waters, and shore areas by establishing water and/or waterfront safety zones, and by limiting access to the zone. Safety zones are intended for situations beyond the scope of normal safety procedures. They are usually established on a temporary and/or emergency basis.	Established by the COTP, or the district commander. Used to control access or up to movement of persons, vehicles, vessels, and objects. Requires all persons within the zone to obey any lawful order or direction of the COTP or district commander. Civil and criminal penalties available. Should be used instead of security zone for safety and environmental protection purposes. More enforceable due to the civil penalty provisions.
SECURITY ZONE	50 U.S.C 191 33 CFR 160 33 CFR 165 CRIMINAL PENALTIES: up to $10,000 up to 1O years	Prevents damage or injury to any vessel or waterfront facility; to Safeguard ports, harbors, territories, or waters of the U.S.; or to secure the observance of the rights and obligations of the U.S.	Established by the COTP, or the district commander. Used to control access or movement of persons, vessels, and objects within the zone. Requires all persons and vessels within the zone to obey any direction or order of the COTP. Allows the COTP to take possession and control of vessels, and to remove any person, vessel, or thing from the zone. Criminal penalties only. Generally used for national security situations rather than strictly safety or environmental protection reasons. Should be used only when a safety zone is inapplicable.
REGULATED NAVIGATION AREA	33 USC 1221 et seq. 33 CFR 165 CIVIL PENALTY: up to $25,000 CRIMINAL PENALTY: Class D felony	Provide for the safety of navigation when the condition of the harbor or waterway warrants a higher standard of safety than that provided by the Rules of the Road.	Established by the district commander for passive traffic management. It may require specific operating criteria for entry into the area. Applies only to vessels.

FIGURE 1-3 (cont'd)

NAME	AUTHORITY/PENALITY	PURPOSE	UTILIZATION
RESTRICTED WATERFRONT AREA	50 USC 191 33 CFR 6 33 CFR 125 CRIMINAL PENALTIES: up to $10,000 up to 10 years	Prevents access of persons not in possession of Port Security Card, or other valid security credentials, from areas or vessels essential to national defense.	Established by the COTP when an area is Involved with handing Class 1 explosives. Establishment for other national defense purposes must be approved by the Commandant. Applies to persons.
SAFETY ZONE(OUTER CONTINENTAL SHELF)	43 USC 1350 33 CFR 147 33 CFR 140.40 CIVIL PENALTY: up to $20,000 CRIMINAL PENALTIES: up to $100,000 up to 10 years	Promotes safety of life, property, and the environment in an area within 500 meters of artificial islands and fixed structures on the OCS by controlling access to and actions within the zone.	Established by the district commander, usually for permanent passive traffic management, but may be implemented for emergency situations. Applies to vessels, persons, and activities.
SAFETY ZONE (DEEPWATER PORT)	33 USC 15O1 et seq 33 CFR 150 CIVIL PENALTY: up to $25,000 CRIMINAL PENALTY: Class A misdemeanor	Protects vessels, structures, and the environment by limiting or prohibiting access to the deepwater port safety zone and by controlling activities within the zone.	Established by the Commandant for permanent active traffic management. Requests for any vessel activity not provided for by regulation must be approved by the COTP.

FIGURE 1-4

NOTIFICATION OF
FEDERAL AGENCIES OF WATERWAY CLOSURES

A. All Waterway Closures. In addition to all other interested parties, as determined by the district commander and/or the COTP, the district commander should determine which, if any, of the following agencies to notify of waterway closures, including establishment of security zones and safety zones. This determination should be based upon consideration of the nature of the closure, its geographic extent, likely duration, waterways activities affected, national defense considerations, potential impact on the safety of the surrounding population, and the involvement of agencies to be notified. Notification should include at least the information contained in a Notice to Mariners.

1. Federal Emergency Management Agency (FEMA)

   a. National Emergency Coordination Center
      500 C Street, SW
      Washington, DC 20472
      (202) 898-6100

   b. The Appropriate FEMA Regional Office.

2. Maritime Administration (MARAD) Headquarters

   a. Office of National Security Plans - (202) 366-5900

   b. Office of Ship Operations - (202) 366-2636
      400 Seventh Street, SW
      Washington, DC 20590

3. Military Traffic Management Command (MTMC)

   a. Headquarters

      (1) Chief, Safety and Security
          Provost Marshal (MT-SS)
          (703) 756-1951
          ATTN: Asst. Safety Manager

      (2) Deputy Chief of Staff for Operations (MTOP-0)
          5611 Columbia Pike
          Falls Church, VA 22041
          (703) 756-1130
          ATTN: Assistant Deputy Chief of Staff for
                Operations

FIGURE 1-4 (cont'd)

b. Appropriate Area Command:

(1) Eastern Area (MTEOP)
Bayonne, NJ 07002
(201) 823-6272

(2) Western Area (MTWOP)
Oakland, CA 94626
(510) 466-3322

4. Military Sealift Command (MSC)

a. Commander, Military Sealift Command
Command Center
Washington Navy Yard - Building 210
901 M Street, SE
Washington, DC 20398-5540
(202) 685-5155

b. Appropriate Area Command:

(1) Atlantic Area
Military Ocean Terminal
Building 42
Bayonne, NJ 07002
(201) 823-7584

(2) Pacific Area
Oakland, CA 94625
(510) 302-4111

c. Appropriate MSC Regional Office.

5. U.S. Army Corps of Engineers (USACE)

a. Headquarters
Office of Civil Works
Operations, Construction and Readiness
20 Massachusetts Avenue, NW
Washington, DC 20314
(202) 272-8841
ATTN: CG Liaison

FIGURE 1-4 (cont'd)

b. Appropriate Division and District Offices: Addresses and phone numbers for USACE district and division offices are published in "Corps of Engineers Activities/Installations List," which is updated semiannually. COTPs, MSOs, district (m) offices, and Coast Guard Headquarters are on the automatic distribution for this publication; it is also available from the Coast Guard Exchange Officer at USACE Headquarters, (202) 272-0281.

6. Department of Justice (DOJ)

Contact local Federal Bureau of Investigations (FBI) field office.

B. Special Circumstances. The following federal agencies should be notified of waterway closures under circumstances described below. Notification in these cases should contain as much information as possible and should be made by the fastest means possible; any oral notification should be confirmed by message or other hard copy record.

1. Civil Disturbance Or Terrorist Threat. Whenever a security zone is established as a result of civil disturbance or terrorist threat, the following agency should be notified:

Contact local Federal Bureau of Investigation (FBI) field office.

2. Imminent Danger To Or Destruction Of Property. Whenever a safety or security zone is established to prevent significant damage to or destruction of property, or as a result of the actual destruction of property (whether from natural causes or civil disturbance), the following agency should be notified:

Federal Emergency Management Agency (FEMA)
National Emergency Coordination Center
500 C Street, SW
Washington, DC 20472
(202) 898-6100

K. Protection Of Public Vessels.

1. Definition. The term "public vessel" generally means any vessel owned and operated by a department or agency of the United States Government, or a state or subdivision thereof, which is engaged exclusively in official, noncommercial operations. This term also applies to a foreign vessel that is owned and operated similarly by a foreign government recognized by the United States. Whether a vessel is a public vessel depends only on its ownership and the purpose to which it is put, and does not depend on the identity of the person exercising day-to-day management of the vessel. The term normally does not include a vessel that is merely chartered or subsidized by a government, that is government-owned but not operated by government personnel, or that is privately-owned and operated by government personnel. All U.S. public vessels display a certificate of public vessel status signed by the Secretary of the department under which it operates.

2. Public Vessels And International Law. The U.S. adheres to the principle of international law that the jurisdiction of a nation over its public vessels, and all persons and goods thereon, is inviolate even if in the ports or waters of another nation. Such a vessel, operating under responsible officers and in the service of its government, is not subject to libel (legal attachment or seizure) or other civil actions (e.g., those arising from claims for debts, damages, collisions, or salvage services) or to criminal actions arising from infractions of local criminal codes. [NOTE: The U.S. also adheres to the principle that a vessel shall not normally be boarded by officials of the host country without the permission of the commanding officer (CO) or master.]

3. Applicability Of 49 CFR Subchapter C To Public Vessels.

a. A public vessel is defined in 49 CFR 171.8 as a vessel owned by and being used in the public service of the United States. It does not include a vessel owned by the United States and engaged in a trade on commercial service, or a vessel that is under contract or charter to the U.S. Most MARAD and MSC vessels are owned (or bareboat/demise chartered) by the federal government and devoted to governmental purposes, and are therefore, recognized as public vessels under 49 CFR.

b. The following general guidance for 49 CFR Subchapter C enforcement should apply:

(1) U.S. Navy vessels are public vessels under 49 CFR;

(2) MARAD's National Defense Reserve/Ready Reserve Fleet and MSC's United States Naval Service vessels are public vessels under 49 CFR, regardless of whether the operator is a private entity;

(3) A vessel, that is time or voyage chartered or otherwise contracted by the United States, including by MSC or MARAD, is not a public vessel under 49 CFR; and

(4) A vessel owned or chartered (bareboat, time, voyage) by a foreign government, state, or municipality is not a public vessel under 49 CFR.

c. A Federal contractor who is responsible for day to day management of a public vessel does not share in the exception from 49 CFR jurisdiction that is given to that vessel. Therefore, while MARAD and MSC vessels may be public vessels, this status does not exempt the contractor from compliance with the Hazardous Materials Regulations (HMR). The contractor may only avoid those provisions that are not applicable to a public vessel.

d. In addition to the above, application of 49 CFR is not dependent upon the conveyance being a public vessel, but whether a "person" is transporting hazardous materials in commerce. A person, as defined in 49 CFR 171.8, includes a government or "agency or instrumentality of any government" that offers or transports hazardous materials in furtherance of a commercial enterprise. It has been determined that transportation, when carried out by government personnel for a governmental purpose, is not in furtherance of a commercial enterprise. Therefore, even if a vessel owned by a state, municipality or foreign government does not meet the definition of a public vessel, transportation of hazardous materials on such a vessel is not subject to the HMR if the vessel is manned by government personnel and operated for a governmental purpose.

L. Handling Of Explosives.

1. Authority. The COTP has authority to direct and control the handling of explosives aboard most vessels and at waterfront facilities not owned or operated by the Department of Defense (DOD). The regulations in 33 CFR 6 give the COTP this broad authority. Under these regulations, the COTP can establish security zones, control the movement or take possession of vessels, require identification credentials for access to waterfront facilities, provide for the security of waterfront facilities and vessels in port and supervise and control the handling of explosives and other dangerous cargoes. Basic authority to regulate the transportation of hazardous materials is contained in 49 USC Chapter 51. Detailed requirements for handling of Class 1 (Explosive) materials are contained in 49 CFR 176.100-176.194.

2. Maritime Preposition Force (MPF) Program. In the early 1980s, the United States Marine Corps began development of a program to pre-stage military equipment and ammunition on chartered U.S. commercial vessels to allow for rapid deployment. This marked the beginning of what is now called the MPF program.

   a. Definition. MPF vessels are commercial ships on long-term charter to the MSC. They are manned with a normal civilian crew and are augmented by civilian equipment maintenance personnel and a small military security contingent. The program is designed so that the MPF ships arrive quickly at a secure port or beach near a conflict location, and the military personnel travel via airlift to join their equipment.

   b. Cargo. Cargo on board the MPF ships consists of various types of equipment including tanks, armored personnel carriers, assorted trucks, trailers, construction equipment, artillery pieces, aircraft support equipment, etc. In addition, military ammunition and explosives, among other supplies, are loaded into 20 foot containers. Supervising the loading and unloading of these containers provides the Coast Guard with its biggest role in the MPF program.

3. Supervisory Detail. 49 CFR 176.102 authorizes the COTP to assign a "supervisory detail" to any vessel to oversee the loading, unloading or handling of explosives. All persons engaged in the handling of explosives shall obey the orders of the officer in charge of a supervisory detail.

The Commanding Officer of a DOD operated or controlled facility may decline the Coast Guard supervisory detail if compliance with the provisions of 49 CFR, Part 176 is ensured. This option does not apply to military vessels at commercial facilities, where the supervisory detail cannot be declined.

4. Handling Of Designated Dangerous Cargoes. "Designated Dangerous Cargo" is defined in 33 CFR 126.09 as Division 1.1 or 1.2 commercial or military explosives. 33 CFR 126.17 requires that these commodities may be handled only at a designated waterfront facility and only if a permit has been issued by the COTP, with certain exceptions. Vessels are required to have permits under 49 CFR 176.100 and 49 CFR 176.415, which imposes a similar requirement for handling packaged blasting agents, ammonium nitrates, and certain ammonium nitrate mixtures, although these commodities are not "designated dangerous cargo." In issuing permits, the COTP should consider population density, property use, topography, quantity-distance tables, mission objectives, consistency of the activity with the State's coastal zone management plan, state and local ordinances, and alternatives. it is emphasized that no single standard is either absolute or appropriate for all situations. Each permit application should be evaluated in light of its unique characteristics. A determination should be made as to what constitutes an acceptable risk to public safety. The publications in subparagraph L.8.j below provide guidelines and assistance in determining separation distances, and should not be considered the sole source of authority for granting permits or establishing limitations.

   a. Permit Required. Application and Permit to Handle Hazardous Materials, Form CG-4260, shall be used to satisfy the permit requirements of 33 CFR 126.17 and 49 CFR 176.415. One Form CG-4260 may be used to cover the same transaction for both the facility and the vessel; however, a separate permit is required for each transaction. The application and permit may also be utilized when the COTP exercises the authority found in 33 CFR 126.29. Some strategic ports will also have "prepositioned permits" on file. Strategic ports are U.S. ports that are designated to support major force deployments during the initial surge period under one or more national defense contingency plans. Ports are selected based on their proximity to deploying units, transportation links to those units, and port characteristics. Strategic ports also include primary ammunition ports, whose operations would impact unit deployments due to their proximity to other strategic ports and the nature of their activities during deployment.

Prepositioned permits are CG-4260s which are for use by the Military Traffic Management Command (MTMC) of the U.S. Army, or the MSC of the U.S. Navy during mobilization or a national emergency. They will cover outloads of military supply items at MTMC or MSC-utilized terminals.

b. Annual Permits. Certain industries routinely ship small quantities of Division 1.1 and 1.2 explosives for various industrial purposes such as dredging operations or in support of offshore oil exploration. An explosive permit for a continuing period may be allowed for a particular vessel which routinely handles explosives at the same waterfront facility. Such a permit shall be for small quantities only, with a small quantity being defined as less than 226.8 kilograms (500 pounds) net explosive weight (NEW). The continuing permit shall be limited for a period not to exceed one year. The company or individual shall submit the application (Form CG4260) which identifies the vessel and the facility from where the explosives will be shipped on a recurring basis. The continuing permit shall be issued to a particular vessel loading only at the facility designated on the permit.

c. Issuing Of Annual Permits. In issuing annual permits, COTPs should inspect the condition of and procedures used by the vessel, as well as the facilities location and condition; a) prior to issuing the permit; b) at least semiannually; and c) annually upon renewal. Companies or individuals shall also be required to comply with, and provide a copy of, local and state permits, as well as certifications of consistency with relevant State coastal zone management plans, with their application. During the period of the permit, the company or individual should be required to give advance notice of each shipment to the COTP and obtain verbal approval to ship under the continuing permit. The notice should include: permit identification number, vessel and facility name, destination with ETA, and a point of contact with phone number. COTPs should maintain an explosive permit log to keep track of all authorizations under the continuing permit.

5. Handling Of Division 1.5 (Blasting Agents), Ammonium Nitrates, And Certain Ammonium Nitrate Fertilizers.

   a. Under certain conditions of packagings, section 176.415 of Title 49 Code of Federal Regulations (49 CFR) requires that a permit be issued for the handling of these materials, and that these materials it ... must be loaded or unloaded at a facility remote from populous areas or high value or high hazard industrial facilities ..." while under other packaging conditions they may be loaded or unloaded at "... a non-isolated facility provided that facility is approved by the COTP." The terms "remote" and "non-isolated" are not defined in these regulations.

   b. For Coast Guard purposes, a facility may be considered "remote" or "isolated" if, for the quantity of material being handled, there are no inhabited buildings, residential areas, public traffic routes, or high value or high hazard industrial facilities located within the Explosives Safety Quantity-Distance (ESQD) arc as calculated by applying the DOD Quantity-Distance (Q/D) standards outlined in enclosure I to this chapter.

   c. In accordance with the DOD standards, when these materials are shipped by themselves, i.e. there are no other Class 1.1, 1.2, etc. explosives present, these materials are considered Extremely Insensitive Detonating Substances (EIDS) and a safety factor of eight (K=8) is used in determining the ESQD arc for inhabited buildings and public traffic routes.

   d. For Coast Guard purposes, examples of facilities that may be adjacent to an ammonium nitrate handling facility which can be considered "high value" or "high hazard industrial facilities" include passenger ferry terminals, cruise ship terminals, marinas, facilities with large above-ground storage tanks containing flammable or other hazardous liquids that could be impacted in the event of a fire or explosion, facilities handling bulk liquefied hazardous gases, or any other facility of concern to the COTP.

6. Exceptions. Exceptions to the permit requirements described above include military explosives shipped on public vessels by or for the Armed Forces of the United States, and handled at a DOD owned or operated facility. Commercial vessels loading explosives at DOD facilities are still required to obtain a permit.

7. Department Of Transportation (DOT) Exemptions.

   a. General. Waivers or exemptions allow administrative relief from regulations on the basis of equivalent levels of safety or levels of safety consistent with the public interest. The DOT may grant exemptions from the hazardous materials regulations in 49 CFR based on the merits of the application submitted by the requesting party. Applications for exemption from the hazardous materials regulations in 49 CFR are submitted to and reviewed by the Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Exemptions Branch.

   b. DOT E-3498. DOT exemption 3498 grants the DOD exemption from various parts of 49 CFR. Basically, it authorizes the shipment of fueled combat and other military vehicles loaded with ammunition basic load (ABL), accessory ammunition, and other hazardous materials in periods of declared national emergency, or during contingencies requiring expedited movement of U.S. forces as approved by the Secretary of Defense. DOT E-3498 applies only to emergency movements during a declared national emergency, and will be activated and/or deactivated by MTMC.

   c. DOT E-7280. DOT exemption 7280 grants the DOD an exemption from the provisions of 49 CFR, Parts 176.905(c) and (d). It therefore authorizes the DOD to ship fueled vehicles such as motor vehicles, fixed wing aircraft and helicopters with the fuel tank not more than three-quarters full, and permits the transport of these vehicles with battery cables connected if the holds or compartments of the transporting vessel are mechanically ventilated. This exemption applies only on MSC controlled cargo vessels.

8. Separation Distances.

   a. The COTP should normally specify on the permit (Form CG-4260) the separation distance from the point where the explosives/ammunition are to be handled to inhabited buildings, public highway routes, or sensitive areas, such as large oil storage tanks.

b. The establishment of safe separation distances for explosives is based on the total net explosive weight (NEW) of all explosives present on board the vessel or vessels and at the waterfront facility. The traditional approach is additive: the total NEW of all explosives present must be taken into account. Although most vessels have mixed loads of Division 1.1, 1.2, and 1.3 explosives etc., the conservative position establishes separation distances as if all explosives present were Division 1.1. Headquarters discussions with DOD's Explosive Safety Board (DDESB) support this position.

c. For purposes of explosives safety separation distances, commercial and military explosives are currently treated the same. COTPs should use the DOD standards listed below in calculating safe separation distances for explosive handling operations at waterfront facilities. Enclosure 1 to this chapter gives some examples.

d. COTPs shall not use the standards located in the American Table of Distances (ATD) published by the Institute for Makers of Explosives (IME) when determining safe separation distances. These standards were designed for permanent magazine storage only.

e. If a freight container of explosives is transported by highway or rail and driven directly onto or off of . barge or vessel and total operations do not exceed . twenty-four hour period, the COTP may permit the operation without imposing the limitations of separation distances. However, there are specific instances in which separation distances should be used to control or minimize the risk to the public and waterfront facilities:

(1) When explosives are lifted from the dock to the vessel or vice versa, regardless of packaging. The process of lifting explosives poses additional risk and increases the potential for an accident due to equipment failure or personnel error;

(2) When transportation of explosives involves switching transportation modes which involves additional cargo handling and could result in a situation similar to that noted above;

(3) When a vessel is entering port with explosives on board with the intent of loading additional explosives or other cargo. There is the potential of an accident with the explosives that are already on the vessel; or

(4) When explosives are not expeditiously moved from the waterfront facility, resulting in incidental temporary storage. Considering the large quantities of explosives transported by vessels, the vulnerability of waterfront facilities, adjacent property and persons, the incidental storage of explosives must be limited to the absolute minimum time necessary to conduct the explosives loading. A general rule of thumb would set 6 hours as the maximum temporary storage time for explosives awaiting transfer off the waterfront facility.

f. Depending on local conditions, the COTP may consider alternate temporary storage durations as long as there is no significant increase in the risk to the public or non-waterfront facility structures. Any storage longer than the time limit determined by the COTP should require compliance with the safe separation distances, or the removal of the explosives from the waterfront area to proper permanent storage magazines.

g. It is the responsibility of the applicant to provide NEW data, along with the proper shipping name, hazard class, DOT class, and other pertinent information, as appropriate.

h. If the specified separation distance cannot be imposed at a given location for the NEW in the application, the COTP should consider:

(1) Denying the application;

(2) Limiting the quantity of cargo to be handled at that location to bring the proposed transfer within the separation distance guidelines;

(3) Placing use restrictions on exposed routes in coordination with local government agencies and affected commercial businesses, such as rerouting public traffic routes and removing possible hazard sources while the port is used for explosives loading, unloading, or holding operations; or

(4) Restricting the handling of explosives to such times as when inhabited buildings are either lightly occupied or not occupied, and/or when public traffic routes are lightly traveled (i.e., after normal working hours, after rush hour, or during nights and/or weekends).

i. Additionally, restrictive easements may be considered necessary for that portion of the quantity-distance safety arc that extends into other commercial property to preclude construction of buildings and facilities in those areas. A restrictive easement is a limitation imposed upon surrounding property owners and may involve acquisitions, compensation, or litigation. COTPs considering obtaining easements should consult with the local CEU and the district legal officer for further guidance.

j. The following publications are available to assist in determining separation distances, and expertise is also available to perform Port Ammunitions Surveys from DOD's Explosive Safety Board.

(1) DOD Ammunition and Explosives Safety Standards (DOD 6055.9-STD), October 1992, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402;

(2) NAVSEA OP 5 Volume 1 - Ammunition and Explosives Ashore Safety Regulations for Handling, Storing, Production, Renovation and Shipping, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402;

(3) NAVSEA SWO20-AC-SAF-010 Transportation and Storage Data for Ammunition, Explosives and Related Hazardous Materials. (Formerly NAVSEA OP 5, Volume 2), available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402; and

(4) National Fire Code Volume 4, Explosive Materials.

9. Establishment Of Quantity-Distance Limits.

a. Commercial Facilities. As set forth in 33 CFR 126.19, the quantity of designated dangerous cargo on a commercial waterfront facility and vessels moored thereto shall not exceed the limits as to maximum quantity, isolation and remoteness established by local municipal, territorial or State authorities.

b. DOD Facilities. Quantity-distance limits for designated dangerous cargo handled at DOD facilities are established by the DOD Explosives Safety Board.

c. DOD Explosives At Commercial Facilities. The Captain of the Port establishes quantity-distance limits for designated dangerous cargo consisting of military explosives shipped by or for the Armed Forces, handled at commercial facilities.

CHAPTER 2. DEEPWATER PORTS (DWP's)

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CHAPTER 2. DEEPWATER PORTS (DWP's)

A. Authority. The authority for Department of Transportation (DOT) licensing and inspection of DWP's is contained in the Deepwater Port Act of 1974 (DPA), as amended (33 USC 1501 et seq.), and 33 CFR 148-150. Licenses for a DWP are issued and signed by the Secretary of the Department of Transportation (SECDOT). The SECDOT has delegated most regulatory responsibilities imposed by the DPA to the Commandant, including the processing of license applications. The SECDOT has, however, retained the authority to issue, transfer, amend, or renew DWP licenses (49 CFR 1.44(o)(7)). The Commandant has further delegated enforcement responsibility for DWP's to the captain of the port (COTP) where the DWP is located (33 CFR 1.01-30). For information on DWP safety zones, see chapter 1 of this volume.

B. Coast Guard Responsibilities. The Coast Guard has the following DWP-related responsibilities:

1. Commandant (G-WPE).

   a. Coordinates DWP activities for the Program Manager, Commandant (G-W);

   b. Processes DWP license applications;

   c. Develops mission performance standards for DWP activities;

   d. Reviews environmental monitoring programs for DWP's and annually inspects DWP's for compliance with environmental regulatory requirements;

   e. Prepares changes to the DWP regulations in 33 CFR Subchapter NN;

   f. Prepares the annual report to Congress required by the DPA;

   g. Establishes DWP safety zones;

   h. Processes exemption requests under 33 CFR 148, Subpart F; and

   i. Processes requests for major construction changes to DWP's for approval by Commandant (G-W).

2. Commandant (G-MVI).

   a. Provides technical review of DWP applications and design proposals;

   b. Provides technical support to Commandant (G-WPE) and the Program Manager, as requested, in administering the DPA and associated regulations; and

   c. Reviews and approves modifications to DWP construction drawings and specifications, with the assistance of Commandant (G-MTH);

2.B.3. Commandant (G-WFR). Administers activities relating to the Deepwater Port Liability Fund established in the DPA.

4. District Commander (m).

a. Acts as Program Manager for Coast Guard DWP-related activities within the district.

b. Reviews the quarterly Coast Guard Enforcement Activities Report for Deepwater Port Offshore Platforms, Form CG-5402, submitted by cognizant COTP's, for accounting accuracy and completeness, and forwards it to Commandant (G-WPE) within 30 days after the end of each quarter. Figure 2-1, found on pages 2-3 through 2-5, may be duplicated locally.

c. Answers questions from COTP's regarding the DPA, DWP regulations, and/or Coast Guard policy, or forwards these questions to Commandant (G-WPE-1) for resolution.

d. Assists the COTP as necessary.

5. District Commander (oan). Maintains records to private aids to navigation (ATON) established at DWP's in accordance with 33 CFR 149 Subpart E and 33 CFR 150 Subpart F.

6. COTP.

a. Conducts inspections of DWP's onshore and offshore facilities annually and as otherwise deemed necessary to ensure compliance with the DPA, applicable regulations, and this chapter;

b. Coordinates DWP materiel inspections with the cognizant officer in charge, marine inspection (OCMI);

c. Approves or disapproves minor construction changes on DWP offshore facilities;

d. Assures that drawings and specifications for major construction changes on DWP offshore facilities are submitted to Commandant (G-WPE) for action;

e. Monitors vessels calling at DWP's to ensure compliance with applicable policies, laws, and regulations;

f. Reports violations of U.S. laws and regulations by the DWP and/or vessels calling there to the district commander (m) for action;

g. Prepares and submits quarterly summaries of Coast Guard DWP-related activities, which are required for program review and for the annual report to Congress, as required by the DPA. Form CG-5402 is submitted quarterly to Commandant (G-WPE), via the district commander (m) within 15 days after the end of each quarter. Negative reports are not required.

Approved RCS No. G-WPE-14036

DEPARTMENT OF TRANSPORTATION
U.S. Coast Guard
CG-5402 (5-85)

COAST GUARD ENFORCEMENT ACTIVITIES REPORT FOR DEEPWATER PORT OFFSHORE PLATFORMS; QUARTER ENDING _____

	MONTH _____			MONTH _____			MONTH _____			QTR TOTALS		
	#	GALLONS	HRS	#	GALLONS	HRS	#	GALLONS	HRS	#	GALLONS	HRS
1. Tankers Offloaded	___	_____	XXX[1]	___	_____	XXX	___	_____	XXX	___	_____	XXX
2. High Priority Tankers	___	XXX	XXX	___	XXX	XXX	___	XXX	XXX	___	XXX	XXX
3. Tankers Boarded												
Examined	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
Monitored	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
Total	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
4. Violations												
Vessel Boarding	___	XXX	XXX	___	XXX	XXX	___	XXX	XXX	___	XXX	XXX
MARPOL Discharge	___	XXX	XXX	___	XXX	XXX	___	XXX	XXX	___	XXX	XXX
FWPCA Discharge	___	XXX	XXX	___	XXX	XXX	___	XXX	XXX	___	XXX	XXX
Oil Transfer	___	XXX	XXX	___	XXX	XXX	___	XXX	XXX	___	XXX	XXX
Platform	___	XXX	XXX	___	XXX	XXX	___	XXX	XXX	___	XXX	XXX
Other	___	XXX	XXX	___	XXX	XXX	___	XXX	XXX	___	XXX	XXX
Total	___	XXX	XXX	___	XXX	XXX	___	XXX	XXX	___	XXX	XXX
5. Oil Spills												
Vessel[2]	___	_____	XXX	___	_____	XXX	___	_____	XXX	___	_____	XXX
Oil Transfer[3]	___	_____	XXX	___	_____	XXX	___	_____	XXX	___	_____	XXX
Platform[4]	___	_____	XXX	___	_____	XXX	___	_____	XXX	___	_____	XXX
Floating Hose[4]	___	_____	XXX	___	_____	XXX	___	_____	XXX	___	_____	XXX
SPMs[4]	___	_____	XXX	___	_____	XXX	___	_____	XXX	___	_____	XXX
Other[4]	___	_____	XXX	___	_____	XXX	___	_____	XXX	___	_____	XXX
Total	___	_____	XXX	___	_____	XXX	___	_____	XXX	___	_____	XXX
6. Oil Spills CG Response & Investigations	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
7. Platform Inspections	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___

COAST GUARD ENFORCEMENT ACTIVITIES REPORT
FOR DEEPWATER PORT OFFSHORE PLATFORMS; QUARTER ENDING _____

	MONTH _____			MONTH _____			MONTH _____			QTR TOTALS		
	#	GALLONS	HRS	#	GALLONS	HRS	#	GALLONS	HRS	#	GALLONS	HRS
8. Equipment Inspections												
Malfunct. Detectors	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
Private AtoN	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
Transfer Valves	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
Communications	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
Life Boats & Preservers	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
Firefighting/Safety	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
Oil Spill	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
Floating Hoses	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
OTS Components	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
Oil Spill Containment & Clean Up	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
SPMs	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
Other	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
Total	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
9. Review												
Ops Manuals	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
Station Bills	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
Other	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
Total	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
10. Emergency Drills[5]												
Man overboard	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
Collision	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
Fire/Explosive	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
Aircraft Crash	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
Medico	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
Adverse Weather	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
Oil Spill	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
Evacuation	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
Hurricane	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
Total	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___

COAST GUARD ENFORCEMENT ACTIVITIES REPORT
FOR DEEPWATER PORT OFFSHORE PLATFORMS; QUARTER ENDING _____

	MONTH _____			MONTH _____			MONTH _____			QTR TOTALS		
	#	GALLONS	HRS	#	GALLONS	HRS	#	GALLONS	HRS	#	GALLONS	HRS
11. Prepare Reports	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
12. Transportation Time	___	XXX	___	___	XXX	___	___	XXX	___	___	XXX	___
13. Total Work Time[6]	XXX	XXX	___	XXX	XXX	___	XXX	XXX	___	XXX	XXX	___

Notes:

1. Underlined spaces containing X's indicates that no data is required. Place O's in underlined spaces when there is no data to report.
2. Vessel oil spills other than during transfer operations.
3. Transfer oil spills are spills from vessels, hoses, platform, etc., during actual transfer operations.
4. Platform, floating hose, SPMs, other oil spills are those spills that do not occur during oil transfer operations.
5. Emergency drills participated in or observed as part of duty requirements.
6. Total work time is the sum of all hours listed for items 1-12.

Comments:

Date Submitted	Signature of COTP	Date of District Review	Signature of Reviewer

2.B.6. h. Forwards questions regarding the DPA, DWP regulations, and/or Coast Guard policy to the district commander (m) for resolution;

i. Maintains copies of and a list of all current exemptions for each DWP. Inspection personnel shall be apprised of all current exemptions prior to inspecting DWP facilities;

j. Approves amendments to DWP Operations Manuals;

k. Regulates DWP operations and maintains DWP Operations Manuals; and

l. Authorizes deviations from the DWP operational requirements in 33 CFR 150.

C. Licensing. Each potential DWP operator is required to obtain a license from the SECDOT prior to commencing construction. The license specifies conditions with which the licensee must comply. These conditions may address any aspect of ownership, design, or operation. The responsibility for enforcing license conditions rests with the COTP in whose zone the DWP is located (33 CFR 1.01-30). As of 1 January 1986, only one DWP has been licensed in the United States. This DWP is the Louisiana Offshore Oil Port, Inc. (LOOP), which is located approximately 18 miles off the Louisiana coast (see Figure 2-2).

1. Application. Commandant (G-W) processes applications for DWP licenses in accordance with 33 CFR 148 Subpart B. Potential applicants are encouraged to confer with Commandant (G-WPE-1) at (202) 755-7917 in developing the application. The requirements prescribed for the application include:

a. Target dates for major events;

b. Preparation of environmental impact statements (EIS's);

c. Determination of effects on other ports and adjacent states; and

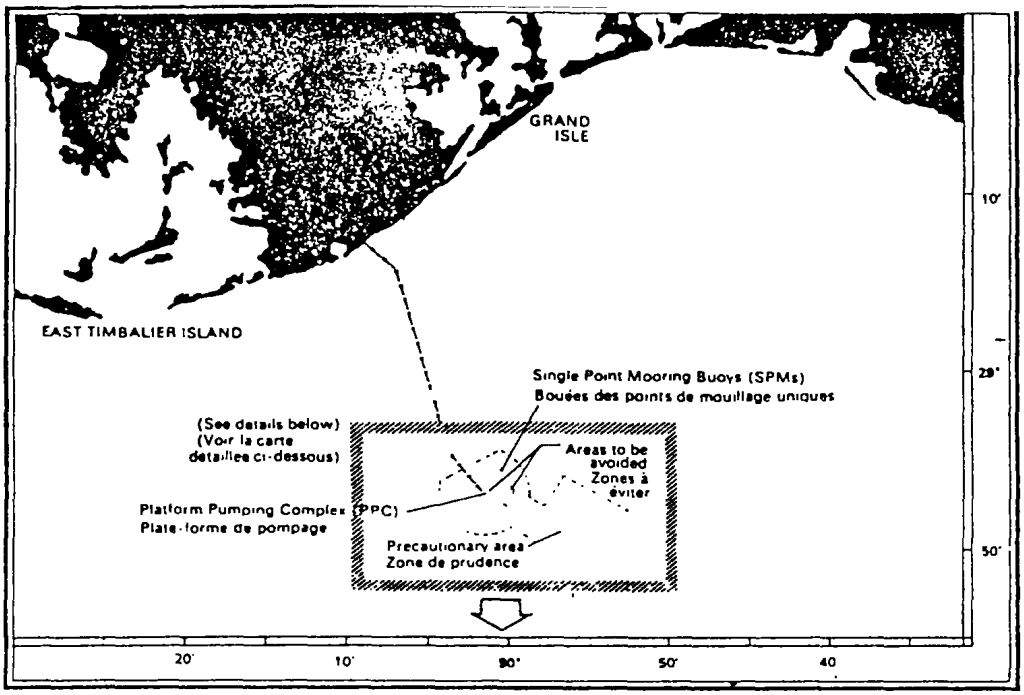
d. Holding of public and/or formal hearings.

2. Fees. The costs incurred by the U.S. in processing an application will be charged to the applicant. A non-refundable fee of $100,000 shall be included with the application. Costs exceeding this fee during the processing of the application must be paid to the U.S. Treasury by the applicant when assessed.

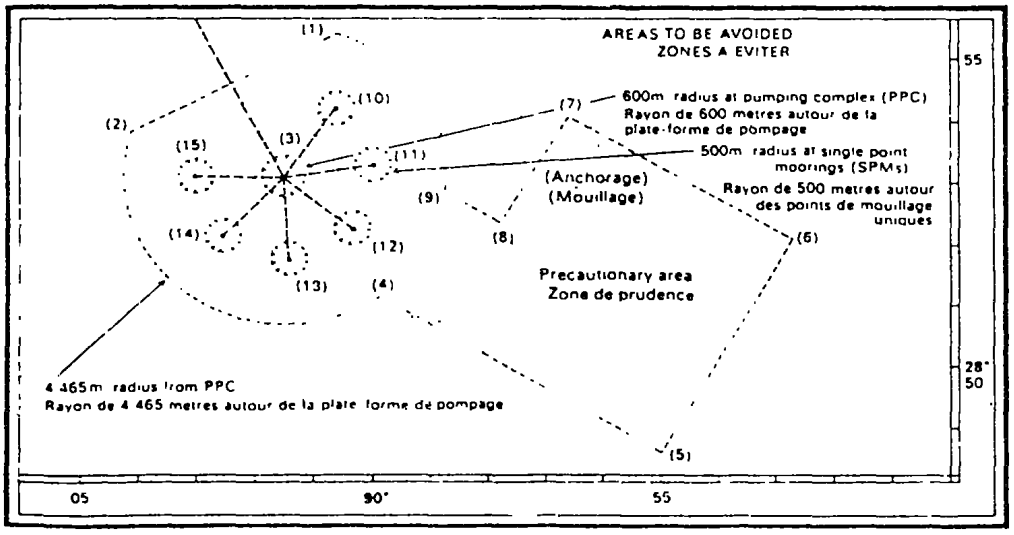
3. Issuance Of Licenses. Commandant (G-W) and representatives of other interested government agencies provide recommendations concerning DWP license applications to the SECDOT. When an application is approved, and when all the conditions in 33 CFR 148.323 are satisfied, the SECDOT issues the license. A DWP license issued under the DPA remains in effect until revoked or suspended. Once the license is issued, the licensee is granted 2 years to commence construction and 5 years to begin common carrier operations.

FIGURE 2-2

LOOP LOCATION



AT LOUISIANA OFFSHORE OIL PORT (LOOP)
AU PORT PETROLIER AU LARGE DE LA LOUISIANE (LOOP)



2.C.4. Application Evaluation. Commandant (G-W) reviews DWP applications and design proposals with support from Commandant (G-MVI) and (G-MTH) technical staffs. Commandant (G-MVI) and (G-MTH) and other offices as appropriate, review DWP proposed sites, Operations Manuals, structures, and pipelines. The application must be reviewed by the Coast Guard within 21 days after submittal to verify that all the information required by 33 U.S.C. 1503 and 1505 (33 CFR 148 Subparts B and E and Appendix A) is included. If the application is not complete or is inaccurate, the applicant will be notified within the 21-day period and given the opportunity to amend the application.

a. Site Evaluation. DWP license applicants must conduct site evaluations prior to submitting their proposals, in accordance with 33 CFR 148.501-509. Coast Guard technical personnel work with cognizant Bureau of Land Management (BLM) and U.S. Army Corps of Engineers (USACE) offices, and other interested federal, state, and local entities in evaluating DWP applications. Site selection is coordinated with BLM in particular, as they can be of assistance in reviewing site evaluation reports.

b. Design Review. Design review of DWP applications is intended to verify that the plans and specifications for the project comply with the requirements of the DPA and implementing regulations. A complete review of the adequacy of the design is not conducted. Navigation and Vessel Inspection Circular (NVIC) 8-84, "Recommendations for the Submittal of Merchant Vessels Plans and Specifications," is a good reference tool. Submittal of plans should be minimized to the extent that review efforts are not wasted on plans that do not require certification. Design criteria and operational concept reports may be helpful in evaluating the design without a need for complete review of the proposal.

c. Environmental Review. Commandant (G-W) conducts an environmental review of all DWP applications in accordance with the requirements in 33 CFR 148, Appendix A. This review includes preparation of an EIS and public hearings.

d. Required Copies. Licensees are required to submit three copies of construction drawings and specifications with applications and proposals, in accordance with 33 CFR 149.203: one for return to the applicant upon Coast Guard approval, one for the COTP's files, and one for Commandant (G-WPE) files. Folded plans are specifically requested. All plans and specifications submitted to Commandant (G-W) for approval shall bear the seal, or facsimile imprint thereof, of a registered professional engineer to verify that the design has been competently reviewed. When construction or installation is complete, the licensee must submit two complete sets of the drawings and specifications on 105mm negatives to Commandant (G-W). Each negative must be placed in a separate envelope, identified, and indexed.

2.D. Operations Manual.

1. Development. Licensees are required by 33 CFR 150.105 to prepare an Operations Manual for the DWP in accordance with "Guidelines for Preparation of a Deepwater Port Operations Manual." This publication is available from Commandant (G-WPE-1). During development of draft manuals, comments will be provided by cognizant staffs in the office of the SECDOT, the Coast Guard, and other government agencies. DWP operations cannot begin until the Operations Manual is approved.

2. Enforcement. The COTP shall ensure that DWP operations are conducted in accordance with the provisions of an approved Operations Manual. Each COTP shall maintain an approved updated copy of the Operations Manual for each DWP in their zone. The COTP may require amendments to, or authorize deviations from, the Operations Manual as provided in 33 CFR 150 Subpart A.

E. Exemptions And Deviations.

1. Exemptions. Under 33 CFR 148 Subpart F, any person required to comply with any specific requirements in 33 CFR Subchapter NN may submit a petition in writing to Commandant (G-W) for an exemption. Commandant (G-W) rules on such petitions after evaluating the circumstances of the case. An exemption shall apply only to the DWP for which the exemption was requested. COTP's shall maintain a file of all current exemptions for each DWP in their zone, and shall ensure that inspection personnel are made aware of all exemptions for each DWP prior to inspecting each DWP's facilities.

2. Deviations. Under 33 CFR 150.113, the COTP may authorize a deviation, upon written request, from the operational requirements in 33 CFR 150, if the COTP finds that the proposed alternative procedure, method or equipment would ensure equivalent protection, safety, or quality level.

F. Inspection Of DWP Activities. The Coast Guard is responsible for ensuring that DWP's comply with applicable statutes, regulations, and terms set forth in their license. Additionally, by definition a DWP is a large oil transfer facility, and as such is subject to the requirements in 33 CFR 154. During transfers, either cargo transfers or replenishment from barges or from bunker service vessels, the DWP and the vessel involved must meet the requirements of 33 CFR 156.

1. Inspection Procedures. COTP's shall annually inspect each DWP in their zone. In ports where the COTP and marine inspection office (MIO) are separate entities, the COTP shall coordinate DWP inspections with the OCMI, since material inspections of the DWP offshore facility and of vessels at the DWP, when applicable, must be performed by a qualified marine inspector. Inspection personnel must be alert to any unauthorized alterations to the physical structure, including installation of additional equipment or materials that may be in violation of the regulations. Additionally, inspection personnel shall be familiar with the approved Operations Manual and all approved exemptions for each DWP they are to inspect. The following sections discuss those areas where

2.F.1. (cont'd) amplification may be helpful. If a checklist for a DWP inspection is desired, it should be developed locally:

a. Structural Inspections. The licensee is required to conduct inspections of the platform structures. Coast Guard inspectors shall ensure that the licensee's inspection program is current, and that deficiencies are corrected in a timely manner.

b. Transfer Piping. Safe operation of the main oil transfer piping is a joint responsibility of the Coast Guard and the DOT's Research and Special Programs Administration (RSPA), Office of Pipeline Safety (OPS). The regional OPS office should be contacted by the COTP when irregularities are encountered during inspections.

c. Single Point Moorings (SPM's). The Coast Guard requires a DWP licensee to obtain an American Bureau of Shipping (ABS) "Interim Class Certificate" or a "Classification Certificate" for every SPM prior to operation of the facility. Inspectors shall ensure the licensee maintains each SPM in class, and that hoses and hawsers for the SPM are inspected in accordance with 33 CFR 150.405 and the DWP Operations Manual. If the mooring or oil transfer limits are set by readings of mooring load monitors, these devices must operate properly during transfer in accordance with the approved plans.

d. Means Of Escape. The approved design of the pumping platform complex will require a certain number of fixed and unfixed means of escape (33 CFR 149.421). Inspectors shall check the overall condition of, and accessibility from, each platform level to the water's surface. Inspectors shall also be alert to any modifications that may have degraded or reduced the required number of means of escape.

e. Personnel Landings And Transfer Systems. Personnel landings shall be inspected to ensure they are in good condition and well maintained, with adequate guardrails and sufficient lighting to accommodate personnel safely. If the platform has swing-ropes installed, inspectors shall pay close attention to the ropes themselves and to the chains and shackles usually used for attaching the swing-ropes to the structure. The "Billy Pugh" not or other transfer system utilized by a crane-equipped platform shall be thoroughly inspected (see volume II of this manual). All lines and their attachments, including the crane hook, shall also be checked for general condition. Whenever possible, inspectors should observer the transfer system in operation.

f. Guardrails, Fences, And Toeboards. Inspectors shall ensure that all open-sided decks, deck openings, and catwalks have toeboards and other protective devices that meet or exceed the "Safety Requirements for Floor and Wall Openings, Railings, and Toeboards" of the American National Standards Institute (ANSI) A12.1 1973. Inspectors shall be alert to any modifications that may have removed or weakened these devices.

2.F.1. g. Firefighting Systems. Firefighting equipment requirements are listed in 33 CFR 149.451-517 and 33 CFR 150.504-507. Under 33 CFR 149.402, all excess equipment must be Coast Guard-approved. Inspectors shall also verify that all firefighting equipment maintenance and inspections required by the Operations Manual have been carried out.

h. Lifesaving Equipment. Lifesaving equipment requirements are listed in 33 CFR 149.521-537 and 33 CFR 150.508. All excess equipment must be Coast Guard-approved in accordance with 33 CFR 149.402. NVIC 2-63, "Guide for Inspection and Repair of Lifesaving Equipment," and volume II of this manual may also be consulted.

i. Leak And Malfunction Detection Systems. Inspectors shall ensure all elements of this system are operational and that alarm levels are set in accordance with the Operations Manual.

j. Emergency Power Systems. Each pumping platform complex is required to have an emergency power source capable of providing sufficient power to operate the following equipment for a continuous 8-hour period:

(1) Emergency lighting circuits;

(2) ATON equipment;

(3) Communications equipment;

(4) Radar equipment;

(5) Alarm systems; and

(6) Electrically-operated fire pumps and other emergency electrical equipment systems, as specified in the Operations Manual.

Inspectors shall ensure this emergency power system is operational by requiring it to be operated under load.

k. Manning. Qualifications are specified in 33 CFR 150 Subpart B for the following positions: port superintendent, cargo transfer supervisor, cargo transfer assistant, vessel traffic supervisor, mooring master, and assistant mooring master. All of these personnel must know the procedures specified in the DWP Operations Manual for their respective positions, and be able to read, write, and speak English. 33 CFR 150.525 specifies qualifications for emergency medical technicians.

2. Deficiencies. All deficiencies discovered during inspections shall be reported to the licensee, as well as to the COTP. Correction of deficiencies must be performed in accordance with the lincense. Under 33 CFR 150.425, the Coast Guard may take immediate action when required to prevent the discharged or threat of discharge of oil, or to protect the safety of life and property.

2.G. Vessel Examinations. Vessels calling at a DWP, regardless of flag, are subject to the same laws, regulations, and policies are vessels calling at other ports under U.S. jurisdiction. Inspections, examinations, and monitors, as appropriate, shall be conducted in accordance with the guidance in volume II of this manual and Commandant Instruction (COMDTINST) 5010.8 (Series).

H. Implied Consent Agreements.

1. General. Congress amended the DPA in 1984 to make DWP's more economically viable, by reducing the number of special DWP requirements. One of these amendments was the replacement of the requirement for bilateral agreements with each country whose vessels wanted to call at a DWP, by implied consent. Essentially, vessels of a nation which does not object to U.S. jurisdiction at a DWP may now call at that DWP without entering into a written bilateral agreement. Existing bilateral agreements remain in effect unless rescinded by one of the party nations.

2. Procedures. In October 1984, the State Department contacted the governments of all maritime nations explaining that their vessels will be subject to the jurisdiction of the United States while at a U.S. DWP, absent a government's objection. Any country which does not accept U.S. jurisdiction at a DWP must present their objection formally to the State Department. Upon receipt of such an objection, the State Department will notify the Commandant (G-WPE), who will immediately notify the cognizant district commander (m) and the DWP licensee. Upon notification of receipt of the objection, the cognizant COTP shall deny (and the licensee shall not permit) entry to all vessels of the objecting country to U.S. DWP's. The State Department will officially inform the licensee by letter that vessels of that nation are not permitted to call at the DWP, in accordance with the DPA. As of 18 October 1985, Mexico is the only nation that has objected to U.S. jurisdiction at a DWP; consequently, Mexican-flag vessels are denied entry to DWP's.

I. Quality Assurance Programs.

1. General. DWP licensees should have Coast Guard-approved quality assurance plans established prior to commencing operations. A quality assurance program ensures that the final development and operation of the DWP is executed as proposed and authorized. Such a program coordinates inspection, testing, and fabrication of materials; procurement, handling, shipping and storage; processing of documentation; and correction of discrepancies. An essential requirement is that quality assurance personnel are as far removed as possible from those responsible for project costs and progress. Also important is a continuing chain of documentations to ensure that discrepancies are targeted and corrected rapidly.

2. Criteria. 10 CFR 50 Appendix B prescribes the quality assurance criteria for nuclear power and fuel reprocessing plants. While a deepwater petroleum port need not incorporate such extreme safeguards in its program, these requirements do provide an excellent framework by which a DWP program may be evaluated.

CHAPTER 3. BRIDGE ADMINISTRATION (BA) PROGRAM

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CHAPTER 3. BRIDGE ADMINISTRATION (BA) PROGRAM

A. Introduction.

1. Authority. Several bridge statutes, as amended, give the Department of Transportation (DOT) authority for administration of laws governing bridges and causeways crossing the navigable waters of the United States. The Secretary of the DOT (SECDOT) delegated this authority to the Commandant of the Coast Guard under 49 CFR 1.46(c); the Commandant has further delegated certain permitting authority to the Chief, Office of Navigation (G-N) under 33 CFR 1.01-60(a) and to the district commanders under 33 CFR 1.01-60(b). The statutes governing bridges and causeways pertain to:

   a. Approval of bridge location and plans for navigational clearances (33 U.S.C. 401, 491, 525, 535);

   b. Regulation of the operation of drawbridges (33 U.S.C. 494, 499);

   c. Alteration of bridges obstructing navigation (33 U.S.C. 494, 495, 502, 511 et seq.); and

   d. Approval of bridge lighting configurations (14 U.S.C. 84, 85, 92, 633; 33 U.S.C. 494).

2. Regulations. To implement these statutes, the Coast Guard has published the following regulations in 33 CFR Chapter I, Subchapter J (Bridges):

   a. Part 114 - General;

   b. Part 115 - Bridge Locations and Clearances; Administrative Procedures;

   c. Part 116 - Alteration of Obstructive Bridges;

   d. Part 117 - Drawbridge Operation Regulations; and

   e. Part 118 - Lighting of Bridges.

B. Management Activities. Commandant (G-NBR) administers the BA Program and publishes the Bridge Administration Manual, Commandant Instruction (COMDTINST) M16590.5. A bridge administrator in the district (oan) branch (or, in some cases, in a section of the district (oan) branch) manages the program at the district level. Inquiries about the BA Program should be forwarded to the appropriate district bridge administrator. [NOTE: While this program is administered separately from the Port and Environmental Safety (PES) and Waterways Management (WWM) Programs, the concerns of these programs are linked. Liaison should be maintained between the captain of the port (COTP) and the district bridge administrator to ensure that port and navigation safety objectives are mutually achieved.]

3.C. Statutory Changes. The Coast Guard Authorization Act of 1982 amended the authority granted under the bridge statutes to:

1. Exempt bridges across certain waters from the requirement to be permitted by the Coast Guard (see the Bridge Administration Manual for a discussion of which waters);

2. Add civil penalty provisions to the existing authority to pursue criminal penalties for violations;

3. Prohibit a vessel from unnecessarily requiring a drawbridge to be opened;

4. Prohibit any person from delaying opening of a drawbridge after proper signal has been given; and

5. Prohibit an owner or operator from failing to maintain a bridge adequately.

D. Reports Of Violations. Reports of alleged violations of the bridge administration statutes or regulations may be submitted by Coast Guard personnel, local law enforcement and other federal agencies, towing companies and other industry concerns, and private citizens. Such reports, made by telephone or in writing, may allege illegal construction activities, deviations from approved plans, failure to open a drawbridge, etc. These reports shall be forwarded promptly to the district bridge administrator.

E. Program Coordination. Occasionally the district bridge administrator may require assistance from other Coast Guard resources for a specific investigative or enforcement action. In such cases, the administrator will specify requirements and instructions in the request for assistance.

CHAPTER 4. VESSEL TRAFFIC MANAGEMENT

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CHAPTER 4. VESSEL TRAFFIC MANAGEMENT

A. General Traffic Management Concepts.

1. Introduction. Vessel traffic management encompasses a wide range of Coast Guard activities and tools including aids to navigation, vessel routing systems, Regulated Navigated Areas (RNA's), Navigation Rules, voice communications, and Vessel Traffic Services (VTS). Vessel traffic management attempts to establish two basic principles: good order and predictability. The objectives served by these principles include:

   a. Reduction in the rate of collisions, rammings, and groundings, and ensuing environmental harm;

   b. Facilitation of vessel traffic movement;

   c. Provision for all-weather navigation capability in certain areas; and

   d. Reduction in the rate of fire, explosion, and pollution casualties, and the probability of a port or waterway catastrophe.

2. Management Levels. Coast Guard vessel traffic management exists on two distinct levels: passive and active.

   a. Passive Management. Passive traffic management is any form of traffic management where extent of compliance is vested solely with the user. The "rules of the road," traffic separation schemes, and RNA's are all forms of passive management. Depending on the configuration of a particular port or waterway and the complexity of its vessel traffic patterns, one or more passive management techniques or procedures may be established to achieve a desired level of safety and protection of the environment. Passive traffic management can be very cost-effective, in that government resources are required only to administer and enforce requirements.

   b. Active Management. Active traffic management involves direct interaction between the government and the user to ensure compliance with government requirements. Active traffic management is used only in those areas where passive management techniques and procedures are inadequate to provide a desired level of safety and protection of the environment. When personnel not aboard a vessel become involved in its operation, either directly or indirectly, vessel traffic management becomes active. VTS is the most common form of active traffic management. A VTS provides the person in charge of a vessel with information critical to safe navigation which would not normally be available without the VTS. Examples of such information include notification of hazards to navigation, traffic advisories, and aids to navigation (ATON) discrepancies. [NOTE: Such assistance notwithstanding, it remains the ultimate responsibility of the master to control the movement of the vessel to ensure its safe passage.]

4.A.3. Ports And Waterways Safety Act Of 1972 (PWSA). The PWSA, as amended by the Port and Tanker Safety Act of 1978 (PTSA) (33 U.S.C. 1221 et seq.), provides the basic authority for the Waterways Management (WWM) Program, particularly to establish and operate VTS's, to establish traffic separation schemes and fairways, RNA's, and safety zones, and to require carriage of specified navigation and communication equipment.

B. Aids To Navigation.

1. Federally-Maintained Aids. The ATON Program of the Coast Guard is two-faceted: the audio-visual element facilitates the safe and expeditious passage of marine traffic in coastal areas, inland waterways, and harbors through the use of buoys, daymarkers, fog signals, lighthouses, and beacons; the electronic element serves mariners by providing continuous, all-weather position-fixing capability through the use of long range aid to navigation (LORAN) and radio beacons (RACON's). The statutory authority for the ATON Program is contained in 14 U.S.C. 2, 81, and 83. The establishment, maintenance, and operation of aids to navigation has been authorized by the Commandant to mark the navigable waters of the United States, the waters over the Outer Continental Shelf (OCS), and U.S. territories and possessions. Aids to navigation are established, maintained, and operated by the Coast Guard when necessary for the safety of navigation, useful for commerce of a substantial and permanent character, and justified in terms of public benefit to be derived therefrom.

2. Privately-Maintained Aids. Private aids to navigation are those which are legally required or personally desired by a property owner to be displayed. They are assigned one of the following classifications:

a. Class I. Aids to navigation on marine structures or other works which the owners are legally obligated to establish, maintain, and operate, as prescribed by 33 CFR 66 and 67.

b. Class II. Aids to navigation, exclusive of Class I, that are located in waters ordinarily used for general navigation.

c. Class III. Aids to navigation, exclusive of Class I, not ordinarily used for general navigation.

Applications to establish, maintain, discontinue, change, or transfer ownership of a private aid to navigation shall be made to the appropriate district commander. Form CG-2554, Private Aids to Navigation Application, shall be used in these instances. Instructions for completing the form are found on its reverse side. The Aids to Navigation Manual, Commandant Instruction (COMDTINST) M16500.7, contains additional information on the administration of private aids to navigation.

3. Captain Of The Port (COTP), Officer In Charge, Marine Inspection (OCMI), VTS Involvement. Although the COTP, OCMI, and VTS are not charged specifically with ATON responsibilities, they are in an ideal position to relay pertinent information to district ATON personnel. Since aids to

4.B.3. (cont'd) navigation play a great part in marine safety, it is important for these officers to maintain contact with the district ATON branch; likewise, they should be apprised of changes in aids within their zones. Marine safety personnel frequently receive comments and suggestions about aids to navigation from mariners; these comments should be forwarded to the district ATON branch. The COTP, OCMI and VTS should encourage their personnel to transit the area, whenever practicable. This provides insight into the ATON system and familiarity with the area.

4. Reported ATON Discrepancies. Due to the close association with marine interests, the OCMI, COTP or VTS will occasionally receive reports of ATON discrepancies. Such reports should note, as a minimum, how far and in what direction buoys may be off-station; what components on buoys or structures have been damaged; what signals or features are improper or inoperative, and what is the current signal or status; the suspected cause of the malfunction or improper stationing of the buoy; on-scene weather conditions; hazardous conditions created; the name of the person or vessel reporting; and the identity (if known) of the party causing the damage. This information should be immediately relayed to the district ATON branch. Since certain aids are more critical than others, immediate action cannot be taken to correct all discrepancies. However, they must be recorded so that appropriate response will occur.

C. Navigation Rules. The regulations, formerly referred to as the "Rules of the Road," have the primary purpose of preventing collisions between vessels. Under authority of the Inland Navigational Rules Act of 1980 (33 U.S.C. 151-221 and 2001 et seq., as amended), the old Inland, Western River, and Great Lakes Rules were combined into the new unified Inland Navigation Rules. These rules became effective on 24 December 1981 with the exception of the Great Lakes, which became effective on 1 March 1983. The Inland and International Rules have been reprinted in COMDTINST M16672.2 (Series). Enforcement authority for these rules is vested in the Coast Guard. With respect to the International Rules, enforcement authority is currently limited to actions pursuant to Section 4450, Revised Statutes of the United States (46 U.S.C. Chapter 77). The Navigation Rules, combined with aids to navigation, constitute the most basic form of traffic management. No vessel traffic management system relieves shipboard personnel from compliance with these Navigation Rules.

D. Voice Communications.

1. Vessel Bridge-To-Bridge Radiotelephone Act. The purpose of the Act (33 U.S.C. 1201 et seq.) is to provide a positive means whereby operators of approaching vessels can communicate their intentions to one another. Regulations for the enforcement of this Act and for the use of vessel radiotelephones are contained in 33 CFR 26. Information for vessels operating on the Great Lakes is found in the Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973, as amended in 1978. Regulations which specify operating and technical conditions and characteristics, frequencies, and the power of radiotelephone equipment required under the law are described by the Federal Communications Commission (FCC) in 47 CFR 81 and 83.

4.D.2. Use Of VHF Channel 13. VHF-FM Channel 13 (156.65 mHz) has been designated as the vessel bridge-to-bridge radiotelephone frequency (see 33 CFR 26.04). Two exceptions to this are the use of Channel 16 on the Great Lakes and Channel 67 on the Lower Mississippi River (Baton Rouge area). Generally, Coast Guard shore units, with the exception of those providing VTS, may not use these frequencies; authorization for such units to use them must be obtained from Commandant (G-N).

E. Vessel Routing Systems. Ship routing is a complex series of measures concerning routes aimed at reducing the risk of casualties. It includes traffic separation schemes, two-way routes, tracks, areas to be avoided, inshore traffic zones, and deepwater routes. The International Maritime Organization (IMO) is recognized as the international body responsible for establishing and recommending measures concerning ships' routing. The IMO publication Ships' Routing contains definitions, symbols, and guidance for establishing routing measures. Ship routing measures within U.S. waters are established through the regulatory process; all proposed routing measures, whether in international or inland waters, must be submitted to Commandant (G-N) for review and approval.

F. Use Of RNA's. RNA's are discussed in chapter 1 of this volume.

G. Coast Guard VTS. The PWSA was passed by Congress to prevent damage to, or the destruction or loss of any vessel, bridge, or other structure on or in the navigable waters of the United States. This is the major goal and objective of a VTS. Using installed communications and surveillance equipment, and COTP or VTS specific regulatory authority when necessary, the VTS is able to help prevent vessel collisions and in some cases, groundings, before they happen. VTS's also have the capability to undertake defense-related responsibilities specified by Maritime Defense Zone (MDZ) commanders, monitor aids to navigation and anchorages, and provide search and rescue (SAR) and law enforcement assistance.

1. Vessel Control Considerations. Chapter 1 of this volume discusses the parameters to be considered by district commanders and COTP's in exercising control of vessel traffic during hazardous circumstances. In areas where a VTS has been established, restrictions and control of vessel movement during emergency situations should be coordinated through the Vessel Traffic Center (VTC) to the maximum extent possible. Several VTS's have specific regulatory authority to control vessel traffic when necessary. In those VTS where specific VTS regulatory authority has not been established, the COTP must ensure provision is made to enable a VTS watchstander to issue immediate directions when necessary to control and supervise traffic during conditions of vessel congestion, adverse weather, reduced visibility, or other hazardous circumstances; and to specify times when vessels may enter, move within or through, or depart the VTS area. (This may be accomplished through a forum of "Standing Orders" or other means as the COTP deems appropriate consistent with the guidelines laid out in chapter 1 of this volume.) The VTC should have the authority to direct a vessel in an emergency to slow, stop, anchor, or otherwise proceed to avoid a dangerous situation; however, the master will at all times remain responsible for the safe and prudent maneuvering of the

4.G.1. (cont'd) vessel. The master may choose to disregard an order to the extent necessary to avoid endangering persons, property, or the environment, and must report all such actions promptly to the VTC.

2. VTS Operating Procedures And Regulations.

a. Commandant (G-WWM). Commandant (G-WWM), as the VTS Program Manager, is responsible for ensuring VTS procedures and operations are standardized as closely as possible, and remain consistent with Coast Guard vessel traffic management policies and internationally approved guidelines. It is therefore necessary that VTS operating procedures, user manuals, and regulations are reviewed and approved as appropriate by Commandant (G-WWM) prior to publication.

b. VTS Participation. Participation in Coast Guard operated VTS is generally aimed at those vessels required to comply with the Vessel Bridge-To-Bridge Radiotelephone Act (see section 4.D above). Vessels required, or expected to participate in the VTS will be clearly defined in the applicable VTS regulations, and the individual VTS user manual. VTS commanding officers (CO's) and COTP's should place a high priority on maximizing VTS participation through regular contact with the maritime industry. Participation rate may be defined in broad terms as the percentage of vessels targeted for VTS participation which check-in and avail themselves of any services provided by the VTC. While in most cases this level of participation should enable the watchstander to track a vessel and include it in traffic analysis and advisories, CO's should encourage vessels to fully participate according to the procedures published in the user manual.

c. VTS Operating Procedures. Each VTS shall publish internal operating procedures for use by VTS watchstanders. These procedures should be approved by the district commander, operational commander, or CO, as decided locally. District commanders shall ensure Commandant (G-WWM) is provided copies of the current operating procedures.

d. User Manuals. Each VTS shall publish and distribute a user manual. This manual should include at a minimum: a general description of the VTS, its purpose, applicability, and capabilities; chartlets showing area and sector boundaries, and appropriate reporting points; primary and secondary frequencies; and a thorough description of the procedures required for a vessel to participate in the VTS. Regulations applicable to the VTS should be included in an appendix, as should anchorage procedures or regulations, and any other navigational information for the VTS area that may be of interest to participants. The current edition and publication date should be noted.

e. VTS Regulations. Individual VTS's may be made mandatory by regulations. The issue of mandatory versus voluntary participation may only be decided after a thorough evaluation on a local level and a complete analysis of VTS effectiveness by Commandant (G-WWM). In general, VTS with high user acceptance and participation will result

4.G.2. e. (cont'd) in a high level of effectiveness, making voluntary participation the preferred approach. Other factors such as legislation requirements, international agreements, and low user acceptance and participation may require regulatory action. Where the district commander feels a change in status is desirable, appropriate recommendations should be forwarded to Commandant (G-WWM) after consultation with established advisory committee's and other maritime interests as appropriate.

f. Changes To VTS Operating Procedures Or Regulations. After establishment of a VTS, changes to VTS operating procedures, user manuals, or regulations may be necessary to fine-tune VTS operations. These changes could be the result of operating experience, increased or decreased port activity, or recommendations from the maritime community or advisory committees. Regulations should only be published after a thorough evaluation of operating procedures. Changes to the regulations should be minimized and be made only when absolutely necessary. A goal of a minimum of 5 years between changes is desirable. The following guidelines shall be adhered to in making changes to VTS operating procedures, user manuals, or regulations:

(1) As VTS Program Manager, Commandant (G-WWM) is responsible for preparation and processing of VTS regulations. All new regulations and any changes to existing regulations must be processed under the procedures established by the Administrative Procedure Act, 5 U.S.C. 551. Unilateral district or VTS action which may modify existing regulations, or make VTS-related activities mandatory through issuance of Notice to Mariners shall be initiated only after consultation with Commandant (G-WWM) and district legal staff.

(2) District commanders shall ensure copies of changes to the VTS operating procedures and revised user manuals are forwarded to Commandant (G-WWM) as soon as they are approved.

3. Operations.

a. General. Operation of the VTS shall conform to applicable federal regulations, district commander's or COTP's Orders, and shall be consistent with the goals, objectives, and policies of the VTS program. Any apparent conflict between the VTS operating procedures and legal requirements shall be brought to the attention of the district commander for resolution. The VTS is responsible for the safe movement of vessels in its area; to this end, the VTC shall maintain direct communications with every vessel required to, or choosing to, participate in the service. The objective of a VTS is the safe and efficient flow of traffic through a waterway. Other Coast Guard activities (such as SAR coordination, anchorage administration, and ATON surveillance) may be handled through the VTC; this should be done only on a not-to-interfere basis with traffic management operations.

4.G.3. b. Relaying Information. The VTC shall promptly relay all orders from the COTP or district commander to vessels in the area. If the VTC watch supervisor determines the order cannot or should not be followed due to conditions in the waterway, the supervisor shall advise the COTP or district commander of the situation immediately. After evaluating this information, the COTP or district commander shall determine the actions to be taken. The principle that the vessel's master or the pilot controlling the vessel's maneuvers is the final authority for the vessel's safe navigation will not be supplanted or usurped.

4. System Requirements. Commandant (G-WWM) has established basic Specific Operating Requirements (SOR's) for VTS radars, communications, television, computers and the VTC. These SOR's document equipment requirements which are supplemented or modified as necessary for each particular project in the actual Statement of Work (SOW). District commanders responsible for equipment replacement projects should consider these SOR's in project planning. Deviations as necessary should be coordinated with Commandant (G-WWM).

5. System Communications.

a. General. A vessel movement reporting system (VMRS) is the keystone of any VTS. It consists generally of a VHF-FM radio communications network that permits contact with vessels in the VTS area. Participating vessels provide the VTC with information as to their locations, intended movements, dimensions, cargoes, and conditions that may adversely affect safe navigation (such as discrepancies in aids to navigation and obstructions in the shipping lanes). The CO shall ensure an absolute minimum amount of time is required to provide the necessary exchange of information between the VTC and participants. This will encourage high voluntary participation since masters will need minimal time communicating, or attempting to communicate with the VTS.

b. Operative Requirements. Vessels participating in a mandatory VTS must maintain a continuous radio watch on the designated VTS frequency while transiting the VTS area. Vessels participating in a voluntary VTS should be encouraged to continuously monitor the designated VTS frequency. Continuous radio guards serve also as a "party line" arrangement in which masters and pilots can readily "pass the word" from the VTC to one another concerning movements of vessels in the area. In waterways where the number of participating vessels is great, the VTS area is sectorized and vessels shift frequencies as they cross sector boundaries. Another way of limiting excessive interference is to provide low level, low power radio sites which limit the range of the VTC's transmissions. This type of system is only effective when system users also limit their transmissions to the lowest possible power setting. Except for those VTS's that use Channel 13 as the designated VTS frequency, Channel 13 is used as a backup for communications between the VTC and a participating vessel. 47 CFR 83.224 relieves vessels in a VTS of the requirement to guard

4.G.5. b. (cont'd) the distress and calling frequency, VHF-FM Channel 16, as long as they are fully participating in the system. The VTC is responsible for informing vessels of information/Local Notice to Mariners transmitted on Channel 16 of interest to VTS participants.

6. Personnel. The Coast Guard has staffed its VTC's with personnel who serve in watch sections on an around-the-clock basis. Personnel may be military, civilian, or a combination of both. Each VTS is staffed with sufficient personnel to staff each watch position assigned in the VTC on a 24-hour a day basis. Required changes in staffing may be coordinated with Headquarters. Sufficient personnel to staff each watch position must be on board at all times.

a. Operational Needs. VTS personnel operate in a stressful environment that demands total concentration. Visitors should be permitted in the operations center only on a not-to-interfere basis. Collocated functions should not normally be imposed upon VTC's; district commanders and COTP's must give careful consideration to the impact of other operational requirements upon VTS personnel.

b. Civilian Personnel. VTS civilian watchstanders have been classified at the GS-11 level for supervisor, and GS-9 level for operators. While civilians may be hired at grade levels less than GS-11 and GS-9 based on individual qualification levels, provisions must be made for these employees to reach the GS-9 or GS-11 level (as appropriate) as their qualifications level increases without having to recompete. In those VTC's with civilian personnel, care must be exercised to evenly balance overtime use of military and civilian personnel to cover short-term staffing deficiencies, such as leave or turnover. Workload will be evenly distributed between military and civilian personnel. Due to the inherent safety responsibilities of the VTS, district commanders must place the highest priority on hiring of civilian watchstanders to minimize the duration of vacancies.

7. Statistics Gathering.

a. Standardized Statistical Data. Each VTS is required to gather standardized statistical information for program documentation, planning, and analysis. A minimum of five categories of information are required:

(1) Transit Statistics. Information on the vessel movements within a VTS area specifying vessel type and type of movement. Vessel types are defined as tanker (any self-propelled vessel carrying oil or hazardous materials in bulk as cargo or residual), cargo (bulk dry cargo, container, break-bulk, carriers, roll-on roll-off (RORO), lighter aboard ship (LASH), etc.), tug without tow (participants only), tug with tow (any number of barges unless it requires special VTS handling), ferries (calculated or counted), miscellaneous (naval vessels and all other VTS participating vessels that are not classified in another category). Transits are defined in three categories. These are:

4.G.7.(1) (a) Transits. Vessel movements into or out of the VTS area or vessels moving through the VTS area without breaking their voyage within the VTS area.

(b) Intra-VTS Transits. Vessel movements from anchorage outside a port area to berth, or the reverse; or movements from one port area to another port area within a VTS's given area of responsibility. An example of an intra-VTS transit would be a vessel movement from Seattle to Tacoma. This is a movement from one distinct port to another in the VTS area.

(c) Port Movements. Vessel movements solely within the geographic confines of one port area within a VTS area.

(2) Participation Rate. See definition in subparagraph 4.G.2.b above.

(3) Secondary Functions. Information dealing with associated functions performed in support of other Coast Guard programs, and in support of federal and non-federal government agencies.

(4) Equipment Status. Information gathered to monitor VTS equipment in relation to the VTS Program availability standard. A minimum percentage of on-air time is required for radars, television, relay systems, VHF-FM communications, and data processing systems.

(5) Casualty Data. A short description of all collisions, rammings, and groundings in a VTS area.

b. Subjective Data. In addition to the standardized statistical data, subjective data is also required. Information on "near misses," instances where more sophisticated VTS equipment or procedures may have helped prevent a casualty, and other instances that in the opinion of the VTS CO may help support the VTS program, should also be included in the quarterly report.

c. Reporting Requirements. The statistical and subjective data will be gathered and reported on a quarterly basis to Commandant (G-WWM) within 30 days of the end of the quarter. The statistics may be transmitted by electronic means to be used in development of the VTS National Data Base. VTS units will be allowed access to this data base on request. The statistical categories and parameters will be reviewed for adjustment on a yearly basis. The revisions will be provided to each VTS one quarter before any change is required. This system is designed to allow free exchange of statistical data between Headquarters, districts, and VTS units.

8. VTS Support Of Other Coast Guard And Government Activities. The primary goal of the VTS Program is to prevent vessel collisions, rammings, and groundings. The VTS, however, is capable of performing numerous other functions in support of other Coast Guard and government activities. While this support is encouraged, district commanders should carefully

4.G.8. (cont'd) consider the impact of these operations on vessel safety in the VTS area. During the planning process for new or replacement equipment, district commanders should consider equipment needs for these other activities which may exceed those necessary to carry out VTS responsibilities. Additional capabilities are more efficiently included as part of a routine equipment replacement rather than retrofitting after the fact.

a. Maritime Defense Zone (MDZ). VTS's have the capabilities to perform several tasks relative to mobilization. Each VTS is, or will be, equipped with extensive surveillance capabilities including radar and low-light level closed circuit television (CCTV), an extensive VHF-FM communications system, and a large command center. VTS can perform:

(1) Surveillance of critical facilities, including terminals and bridges.

(2) Surveillance of security zones, and vessels carrying critical mobilization related equipment and personnel.

(3) Offshore surveillance.

(4) Vectoring of SAR, surveillance, and interdiction vessels and aircraft.

(5) As command center for MDZ sectors and/or sub-sectors, collocating Naval Control of Shipping, Fishing Vessel Control, Military Traffic Management Command (MTMC), Military Sealift Command (MSC), and other MDZ-related activities.

(6) COTP's and district commanders should consider these capabilities in development of their MDZ operation plans (OPLANS).

b. SAR And Maritime Law Enforcement (MLE). Extensive surveillance and VHF communication capabilities provide mission coordinators with a valuable tool to assist in SAR and MLE activities. Use of the VTS may significantly reduce boat and aircraft search time in some cases, and provide surveillance capability during routine and other MLE activities.

c. Aids To Navigation And Anchorage Administration. The VTS frequently receives notices of ATON discrepancies, and has the capability to monitor ATON positioning and anchorage areas. Procedures should be established to report ATON discrepancies expeditiously to the appropriate ATON facility. The VTS may also assist the COTP in anchorage management, particularly in ensuring vessels are monitored for dragging anchor.

MARINE SAFETY MANUAL

CHAPTER 5. CONTROL OF OCEAN DUMPING

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CHAPTER 5. CONTROL OF OCEAN DUMPING

A. Ocean Dumping Authority. Title I of the Marine Protection, Research, and Sanctuaries Act of 1972 (MPRSA), 33 U.S.C. 1401 et seq., prohibits, with certain exceptions, the dumping or transportation for dumping of "materials" into ocean waters without a permit. MPRSA, as amended, implements the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter of 1972, referred to as the London Dumping Convention, to which the U.S. is a party.

B. Federal Responsibilities. The Ocean Dumping Program is primarily the responsibility of the Environmental Protection Agency (EPA), which issues permits for ocean disposal. EPA regulations for ocean dumping are in 40 CFR 220 et seq. Permits for the dumping of dredged materials are issued by the U.S. Army Corps of Engineers (USACE). USACE regulations related to dredging and dumping are found in 33 CFR 323 for discharges or dredged or fill material into waters of the U.S., and 33 CFR 324 for ocean dumping of dredged material. Federal projects involving disposal of dredged material are covered by 33 CFR 209.145. Section 107(c) of the MPRSA, 33 U.S.C. 1417(c), assigns to the Secretary of the Department in which Coast Guard is operating responsibility for surveillance and other enforcement activities to prevent unlawful dumping or transportation of materials for dumping. This responsibility has been delegated to the Commandant under 49 CFR 1.46(n)(5).

C. Ocean Dumping Permits.

1. General Permits. General permits are authorized by the Administrator of the EPA for materials that are determined to have a minimal environmental impact; that is, for nontoxic materials generally disposed of in small quantities (see 40 CFR 221 and 229). Examples of general permits include those issued for burials at sea, the sinking of U.S. Navy target vessels, and the disposal of vessels in the ocean. General permits are published in the Federal Register; they specify the types and amounts of materials which may be dumped, the designated dump areas, and other conditions deemed appropriate by the EPA. These permits are valid for an indefinite period of time.

2. Special Permits. Special permits are issued to specific applicants and have fixed expiration dates. Any person desiring to dump material (with the exception of fish wastes in certain areas and any materials covered by a general permit) or to transport material from the U.S. for ocean dumping must first obtain a special permit from the EPA or USACE, as specified in the MPRSA. Emergency, interim, and research permits are variations of special permits. Permit categories are defined in EPA's Ocean Dumping Regulations (40 CFR 220.2). A special permit may be issued to an applicant after evaluation of the need, the effect on the environment, and alternative disposal methods. Permits will specify the type and quantity of material authorized to be dumped, the site, disposal criteria such as the distance to be traversed during the discharge, the permit expiration date, and other appropriate conditions. Approved dump sites are listed in EPA's Ocean Dumping Regulations (40 CFR 228).

5.C.3. Statements Of Findings. Statements of Findings are issued by the USACE to authorize ocean dumping of dredged material associated with federal navigation projects. These activities may be conducted by either USACE or contract vessels.

D. Review Of Permit Applications. EPA and USACE regulations require copies of public notices regarding ocean dumping applications to be forwarded to the appropriate Coast Guard district. The district commander will review the notices, and may request the imposition of additional provisions/conditions on the permit, to facilitate surveillance and enforcement activities. Examples of such conditions are: use of specific navigation techniques, forwarding of certain vessel logs or records to the Coast Guard, requirement to communicate vessel movement and activities, shiprider requirements, and restrictions of nighttime operations.

E. Surveillance Of Ocean Dumping.

1. Surveillance. For the purposes of implementing the MPRSA, "surveillance" includes all activities necessary to ensure that ocean dumping is in accordance with the requirements of the MPRSA and other appropriate laws and regulations, and with the terms of the permit issued pursuant to the act.

a. Program Oversight. District commanders shall issue appropriate guidance to field units directly engaged in ocean dumping surveillance, specifying the location and-primary use of active dump sites and other guidance as necessary. The EPA provides Coast Guard units directly engaged in surveillance and enforcement with copies of permits and Statements of Findings for their area of operation. Tabular summaries containing vessel name, authorized materials, dump site location, expiration date, dispersal rates, and other appropriate information may be substituted in lieu of actual permits.

b. Scope Of Coast Guard Activities. Coast Guard surveillance activities include: checking the validity of permits; verifying vessel logs, permits, and waste documentation; obtaining radio reports of dump vessel position and activity; observing transportation routes and disposal sites; escorting or riding of dump vessels; monitoring dumping activities; and utilizing electronic methods such as radar. The degree of Coast Guard involvement will depend upon the type(s) of material dumped. "Surveillance" of ocean dumping is not restricted to dedicated observations, to specific ocean disposal activities, or to a designated dump site. Any Coast Guard unit that observes a suspected violation shall report it to the district commander (m) for evaluation/investigation. The dump vessel's movements to and from the site are of equal and possibly greater concern. Random surveillance should be conducted to discourage illegal dumping, dumping without a permit, dumping not in accordance with valid permits, or dumping at other than the sites authorized on the permits. No dedicated surveillance missions are presently anticipated for the enforcement of general permits.

5.E.1. c. Surveillance Methods. Surveillance will be accomplished utilizing one of the following methods, based on practicality and resource availability:

(1) Assignment of a vessel/aircraft to rendezvous with the transporting vessel at the dump site, or escort the vessel to the dump site;

(2) Surveillance of dump vessel routes or dump sites by vessel/aircraft in response to specific or frequent disposal activity;

(3) Assignment of a shiprider to ride the dump vessel to the dump site;

(4) On-site boarding of vessels;

(5) Radar coverage of the dump site; or

(6) Other electronic means which may be developed.

d. Surveillance By Shipriders.

(1) General. Shipriders are generally a more effective means of surveillance, particularly when night dumping is authorized or when distant dump sites are used. Shipriders are Coast Guard officers or petty officers who act as observers of dumping activities. They neither make changes to the provisions of the dumping permits nor direct the actions of the permittee in any way. They may, however, explain applicable provisions of the permit and the regulations. A shiprider must have a working knowledge of the Ocean Dumping Program, specific knowledge of the provisions of the permit, and the ability to verify the dump location utilizing the vessel's navigation equipment. While aboard for a dumping mission, the shiprider receives quarters and subsistence from the permittee.

(2) Shiprider Duties. Prior to departure, the shiprider shall verify the presence of a valid permit and, if requested by EPA, oversee the drawing of a sample of the material to be dumped. The shiprider will confer with the vessel operator, explain the surveillance mission and the navigational requirements, and become familiar with the vessel's capabilities and procedures to comply with required dispersal rates. Dispersal rates are specified for most materials. Dispersal rates can be computed through such factors as load volume/weight, actual discharge time, and vessel speed. Failure to meet the stipulated dispersal rate shall be reported as a violation, regardless of other compliance with the permit conditions.

e. Vessel Boardings. Dump vessels will be boarded to examine: permits, waste manifests, and waste composition reports; navigational equipment, ocean dumping logs, and pollution prevention equipment; and

5.E.1. e. (cont'd) vessel logs and records in accordance with Commandant Instructions (COMDTINST's) 5010.8 Series and M16250.26. Boardings will normally be conducted in port and can be combined with other activities, such as shiprider missions and obtaining dump material samples.

f. Sampling Guidelines.

(1) General. All materials, other than those not requiring permits, those prohibited from dumping, those disposed of under general permits, and dredged materials authorized under a USACE State of Findings, except in the New York and San Francisco areas, are defined herein as Category "B" materials. Some permits for Category "B" dumping activities require an analysis of a representative sample of each individual load. Other permits call for analysis at intervals ranging from monthly to semiannually, depending on the specific permit. Since the majority of permits authorize the mixing of materials destined for the same disposal site, the EPA has, in most areas, established a program of spot sampling of the materials under individual permits, prior to mixing. This sampling effort is frequently conducted of individual tank truckloads prior to loading into the shoreside holding tank at the port of departure.

(2) Interagency Coordination. The district commander should confer with the EPA regional administrator and, where the EPA has established a sampling program, develop practical procedures for Coast Guard officials to assist in this effort. Such procedures normally call for the sample to be drawn by facility personnel, in the presence of a Coast Guard official, and presented to that official properly packaged and documented. Additional coordination factors include certification of the samples, means of delivering samples to the appropriate laboratory for analysis, and special permit conditions that might be required. This sampling program is limited to EPA permitted damping of non-containerized wastes. Coast Guard personnel shall not draw samples.

2. Monitoring Of Ocean Dump Sites. For the purpose of implementing the MPRSA, "monitoring" includes the collection of data to determine long and short-term effects of ocean dumping on the marine ecosystem (such as the toxic effects of pollutants), and the physical/chemical interaction of dumped material in the marine environment. The EPA directs laboratory-oriented efforts; the National Oceanic and Atmospheric Administration (NOAA) directs ocean survey activities; and the USACE directs research on the effects of dredged materials disposal. These and other agencies may request Coast Guard assistance in monitoring the effects of ocean dumping and other changes to the ocean ecosystem. As availability of resources permits, district commanders may provide such support as sample taking, site overflights, or the transporting of personnel to the disposal site or dump vessel.

F. Ocean Dumping Enforcement.

1. Recording Ocean Dumpings. The EPA regulations require the holder of any dumping permit to record specific information concerning disposal activities. This information is to be available for inspection by the EPA Administrator, the Commandant of the Coast Guard, or their designees. The intent of these requirements is to ensure that dumping activities are conducted within the limitations of the ocean dumping permit. While boarding officers are checking the dumping permit and the vessel's navigational equipment, they shall check the vessel's dumping records to confirm that the following information is recorded:

   a. The physical and chemical characteristics of the materials dumped under the authority of the permit;

   b. The precise times and locations of dumping; and

   c. Other information required as a condition of the permit by the EPA Administrator or the regional administrator.

2. Reports Of Violations. Under the authority of Section 107(c) of the MPRSA, information concerning violations of the act, regulations promulgated thereunder, and conditions imposed by the permit shall be submitted to the district commander (m) for review. The report shall then be forwarded to the appropriate EPA regional administrator for action. Information copies shall be forwarded to Commandant (G-MEP). Where circumstances involve licensed or certificated personnel, an investigation should be conducted in accordance with volume V of this manual.

   a. Documentation Of Alleged Violations. Suspected violations should be documented to the maximum extent possible. Generally, the provisions of volume V of this manual shall be followed. Evidence should include statements from witnesses, photographs, samples, applicable message traffic, and communication log extracts. If samples are taken, they should include samples from the vessel's discharge wake, unpolluted water in its vicinity, and from the vessel's cargo. Samples should be handled, stored, and accounted for in accordance with the guidelines outlined in volume V of this manual.

   b. Operational Waste Disposal. The ocean disposal of ship-generated operational wastes such as trash, garbage, dunnage, or packing material is considered ocean dumping under the provisions of the MPRSA only when the material is taken on board for the express purpose of dumping at sea or from outside the U.S. and discharged into the territorial sea or the contiguous zone of the U.S. to the extent that it "may" affect the territorial sea or territory of the U.S. (see 33 U.S.C. 1411(b)). The discharge of any ship-generated operational waste must be done in compliance with the requirements of MARPOL Annex V (33 U.S.C. 1901 et seq.). Annex V prohibits the discharge of any plastic or garbage mixed with plastic into the ocean. Dunnage and packing materials must be discharged beyond 25 nm from shore. Unground garbage must be discharged beyond 12 nm. Garbage ground to less than one inch

5.F.2. b. (cont'd) must be discharged beyond 3 nm. The discharge of all garbage is prohibited in the navigable waters of the United States and, in all other waters, within three nautical miles of the nearest land. For reporting purposes, all such operational discharges in the contiguous zone have the potential of affecting the territorial sea and therefore meet this stipulation. Inbound foreign vessels discharging such material in the contiguous zone shall be considered probable ocean dumping violators and shall be investigated to the fullest extent possible. Any discharge of dunnage or packing materials by foreign vessels into the territorial sea or the contiguous zone will be treated in the same manner, regardless of the vessel's direction of travel. The operational discharge of trash, garbage, dunnage, or packing materials by any vessel into the navigable waters of the U.S. or tributaries thereof is a reportable violation of the Refuse Act (33 U.S.C. 407). This authority may be utilized in situations in which an ocean dumping violation cannot be substantiated. The U.S. Department of Agriculture (USDA) plant and animal pest regulations prohibit the disposal of garbage from vessels in foreign trade into U.S. territorial waters. In addition to other action that may be taken (such as referral to a U.S. attorney for prosecution under the Refuse Act, or to the EPA for an ocean dumping violation), Coast Guard personnel aware of a possible violation should notify the nearest office of USDA's Animal and Plant Health Inspection Service (APHIS). APHIS inspectors are located in most major seaports.

3. Quarterly Ocean Dumping Reports. Quarterly summaries of ocean dumping activities are required for Coast Guard program review. District commanders will submit the quarterly Ocean Dumping Activities Report (RCS-G-MEP-14017) to Commandant (G-MEP-1) within 30 days of the end of the reporting period. Figure 5-1 lists the required information in a format which may be duplicated for transmittal to the Commandant. Negative reports are not required.

4. Interagency Agreements. Figure 5-2 reprints the interagency agreement between the USACE and the Coast Guard regarding surveillance of USACE contract vessels engaged in ocean dumping operations under Statements of Finding. The Coast Guard will not provide surveillance of USACE vessels, except in response to a specific request or report of violation; however, USACE vessels are subject to periodic observation by Coast Guard patrols. With the exception of activities in the New York and San Francisco areas (the only two areas where the USACE has continuous contract dumping), dedicated surveillance of USACE contract activities will only be conducted in response to specific USACE requests and reported on the quarterly Ocean Dumping Activities Report. A USACE permitted activity which is not associated with a Federal Navigation Project and authorized under an ocean dumping permit is classed as a Category "B" activity. Vessels carrying such materials should be observed and boarded as prescribed in section 5.E above.

FIGURE 5-1
REQUIRED DATA FOR OCEAN DUMPING REPORTS CG-4957

OCEAN DUMPING SURVEILLANCE REPORT
FOR QUARTER ENDING _____

UNIT	CATEGORY B MATERIALS #	HRS	#	HRS	#	HRS	TOTAL #	HRS	TOTAL
DUMPS	____	XXX	____	XXX	____	XXX	____	XXX	____
VIOLATIONS	____	XXX	____	XXX	____	XXX	____	XXX	XXX
DUMP OPS SUR	____	XXX	____	XXX	____	XXX	____	XXX	XXX
SURVEILLANCE									
Vessel	____	____	____	____	____	____	____	____	____
Aircraft	____	____	____	____	____	____	____	____	____
Shiprider	____	____	____	____	____	____	____	____	____
Radar	____	____	____	____	____	____	____	____	____
ODSS	____	____	____	____	____	____	____	____	____
Reports	____	____	____	____	____	____	____	____	XXX
Samples	____	____	____	____	____	____	____	____	XXX
Boardings	____	____	____	____	____	____	____	____	XXX
Subtotal									
SUPPORT									
Unit									
Man	XX	____	XX	____	XX	____	XXX	____	XXX
Venicle	XX	____	XX	____	XX	____	XXX	____	XXX
Admin.	XX	____	XX	____	XX	____	XXX	____	XXX
District	XX	____	XX	____	XX	____	XXX	____	XXX
Subtotal	XX	____	XX	____	XX	____	XXX	____	XXX
TOTAL	____	____	____	____	____	____	____	____	XXX

DUMP SITE ACTIVITY

Dump Site Title or Location	Material	Number of Dumps
_____	_____	_____
_____	_____	_____
_____	_____	_____

COMMENTS: _____

FIGURE 5-2

INTERAGENCY AGREEMENT BETWEEN THE U.S. ARMY CORPS OF ENGINEERS AND THE U.S. COAST GUARD

ARTICLE I - GENERAL INFORMATION

The U.S. Army Corps of Engineers (COE) and the U.S. Coast Guard (USCG) share surveillance and enforcement responsibilities over federally contracted activities which are associated with Federal Navigation Projects and which entail dredged material disposal operations in ocean waters. Section 107(c) of the Marine Protection, Research, and Sanctuaries Act of 1972 directs the USCG to conduct surveillance and other appropriate enforcement activity to prevent unlawful transportation of material for dumping or unlawful dumping. The COE has a responsibility to insure that its funded activities associated with Federal Navigation Projects are conducted in accordance with contractual specifications. Title 33 CFR 209.145(j) directs district engineers to insure that disposal activity is conducted in conformance with the project plans and procedures expressed in the Statement of Findings.

ARTICLE II - PURPOSE

The parties have entered into this Agreement to promote the effective utilization of their respective resources while engaged in surveillance and enforcement of federally contracted ocean dumping activities associated with Federal Navigation Projects

ARTICLE III - CAPABILITIES

The USCG has multi-mission resources deployed throughout the coastal region which engage in ocean dumping surveillance and other marine-related activities and which have been directed to report all suspicious ocean dumping activities. Operations permitting, these resources are available to investigate specific activities as directed.

The COE, as the agency responsible for Federal Navigation Projects, engages in surveillance efforts to insure that contract dumping is conducted in conformance with the project plans and procedures expressed in the Statement of Findings. The COE has specific knowledge as to the location, extent, and types of activities which involve ocean dumping of dredged material, and as to past performance records of contractors engaged in these activities. Thus, the COE is best able to direct a multi-agency ocean dumping surveillance and enforcement effort over these activities.

ARTICLE IV - RESPONSIBILITIES

The COE and the USCG will work in close cooperation with respect to surveillance and enforcement activities over contractors engaged in the disposal of dredged material in ocean waters associated with Federal Navigation Projects; however, the COE recognizes that it has the primary surveillance and enforcement responsibility over these activities.

FIGURE 5-2 (cont'd)

The COE will direct the surveillance effort over COE contract dumpers engaged in ocean disposal activities.

The COE will conduct surveillance over COE contract dumpers engaged in ocean disposal activities and may augment this effort with available USCG resources.

The USCG will continue its surveillance efforts over COE contract barges engaged in ocean dumping in New York and San Francisco areas.

To facilitate optimum scheduling, the COE will notify the USCG in a timely manner of the COE's desires for specific surveillance missions. Requests will identify the geographical area, time of surveillance, and other specifics as may be needed to conduct an effective surveillance operation.

The USCG will, operations permitting, respond to requests from the COE for surveillance missions to oversee specific COE contract dumping activity.

The USCG will notify the COE of the results of any specifically requested surveillance missions.

While engaged in its various mission activities, the USCG will continue to be on the alert for suspicious ocean dumping operations.

ARTICLE V - BUDGETARY RESPONSIBILITIES

Each agency will fund all costs it incurs under this Agreement. Additionally, agreements that involve fund reimbursement in connection with specific activities may be entered into before the activity is undertaken.

ARTICLE VI - AMENDMENTS

This Agreement may be amended from time to time as may be mutually agreeable to the parties thereto.

ARTICLE VII - TERMINATION

This Agreement may be terminated by either party upon 60 days advance written notice thereof to the other party.

Done this Seventh day of September, 1976, at the City of Washington.

For the U.S. Army Corps of Engineers:	For the U. S. Coast Guard:
Signed by:	Signed by:
ERNEST GRAVES	ROBERT H. SCARBOROUGH
MG, U.S. ARMY	RADM, U.S. COAST GUARD
DIRECTOR OF CIVIL WORKS	CHIEF OF STAFF

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DIRECTOR OF CIVIL WORKS	CHIEF OF STAFF

CHAPTER 6. CONTINGENCY PLANNING FOR EMERGENCY RESPONSE

CONTENTS

CHAPTER 6. CONTINGENCY PLANNING FOR EMERGENCY RESPONSE

A. National Emergency Response Planning.

1. Authority. Much of the Coast Guard's authority for prevention, enforcement, and response to discharges of oil and hazardous substances, the general safety of our ports and waterways, and the transportation of hazardous materials has been delegated by the Secretary of the Department of Transportation (SECDOT).

2. Plan Development. With this authority comes the responsibility for the captain of the port (COTP) to make decisions affecting the safety and security of vessels, waterfront facilities, or the environment. Consideration must be given to additional liabilities or responsibilities which the Coast Guard may incur as a result of response activities. For example, a decision to allow a vessel which is afire or flooding to enter port, subject to certain conditions, requires the COTP to ensure conditions for entry are met. If they are not met, or if activities adversely affect the safety of the vessel, or a waterfront facility or the environment, the COTP must ensure that positive, adequate action is taken to resolve the situation. The COTP should carefully evaluate the capabilities of involved parties (including the Coast Guard) to perform required tasks before making response decisions, and closely monitor response activities during their critical stages. For further information, see volume VII (TO BE DEVELOPED) of this manual.

3. Required Plans. A COTP should have plans for emergencies which fall into two categories: those having a relatively high probability of occurring (e.g., an oil spill); and those which, while having a low probability of occurring, would cause a high level of damage to persons or property (e.g., liquefied natural gas (LNG) in a port which handles LNG vessels). COTP's should have the following plans:

   a. Oil and hazardous substance spill response (see 40 CFR 300);

   b. Maritime counter-terrorism (see volume VII (TO BE DEVELOPED) of this manual);

   c. Vessel and waterfront fire (see chapter 8 of this volume);

   d. Natural disaster (see Natural Disaster Preparedness Plan (NDPP), CG-368-2);

   e. Civil disorder (see Civil Disturbance Preparedness Plan (CDPP), CG-368-1, and volume VII (TO BE DEVELOPED) of this manual); and

   f. Appropriate mobilization plans as required to support superior plans or those ordered by the Commandant and/or Maritime Defense Zone (MDZ) Commanders.

   COTP's should also have plans as dictated by local conditions. These may be incorporated into a general "Port Emergency Response Plan" which could

6.A.3. (cont'd) include the vessel and waterfront fires response plan. Examples of locally-required plans include LNG, aircraft crash, and vessel collision and/or grounding. COTP's may also write operation orders (OPORDER's) in response to a specific incident for a specific time period (see volume VII (TO BE DEVELOPED) of this manual). OPORDER examples include seasonal icebreaking operations and arrival of nuclear submarines.

B. Regional/Local Contingency Planning.

1. Introduction. A contingency plan enables decision makers to take expeditious and predictable actions to prevent or mitigate potentially disastrous conditions. Contingency planning does not replace good judgement and experience in an emergency; however, it augments those qualities significantly. It allows the COTP to use efficiently all readily available resources and authorities to counter or avoid potentially severe threats to the safety and security of port operations. Such plans should contain valuable information or procedures that may not be immediately apparent, such as:

a. Operational and inspection procedures for such activities as transits of vessels carrying LNG and cargo transfer operations;

b. Agencies and organizations to notify or to provide assistance during an incident (e.g., assistance from pilot associations would be critical in situations requiring vessel movements);

c. Background information on waterfront facilities and vulnerable resources (maps showing facility characteristics, listings of 24-hour phone numbers, key personnel); and

d. Contacts in other federal, state, and local authorities, and the media.

2. Basic Planning For Pollution Response.

a. Introduction. The need for the development of comprehensive federal regional contingency plans (RCP's) has been recognized for some time. As experience was gained concerning the effectiveness of these plans, it was realized that more detailed planning was required at the local level to facilitate successful pollution response operations. The result was the establishment of a requirement for the development of federal local contingency plans (LCP's) by each Coast Guard predesignated on-scene coordinator (OSC). The detailed LCP's, containing specific information on the local response resources, response organization, and other considerations are supported by a more general RCP. The RCP provides guidance on how an OSC can obtain assistance from within the region for those incidents beyond the capability of an LCP.

b. Content For RCP's. Section 300.42 of the National Contingency Plan (NCP) requires that an RCP be developed and maintained for each standard federal region, Alaska, and the Caribbean. As co-chairperson of the standing Regional Response Team (RRT), the district (m) officer

6.B.2. b. (cont'd) is responsible for coordinating Coast Guard input to the RCP. RCP's should be more than a simple reiteration of what is stated in the NCP. The content of an RCP is intended to implement the NCP within a region and accomplish all of the coordination necessary for an effective multi-organizational response effort in support of the region's OSC's. Particular attention should be paid to including information on those types of services that an OSC typically requests from an RRT, such as:

(1) Assistance in locating appropriate disposal sites.

(2) Access to barges and other vessels for response-related salvage operations.

(3) Assistance in making environmental damage assessments.

(4) Access to aircraft or trucks with a heavy lift capability.

(5) Coordination of waterfowl conservation efforts.

(6) Identification and prioritization of natural resources requiring protection.

(7) Provision of forecasting services, including weather, currents, and pollutant movement predictions.

The information in an RCP should also be coordinated with any existing state contingency plans and federal LCP's.

c. Format For RCP's. Although the format for RCP's is not as important as the content, it is recognized that there is a need for uniformity in format among the various plans. Because the responsibility for developing these plans is jointly shared by the Environmental Protection Agency (EPA) and the Coast Guard, section 300.42 indicates that RRT's will follow the format of the NCP to the greatest extent possible.

d. Content For LCP's. Section 300.43 of the NCP requires that a federal LCP be developed for each area where the Coast Guard acts as the predesignated OSC. Detailed, extensive contingency planning by each OSC is considered essential for well-coordinated responses to pollution incidents.

(1) The main objectives of an LCP should be to:

(a) Identify, through a hazard analysis, probable locations of discharges or releases.

(b) Develop effective systems for discovering and reporting pollution incidents.

6.B.2.d.(1)

(c) Institute prompt and effective actions to restrict the spread of pollutants.

(d) Ensure that the public health and welfare are adequately protected.

(e) Minimize damage to wildlife and the environment from oil and hazardous substance incidents.

(f) Provide techniques for removal and locations for the disposal of collected pollutants.

(g) Identify government, commercial, and industry resources capable of responding to pollution incidents and lending expertise to the OSC in specific areas (e.g., analytical support, medical expertise, evacuation, cleanup methods).

(h) Identify available equipment for removal operations and logistical support.

(i) Identify procedures for initiating actions for the recovery of cleanup costs and performance of enforcement actions as necessary.

(2) The first step in accomplishing these objectives in an LCP is to identify potential sources of spills within the OSC's zone. This can be done by determining what types of products are produced, used, stored, or transported in the area; examining historical spill data; and by locating, as a minimum:

(a) High density vessel traffic areas.

(b) Restricted navigational areas (RNA's).

(c) Hazards to navigation.

(d) Waterfront facilities.

(e) Storage facilities.

(f) Production facilities.

(g) Pipelines.

(h) Refineries and processing plants.

(i) Outfalls, municipal sewers, and storm drains.

(j) Railways and highways within the OSC's zone.

This information, coupled with a review of local meteorological conditions, winds, waves, tides, oceanographic patterns, and

6.B.2.d. (2) (cont'd) other related parameters will enable an OSC to determine potential sources and the most likely places of occurrence for spills.

(3) The next step is to develop estimates of the size of the areas that would be affected by "worst case" incidents, as well as those more commonly encountered. This may be accomplished in a number of ways. Manual III of the Chemical Hazardous Response Information System (CHRIS), the Hazard Assessment Handbook, Commandant Instruction (COMDTINST) M16465.13, and the pollutant spill trajectory forecasting service available through the Coast Guard National Response Center may prove useful. In assessing these hazards, the OSC should take into account factors such as the volatility, reactivity, toxicity of the material and the proximity to populated or environmentally sensitive areas.

(4) Once this is completed, it is necessary to identify those public health and environmental resources that would be threatened, and to what extent they would be jeopardized, should one of the possible incidents occur. A survey of each potentially threatened are is required to identify high public health risks such as heavily populated areas, schools, and hospitals; and environmentally sensitive resources such as marine sanctuaries, estuaries, mangroves, wildlife concentration areas, beaches, and water intakes.

(5) The information assembled to this point has:

(a) Established potential sources of spills.

(b) Identified where the incidents are most likely to occur.

(c) Estimated the the size of the areas which would be affected for a worst case situation and the more likely types of incidents that may happen.

(d) Identified the types of public health and environmental hazards that would result.

(6) Once this is completed, the unit may want to develop action plans for high risk areas or for certain chemicals. These action plans should cover the characteristics and hazards of the material, potential sources of spills, likely or worst case spill scenarios, areas at risk, and response actions to be carried out.

(7) The final step is the development of a data base of response resources available to the OSC. It is considered most important for each OSC to periodically meet with any persons or organizations which might provide assistance during a spill. This will allow the OSC to better ascertain/update what type and amount of assistance can be reasonably expected. It will also help to establish a rapport with other response organizations,

6.B.2.d. (7) (cont'd) which should prove most helpful during an actual incident. In addition to inventories of equipment and contact point listings, the logistical considerations of utilizing these resources should be addressed. For example, it is necessary to establish an effective communications plan for use during pollution incidents. Suggested methods for collecting information for the LCP may be found in COMDTINST M16466.1, A Suggested Development Plan for A Regional Contingency Plan Data Base.

(8) It is also essential that the LCP be coordinated with any state, local, or industry contingency plans that exist within the OSC's zone. This intergovernmental coordination is an essential element of the contingency planning process.

e. Format For LCP's. For purposes of uniformity, it is desired that the following format be utilized for all LCP's. Sections in the format which are not applicable can be omitted, but the associated number should be reserved for future use. If additional sections are required, they should be added to the appropriate part using the next sequential number to identify the topic. The suggested format is shown in Figure 6-1.

f. Coast Guard Involvement In Other Contingency Planning Efforts.

(1) Review Of Outer Continental Shelf (OCS) Contingency Plans. A Memorandum of Understanding (MOU) requires the Coast Guard to determine the adequacy of oil spill contingency plans submitted to the Minerals Management Service (MMS) as part of OCS Exploration Plans or Development and Production Plans. The OSC for the zone in which the drilling activity will occur is responsible for conducting this review. A regional Technical Review Board (TRB) will assist OSC's in determining the adequacy of these contingency plans. Specifically, the TRB will:

(a) Advise the OSC on whether response equipment proposed in the contingency plan meets currently accepted state-of-the-art criteria.

(b) Advise the OSC on the adequacy of the amounts and types of equipment proposed.

(c) Advise the OSC on acceptable response times for local conditions.

(d) Keep abreast of developments in response equipment technology and revise state-of-the-art criteria accordingly.

(e) Provide OSC's with technical information on equipment proposed by operators.

FIGURE 6-1

SUGGESTED FORMAT FOR LOCAL POLLUTION CONTINGENCY PLANS

Emergency Response Notification Summary

Letter of Promulgation

Record of Amendments

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FIGURE 6-1 (cont'd)

700. Procedures For Reviewing And Updating The Local Contingency Plan

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6.B.2.f. (1) (cont'd) The membership of the TRB includes: Coast Guard district commander representative (co-chairperson), MMS Deputy Minerals Manager representative (co-chairperson), appropriate Coast Guard National Strike Force (NSF) commanding officer (CO), EPA Oil and Hazardous Materials Simulated Environmental Testing Tank (OHMSETT) representative, Coast Guard Headquarters Marine Technology Division (Commandant G-DMT) representative, Coast Guard Headquarters Environmental Response Division (Commandant G-WER) representative, and an MMS Headquarters representative. District commanders should establish a regional TRB where appropriate to assist OSC's in reviewing contingency plans.

(2) Planning Guidelines. OSC's shall consider the following guidelines when evaluating the adequacy of Oil Spill Contingency Plans submitted to MMS for OCS activity:

(a) Risk Analysis. The contingency plan should contain an analysis which indicates the number and size of spills that could occur during OCS mineral exploration, development, and production operations. The spill trajectory analysis should indicate where an oil spill is likely to flow under the various expected sets of local, seasonal meteorological and oceanographic conditions. Impact areas should be identified and strategies should be fully developed for the protection of potentially vulnerable areas and resources. The depth of detail is flexible, but should be sufficient to assure the OSC that adequate contingency planning has been done.

(b) Recovery Equipment. The type of recovery equipment and its method of deployment rests entirely with the operator. However, subject to the prevalent conditions identified in the risk analysis, the equipment should be state-of-the-art. Based on previous research and development (R&D) studies, observations, and experiences, currently available state-of-the-art equipment is capable of operating in 8-10 foot seas and 20-knot winds with deployment accomplished in the 5-6 foot range. However, the OSC should be aware that mechanical equipment cannot be expected to perform at optimum efficiencies in all environmental situations. Local conditions such as high energy sea states with short wave lengths, or severe icing, may not allow all of the above operational criteria to be met.

(c) Equipment Availability. The quantity and capability of the equipment to be made available should be related to the risk analysis. For planning purposes, open water recovery devices typically have a recovery capacity of at least 1,000 barrels/day. A recovery rate of 1,000 barrels/day should therefore be considered appropriate unless the risk analysis suggests a higher spill rate is likely. This recovery rate may be attained from one device or an array of devices which

6.B.2.f.(2) (c) (cont'd) would be utilized in concert with each other. The contingency plan should also indicate how additional equipment will be made available for extraordinary spills (i.e., spills that exceed the recovery capacity of the readily available equipment).

(d) Response Time. If local conditions or geography permit, the target for initiating recovery operations with pre-staged equipment (i.e., the response time) should be 6 to 12 hours from the time of the spill dependent upon the location and general operating characteristics of the drilling or production activity. Whatever amount of equipment is required to be available for responding to spills should be fully deployed and in operation within the specified response time, weather permitting. The location of staged equipment will be left to the operator. For extraordinary spills, the operator should be expected to obtain additional equipment within 48 hours.

(e) Drills. Response exercises for deploying equipment in open water shall occur at least annually to test the equipment and the contingency plan. This exercise should be held under realistic environmental conditions in which deployment and operation can be accomplished without endangering the safety of personnel. In addition, at least one hands-on drill should be conducted annually as part of a training program and may include full deployment conducted in protected waters. Exercises that test the alerting/initial response mechanism and command, control, and communications should be held as frequently as necessary to demonstrate effectiveness to the OSC.

(f) Support Vessels. Vessels or vessel types to be used in deploying and operating the response equipment should be identified in the contingency plan. The vessels should be available within the same response time parameters as used for response equipment. The crews of all candidate support vessels should be familiar with equipment deployment and operating techniques; or a system should be developed to supply trained crews/supervisors to the support vessels within the specified response time.

(g) Dispersant Equipment. In addition to oil recovery equipment, dispersant equipment should be included in the contingency plan. Equipment capable of applying dispersants should be maintained at appropriate staging points as well as adequate stockpiles of dispersants if they are not readily available from local distributors. The types and toxicities of dispersants proposed for use should be identified in the contingency plan. The quantity and types of dispersants presited should be related to the risk analysis, taking into account dispersant toxicity, oil

6.B.2.f.(2) (g) (cont'd) composition, and water temperature. The above should not be interpreted as a predilection on the part of government for the use of dispersants, but a recognition that spills may occur when, due to environmental conditions or lack of adequate support resources, mechanical recovery is not possible. The decision to use dispersants would of course be made using the criteria and procedures set forth in Subpart H of the NCP. A response target of 24 hours from the time the spill occurs is appropriate, unless pre-approved contingency plans or streamlined RRT authorization procedures for the use of dispersants are in effect. In this event, the response time may be lessened.

(3) Review Of Incinerator Ship Contingency Plans. As part of the permitting process for the operation of incinerator ships, EPA requires the permittee to submit a contingency plan that describes the company's plan for responding to accidents involving the vessel or its cargo. EPA has requested that the Coast Guard review the adequacy of these plans before the issuance of a permit. Commandant (G-WER) will coordinate the review of these plans with the appropriate districts, COTP's, and strike teams. Units involved in the plan review will be provided guidance on the review process when comments are solicited by Commandant.

3. Hazardous Materials Operations.

a. Introduction. A large percentage of waterborne cargoes is hazardous in nature. The increasing volume of hazardous material shipments has resulted in increased numbers of casualties resulting from intentional or accidental mishandling of hazardous cargoes in shipment. Much of the nation's population is directly affected by the degree of safety existing in ports and waterways. The potential for loss of life or personal injury, loss of property and the services of our waterways, environmental damage, and threats to our national interest from a casualty involving hazardous materials, is readily apparent. When casualties involving hazardous materials occur, the Coast Guard is authorized to:

(1) Investigate and study them to determine cause;

(2) Institute remedial measures through amendment and revision of the regulations to prevent or minimize the chances of recurrence of such casualties; and

(3) Institute legal action when the circumstances and facts so warrant.

b. Coast Guard Response. It has long been the tradition of the Coast Guard to render all possible assistance in any maritime or marine disaster. Coast Guard district and unit CO's, particularly COTP's, may be called upon to render assistance and guidance to industry or to

6.B.3. b. (cont'd) local, state, or federal agencies. In the event of an incident involving hazardous materials affecting a vessel, a port, or the environment, the Coast Guard undoubtedly will become involved. To ensure the most effective Coast Guard response to hazardous materials incidents, coordinated plans of action must be formulated in advance. Authority for development of such plans may be found in various federal laws, including the Ports and Waterways Safety Act (PWSA), the Federal Water Pollution Control Act (FWPCA), the Hazardous Materials Transportation Act (HMTA), and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA). The effectiveness of a hazardous materials incident resolution depends upon the severity of the incident, the type(s) of materials involved, the location of the incident, and the degree of preparedness of the responding agencies. The locations of facilities handling hazardous materials and their relation to other facilities, industry and residential sections in the proximate area are particularly important factors in planning. Additional considerations may involve operational constraints on vessels and facilities handling hazardous or foreign materials. For further information, see volume VII (TO BE DEVELOPED) of this manual.

c. Plan Administration. Support agreements should be made with various federal, state, and local agencies, including as a minimum:

(1) Port authorities;

(2) Fire departments;

(3) Police departments;

(4) Industry personnel knowledgeable in the hazardous materials handled in the port, and having equipment that may be used in control and recovery; and

(5) Active duty and reserve components of military units in the area.

d. Access To Information. Copies of support agreements containing names and phone numbers of contact points and available resources should be kept in contingency plan files. Hazardous materials incident drills, with participation from other interested agencies, should be conducted on a regular basis to ensure the effectiveness of the plan. To provide response teams with data necessary for prompt and safe countermeasures, systems such as CHRIS, the Hazard Assessment Computer System (HACS), and the Oil and Hazardous Materials Technical Assistance Data Systems (OHMTADS) should be used. Various chemical data manuals, the Chemical Data Guide for Bulk Shipment by Water, COMDTINST M16616.6, and information from other sources such as Chemical Transportation Emergency Center (CHEMTREC), a commercial chemical data service, are available. Following each drill all contingency plans should be evaluated and updated as necessary.

4. Planning For Vessel And Waterfront Fires. See chapter 8 of this volume.

6.B.5. Planning For Natural Disaster Response. In general, COTP's shall consult CG-368-2. A "natural disaster" is an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause, including fire, flood, earthquake, storm, wind or wave action, volcanic activity, epidemic, contamination, blight, drought, or infestation. The primary responsibility for disaster response rests at the local and state levels. Federal assistance may be provided when local and state governments are unable to cope with the effects of the disaster; authorities frequently request Coast Guard assistance in such cases as severe port and waterfront damage caused by coastal storms.

6. Planning For Response To Civil Disorder And Terrorism. See volume VII (TO BE DEVELOPED) of this manual.

7. Recovery Of Foreign Military Materiel. Whenever possible, Coast Guard personnel shall recover foreign materiel. All foreign materiel should be handled as potentially explosive. See volume VII (TO BE DEVELOPED) of this manual for further information on recovery and reporting of foreign materiel.

C. Port Emergency Planning. [NOTE: For further information, see volume VII (TO BE DEVELOPED) of this manual.] Under Executive Order (E.O.) 11490, as amended by E.O. 11921, broad emergency preparedness functions have been assigned to the Maritime Administration (MARAD). The functions for which MARAD is responsible fall into two distinct phases: Phase 1 concerns peacetime planning for operation of U.S. seaports under emergency conditions; Phase 2 implements these plans upon the declaration of a national emergency. To ensure coordination of MARAD programs concerning port utilization and control with Coast Guard responsibilities as delineated by E.O. 10173, direct liaison is maintained between Commandant (G-OIS) and (G-WPE), and MARAD's Office of Port and Intermodal Development. Commandant (G-WPE) has been designated as Coast Guard liaison for port utilization and control and questions concerning subject should be referred to them. In February 1959, MARAD requested 100 port authorities on the Atlantic, Gulf, and Pacific Coasts to initiate preparedness planning for their ports. Since that time, similar requests have been made concerning selected ports of the Great Lakes, Alaska, Hawaii, Puerto Rico, and the Virgin Islands. The basic premise of a port preparedness program is that local authorities can best determine their own emergency needs and develop detailed methods of meeting those needs with available resources. MARAD provides fundamental guidance and coordinates the efforts of neighboring ports having common interests.

1. Port Planning Committees.

a. Planning Features. At the local level, actual port emergency operations plans are developed by port planning committees. The committee members are usually appointed by the local port authority or port industry, under a "delegation" of responsibility from MARAD. Each committee prepares a plan with universal planning base features. These include:

6.C.1.a. (1) Establishment of alternate port operating headquarters and personnel reporting centers;

(2) Emergency training programs;

(3) Port security activities in addition to those of the Coast Guard;

(4) Evaluation of port facilities, maintenance of operations, reconstruction, and restoration; and

(5) Emergency stockpiling.

b. Planning Guidelines. Planning guidelines are contained in a MARAD pamphlet "Emergency Port Operations of the National Shipping Authority." [NOTE: The MARAD pamphlet "Emergency Shipping Operations of the National Shipping Authority" contains information concerning the requisitioning of ships during national emergencies.] For additional information see CG-368-1, CG-368-2, and CG-368-3, the Nuclear, Biological, Chemical (NBC) Defense Preparedness Plan. Local port planning committees normally cease to function when they have completed the local plans, except for updating them as necessary. Planning proposals from these committees are not strictly oriented to military or civil defense considerations, but rather to continuing or restoring efficient operations of the port. Port planning committees are expected to maintain close liaison with local civil defense planning groups and, in some cases, may serve this dual function (obviously, the local COTP has a role in the port planning committee).

c. Federal Involvement. It is not the intention of the federal government to operate port facilities in a national emergency, but to control their use in the national interest. It may be necessary to activate a local port emergency operations group to implement the committee's plans. This group would be headed by a "director of emergency port operations," and established and empowered by various local port interests to serve during natural disasters or emergencies. In a national emergency, the group would be subject to the authority of the federal lead agency to the extent that controls may be necessary.

2. Program Goals. The common goal underlying both phases of the port preparedness program is to provide a basis for the efficient operation of U.S. ports during a sustained period of stress. Traffic flow must be maintained with a minimum of disruption to the port industry, by allowing peacetime owners and operators of the facilities to continue operation of the facilities themselves. [NOTE: At the same time, the government must develop plans for federal control of ports if such a need arises.]

3. MARAD Responsibilities In Port Emergencies. [NOTE: For further information, see volume VII (TO BE DEVELOPED) of this manual.] During Phase 2, MARAD is responsible for the emergency use of U.S. ports. MARAD will take the following actions during emergencies:

6.C.3. a. Allocation of port facilities, equipment, and services (public and private), to meet the requirements of the military, civil defense, war production, and the essential civilian economy;

b. Assignment of a maximum quota of cargo sealift for each port, consistent with the port's overall transshipment capacity and considering port facilities, equipment, labor, and available surface and air transportation;

c. Immediate allocations of port facilities and assignments of sealift quotas, as required by possible damage to port areas, and required diversions of ship routes due to enemy action at sea;

d. Coordination and control, through the federal agency responsible or land transportation, of traffic to and from port areas;

e. Administration of priorities for the movement of traffic through port areas;

f. Guidance for the coordination of port terminal operations; control over the use of port facilities, equipment, and services (public and private), except those owned by, or allocated to, the Department of Defense (DOD);

g. Determination of the need for port development; coordination of the rehabilitation of damaged port facilities, and the development of alternate port facilities to meet essential requirements;

h. Determination of the need to restore damaged or destroyed ports and facilities, or to improvise new facilities; direction, coordination, and control of federal, state, local, and private activities in restoring or improvising facilities;

i. Maintenance of current data on the cargo-handling capacities in U.S. port areas, including current conditions affecting such capacities and data reflecting total schedules and anticipated cargo movements; and

j. Furnishing current data, in accordance with sealift schedules, to the federal agency responsible for land transportation. This allows the latter agency to approve and issue block releases for portbound traffic, relative to military traffic; advise this agency when circumstances warrant MARAD control over traffic bound inland from the port area, to minimize congestion in the port area.

[NOTE: Port facilities and services owned by or preallocated to DOD are generally excluded from MARAD controls; these facilities are subject to regulation by DOD. However, DOD facilities <u>are</u> subject to certain MARAD controls, such as the allocation and reallocation of commercial port facilities, movement of cargoes in port areas, and the determination of maximum sealift quotas, for all purposes, to each port area.]

6.C.4. Operation And Control Of Port Facilities. The following information has been extracted from the MARAD pamphlet "Emergency Port Operations of the National Shipping Authority (NSA)":

"In keeping with the requirements of the National Plan for Emergency Preparedness and Executive Order 11490, as amended, relating to the emergency utilization and control of ports, the Maritime Administration has prepared plans which would be implemented by NSA to carry out delegated responsibilities in ports with minimum interference or disruption at the local operating level. Basically, these plans involve the use of two types of standby contracts executed prior to the declaration of an emergency, which would be implemented upon the declaration of a national emergency."

"The first type of standby contract will ordinarily be drawn up with one or more companies operating particular terminals to be selected at various seaports. Under this type of service contract, the Government will pay tariff rates in effect at the time of any emergency for dockage, wharfage, checking, loading and unloading of vehicles, wharf demurrage, etc."

"The second type of standby contract will obtain the services of a Federal Local Port Controller. The contract will be made, as a minimum, with the marine element of a port authority or similar agency to fulfill the prescribed coordinating role at major ports where MARAD has two or more terminal operators under standby contract. Through this contract, MARAD will obtain the services of a senior qualified official as port coordinator and NSA local representative, supporting staff, office space, communications, and other ancillary facilities."

"It must be emphasized that only a restricted number of standby contracts will initially be drawn up. This number will of course be increased when conditions warrant."

ENCLOSURE (6-1): USE OF THE EXPLOSIVE QUANTITY & DISTANCE TABLES

When assessing the hazards associated with an explosion, the principal effects of the explosives output to be considered are blast pressure, primary and secondary fragments, thermal effects, and chemical agent hazard. Facility damage and personnel injury from the explosion of mass detonating explosive materials, class/division 1.1, results primarily from blast overpressure and impulse. For Quantity-Distance (Q-D) determinations, peak incident overpressure generally is the parameter used to define maximum permissible levels of exposure.

The violent release of energy from a detonation in a medium such as air or water creates a sudden increase in pressure within that

medium. The resulting pressure disturbance, or blast wave, is characterized by an almost instantaneous rise from the ambient pressure to a peak incident pressure. This pressure increase, or shock front, travels outward from the detonation point with a diminishing velocity, but one that always exceeds the sonic velocity of the medium. As the shock front expands into increasingly larger volumes of the medium, the peak incident pressure at the shock front decreases and the duration of the pressure increases.

Separation distance requirements for explosives are based on the degree of protection needed and amount of explosive material involved. When making Q-D determinations involving explosives, distance is calculated using the formula:

$$D = KW\ 1/3$$

where D is the separation distance in feet, K is a safety factor depending on the risk assumed or permitted. In accordance with DOD standards, the Coast Guard established risk factor is 40 (K=40), except in cases involving more than 250,000 lbs of explosives (where K=50). W is the net explosive weight (NEW) in pounds of ALL explosives on board the vessel or vessels and the waterfront facility. When determining Q-D requirements for explosives use the Q-D tables provided (figure 6-1-1) or the Ammunition and Explosive Safety Standards, DOD 6055.9-STD and Ammunition and Explosives Ashore Safety Regulations for Handling, Storing, Production, Renovation and Shipping, NAVSEA OP 5, Volume 1.

The Coast Guard approach is additive when calculating NEW, the total NEW of ALL explosives present must be taken into account. Although there may be and often is more than one class/division of explosive on board a vessel or at a water front facility (i.e., class 1.1, 1.2, 1.5, etc.), the Coast Guard takes a conservative position that all explosives present will be considered class/division 1.1 if any explosives present are class/division 1.1 when calculating the NEW for Q-D purposes.

However, if the operation includes other than class/divisions 1.1 explosives, refer to DOD 6055.9-STD, Chapter 9 for determining Q-D separation requirements.

For purposes of calculating explosives safety Q-D requirements, commercial and military explosives are currently treated the same. Coast Guard units refer to DOD 6055.9-STD and NAVSEA OP 5, Volume 1 in calculating explosive weight limitations and safe separation distances for both military and commercial explosives. DOD Q-D standards are based on historical data collected and analyzed through studies and observations of explosive incidents, both military and commercial. DOD 6055.9-STD has incorporated fragmentation hazard ("missile hazard") into Q-D calculations for safe separation distances. Since certain types of military explosive assemblies have a greater fragmentation hazard than others, individual Q-D tables are established for various explosive hazard divisions. Exceptions for specific explosive items that have received extensive evaluation, and for which a different minimum distance is provided, are identified in DOD 6055.9-STD. In general, we do not believe that military explosives are more sensitive or less stable than commercial explosives. C-4 is C-4 regardless who ships it.

The exposed site (ES), or the potential hazard area surrounding explosives, increases in size as the quantity of explosives at any one location increase. For this reason.- it is desirable to keep the quantity of explosives present in one location to the minimum amount that is consistent with operating requirements and maximum utilization of land. The distance separating the potential explosion site (PES), from the ES, determines the permissible amount of explosives permitted to be safely loaded/unloaded from vessels in the close proximity to Inhabited Buildings (IBD), public traffic routes (PTR) and other sensitive areas.

Public traffic route distance is the distance separating a PES from a public highway, navigable waterway, passenger railway or other traffic route used by the public. Unless access is clearly limited; e.g., by unsuitable terrain or travel not open to the public because it is government-owned; public traffic route distances apply to all roads outside of a government installation boundary. Public traffic route distances also apply to most passenger vehicle parking areas and to open recreational areas that do not include bleacher stands or other places where large numbers of personnel may be present.

Inhabited building distance is the distance between a PES and any structure, except explosive operations buildings, where persons live, work or assemble. Inhabited building distances apply to all areas beginning at the installation boundary.

Measurements of distance for determining the maximum allowance quantity of explosives shall be made from the nearest wall of the structure containing explosives to the nearest part of an exposed structure site. Separation distances are measured along straight lines. For large intervening topographical features such as hills, measure over or around the feature, whichever is shorter. For golf courses, measure to the nearest edge of the tee or green and the centerline of the fairways.

EXAMPLES

[NOTE: The separation distances in the scenarios below are consistent with DOD 6055.9-STD and NAVSEA OP 5 Volume 1. it should also be noted that the scenarios below do not encompass all possible circumstances a COTP may encounter. The scenarios are only examples/tools for the COTP to use when determining Q-D requirements for explosives.]

SCENARIO I

The M/V Creedmoor is inbound with 60,000 lbs. of class/division 1.1 military explosives for off-loading. What are the IBD and PTR required distances?

Using the tables provided: column 1 lists the NEW (60,000 lbs.), column 5 gives the distance requirement to inhabited buildings (IBD) as 1565 feet and column 9 gives the distance requirement to public traffic routes (PTR) as 940 feet.

SCENARIO II

The M/V Granville is inbound with 20,000 lbs. of class/division 1.1 military explosives, 40,000 lbs. of class/division 1.2 and 10,000 lbs. of class/division 1.5 commercial explosives. What are the IBD and PTR required distances?

In accordance with the additive approach the Coast Guard uses when determining the NEW, we will consider all the explosives on board the vessel class/division 1.1 for calculating the NEW and Q-D requirements.

Using the tables provided: column 1 lists the NEW (70,000 lbs.), column 5 gives the distance requirement to inhabited buildings 1650 feet and column 9 gives the distance requirement to public traffic routes 990 feet.

SCENARIO III

The M/V North Carolina carrying 20,000 of class/division 1.1 military explosives and 5,000 lbs. of class/division 1.2 wants to load an additional 10,000 lbs. of class/division 1.1. What are the IBD and PTR required distances?

In accordance with the additive approach the Coast Guard uses when determining the NEW, we will consider all the explosives on board the vessel and dock as class/division 1.1 for calculating the NEW and Q-D requirements.

SCENARIO III (cont'd)

Using the tables provided: column 1 list the NEW (35,000 lbs.), column 5 gives the distance requirement to inhabited buildings 1310 feet and column 9 gives the distance requirement to public traffic routes 785 feet.

SCENARIO IV

M/V SIRIUS, an MSC ship inbound with 1.2 million pounds class/division 1.1. wants to load 40,000 lbs of blasting powder (class/division 1.5).

In accordance with the additive approach the Coast Guard uses when determining the NEW, we will consider all the explosives on board the vessel and dock as class/division 1.1 for calculating the NEW and Q-D requirements.

In situations involving more than 500,000 lbs of explosives you have to calculate the Q-D requirements by using the formula described above. Also when calculating Q-D situations involving more than 250,000 lbs. of explosives K=50.

Basic Q-D formula for IBD distance: D = KW 1/3

In this scenario: K = 50
NEW = 1,240,000
W = 107.43 (cube root of 1,240,000)

D = 50 x 1,240,000 1/3
D = 50 x 107.43
D = 5371.5

The minimum distance requirement to an Inhabited Building (IBD) is 5371.5 feet.

Basic Q-D formula for PTR distance: PTR = IBD x 0.60

In this scenario: PTR = 5371.5 x .60
PTR = 3222.9

The minimum distance requirement to a public traffic route (PTR) is 3222.9 feet.

FIGURE (6-1-1)

Hazard Division 1.1, Inhabited Building and Public Traffic Route Distances (See Notes)

Net Explosive Weight (NEW) (lbs)	Distance in Feet to Inhabited Building From: Earth-covered Magazine			Other PES	Distance in Feet to Public Traffic Route From: Earth-covered Magazine			Other PES
Col1	Front Col2^1,8	Side Col3^1,8	Rear Col4^2,8	Col5^3	Front Col6^4,8	Side Col7^5,8	Rear Col8^6,8	Col9^7
1	500	250	250	1,250	300	150	150	750
2	500	250	250	1,250	300	150	150	750
5	500	250	250	1,250	300	150	150	750
10	500	250	250	1,250	300	150	150	750
20	500	250	250	1,250	300	150	150	750
30	500	250	250	1,250	300	150	150	750
40	500	250	250	1,250	300	150	150	750
50	500	250	250	1,250	300	150	150	750
100	500	250	250	1,250	300	150	150	750
150	500	250	250	1,250	300	150	150	750
200	700	250	250	1,250	420	150	150	750
250	700	250	250	1,250	420	150	150	750
300	700	250	250	1,250	420	150	150	750
350	700	250	250	1,250	420	150	150	750
400	700	250	250	1,250	420	150	150	750
450	700	250	250	1,250	420	150	150	750
500	1,250	1,250	1,250	1,250	750	750	750	750
600	1,250	1,250	1,250	1,250	750	750	750	750
700	1,250	1,250	1,250	1,250	750	750	750	750
800	1,250	1,250	1,250	1,250	750	750	750	750
900	1,250	1,250	1,250	1,250	750	750	750	750
1,000	1,250	1,250	1,250	1,250	750	750	750	750
1,500	1,250	1,250	1,250	1,250	750	750	750	750
2,000	1,250	1,250	1,250	1,250	750	750	750	750
3,000	1,250	1,250	1,250	1,250	750	750	750	750
4,000	1,250	1,250	1,250	1,250	750	750	750	750
5,000	1,250	1,250	1,250	1,250	750	750	750	750
6,000	1,250	1,250	1,250	1,250	750	750	750	750
7,000	1,250	1,250	1,250	1,250	750	750	750	750
8,000	1,250	1,250	1,250	1,250	750	750	750	750
9,000	1,250	1,250	1,250	1,250	750	750	750	750
10,000	1,250	1,250	1,250	1,250	750	750	750	750
15,000	1,250	1,250	1,250	1,250	750	750	750	750
20,000	1,250	1,250	1,250	1,250	750	750	750	750
25,000	1,250	1,250	1,250	1,250	750	750	750	750
30,000	1,250	1,250	1,250	1,250	750	750	750	750
35,000	1,250	1,250	1,250	1,310	750	750	750	785
40,000	1,250	1,250	1,250	1,370	750	750	750	820

FIGURE (6-1-1)

Hazard Division 1.1, Inhabited Building and Public Traffic Route Distances (See Notes)

Net Explosive Weight (NEW)	Distance in Feet to Inhabited Building From: Earth-covered Magazine			Other PES	Distance in Feet to Public Traffic Route From: Earth-covered Magazine			Other PES
(lbs) Col^1	Front Col2^1,8	Side Col3^1,8	Rear Col4^2,8	Col5^3	Front Col6^4,8	Side Col7^5,8	Rear Col8^8,8	Col9^7
45,000	1,250	1,250	1,250	1,425	750	750	750	855
50,000	1,290	1,290	1,250	1,475	775	775	750	885
55,000	1,330	1,330	1,250	1,520	800	800	750	910
60,000	1,370	1,370	1,250	1,565	820	820	750	940
65,000	1,405	1,405	1,250	1,610	845	845	750	965
70,000	1,440	1,440	1,250	1,650	865	865	750	990
75,000	1,475	1,475	1,250	1,685	885	885	750	1,010
80,000	1,510	1,510	1,250	1,725	905	905	750	1,035
85,000	1,540	1,540	1,250	1,760	925	925	750	1,055
90,000	1,570	1,570	1,250	1,795	940	940	750	1,075
95,000	1,595	1,595	1,250	1,825	960	960	750	1,095
100,000	1,625	1,625	1,250	1,855	975	975	750	1,115
110,000	1,740	1,740	1,290	1,960	1,045	1,045	770	1,175
120,000	1,855	1,855	1,415	2,065	1,110	1,110	850	1,240
125,000	1,910	1,910	1,480	2,115	1,165	1,165	890	1,270
130,000	1,965	1,965	1,545	2,165	1,180	1,180	925	1,300
140,000	2,070	2,070	1,675	2,255	1,245	1,245	1,005	1,355
150,000	2,175	2,175	1,805	2,350	1,305	1,305	1,085	1,410
160,000	2,280	2,280	1,935	2,435	1,370	1,370	1,160	1,460
170,000	2,385	2,385	2,070	2,520	1,430	1,430	1,240	1,515
175,000	2,435	2,435	2,135	2,565	1,460	1,460	1,280	1,540
180,000	2,485	2,485	2,200	2,605	1,490	1,490	1,320	1,565
190,000	2,585	2,585	2,335	2,690	1,550	1,550	1,400	1,615
200,000	2,680	2,680	2,470	2,770	1,610	1,610	1,480	1,660
225,000	2,920	2,920	2,810	2,965	1,750	1,750	1,685	1,780
250,000	3,150	3,150	3,150	3,150	1,890	1,890	1,890	1,890
275,000	3,250	3,250	3,250	3,250	1,950	1,950	1,950	1,950
300,000	3,345	3,345	3,345	3,345	2,005	2,005	2,005	2,005
325,000	3,440	3,440	3,440	3,440	2,005	2,065	2,065	2,065
350,000	3,525	3,525	3,525	3,525	2,115	2,115	2,115	2,115
375,000	3,605	3,605	3,605	3,605	2,165	2,165	2,165	2,165
400,000	3,685	3,685	3,685	3,685	2,210	2,210	2,210	2,210
425,000	3,760	3,760	3,760	3,760	2,250	2,250	2,250	2,250
450,000	3,830	3,830	3,830	3,830	2,300	2,300	2,300	2,300
475,000	3,900	3,900	3,900	3,900	2,340	2,340	2,340	2,340
500,000	3,970	3,970	3,970	3,970	2,380	2,380	2,380	2,380

FIGURE (6-1-2)
NOTES FOR USING QUANTITY & DISTANCE TABLES

1 Bases for Columns 2 and 3 distances:

1-45,000 lbs - debris hazard - lesser distances Permitted if proved sufficient to limit hazardous debris to 1/600 ft^2. Formula d = 35W1/3 (blast overpressure) may be used if fragments and debris are absent.

45,000-1 00,000 lbs - blast overpressure hazard. Computed by formula d = 35W^1/3

100,000-250,000 lbs - blast overpressure hazard. Computed by formula d = 0.3955W^0.7227

250,000 lbs and above - blast overpressure hazard. Computed by formula d = 50W^1/3

2 Bases for Column 4 distances:

1 - 1 00, 000 lbs - debris hazard - lesser distances permitted if proved sufficient to limit hazardous debris to 1/600 ft^2 . Formula d = 25W^1/3 (blast overpressure) may be used if fragments and debris -are absent.

100,000-250,000 lbs - blast overpressure hazard. Computed by formula d = .004125W^1.0888.

250,000 lbs and above - blast overpressure hazard. Computed by formula d = 5OW^1/3.

3 Bases for Column 5 distances:

1-30,000 lbs - fragments and debris hazard. Lesser distances permitted as follows: (a) thin-cased ammunition and bulk explosives with NEW to 1 00 lbs - 670 ft (see subparagraph E.2.c.(1) of Chapter 2). (b) Bare explosives in the open, distances computed by formula d = 40W1/3. Distances other than 1,250 ft. to be used when required by Table 9-2.

30,000-100,000 lbs - blast overpressure hazard. Computed by formula
d = 40W^1/3 .

100,000-250,000 lbs - blast overpressure hazard. Computed by formula d = 2.42W^0.577.

250,000 lbs and above - blast overpressure hazard. Computed by formula
d = 5OW^1/3

4 Column 6 distances have the same hazard bases and are equal to 60 percent of Column 2 distances.

5 Column 7 distances have the same hazard bases and are equal to 60 percent of Column 3 distances.

6 Column 8 distances have the same hazard bases and are equal to 60 percent of Column 4 distances.

7 Column 9 distances have the same hazard bases and are equal to 60 percent of Column 5 distances.

8 Distances for NEWS between 30,000 and 250,000 lbs apply only for earth-covered magazines that are 26 ft. wide and 60 ft. Icing, or larger. For smaller earth-covered magazines, use other PES distances of Columns 5 or 9.

CHAPTER 7. POLLUTION RESPONSE

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CHAPTER 7. POLLUTION RESPONSE

A. General Provisions.

1. Authority. Section 311 of the Federal Water Pollution Control Act (FWPCA), as amended (33 U.S.C. 1321) and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) (42 U.S.C. 9601, et seq.), are the principal authorities for federal response to discharges of oil and releases of hazardous substances. The procedures and standards for conducting responses are contained in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR 300.34(b)). Each Coast Guard captain of the port (COTP), under the NCP and applicable Regional Contingency Plan (RCP), coordinates federal activities on scene as either the predesignated On-Scene Coordinator (OSC) or the first federal official in the absence of the predesignated OSC. The OSC's objective is to ensure rapid, efficient mitigation of actual or threatened pollution releases and discharges. This chapter supplements the procedures for carrying out the Coast Guard's responsibilities under the NCP. Legislative mandates and Executive Orders (E.O.'s) authorizing Coast Guard actions in pollution response and COTP functions are listed in volume I of this manual.

2. National Response Organization.

   a. Role Of The OSC. It is the policy of the Coast Guard to ensure that timely and effective response action is taken to control and remove discharges of oil and releases of hazardous substances, including substantial threats of discharges and releases, into the coastal zone, unless such removal actions are being conducted properly by the responsible party. As the single federal official responsible for ensuring proper pollution response and enforcement, the OSC is the most important component in the national response organization. The OSC must quickly determine:

      (1) The nature, amount, and location of a pollutant;

      (2) The potential impact on public health and welfare or on the environment; and

      (3) The countermeasures necessary to adequately contain, control, or remove the pollutants.

      The OSC shall use appropriate legislative and regulatory authorities, the NCP, regional and local contingency plans, and other circumstances unique to each incident to ensure that pollution response is carried out expeditiously and aggressively.

   b. OSC's Emergency Task Force (ETF). A Coast Guard OSC manages the ETF cited in the NCP (40 CFR 300.32(b)). The ETF must be able to assess a spill to determine response measures, monitor and supervise pollution countermeasures, employ limited Coast Guard equipment until a contractor arrives, document all phases of the response, and conduct

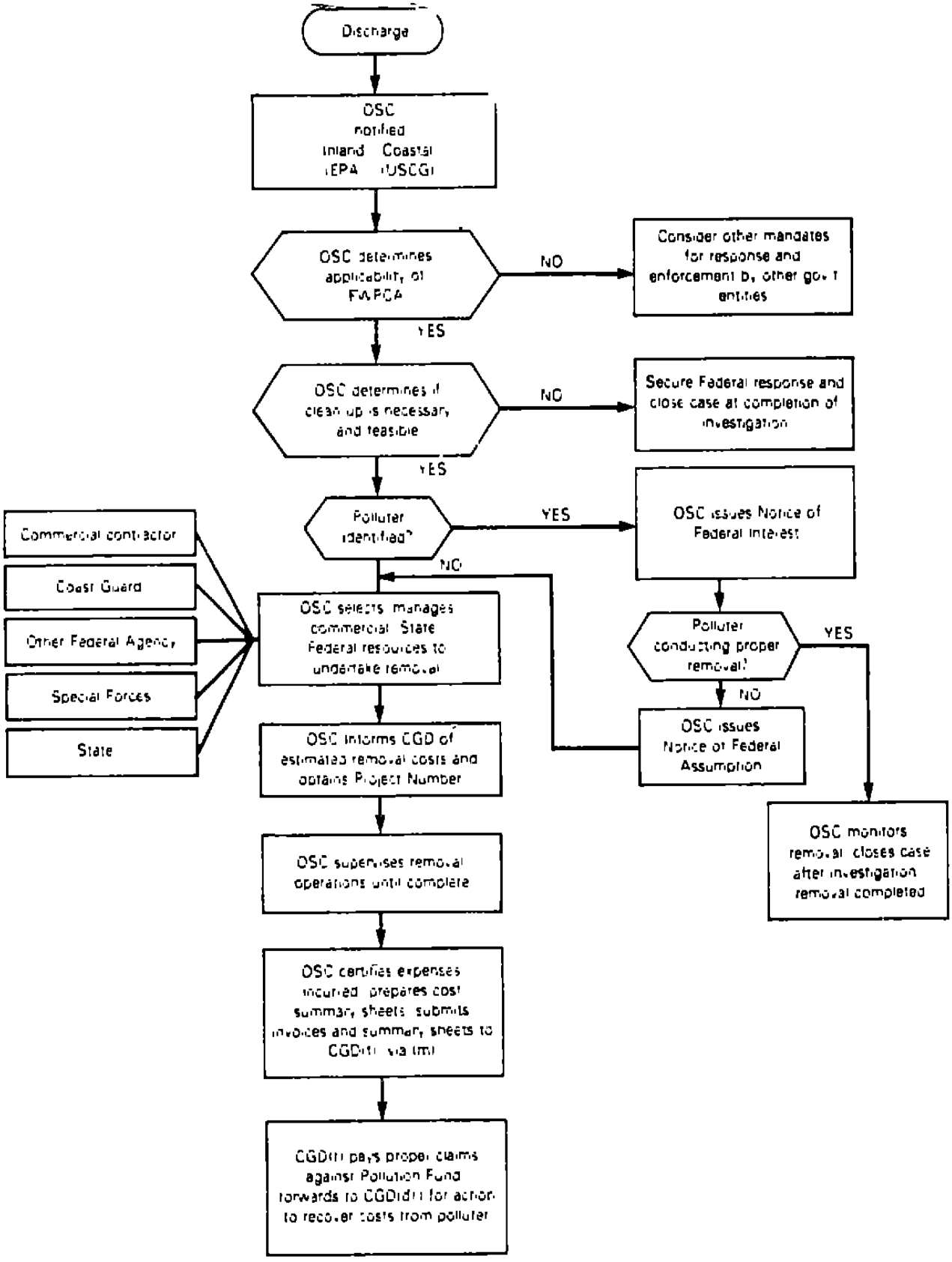
7.A.2. b. (cont'd) investigations. While many responsibilities may be delegated to the OSC's staff, the OSC remains solely responsible to determine the threat to public health and welfare, to authorize the expenditure of federal funds, and to ensure that necessary response actions are performed. When the situation mandates, the OSC shall augment his or her staff with whatever expertise, personnel, and/or equipment that is available through national, regional, and local contingency plans. Most notable are the National Strike Force (NSF), the Environmental Response Team (ERT), the Scientific Support Coordinator (SSC), and the Public Information Assist Team (PIAT) described in the NCP as Special Forces. The capabilities of available Special Forces and guidance on when they should be contacted are found in paragraph 7.D.4 below.

c. Interagency Functions. The National and Regional Response Teams (NRT and RRT) act as the coordinating bodies that assist the OSC in rapidly obtaining expertise or resources from other federal or state organizations. Agencies comprising the NRT and RRT, along with their respective areas of expertise and responsibilities, are listed in the NCP (40 CFR 300).

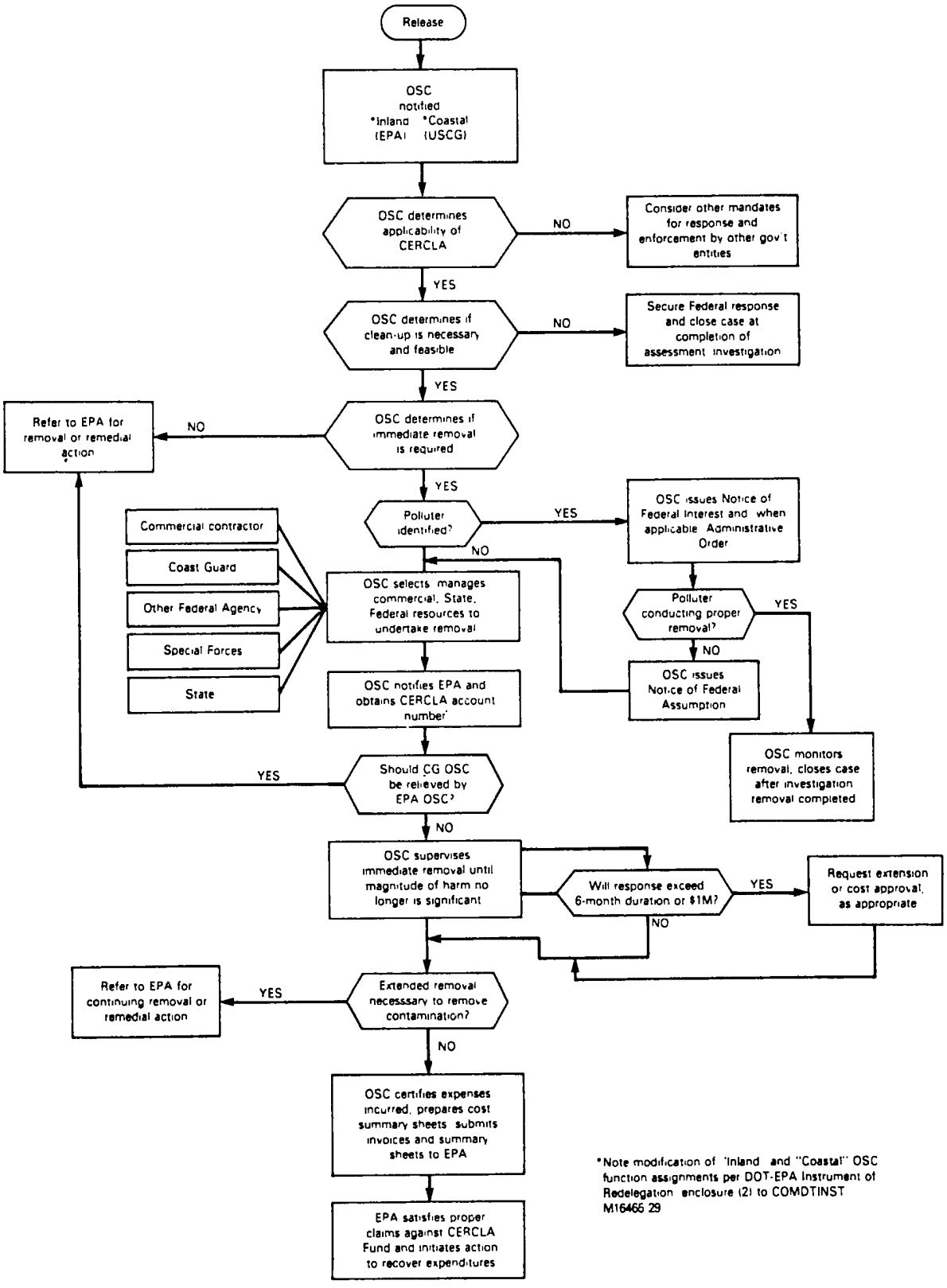
3. Response Alternatives. The NCP describes separate procedures for "discharges" under the FWPCA, and "releases" under CERCLA. CERCLA does not apply to oil spills, but is more comprehensive than the FWPCA, and it should be used for response to all hazardous substance releases, even if the FWPCA is applicable. [NOTE: In order to enhance the potential for removal cost recovery in the case of a hazardous substance discharge from a foreign flag vessel neither owned nor operated by a United States citizen, both Section 104(a) CERCLA and Section 311(c) FWPCA should be cited as authority for necessary removal actions. Of course this would be limited to circumstances where both statutes apply. Since CERCLA Trust Fund monies will be used, CERCLA procedures will still be followed.] Usually, a limited federal effort is required, beyond the investigation duties described in volume V of this manual, if either mitigation measures are not feasible, or the polluter and/or other parties are taking appropriate measures. When more extensive federal involvement is required, the OSC must rapidly determine the appropriate response alternative provided for by the FWPCA, CERCLA, or other authority. Figures 7-1 and 7-2 are "standard" flowcharts for pollution response under the FWPCA and CERCLA, respectively. Section 7.B below details pollution response under the FWPCA. Most of the procedures also apply to CERCLA and can generally be used in response to hazardous substance releases. Section 7.C below provides additional procedures that are unique to CERCLA.

B. Pollution Response Under The FWPCA.

1. Handling The Report Of A Pollution Incident. The NCP (40 CFR 300.51(b)) requires that all reports of discharges be made to the National Response Center (NRC), unless reporting to the NRC is not practicable. In such cases, reports can be made to the Coast Guard or EPA predesignated OSC for the area where the discharge occurs. The OSC is required to promptly relay all such reports to the NRC. Telephone relay is not required.


Discharge
OSC notified Inland Coastal (EPA (USCG)
OSC determines applicability of FWPCA
NO
Consider other mandates for response and enforcement by other gov't entities
YES
OSC determines if clean up is necessary and feasible
NO
Secure Federal response and close case at completion of investigation
YES
Polluter identified?
YES
OSC issues Notice of Federal Interest
NO
Commercial contractor
Coast Guard
Other Federal Agency
Special Forces
State
OSC selects manages commercial State Federal resources to undertake removal
Polluter conducting proper removal?
YES
NO
OSC issues Notice of Federal Assumption
OSC informs CGD of estimated removal costs and obtains Project Number
OSC monitors removal closes case after investigation removal completed
OSC supervises removal operations until complete
OSC certifies expenses incurred prepares cost summary sheets submits invoices and summary sheets to CGD(fl) via (mi)
CGD(fl) pays proper claims against Pollution Fund forwards to CGD(dft) for action to recover costs from polluter

CERCLA RESPONSE FLOWCHART



*Note modification of "Inland" and "Coastal" OSC function assignments per DOT-EPA Instrument of Redelegation enclosure (2) to COMDTINST M16465.29

7.B.1. (cont'd) Entry of the NRC Case Number in the appropriate field of the Marine Safety Information System Marine Pollution Product Set (MSIS-MP) will meet this relay requirement.

a. State Notification. On receipt of a pollution incident, the OSC shall notify the appropriate state representative and any other agency whose services may be necessary during a response. This notification also serves as notice to the applicable state natural resource trustees.

b. Notification Of Natural Resource Trustees. The OSC should notify the appropriate land managing agencies or trustees of natural resources whenever there is any indication of resources potentially being affected by an oil discharge or hazardous substance release. Federal resource trustees are identified in Subpart G of the NCP and should also be identified in the RCP.

2. Preliminary Assessment. The OSC shall determine the discharge's magnitude and severity, the identity of suspected polluters, threats to public health and welfare, the feasibility of countermeasures, and the Coast Guard's jurisdictional authority to pursue pollution countermeasures for all pollution reports.

a. Determining The Need For On-Scene Assessment. Sections 300.52 and .64 of the NCP require that the OSC conduct a preliminary assessment of each reported discharge or release. However, this assessment does not necessarily require the on-scene presence of Coast Guard personnel. The following policy should be used in determining whether Coast Guard presence is required on scene:

(1) The OSC will rapidly assess every reported discharge of oil or release of hazardous substances. Based on the geographical size of the zone, resource limitations, and information received in the notification, the OSC may, as necessary, use capable representatives of other federal, state, or local government agencies for this initial assessment.

(2) If the responsible party is conducting the removal, the OSC will monitor, or assure that a capable representative from another federal, state, or local government agency monitors, all cleanup activities. In those cases where a Coast Guard or other government official is not on scene, conduct monitoring by the best practical means available.

(3) In all cases when Coast Guard investigation is required for civil or non-notification penalties, investigators will be dispatched in accordance with procedures detailed in volume V of this manual.

Whether or not Coast Guard personnel are dispatched, the Coast Guard COTP shall enter the pollution incident in the MSIS-MP using available information (see subparagraph 7.B.6.b.(2) below).

7.B.2. b. Determining FWPCA Applicability. The OSC must ensure that three criteria are met before exercising enforcement or removal activity:

(1) There was a DISCHARGE or substantial threat of a discharge (see the FWPCA, Section 311(a)(2), but not that removal authority is not limited by exclusions (A), (B), or (C));

(2) Of OIL or HAZARDOUS SUBSTANCES (see the FWPCA, Section 311(a)(1) for oil, 40 CFR 117 for hazardous substances);

(3) Into or upon the NAVIGABLE waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act (OCSLA) or the Deepwater Port Act of 1974 (DPA), or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (see the FWPCA, Section 311(b)(3)). "Quantities which may be harmful" (40 CFR 110.3 and 117) have no bearing on authority to undertake removal action.

Section 502(7) of the FWPCA broadly defines navigable waters as "waters of the United States." This includes waters "traditionally" recognized as navigable, along with streams, creeks, lakes, and ponds which form their tributaries. Storm drains and other artificial systems are extensions of waterways when an effluent could flow through them into the tributary system without passing through a treatment plant. "Waters of the U.S." also include seasonally dry watercourses when there is water standing or flowing. The mere existence of a channel or bed through which water could flow is, however, insufficient without the actual presence of water or potential presence of water in the near future due to tidal fluctuations, seasonal flooding, or other occurrences. Therefore, "navigability" is not the controlling factor. Definitions of jurisdictional terms are contained in 33 CFR 2.05.

c. Pollution Countermeasures. The OSC must ensure that response actions to mitigate damage are initiated as soon as possible after discovery or notification of a discharge or potential discharge. These actions include, but are not limited to:

(1) Containment measures and monitoring the spread of the pollutant;

(2) Measures required to warn the public of acute danger;

(3) Provision of temporary drinking water sources;

(4) Monitoring to determine the extent of contamination;

(5) Removal/cleanup/disposal measures;

(6) Providing navigational cautions while response activities are underway; and

7.B.2.c. (7) Response efforts required to locate and isolate spill sources or to identify the properties of the discharged pollutants.

Such countermeasures should be taken by the responsible party (usually through cooperatives or contractors), but may be initiated by the OSC if circumstances require. The long-term solution to some spills may require the construction of major capital structures including advanced treatment systems or extension dikes. While such construction may mitigate the danger to the public, it normally is not appropriate to undertake directly such extensive actions under Section 311(c) of the FWPCA.

d. Feasibility Of Removal Actions. The OSC must use experience and best judgment when applying the FWPCA authority in removing, arranging for removal, or ensuring the proper removal of pollutants. Considerations in determining the feasibility of removal include:

(1) Will removal action cause more damage to the environment than allowing the pollutant to naturally dissipate?

(2) Can cleanup be initiated before the pollutant disperses, making cleanup impractical?

(3) Can equipment be deployed without excessive risk to the life and health of personnel?

3. Actions Required When The Polluter Is Identified. When the polluter is identified, the OSC shall undertake the procedures described below. [NOTE: It is of particular importance that the OSC make a reasonable effort to have the responsible party voluntarily and promptly perform removal operations (see the NCP, 40 CFR 300.52).]

a. Notice Of Federal Interest. The OSC shall present a Notice of Federal Interest for an Oil Pollution Incident (Form CG-5549) to every suspected discharger. [NOTE: This requirement is for internal direction only. The failure of an OSC to present this Notice in a given case does not affect any liability of any person which may arise in that case.] This informs the suspected discharger of a potential violation of the FWPCA, as amended, and of his or her possible liability to a civil penalty of up to $25,000 per day of violation or up to 3 times the costs incurred by the OSLTF. Notice should also be made in potential pollution incidents when the actions of the potential discharger to abate the threat are considered insufficient, and Federal action is contemplated. If possible, any witness(es) should accompany the OSC's representative when the Notice is served. The OSC's representative shall retain the OSC's copy of the Notice that is signed and dated by the suspected discharger, or the suspected discharger's representative. If the discharger refuses to sign, the Notice will still be served. The investigator will note the circumstances on the copy, sign and date it, and have the

FIGURE 7-3

U.S.Department of Transportation

United States Coast Guard

COMMANDING OFFICER

NOTIFICATION OF FEDERAL INTEREST FOR AN OIL POLLUTION INCIDENT

(Rubber Stamp With MSO's Address to Fit Here)

_____
(Address of Responsible Party)

_____ (Date)

_____ _____

Gentlemen:

On or about_____ (Date) _____, an oil pollution incident occurred or threatens to occur at Vessel/Facility Name, Location, and Body of Water). You may be financially responsible for that incident. Under Federal Statutes, the United States Government may take action to minimize or mitigate damage to the public health or welfare that is threatened or that may be caused by this incident.

Under the Oil Pollution Act of 1990, the responsible party is liable for, among other things, removal costs and damages resulting from this incident. The failure or refusal of the responsible party to provide all reasonable cooperation and assistance requested by the Federal On-Scene Coordinator (OSC) will eliminate any defense or entitlement to limited liability which otherwise might be available under the Act.

You are advised that your failure to properly carry out the removal of the discharge as ordered by the OSC or to comply with any administrative orders necessary to protect the public health and welfare, may subject you to additional penalties. For such failure, owners, operators, or persons in charge of the vessel or facility from which the oil is discharged are subject under the Federal Water Pollution Control Act (FWPCA), as amended, to a civil penalty of up to $25,000 per day of violation or up to 3 times the costs incurred by the Oil Spill Liability Trust Fund. Should you require further information concerning this matter, please contact _____(Name of OSC)_____at the above address and telephone number.

As long as the OSC determines that you are taking adequate actions in this matter, Federal removal action will usually be limited to monitoring the progress of your actions and providing guidance as necessary. Under the FWPCA, as amended, your response actions may be taken into account in determining the amount of any penalty assessed as a result of the discharge.

Sincerely,

(Signature of OSC or Representative)

Received and Acknowledged: (Signature of Responsible Party)

Witness(es): (Signature, Date, and Time)

(Signature, Date, and Time)

7.B.3. a. (cont'd) witness(es) sign and date it. Should the owner/operator be unavailable, the Notice shall be sent via certified mail, return receipt requested. A sample Notice of Federal Interest for an Oil Pollution Incident (Form CG-5549) is shown in Figure 7-3.

b. Monitoring Removal Operations. Normally, the removal is done by the responsible party, and the OSC need only ensure that it is being conducted properly. "Proper" includes both the timeliness and the adequacy of the removal operations that are necessary to control the spread of the discharge and mitigate the environmental effect. When appropriate, the OSC shall guide the discharger on the preferred course of action. The OSC shall use good judgment in determining the extent of monitoring required and the need for the presence of the Coast Guard or other government agencies on scene. The extent of monitoring required will largely depend on the known capabilities and the reliability of the discharger and/or the discharger's cleanup firm. The OSC will monitor, or assure that a capable representative from another federal, state, or local government agency monitors, all responsible party cleanups. Monitoring tasks include:

(1) Prioritizing the areas to be cleaned-up and the degree of removal that is required;

(2) Providing advice on removal methods;

(3) Ensuring only authorized means of cleanup are used (i.e., no chemical agents other than those authorized by the NCP, Subpart H) (see paragraph 7.D.3 below);

(4) Ensuring selected cleanup techniques and equipment result in the least environmental damage or interference with designated water uses including the protection of vulnerable or endangered species of waterfowl and wildlife; and

(5) Recommending changes to improve cleanup operations.

c. "Arranging For Removal." (TO BE DEVELOPED)

d. Federal Assumption Of Response Activities. Under FWPCA Section (311)(c)(1), whenever a polluter is unknown or not acting responsibly, or when its removal effort is insufficient, or to present the substantial threat of a discharge, the OSC may assume total or partial control of response activities. The OSC must inform the suspected polluter, if known, of this action by issuing a Notice of Federal Assumption of Response Activities, even if the suspected polluter has not initiated any action. This Notice references the Notice of Federal Interest for an Oil Pollution Incident and indicates the date and time the Federal response is initiated. The same procedures used for issuing and obtaining signatures for the Notice of Federal Interest for an Oil Pollution

7.B.3.d. (cont'd) Incident apply. Figure 7-4 is a sample Notice of Federal Assumption of Response Activities. [NOTE: This requirement is for internal direction only. The failure of an OSC to present a Notice of Federal Assumption of Response Activities in a given case does not affect any liability of any person which may arise in that case.] In some instances, the OSC may determine that the polluter's response efforts should continue, but that some Federal assistance is necessary to augment the cleanup (e.g., cleanup resources that the polluter cannot or will not provide). Whenever it is necessary for the federal government to expend funds in support of a cleanup operation, for purposes other than monitoring, the OSC should declare a Federal spill for the area(s) for which he or she is assuming control, activate the OSLTF to cover expenses and take whatever actions are necessary to ensure a proper cleanup. In these cases, the Notice of Federal Assumption shall clearly delineate those actions or areas for which the OSC is assuming control or providing other resources. [NOTE: The term "declare a Federal spill" as used in this chapter means: in the case where a suspected polluter has been identified, the presentment of the Notice of Federal Assumption; or in other cases, the initiation of Federal removal operation.]

4. Initiating Federal Removal Operations.

a. Resources.

(1) Introduction. The OSC may use the OSLTF to pay for removal costs as described in subparagraph 7.B.3.d above. In addition to the resources listed below, any of the Special Forces (see paragraph 7.D.4 below) may be activated whenever local resources are unable to provide necessary equipment, personnel, or expertise. In managing a Federally funded removal, the OSC must make every effort to:

(a) Minimize elapsed time from notification to deployment of equipment;

(b) Match equipment and personnel to spill characteristics; and

FIGURE 7-4

SAMPLE NOTICE OF FEDERAL ASSUMPTION OF RESPONSE ACTIVITIES

(Name/Address)

Gentlemen:

My letter of (date) notified you of federal interest in an actual or potential pollution incident at (vessel/facility) at (location and body of water), for which you are presently considered financially responsible.

You are hereby given notice that your actions to abate this threat and to remove the substance(s), and to mitigate (its/their) effects have been evaluated as unsatisfactory by the U.S. Coast Guard On-Scene Coordinator (OSC), (name). Effective (date/time), the Coast Guard will conduct all response activities under the authority of [Section 311(c)(1) of the Federal Water Pollution Control Act (FWPCA), as amended] [Section 104(a)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA)]. Removal will be effected in accordance with the criteria of the National Oil and Hazardous Substances Pollution Contingency Plan and federal regulations. You may then be liable for all removal costs incurred by the federal government as set forth in [Section 311(f) of the FWPCA] [Section 107(a) of CERCLA].

Should you require further information concerning this matter, you should contact: (name, address, and telephone number of OSC).

Sincerely,

(OSC or Representative)

Received and acknowledged:

(Name of Addressee), (Date/Time)

Witness: (Name), Date/Time)

7.B.4.a.(1) (c) Minimize the cost of labor, equipment, and materials and rapidly secure those resources that are no longer needed.

(2) Managing A Commercial Contractor. The OSC shall, whenever possible, use contractors having current Basic Ordering Agreements (BOA's) with the district commander (fcp) (see Commandant Instruction (COMDTINST) 4200.14 (series)). Consult with the district contracting officer when a contractor is not under a BOA. In all cases, the OSC must known the contractor's capabilities. The selection shall be based on the OSC's determination of the lowest cost contractor capable of performing the job in a timely manner, not solely on a rotation schedule or other method. The OSC shall specify the needed cleanup resources and authorize the contractor to proceed in writing or verbally, with a written follow-up. Documentation of contractor costs is described in subparagraph 7.B.6.c.(2) below. Operations performed at the scene of a federally-funded spill that are not authorized by the OSC will not be paid from the Pollution Fund.

(3) Use Of Coast Guard Unit Equipment. Each OSC shall maintain levels of "first aid" oil pollution response equipment as determined through the contingency planning process; however, it is the Coast Guard's policy not to compete with the commercial sector. Consistent with this policy, the use of Coast Guard equipment is appropriate only when:

(a) It can be used in a more timely fashion than commercially available equipment;

(b) It includes a necessary containment or removal device that cannot be reasonably obtained from commercial sources; or

(c) It will significantly enhance removal activities.

COMDTINST 7310 (series) establishes standard rates to compute charges for Coast Guard pollution response equipment. Questions concerning these rates or the determination of other charges should be addressed to Commandant (G-FAC-6). Whenever the OSC must utilize Coast Guard-owned equipment for purposes other than monitoring, the OSC shall declare a federally-funded removal to the extent necessary to ensure effective removal of pollutants. Upon arrival of commercial equipment, Coast Guard-owned equipment should be removed, provided a smooth transition can be made. Additional guidance on the administration and use of Coast Guard-owned material for pollution response is found in volume I of this manual.

(4) Use Of The State In Removal Operations. Under contracts or cooperative agreements established under the FWPCA (Section 311(c)(2)(h)), states may be reimbursed for OSC authorized expenditures incurred while conducting removal operations. A determination by the OSC that the responsible party is not

7.B.4.a. (4) (cont'd) properly conducting removal operations is a prerequisite for reimbursement of state removal expenses. Without a Section 311(c)(1) determination by the OSC prior to initiation of response actions, a state cannot obtain reimbursement for costs incurred in those activities. In addition, the OSC must determine that state removal actions are necessary. The OSC may authorize state removal actions when the state can minimize or mitigate significant damage which federal removal actions cannot, or when the cost incurred by the state will be less than, or not significantly greater than, that incurred by federal departments or agencies (NCP, 40 CFR 300.58). Also, since the OSC must certify that the activities of the state and the corresponding expenses were authorized, the OSC must maintain an appropriate level of supervision over state response actions. Only expenses prepaid from state funds may be considered for reimbursement. This policy recognizes the responsibility of the OSC to determine the propriety of any removal actions taken by the party responsible for the discharge, and allows the OSC to maintain effective control over removal activities in the OSC's geographic area of responsibility. Care must be exercised in a state removal operation to ensure that misunderstandings do not develop concerning reimbursement of funds expended for removal activities. State resources are to be used in accordance with formal agreements established among federal departments and agencies, the state, and the Coast Guard. These agreements should describe the mechanisms governing state reimbursement from the Pollution Fund for reimbursable activities listed in 33 CFR 153.407. To remain consistent with the policy on use of the 311(k) fund for hazardous substance removals, as described in section 7.B.7.a below, all agreements should be limited to oil discharge removal actions. The procedures for coordinated federal and state response activities should be included in the RCP. A sample agreement with a state agency is shown in Figure 7-5.

(5) Use Of Other Federal Agencies. The OSC shall be familiar with existing Memorandums of Understanding (MOU's) and Interagency Agreements (IAA's) that describe the responsibilities and expectations of participating agencies during response operations. Figure 7-6 contains a list of existing MOU's and IAA's pertaining to pollution response (volume X (TO BE DEVELOPED) of this manual will contain copies of these documents).

b. Accessing The FWPCA 311(k) Pollution Fund. The OSC shall promptly request the issuance of a project number from the district Fund Administrator for all federally-funded removals (see paragraph 7.B.7 below concerning use of the Fund). The OSC will provide the following information with the project number request:

(1) The amount of obligation needed;

(2) The name of the discharger, if known or suspected;

FIGURE 7-5

SAMPLE AGREEMENT BETWEEN THE UNITED STATES AND THE STATE OF _____
CONCERNING REIMBURSEMENT FROM THE FEDERAL POLLUTION FUND

WHEREAS, the state of _____, through its (state agency), and the U.S. Coast Guard, through its ____ Coast Guard District, have a mutual interest in protecting the environment from the damaging effects of oil pollution discharged into the navigable waters of the United States and the adjoining shorelines within their mutual jurisdictions; and

WHEREAS, the Coast Guard is authorized by the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), hereinafter called the "Act," and the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300), hereinafter called the "National Contingency Plan," to reimburse state agencies from the Federal Pollution Fund under certain circumstances in which the Federal On-Scene Coordinator, hereinafter called the "OSC," determines that such action is necessary; and

WHEREAS, the state of _____, through its (state agency), and other political subdivisions and state instrumentalities, is authorized by state statute and local ordinances to pursue vigorous action to abate, contain, and recover oil pollutants discharged into its waters; and

WHEREAS, the (state agency) is the agency of the state of _____, designated pursuant to 40 CFR 300.24(a) to direct the cleanup of pollution by state and local agencies, and is the sole agency to submit requests for reimbursement for all state agencies, political subdivisions, and instrumentalities; and

WHEREAS, the (state agency) and the ____ Coast Guard District desire to establish uniform procedures for the authorization, documentation, certification, and reimbursement from the Federal Pollution Fund of Phase III (Containment, Countermeasures, Cleanup, and Disposal) oil pollution cleanup expenses incurred by the (state agency) or other state agencies, instrumentalities, and political subdivisions under its supervision and control, and which are required to be paid by the Act, the National Contingency Plan, and by appropriate implementing regulations;

NOW THEREFORE, the (state agency) and the ____ Coast Guard District agree as follows:

(1) The OSC, designated in accordance with the National Contingency Plan, is the person soley responsible for coordinating federal pollution control efforts and the only person who may authorize activities which are reimbursable from the Pollution Fund.

(2) This agreement is not intended to limit, to those situations in which reimbursement from the Pollution Fund is permissible, the activities of (state agency), other state agencies, instrumentalities, or political subdivisions in carrying out the mandate of statutorily approved programs. It is anticipated that exercise of state authority may

FIGURE 7-5 (cont'd)

(2)(cont'd) be appropriate in circumstances in which federal action is not deemed necessary by the OSC. Activities of (state agency), other state agencies, instrumentalities, or political subdivisions may include expenditure of state funds which under other circumstances would be reimbursable, or expenditures (such as restoration expenses) which are not reimbursable from the Pollution Fund.

(3) The OSC may inquire of the designated representative of (state agency) what, if any, equipment, personnel, or materials of (state agency), other state agencies, instrumentalities, or political subdivisions are available for use hereunder. The designated representative shall inform the OSC of what items, if any, are available and to what extent, if any, (state agency) desires to assume a portion of the responsibility for Phase III actions during a particular oil pollution incident, and the estimated costs of such actions.

(4) Upon determination by the OSC that all of the following conditions have been met, he or she may authorize (state agency) to proceed with certain work to contain, clean up, and remove oil deposited upon the navigable waters of the United States or on adjacent shorelines or beaches:

(a) That the party causing the discharge is unknown; or that the responsible party has been notified, if possible, of his or her liability for the costs of federal removal in accordance with Section 311(f) or (g) of the Act, the need to perform the removal in accordance with existing federal and state statutes and regulations, including the National Contingency Plan, and the name and availability Of the OSC;

(b) That, despite these efforts by the OSC or other officials, the responsible party does not act promptly and adequately to remove the discharge; and

(c) That state action is required to minimize or mitigate significant damage to the public health and welfare which federal action cannot minimize or mitigate; or that state action can be effected at a cost not significantly greater than that which would be incurred through action by federal agencies.

(5) If the OSC determines that the conditions of paragraph (4) have been met and that state action is necessary, he or she may authorize thedesignated representative of (state agency) to proceed with the performance of appropriate services. This notice to proceed may be limited in any fashion and may be terminated at any time by the OSC, in whole or in part, by written or oral notice to the designated representative.

(6) All labor and equipment offered by the designated representative of (state agency) and authorized for use by the OSC shall be performed using the employees of (state agency), other state agencies, instrumentalities, or political subdivisions, unless the provisions of paragraph (8) of this

FIGURE 7-5 (cont'd)

(6)(cont'd) agreement are met in contracting private concerns. All authorized work shall be supervised by the designated representative of (state agency). Work authorized hereunder, whether rendered by (state agency), other state agencies, instrumentalities, or political subdivisions shall be paid for by state or local appropriations and shall be considered, for the purpose of this agreement, as work rendered by (state agency). If the service of private contractors is deemed necessary by the designated representative of (state agency), those services will be obtained from concerns under contract to the United States, or through the ____ Coast Guard District contracting officer.

(7) (State agency) shall be reimbursed for the following costs incurred hereunder and paid for by state or local appropriations, upon the submission of a report supported by accounting data, itemizing the actual costs incurred, to the Commander, ____ Coast Guard District via the OSC:

(a) Costs found reasonable by the Coast Guard and incurred by government industrial-type facilities, including charges for overhead in accordance with the facility accounting system;

(b) Actual costs for which an agency is required or authorized by law to obtain full reimbursement.

(c) Costs found to be reasonable by the Coast Guard and incurred by removal activities that are not ordinarily funded by regular appropriations and that are unusual in nature. These include, but are not limited to, the following:

(i) Travel (transportation and per diem) specifically requested of the agency by the OSC;

(ii) Overtime for civilian personnel specifically requested of the agency by the OSC;

(iii) Incremental operating costs for vessels, aircraft, vehicles, and equipment incurred during removal activities;

(iv) Supplies, materials, and equipment procured for specific removal activities and fully expended during those activities;

(v) Lease or rental of equipment for specific removal activities; or

(vi) Contract costs for specific removal activities authorized in accordance with paragraph (8).

(8) Subcontracts:

(a) Subcontracts may be made by (state agency) for the furnishing of work only with concerns having the prior approval of the OSC, who shall consult with the District contracting officer. For the purpose of

FIGURE 7-5 (cont'd)

(8)(a) (cont'd) this clause, purchase of raw materials or commercial stock items shall not be considered "work."

(b) No subcontract placed by (state agency) hereunder shall provide for payment on a cost-plus-percentage-of-cost basis.

(9) All individual requests for services hereunder shall be made by order of the OSC. Oral orders shall be confirmed in writing. (State agency) shall issue daily work orders to its labor force, and shall prepare daily (in a manner acceptable to Commander, ____ Coast Guard District (f)) a complete list of personnel, equipment, and materials provided hereunder, the inclusive times of their employment, and their costs if known, or an accurate estimate thereof if actual costs are not ascertainable. The list shall be sufficiently itemized to permit the OSC to maintain an accurate record of actual or estimated costs for each category of activity, and to identify each item of work for which actual costs will be included in the final billing. For minor incidents, the OSC may require less frequent reports at intervals not longer than three (3) days. Each daily report should also include an estimate of the percentage of work completed, an estimate of expenses necessary to complete removal activities, and remarks concerning any unusual problems encountered or anticipated.

(10) Hourly charges under paragraph (7) shall commence with the time personnel and equipment depart for the scene of the oil pollution incident, excluding any diversions. Charges shall terminate at the conclusion of necessary cleanup activities and transportation of personnel and equipment to their respective bases of operation; or, in the case of a notice of termination of authorization to proceed on certain work issued by the OSC, after the time which would have been necessary for cleanup activities and return transportation, had the work been terminated at the time of the notice.

(11) If it is deemed in the best public interest, the United States reserves the right to request cleanup services simultaneously from competitive firms and will expect harmonious cooperation from the various contractors working in the same or adjacent areas. The apportionment of contractors' services will lie solely within the discretion of the OSC, and no guarantee of volume of requested services shall be intended or implied.

(12) Services provided hereunder by (state agency) shall be in accordance with the following general provisions:

(a) No member of or delegate to Congress, or resident commissioner, shall be admitted to any part or share of this contract, or to any benefit that may arise herefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

(b) (State agency) warrants that no person or selling agency has been employed or retained to solicit or secure this agreement upon an

FIGURE 7-5 (cont'd)

(12)(b) (cont'd) agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by (state agency) for the purpose of securing business. For breach or violation of this warranty, the Government shall reserve the right to annul this agreement without liability or to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

(c) The parties to this contract act in an independent capacity in the performance of their respective functions under the provisions of this contract, and neither party is deemed the officer, agent, or employee of the other. [NOTE: Other provisions may be added as necessary.]

(13) This agreement shall go into force thirty (30) days after signing by both parties to the agreement.

_____	_____
(Name and title, U.S. Coast Guard)	(Name and title, state agency)
_____	_____
(Date)	(Date)

FIGURE 7-6

MEMORANDUMS OF UNDERSTANDING AND INTERAGENCY AGREEMENTS
PERTAINING TO POLLUTION RESPONSE

1. USCG-EPA: Mitigating of Damage to the Public Health or Welfare Caused by a Discharge of Hazardous Substances Under Section 311 of the Clean Water Act. (3 OCT 1979)

2. Department of Transportation (DOT)-EPA: Redelegation of Certain Pollution Response Functions Under CERCLA or SUPERFUND. (9 OCT 1981)

3. USCG-EPA: A Mechanism for Funding Vendor Costs Incurred by the U.S. Coast Guard During Emergency Response to Releases or Threats of Releases of Hazardous Substances. (4 JAN 1982)

4. USCG-U.S. Geological Survey (USGS): Regulation of Activities and Facilities on the Outer Continental Shelf of the United States. (18 DEC 1980)

5. USCG-U.S. Fish and Wildlife Service (F&WS): Participation in Pollution Incidents. (24 JUL 1979)

6. USCG-National Institute for Occupational Safety and Health (NIOSH)-Occupational Safety and Health Administration (OSHA)-EPA: Guidance for Worker Protection During Hazardous Waste Site Investigations and Cleanup and Hazardous Substance Emergencies. (18 DEC 1980)

7. DOT-Department of Interior (DOI): Responsibilities Under the National Oil and Hazardous Substance Pollution Contingency Plan. (16 AUG 1971)

8. USCG-U.S. Navy (USN): Cooperation in Oil Spill Cleanup Operations and Salvage Operations. (15 SEP 1980)

7.B.4.b. (3) The location of the discharge and water body involved;

(4) The cleanup contractor selected; and

(5) The time cleanup commenced and estimated duration.

The OSC shall ensure that expenditures from the fund remain within the limit of the expenditure authorization. Requests to increase authorized expenditures must be promptly communicated to the district Fund Administrator, following procedures in Annex G of the District Operation Plan (OPLAN).

c. Supervising Federally-Funded Removal Operations. The OSC shall supervise all operations supported by federal funds directly. In all federally-funded operations, the "appropriateness" of the actions taken will include consideration of the resulting costs to the federal government. Supervision of field operations will be in accordance with the OSC's Pollution Response Bill detailed in local contingency plans. Supervisory functions include:

(1) Coast Guard supervision of each operational site where a federally-funded cleanup is being performed;

(2) Ensuring that the OSC's instructions and priorities are carried out and that recommended changes are forwarded to the OSC;

(3) Daily completion of the Pollution Control Contractors Daily Report, Form CG-5136, to record contractor activities and use of resources (see subparagraph 7.B.6.c.(2) below);

(4) Maintaining daily records of activities and use of resources by other federal, state, or local agencies whose costs may be reimbursed with federal pollution funds; and

(5) Advising the contractor's foreman of unsafe, unauthorized, or unsatisfactory operations.

5. Determining Removal Completeness. Whether the polluter or the federal government conducts the removal, the OSC determines removal completeness and authorizes termination of operations. Where uncertainty exists, the OSC may seek the advice of the RRT in making this determination. Generally, for oil discharges, removal is "complete" when:

a. There is no longer any detectable oil present on the water, adjoining shorelines, or places where it is likely to reach the water again; or

b. Further removal operations would cause more environmental harm than the oil to be removed; or

c. Cleanup measures would be excessively costly in view of their insignificant contribution to minimizing a threat to the public health or welfare, or the environment; and

7.B.5. d. Activities required to repair unavoidable damage resulting from removal actions have been performed.

6. Documenting The Response.

a. General. Pollution incident documentation serves to:

(1) Inform response personnel at other organizational levels and agencies, through the mechanism of pollution report (POLREP) messages; .

(2) Provides the evidentiary basis to support the imposition of civil or criminal sanctions (see volume V of this manual);

(3) Document federal expenditures for recovering costs from the responsible party;

(4) Document OSC decisions and actions throughout the incident; and

(5) Forecast program resource levels needed for pollution response.

Each OSC shall comply with the documentation requirements listed below in addition to those detailed in volume V of this manual.

b. Reports Required For Every Incident.

(1) POLREPS. POLREPS are required for every spill or potential spill. The COTP shall submit a POLREP for each reported incident to the district commander, with information copies to appropriate agencies; subsequent POLREPS should be sent as significant developments occur. The NRC and Commandant (G-WER) shall be information addressees on all messages reporting medium or major spills as defined in the NCP (40 CFR 300.6) for oil, and in paragraph 7.C.7 below for hazardous substances. Figure 7-7 provides a general POLREP format.

(2) MSIS Marine Pollution Product Set (MSIS-MP). Data entries shall be made in the MSIS-MP whenever: a report is received of a discharge or release in a location where the Coast Guard acts as predesignated OSC; Coast Guard forces respond to a discharge or release as OSC or as first federal official; or Coast Guard forces respond at the request of an EPA or Department of Defense (DOD) OSC when those agencies are the predesignated OSC. Detailed instructions for entering MSIS-MP data is located in COMDTINST M5230.18 and its enclosure, the Marine Pollution Transaction Guide (MSIS-8).

(3) Port And Environmental Safety (PES)/Marine Environmental Response (MER) Quarterly Activities Report (QAR), Form CG-4957, RCS-WP-14013. The Coast Guard OSC shall tabulate pollution incident totals, staff hours expended, and resources used as required by chapter 12 of volume I of this manual. The QAR

FIGURE 7-7

GENERAL POLREP FORMAT

(PRECEDENCE/DTG)
FM
TO
INFO [*1]
ACCT CG-W2GZZZ
BT
UNCLAS//N16465//
POLREP (#) (Type of Pollutant) (Magnitude of Spill [*2])
(Source [*3] (Waterway/s involved)
(Unit case number) (Federal Project Number (FPN), if applicable [*4]
1. SITUATION
A. (Local time and notification information). Give names and telephone number or radio frequency.
B. (Local time when investigator is on scene). Give description of spill and status of cleanup. For federally-funded response operations, include the latest estimate of funds expended.
C. (On-scene weather conditions).
D. (Particulars of vessels/facilities involved).
2. ACTION.
A. (List chronologically every major action taken by the Coast Guard with regard to spill).
3. PLANS/RECOMMENDATIONS.
A. (Give appropriate information).
4. CASE PENDS/CLOSED. (NO) VIOLATION REPORT TO FOLLOW (OR REASON WHY NO VIOLATION REPORT TO FOLLOW).

NOTES: 1. Routing should be as specified in the RCP. In addition, include the NRC and Commandant (G-WER) as info addressees on actual or potential medium and major spills only. Include EPA Headquarters Emergency Response Division (TWX #710-8229269) and Commandant (G-WER) as info addressees on all spills with CERCLA-funded removals.

2. Magnitude of spill: potential, minor, medium, or major.

3. Source: Name of vessel or facility believed to be source. For foreign vessels, include nationality.

4. Federal Project Number (FPN): 311(k) Account # or CERCLA Account #.

7.B.6.b. (3) (cont'd) serves as the basis for operational analysis, facilities planning, and budget programming for Coast Guard units performing response activities. Directions for preparing and submitting the form are contained in the instruction.

c. Documentation Required For Federally-Funded Removal Actions. Each Coast Guard OSC shall maintain daily records and associated costs of all personnel, equipment, supplies, and services used during federal removal actions. Also, know the types of activities that are reimbursable to a federal or state agency from the Section 311(k) Pollution Fund described in paragraph 7.B.7 below, and document these activities accordingly. As the basis for cost recovery from the polluter and proper administration of the fund, the accuracy of documentation pertaining to federal expenses incurred during removal operations cannot be overemphasized.

(1) Documenting Contractor Costs.

(a) Daily Work Orders. Each Coast Guard OSC shall issue daily work orders to the contractor for the next day's work specifying authorized work force and equipment, precedence for jobs and locations, and special instructions. Responsible Coast Guard supervisors will ensure compliance with these orders and, if necessary, recommend changes to the OSC.

(b) Pollution Control Contractor Daily Report, Form CG-5136. Form CG-5136 shall be completed by the OSC's representative supervising the site of operations. The form shall show all personnel and equipment employed at the scene. Overtime work performed by the contractor or subcontractor must be preauthorized by the OSC and recorded on the form. Also, record all quantities of recovered product and specify quantities suitable for sale or reclamation. The OSC's copy of the form shall be signed by the contractor and maintained for verification of contractor invoices. It is generally recommended that the OSC's supervisor at each scene of operations complete the form for activity at that site. The information required on the form shall be based on activity logs maintained throughout the day. Frequent comparison with the contractor foreman's records will minimize and help resolve discrepancies in preparing the form.

(c) OSC Certification Of Invoices. Timely certification of the invoices submitted by contractors will enable them to minimize their debt level, and will enable the Coast Guard to recover cleanup costs more effectively. Each invoice certified must bear, or be an enclosure to a statement from the OSC that the invoice has been reviewed. The format for this certification shall be provided by the district commander. As a minimum, it shall contain the statement

7.B.6.c.(1) (c) (cont'd)

> "I certify that [except as noted below] the services and materials were authorized and received by me in conjunction with Phase III oil removal actions, and reasonable costs related thereto are proper for payment from the Pollution Fund. [The following services and materials were not authorized by me and are not proper for payment from the Pollution Fund.]"

and shall be signed by the OSC. Charges for time and materials not properly recorded on Form CG-5136 shall not be certified by the OSC for payment unless a discrepancy between the final invoice and the form is clearly due to Coast Guard error. On each invoice, the OSC shall state that the services and materials (except as noted) were authorized and received during removal actions. The OSC shall promptly forward certified invoices to the district commander for verification that costs charged are reasonable and payable from the fund.

(2) State And Other Federal Agency Costs. Federal and state agencies shall submit records of expenses for activities performed to the district commander via the OSC. It is recommended that the OSC use Form CG-5136 to document daily personnel and equipment used by other agencies. Based on these daily records, the OSC shall certify requests for reimbursement from other federal or state agencies in the format shown in 33 CFR 153.417(b)(1) or (2). The OSC shall promptly submit certified records to the district commander and maintain copies to prepare the cost summary sheets.

(3) Cost Summary Report. Within 30 days following the completion of removal operations at a federally-funded removal, the OSC shall submit a cost summary report documenting expenses recoverable from the polluter, and payments made from the Pollution Fund to contractors and federal or state agencies (see paragraph 7.B.7 below). This cost summary report should include a brief summary of the response and a general description of the function performed by each agency or contractor with costs incurred. This response summary is not required if an OSC report is also completed for an incident (see subparagraph 7.B.6.d below). Requests for reimbursement of Coast Guard out-of-pocket expenses should be submitted following district procedures.

(a) Costs Reimbursable To The Pollution Fund. These are costs recoverable from the polluter. As specified in the Comptroller Manual (COMDTINST M7300.4 (Series)), Volume I, summarize estimated expenditures into the following categories:

(i) Access control costs;

7.B.6.c.(3)(a)

(ii) Coast Guard-owned equipment;

(iii) Coast Guard personnel;

(iv) Travel, per diem, contracted quarters, and subsistence;

(v) Purchase orders;

(vi) Contractor costs;

(vii) State and other federal agency costs; and

(viii) Pollution removal damage claims (see Chapter 14, COMDTINST M5890.9).

Figure 7-8 describes each category. A sample cost summary report is shown in Figure 7-9. Documentation to support all costs included in the cost summary report should be included as an enclosure to that report. This documentation would include all daily work orders; Pollution Control Contractor Daily Reports, Form CG-5136; boat/aircraft or personnel logs; purchase orders and/or contracts; invoices; notifications to suspected dischargers, including notice of federal interest and notice of federal assumption; and any other documentation that supports the costs included in the report.

(b) Payments From The Pollution Fund. Summarize payments that have been made from the Pollution Fund to pay contractor invoices or reimburse agency expenditures as a result of the incident. Do not duplicate the detailed documentation supporting the recoverable costs indicated above; it is sufficient to list payments made and proof of payment. Payments from the fund will be summarized as follows:

(i) Travel, per diem, contracted quarters;

(ii) Operational costs for removal and support equipment;

(iii) Personnel costs (nonresponse personnel, etc.);

(iv) Purchase orders;

(v) Contractor costs;

(vi) State and other federal agency costs; and

(vii) Pollution removal damage claims (see 33 CFR 25, Subpart H).

FIGURE 7-8

OSC PREPARATION OF COST SUMMARY SHEETS

Supporting documentation for each category below should indicate that the costs incurred are directly related to the removal effort. Where applicable, state exact dates and hours of personnel and equipment use. Use COMDTINST 7310 (Series) to compute standard rates for Coast Guard personnel and equipment. More detailed guidance on the costs included in each of the below categories is found in the Comptroller Manual (COMDTINST M7300.4), Volume I. Figure 7-9 contains examples of each summary sheet category.

CATEGORY	DESCRIPTION
ACCESS CONTROL COSTS	Expenses for limiting access to an area including vessel traffic services (VTS). Summarize the reason for limiting access prior to itemizing the costs of establishing, maintaining, replacing, and removing equipment for limiting access.
USCG-OWNED EQUIPMENT	Hours, costs for all vessels, aircraft, vehicles, and response equipment used during the actual response operation. Only include those hours devoted to the response. For pollution response equipment, separately itemize charges for: fuel used to operate equipment; transporting the equipment to and from the job site including fuel; and refurbishment cost when performed by a contractor. Consult the district comptroller for assistance in calculating these costs.
USCG PERSONNEL SALARIES	The name, rate, dates, hours, and wages of personnel devoted to the response effort. List USCG regular, Reserve, civilian, and Strike Force personnel separately.
TRAVEL AND PER DIEM	The date of the voucher, the amount, and the TONO or bureau schedule number. When the receipt does not clearly indicate the reason for the expenditure, include a short explanation.
PURCHASE ORDERS	The date of the voucher, the amount, and the Purchase Order number. Small nonexpendable items procured for the response that are retained by the Coast Guard should include a depreciation factor.
CONTRACT COSTS	The firm, the contract number, the amount of payment made and the estimated invoiced amount.
STATE AND OTHER FEDERAL AGENCIES	Include a summary of each agency's expenses. All invoices included as supporting documentation must be certified by the OSC with the endorsement in 33 CFR 153.417.
POLLUTION REMOVAL DAMAGE CLAIMS	Cost and nature of damage claims, settled or pending, that resulted from damages directly related to the removal operation. Separate efforts of a contractor to restore private property from the general contract costs (see Chapter 14, COMDTINST M5890.9 and 33 CFR 25, Subpart H).

FIGURE 7-9

SAMPLE COST SUMMARY SHEET ENTRIES

The following is an example of a cost summary sheet for a medium oil pollution incident. It is intended only to provide an example of the types of information to be included in each section of the sheet. It is important to note that documentation to support each category of the cost summary sheet must be attached to the sheet.

M/V CLEAN SWEEP
PIC 1-0-0098

The following is a summary of the costs incurred during the federal removal action initiated by COTP Houston for a 16,000 gallon #2 oil spill from the M/V CLEAN SWEEP into Houston Ship Channel on 13 May 1986. Expenses totalling an estimated $108,413.39 are reimbursable to the Pollution Fund. Approximately $44,335.01 was paid from the Pollution Fund to finance the response. These expenses are noted by an asterisk.

1. Access Control. The following costs were incurred for enforcing a safety zone that was established by COTP Houston to control marine traffic in the vicinity of cleanup activities resulting from the oil discharge from the M/V CLEAN SWEEP. This safety zone was in effect from 13 - 15 May 1986. Detailed documentation of boat hours is available from COTP Houston boat logs (copies attached).

32 ft. PWB	37 hrs. @ $315	$11,655.00
CGC POINT HERRON	28 hrs. @ $274	$7,672.00

TOTAL ACCESS CONTROL COST $19,327.00

2. USCG Equipment Expenses. The following expenses were incurred by COTP Houston, the Gulf Strike Team, and AIRSTA Houston during the response to the oil discharge from the M/V CLEAN SWEEP. These costs were incurred in providing transportation for Coast Guard personnel to and from the scene of the incident, to conduct overflights of the affected area, and to support Gulf Strike Team response equipment that was used due to the unavailability of commercial equipment. Detailed documentation is available from COTP Houston vehicle logs, AIRSTA Houston logs, and the Gulf Strike Team Incident Summary (copies attached).

Aircraft		
HC-130	6 hrs. @ $3,618	$21,708.00
HH-52A	8.5 hrs. @ $2,065	$17,552.50
Vehicles		
Auto Lic. #GS 12-1532	3 days @ $9	$27.00
	178 miles @ $.11	$19.58
Pickup Lic. #GS 12-8987	3 days @ $7	$21.00
	132 miles @ $.17	$22.44
Tractor Lic. #GS 17-5647	3 days @ $9	$27.00
	38 miles @ $.47	$17.86

FIGURE 7-9 (cont'd)

2. USCG Equipment Expenses (cont'd)

Oil Pollution Response Equipment		
ADAPTS	8 hrs. @ $103	$824.00
Skimming Barrier	8 hrs. @ $146	$1,168.00
Biomarine O(2)/CGI	12 hrs. @ $7	$84.00

TOTAL USCG EQUIPMENT EXPENSES $41,471.38

3. Personnel Expenses. The costs listed below cover the personnel from COTP Houston and the Gulf Strike Team that were involved in supervising the federal removal activities or operating Coast Guard response equipment. Detailed documentation for these costs is available in the daily work logs (copies attached).

Regular		
LT SMITH	21 hrs. @ $32	$672.00
MK1 JONES	26 hrs. @ $22	$572.00
MST2 POPE	26 hrs. @ $15	$390.00
BM3 SCOTT	16 hrs. @ $15	$240.00
Strike Team		
MKC JOHNS	19 hrs. @ $22	$418.00
BM1 JONES	19 hrs. @ $22	$418.00
BM2 JACKSON	19 hrs. @ $15	$285.00
MK2 STEVENS	19 hrs. @ $15	$285.00
Reserve TEMAC		
None		
Civilian		
None		

TOTAL PERSONNEL COSTS $3,280.00

4. Travel And Per Diem Expenses. The following expenses were incurred by the Gulf Strike Team personnel that were deployed away from their home unit to operate Coast Guard-owned pollution response equipment. Documentation to support these expenses is attached.

15 May 1986	MKC JOHNS	TONO D628143	$238.12
15 May 1986	BM1 JONES	TONO D628144	$238.12
15 May 1986	BM2 JACKSON	TONO D628145	$238.12
15 May 1986	MK2 STEVENS	TONO D628146	$238.12

TOTAL TRAVEL AND PER DIEM EXPENSES $952.48*

5. Purchase Orders. The following expenses were incurred purchasing small equipment items expended during the response to the oil spill from the M/V CLEAN SWEEP. Copies of contracts and SF-44's that document these purchases are attached.

FIGURE 7-9 (cont'd)

5. Purchase Orders (cont'd)

13 May 1986	Joe's Boat Works	PO #37-5560	$37.50
14 May 1986	Frank's Junk Shop	PO #37-5567	$50.00

TOTAL PURCHASE ORDER EXPENSES $87.50*

6. Contract Costs. The following costs were incurred by contractors conducting oil removal operations under contract to the Coast Guard resulting from the spill from the M/V CLEAN SWEEP. Documentation to support these costs include contracts, contractor invoices, daily work sheets, daily work orders, and other associated documents (copies attached).

Firm/Contract Number	Invoice Received, Certified, and Forwarded to District
Ajax Oil Pollution Service DTCG 08-15788	$37,512.15
Sea-Sweep Marine DTCG 08-15790	$3,215.38

TOTAL CONTRACT COSTS $40,727.53*

7. State/Federal Agency Expenses. The following costs were incurred by the U.S. Fish and Wildlife Service, U.S. Department of the Interior (DOI), to provide specialized assistance in the area of mitigation of estuarine damage resulting from the oil spill from the M/V CLEAN SWEEP. This assistance was requested by the OSC and was outside the normal support provided by DOI through their RRT representative. Documentation to support these costs include the U.S. Fish and Wildlife Service letter of 1 June 1986 (copy attached).

U.S. Fish and Wildlife Service, Albuquerque, NM $1,217.50

TOTAL STATE/FEDERAL AGENCY EXPENSES $1,217.50*

8. Pollution Removal Damage Claims. The following damage claim covers the cost of repairing damages to the property of Mr. Joe Smith that were incurred when oil cleanup equipment was staged and deployed from his property. Mr. Smith's property was the only property available for use in equipment deployment. Documentation of the damages incurred and repair costs is attached.

Mr. Joe Smith $1,350.00

TOTAL POLLUTION REMOVAL DAMAGE CLAIMS $1,350.00*

Encl: (1) Notice of Federal Interest
(2) Notice of Federal Assumption of Response Activities
(3) Excerpts From COTP Houston Logs
(4) Excerpts From AIRSTA Houston Logs
(5) Gulf Strike Team Incident Summary
(6) Purchase Orders and SF-44's
(7) Contractor Invoices and Supporting Documentation
(8) DOI Letter of 1 June 1986
(9) Damage Claim of Mr. Joe Smith

7.B.6. d. Reports Of Major Pollution Incidents. The NCP requires the OSC to submit an OSC Report to the RRT and NRT, via Commandant (G-WER), within 60 days of completion of removal operations for all major pollution incidents, or when requested by the RRT. The district commander shall ensure that a copy of the OSC's report for each major pollution incident is forwarded, with appropriate endorsements, to Commandant (G-WER) and the cognizant strike team(s) within 75 days of the conclusion of the incident. Reports for other than major incidents, should be submitted to Commandant (G-WER) whenever the reports contain information that may be useful for general program planning. The format should include the information specified in the NCP (40 CFR 300.40), with the following information as enclosures:

(1) Maps, charts, or diagrams of the areas affected by the spill;

(2) MSIS-MP screen images;

(3) All POLREPS:

(4) Radio, telephone, and other applicable logs;

(5) Copy of cost summary report (for federally-funded removal);

(6) Photographic documentation of response, arranged chronologically; and

(7) Any other documentation necessary to supplement the information contained in the OSC report.

e. District Requirements. District (mep) offices should review all documentation forwarded by OSC's for completeness and accuracy. They should also act as the consolidation point for all documentation applicable to a federally-funded removal action for use in cost recovery activities. The information at the district office should include the OSC report (when applicable), the cost summary report, all documentation that supports the costs incurred on the case, any FWPCA violation reports and associated civil or criminal penalty correspondence, any officer in charge, marine inspection (OCMI)/COTP investigations and/or proceedings arising from the case, and any other documentation related to the case that may be necessary to support cost recovery actions.

7. Use Of The FWPCA 311(k) Pollution Fund.

a. General. The primary purpose of the Pollution Fund is to provide a source for financing federal removal operations when an oil discharger is unknown, does not act promptly, or is unwilling to undertake necessary response actions. The types of activities that may be charged to the Pollution Fund have been subject to varying interpretation. Discovery, notification, and monitoring expenses are considered operating expenses of the Coast Guard. Although the cost of monitoring is a cost of doing business when the discharger takes

7.B.7. a. (cont'd) responsibility, the cost of supervising federal removal efforts is chargeable to the discharger, and under certain conditions reimbursable to an agency, when a federal assumption of control is made. 33 CFR 153.407 lists response activities that may be funded by the Pollution Fund, either by direct payment from the fund or through reimbursement to a federal or state agency. [NOTE: Direct payment may not be made to state contractors.] Normal pollution response operating expenses, such as response personnel salaries and equipment maintenance, cannot be reimbursed from the fund. These costs, however, in addition to all expenses incurred during federal removal operations, are recoverable from the polluter. Figure 7-10 summarizes the types of expenses that are reimbursable from the Fund and/or recoverable from the polluter. It is the responsibility of each NRT/RRT member agency to plan and formally assign employees to perform discharge response duties as a matter of routine. However, if a particular pollution incident requires agency personnel not normally detailed to respond to perform response duties, the normal salaries of such personnel are subject to reimbursement from the Pollution Fund. The sole purpose of this policy is to provide the OSC with access to assistance from agencies that are unable to assign their personnel to response duties unless their salaries are reimbursed. An example would be certain personnel in the F&WS who, although they are F&WS employees, are in a position totally funded by the U.S. Army Corps of Engineers (USACE) and fully committed to a USACE-sponsored task. If those personnel are withdrawn from the USACE-sponsored task to assist in response activities, their salaries must be paid through other means during the time they are diverted. As a general rule, the 311(k) Fund shall not be used for response to hazardous substance incidents. Although there are some situations where the Pollution Fund could be used to fund removal costs (e.g., the discharge of a substance listed in 40 CFR 117 into navigable waters), the Coast Guard and EPA have agreed that, whenever possible, the CERCLA Trust Fund will be used for hazardous substance response. In any case, the 311 (k) fund shall not be used for response to hazardous incidents without prior Commandant (G-WER) approval. Subparagraphs 7.B.7.b and c below cite specific expenditures that are reimbursable from the fund and/or recoverable from the polluter. To ensure proper use of the fund, the following policies shall also apply:

(1) The Pollution Fund may not fund the removal of pollutants discharged from a vessel or facility owned or operated by the United States. The OSC may, however, use the fund for removal operations when the discharge is from an unknown or a nonfederal source and impacts federal lands or property. In addition, the Coast Guard may fund cleanup actions involving a public vessel or federal activity from the Operating Expense Appropriation, using the OG-80.00 reimbursement technique, when requested by the responsible federal agency, or when the urgency of the situation demands immediate action (see COMDTINST M7300.4, Comptrollers Manual).

FIGURE 7-10

REIMBURSABLE/RECOVERABLE EXPENSES UNDER THE FWPCA

TYPE OF COST	COVERING	METHOD OF FUNDING	RECOVERABILITY
EXPENSES OF FEDERAL RESOURCES NORMALLY USED FOR RESPONSE	Observation, monitoring, providing guidance and advice when there is no federal removal activity.	CG funds not reimbursable from the Pollution Fund.	Not recoverable from polluter.
	Personnel costs (OSC and staff, members of Special Forces, etc.), pollution equipment depreciation, routine maintenance, expendable materials, and supplies (e.g., sorbents) associated with federal removal operations.		Recoverable from the polluter.
PAYMENTS TO COMMERCIAL CONTRACTORS OR VENDORS	Containment, countermeasures, clean-up and disposal.	Chargeable directly to the Pollution Fund.	
EXPENSES OF FEDERAL RESOURCES NOT NORMALLY USED FOR RESPONSES	(1) Overhead costs of industrial facilities. (2) Reimbursements required by law. (3) Costs specifically and directly incurred as a result of removal activity, such as travel costs (transportation and per diem), increased maintenance costs of equipment, fuel, supplies and materials, equipment rental or lease, and temporary employment (e.g., CG Reservists recalled specifically for the response effort, civilian overtime).	CG funds reimbursable from the Pollution Fund.	
POLLUTION REMOVAL DAMAGE CLAIM	Damage to or loss of property resulting from activities conducted under Phase III operations if: (1) Caused by the United States, its employees, agents, or contractors; and (2) In the exercise of care reasonable under the circumstances, the incident giving rise to the claim was necessary and the damage unavoidable. Not payable if: (1) For death or personal injury; or (2) Claim arises out of incident involving discharge or discharge threat from a U.S. or foreign public vessel or federally-controlled facility.	Chargeable to the Pollution Fund.	

7.B.7.a. (2) No agency's expenses are reimbursable unless a federal removal activity has been declared, the fund has been activated, and those agency services have been requested by the OSC. In the case of a partial federal removal, only those expenses incurred specifically to support the federal removal activity are reimbursable.

(3) Federal agency salaries shall not be reimbursed if such a transaction would result in transfer of funds from the Pollution Fund to the U.S. Treasury (General Fund).

(4) The Pollution Fund may be used to procure nonexpendable equipment when the OSC determines it is necessary for the removal. Requests for procurement of nonexpendable equipment shall be transmitted to the district commander prior to purchase.

(5) Federal and state agencies are entitled to replacement or repair costs for nonexpendable equipment that is damaged while under the administrative control of the OSC, provided the damage did not occur as a result of negligence on the part of the parent agency or its appointed agent. It is not intended, however, that the Pollution Fund be used to replace the normal budget process by funding replacement of major acquisition items which are accidentally damaged (e.g., an aircraft crashes during support operations for a response activity).

(6) Normally, federal agencies should use their own funds, subject to reimbursement from the Pollution Fund. The OSC may, however, authorize the procurement of supplies, equipment, or services with costs charged directly to the fund.

(7) Damage assessment studies, other than those the OSC determines are necessary to conduct a proper removal (e.g., efforts to identify environmentally sensitive areas or evaluate alternate defensive measures), are not chargeable to the Pollution Fund.

(8) Salaries of Coast Guard Reserve personnel called to active duty specifically to assist in a federal removal activity are reimbursable. Cases in which Reservists are likely to be employed would be those having an acute need for additional personnel (e.g., a large discharge area in which a great number of supervisors are required). However, while it may be desirable to utilize Reserve personnel to supplement the OSC staff for other than discharge-related duties during a particular incident, or to monitor the cleanup actions of responsible parties, salaries of such employment are not reimbursable from the Pollution Fund. Further, it is inappropriate to attempt to alleviate chronic shortages of personnel within the Coast Guard or other federal agencies through the use of the Pollution Fund.

(9) To receive reimbursement and to provide proper documentation for cost recovery, each agency is responsible for providing

7.B.7.a. (9) (cont'd) documentation to the OSC in the manner prescribed by the Pollution Fund administrator (the Coast Guard). Procedures compatible with these requirements, which will enhance coordinated federal response activities, shall be included in the RCP.

b. Reimbursable Activities. The following types of removal costs incurred by federal or state agencies and authorized by the OSC may be reimbursed from the Pollution Fund:

(1) Costs incurred by government industrial facilities, including charges for overhead;

(2) Actual costs for which an agency is required or authorized by law to obtain full reimbursement; and

(3) Costs incurred during removal activities not normally funded by regular appropriations, including:

(a) Transportation costs incurred in delivering equipment to and from the scene;

(b) Travel and per diem for the OSC and personnel required to deploy and maintain federally-owned equipment;

(c) Replacement costs for expendable materials provided and utilized, including fuel for vessels, aircraft, or vehicles used at the OSC's request in support of response activities;

(d) Supplies, materials, and minor equipment procured specifically for recovery activities;

(e) Incremental operating and contract costs incurred in providing assistance to the OSC;

(f) Rental costs, as approved by the parent agency, for nonexpendable removal and support equipment including the refurbishment, repair, and replacement costs;

(g) Salaries of personnel not routinely part of response efforts but specifically requested by the OSC (including Coast Guard Reservists called to active duty to assist in supervising federal removal activities).

(h) Travel and per diem for RRT members to attend meetings specifically convened to provide OSC support during federally-funded oil discharge removal.

c. Recoverable Costs. The discharger incurs liability, up to the discharger's legal limit of liability, for all actual costs associated with the federal removal following the federal assumption of response activities. Recoverable costs include:

7.B.7.c. (1) Direct expenditures from the fund (i.e., payment of contractors or vendors);

(2) All reimbursable expenses listed in subparagraph 7.B.7.b above;

(3) All personnel costs, including response personnel salaries;

(4) Equipment costs, including depreciation and maintenance;

(5) Administrative overhead (included in standard rates for subparagraphs 7.B.7.c.(3) and (4) above in COMDTINST 7310 (Series)); and

(6) Pollution removal damage claims referred to in subparagraph 7.B.6.c.(3)(a)(viii) above.

d. Damage Assessment Studies. A question is often raised as to whether the Pollution Fund (established under 33 U.S.C. 1321(k) may be used to pay for damage assessment studies in preparation for potential claims which may be filed for oil pollution damage. It has been determined that the Pollution Fund is not available for damage assessment studies. However, it is recognized that some form of limited scientific inquiry, which may be supportive of damage assessment efforts, may be required to assist the OSC in the performance of Phase III (Subpart E, NCP) activities. Efforts to identify particularly environmentally-sensitive areas and to evaluate alternate countermeasures are Phase III activities and, therefore, may be funded from the Pollution Fund. The funding of scientific actions other than those that are requested by the OSC and that directly support Phase III (Subpart E, NCP) activities, such as scientific investigations or damage assessment studies, shall be provided by the agency having legal responsibility for such activities and are not payable from the Pollution Fund.

e. Expenditure Limits. For each incident, the OSC may commit up to $50,000 from the fund without preauthorization from the district commander; amounts over this limit must be requested from the cognizant district commander. The district commander may authorize expenditures up to $1 million for each incident (see 33 CFR 153.105(a)). Authorization for expenditures over $1 million must be obtained through Commandant (G-WER).

C. Procedures Unique To Hazardous Substance Releases.

1. General. Response to hazardous substance releases are, in many respects, similar to responses to oil discharges. There are, however, significant differences. The nature of the hazards posed by such releases requires a much more cautious approach. Personnel involved in hazardous substance response must be properly trained and equipped to carry out the necessary response functions.

7.C.1. a. Hazardous Substance Response Functions. These functions include:

(1) Carrying out traditional COTP response measures such as restricting access to the affected area, controlling marine traffic, notifying affected facilities, coordinating with state and local agencies, and assisting as resources and capabilities permit;

(2) Conducting a preliminary assessment of the incident;

(3) Identifying potentially responsible parties and informing them of their potential liability for removal costs, explaining the Coast Guard's role as OSC, and gathering information for response and port safety purposes;

(4) Carrying out "first aid" mitigation measures if the situation warrants;

(5) Monitoring cleanup actions of responsible parties to ensure that appropriate action is taken; and

(6) If required, initiating appropriate federal removal or remedial actions.

b. Use Of CERCLA Guidance. This section describes the more important and unique aspects of a hazardous substance response under CERCLA. Its use requires a working knowledge of the more detailed information found in:

(1) Response procedures described in section 7.B above;

(2) CERCLA and the relevant provisions of the NCP;

(3) COMDTINST M16465.29, CERCLA Response Authority and Associated Coast Guard Policies;

(4) COMDTINST M16465.30, Policy Guidance for Response to Hazardous Chemical Releases.

In reading the above extensive policy guidance for carrying out Coast Guard responsibilities under CERCLA, the OSC must not lose sight of the program's foremost objectives to ensure that proper measures are undertaken by the responsible party to mitigate damages from releases; and when appropriate, federal efforts are initiated, then managed and coordinated by the OSC. As hazardous substance response procedures and policies become refined with field experience, the detailed COMDTINST's will be cancelled, with policies of continuing importance incorporated into this section. Basic CERCLA response procedures can be contrasted to an FWPCA response by comparing the flowcharts shown in Figures 7-1 and 7-2.

7.C.1. c. Levels Of Response Capability.

(1) The program goal is that COTP's predesignated as OSC's shall be capable of performing the functions described in subparagraph 7.C.1.a above. Performing these functions may require persons to enter contaminated environments. However, the actual level of response capability to be maintained at a unit must be based on the risk of chemical releases occurring in the OSC's zone and the mix of industry, state, local, and other federal response capability already in place.

(2) In those zones where the district commander and OSC determine there is a significant risk of chemical releases, and the existing response capability (Coast Guard and others) within these zones are inadequate, units shall develop Level A or B entry capability. When this is not possible because of insufficiently trained personnel or inadequate protective equipment, as detailed in COMDTINST M16465.30, the OSC shall seek the necessary additional resources and adopt a conservative response posture until these requirements are met. OSC's with jurisdiction over zones where the risk of a chemical release is low shall maintain a conservative response posture.

(3) Units maintaining a conservative response posture shall carry out all of the above OSC functions not requiring entry of unit personnel to hazardous environments. In situations requiring entry to hazardous environments, these units shall rely on capabilities of the Strike Teams, state and local response teams, and commercial resources.

(4) The integration of Coast Guard resources with existing response organizations is an important consideration. This means of achieving the required level of capability is appropriate when the existing response organization routinely responds to chemical releases, and they can perform the survey actions (sampling, environmental monitoring, etc.) essential for assessing the hazards presented by a release. Units relying on outside organizations to provide the required response capability must periodically reassess the ability of these organizations to provide an adequate response.

(5) It is important to note that, whatever the response capability maintained at the unit, the OSC can not relinquish that responsibility, no matter who is carrying out the actual response, and shall monitor the response as necessary to ensure its adequacy. If a response is not adequate, the OSC shall, to the extent that resources are available, provide advice to responders or assume control of the response.

2. Preliminary Assessment. The OSC may call upon a broad range of resources (RRT members, Special Forces, state/local agencies, industry personnel, information systems, etc.) to assist in determining the risks associated

7.C.2. (cont'd) with a released hazardous substance. The OSC often does not need to extensively investigate an incident prior to determining the need for response. If the release poses an obvious threat to public health or welfare, or the environment, the OSC should take appropriate actions as rapidly as circumstances dictate. General guidelines for determining whether to conduct an on-scene assessment and for determining the feasibility of removal actions are the same as for oil incidents contained in subparagraph 7.B.2.d above.

a. Determining CERCLA Applicability. CERCLA applies to pollution incidents when the following conditions exist:

(1) The material is a hazardous substance (see CERCLA, Sec. 101(14)), or a pollutant or contaminant (see Sec. 104(a)(2)) that may present an imminent and substantial danger to the public health or welfare;

(2) The material is released (see Sec. 101(22)), or there is a substantial threat of release, into the environment (see Sec. 101(8)); and

(3) The responsible party is not taking proper removal actions.

The OSC is authorized and responsible for assessing releases of any size and for initiating response action under CERCLA 104(a)(1), whenever a release requires a federal removal action. Although the level of response action taken by the unit (active or conservative) will depend on available resources, units predesignated as OSC's shall monitor the response as necessary, no matter who is carrying it out, to ensure its adequacy. The reportable quantity of a substance has no bearing on the Coast Guard's authority to respond under CERCLA. Response authority exists whatever the quantity released or threatened to be released into the environment.

b. Coast Guard, EPA, DOD Jurisdiction. CERCLA geographic jurisdiction is broader than the FWPCA in that it encompasses all environmental media (air, land, groundwater, and surface waters). E.O. 12316, as modified by the Instrument of Redelegation, signed between DOT and the EPA, specifies that the Coast Guard OSC shall respond to hazardous substance releases, or threats of releases, occurring in the coastal zone (specified in RCP's), not involving DOD vessels or facilities, that originate from:

(1) Vessels (including remedial actions);

(2) Facilities, other than hazardous waste management facilities, when the release requires immediate action to prevent risk of harm to human life, health, or the environment; or

(3) Hazardous waste management facilities or other illegal disposal areas, when the Coast Guard OSC determines emergency containment or other immediate removal actions are necessary prior to the

7.C.2.b. (3) (cont'd) arrival of the EPA OSC. [NOTE: The EPA has agreed to respond to these incidents to relieve Coast Guard OSC's within 48 hours of notification. However, ad hoc agreements concerning the time for relief may be made between EPA and Coast Guard OSC's. A "hazardous waste management facility" includes land, structures, appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste, whether lawfully or unlawfully.]

Therefore, the Coast Guard OSC's preliminary assessment should include a determination of which agency should ultimately provide the OSC. If the assessment indicates that no cleanup is required or is not feasible, the response may be secured. If it indicates that action is necessary, the OSC must then determine whether an immediate removal is required. If the results of the assessment indicate that federal action may be necessary, but the release does not require any of the actions described above, the appropriate EPA regional office should be advised by the most expeditious means. This request should be confirmed with a message documenting the need for an EPA OSC. In all cases, the Coast Guard OSC shall log the report and include the incident in the QAR and MSIS-MP. The DOD acts as OSC for releases of hazardous substances from their vessels and facilities. When a release from a DOD vessel or facility in the coastal zone affects areas away from the immediate vicinity of the source, the Coast Guard OSC should provide assistance to the DOD OSC as requested. Note that the Instrument of Redelegation uses the term "immediate removal." The 1985 revisions to the NCP (40 CFR 300.65) deleted the previous differentiation between immediate removals and planned removals, replacing them with one category of removal action. This should not affect Coast Guard response activities, however, since planned removals were rarely performed. OSC's should continue to use the definition of "immediate removal" in the Instrument of Redelegation when evaluating the need for Coast Guard response actions. Releases not meeting these criteria should be referred to EPA for any necessary follow-up action.

c. Removal Action Determination. The NCP (40 CFR 300.65) lists factors to consider when determining the appropriateness of a removal action. Generally, a removal action is appropriate when:

(1) Prompt actions are required to control the release or to mitigate the associated damages; or

(2) The magnitude of harm or potential harm is sufficient to warrant removal.

"Removal actions" encompass not only the physical cleanup, but actions such as limiting access, recommending evacuation or temporary relocation to the appropriate authorities, collecting samples to determine the source and extent of removal, and disposing of all hazardous substances, pollutants, or contaminants recovered during a removal action. When the OSC determines that immediate action is not

7.C.2. c. (cont'd) required, a more extensive removal or remedial action may still be warranted. This may occur in situations where the release poses no immediate threat, but action is necessary to reduce or eliminate the potential for harm in the future. In such cases that do not involve vessels, the OSC shall refer the release to the appropriate EPA regional office. Prior to referring a release, however, the OSC should be aware that the administrative procedures for remedial action will require that the referred release compete for funding against a multitude of uncontrolled waste sites across the country. As a consequence, it is unlikely that EPA will respond to a release that affects only a limited area. The OSC must be prepared to conduct immediate removal actions if the situation deteriorates before remedial action can be accomplished. OSC's should recognize this circumstance when they refer releases to EPA for action.

3. Actions Required When The Polluter Is Identified. As is the case with oil spills, the OSC shall make every effort to have the responsible party initiate removal actions, including issuing a Notice of Federal Interest (see subparagraph 7.B.3.a and Figure 7-3 above) and, when appropriate, issue an Administrative Order. Normally, the responsible party will take proper actions and the OSC need only monitor operations as described in subparagraph 7.B.3.b above. CERCLA differs from the FWPCA in that, under certain conditions, it enables the OSC to order the polluter to undertake the corrective measures specified in an Administrative Order (see CERCLA 106(a)). Administrative Orders are most appropriately issued prior to initiating a federal response. Their use is limited to releases, or threats of releases that:

   a. Involve a hazardous substance;

   b. Originate from a facility; and

   c. May pose an imminent and substantial endangerment to the public health or welfare or the environment.

   Administrative Orders may not be used when the source of the release is a vessel, or the release involves a pollutant or contaminant. For further guidance as to Administrative Order policy and scope, see Chapter 5 of COMDTINST M16465.29. The OSC shall notify the affected state, or state representative on the RRT, of the intent to issue an Administrative Order. Figure 7-11 outlines a sample Administrative Order.

4. Initiating Federal Removal Operations.

   a. The OSC will use CERCLA funds to pay for removal costs when the responsible party does not conduct proper removal actions, or is unknown, and immediate removal is necessary. A Notice of Federal Assumption of Response Activities should be issued if the polluter is known. As discussed in paragraph 7.A.3 above, for those incidents involving foreign vessels, the Notice of Federal Assumption should also cite FWPCA 311(c) if both statutes apply (i.e., discharge of hazardous substance listed in 40 CFR 117 in a reportable quantity into

FIGURE 7-11

SAMPLE ADMINISTRATIVE ORDER

Administrative Order issued to: (name of person to whom order is directed).

["This is to confirm the oral order which (OSC representative) of my staff issued to you on (date)."]

Pursuant to Subsection (a) to Section 106 to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), Public Law 96-510, Subsection (a) of Section 3 of Executive Order 12316, 49 CFR 1.46(gg), and 33 CFR 101-70(d)(2), I am authorized, as Coast Guard On-Scene Coordinator, to issue orders as may be necessary to protect the public health and welfare and the environment. Consistent with the provisions of Section 106 of CERCLA, I may exercise this authority whenever I have determined that there may be an imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of a hazardous substance from a facility.

I have determined that such an endangerment may exist at (location). ["Approximately (amount) of (substance) were released from (source) on or about (time if known, date)" or "There is a threat of a release of (substance) from (facility).] (Substance) is a hazardous substance as defined by Section 101(14) of CERCLA. Because (substance) is (flammable, acutely toxic, etc.), its ["release" or "threatened release"] may present an imminent and substantial endangerment to the public health or welfare or the environment. Among those who may be subjected to such an endangerment are (the waters of _____, the residents of _____, etc.).

For these reasons, and under the authority referred to above, you are hereby ordered to undertake the measure(s) set forth in enclosure (1) to this letter.

This Administrative Order ["becomes effective at (time) on (date)" or "is effective upon your receipt of this order" or "is effective as of (date oral order issued) upon which (OSC representative) of my staff orally ordered you to undertake the foregoing measure."] You may request, either orally or in writing, that I reconsider this order within 48 hours of its issuance. I may be reached for this purpose at (address, phone). If you wish to appeal my decision on reconsideration, or the order itself, you may do so in writing to (address of District Commander (m)) within 15 days of the issuance of the order. Should you believe that the delay inherent in presenting a written appeal would have a substantial adverse impact on you, you may present an oral appeal to the office of the District Commander (telephone number of District Commander (m)). However, an oral appeal must be followed within 5 days by a written appeal which, at a minimum, summarizes the oral presentation. The act of requesting reconsideration or placing an appeal does not stay this order, but reviewing offices have the authority to take such action if they believe circumstances warrant it.

FIGURE 7-11 (cont'd)

If you willfully fail or refuse to comply with this order, you will be subject to the following sanction(s). A fine of not more than $5,000 for each day during which such failure continues may be imposed under Subsection (b) of Section 106 of CERCLA. [Further, should you be found liable under Section 107 of CERCLA for costs incurred by the United States in responding to this incident, you may also be found liable for punitive damages for your failure without sufficient cause to provide the response action ordered above. The amount of these punitive damages will be at least equal to, but no more than three times, the amount of those incurred costs. See paragraph (3) of Subsection (c) of Section 107 of CERCLA.]

In addition to possible penalties for noncompliance with this order, you may be liable under Subsection (a) of Section 107 of CERCLA for the actual costs incurred by the United States in responding to the ["release" or "release threat"] referred to above. [As (OSC representative) informed you, the Coast Guard has initiated a federal cleanup because your actions to date have been determined to be unsatisfactory.] Compliance with this order does not alter your liability for government response costs incurred prior to that compliance.

Please address all inquiries concerning this matter to (name, address, phone number).

Sincerely,

(OSC Signature)

Encl: (1) Action Ordered By OSC

Issued at (unit, address)
on (time, date)

Delivered to (individual, title)
at: (place)
on: (time, date)
by: (person delivering)

[NOTE: Brackets denote portions of the administrative order which vary with the circumstances of the incident and of the issuance of the administrative order. The OSC tailors these portions of the order to suit the existing situation.]

7.C.4. a. (cont'd) navigable waters, the contiguous zone, or other offshore waters under FWPCA jurisdiction). In a similar manner, the same types of resources for federal operations described in subparagraph 7.B.4.a above should be used. The OSC shall supervise the operation as generally described in subparagraph 7.B.4.c above.

b. Although there are some situations where the 311(k) Pollution Fund could also be used to fund removal costs (i.e., discharge of substance listed in 40 CFR 117 into navigable waters, the contiguous zone, or other offshore waters under FWPCA jurisdiction), the Coast Guard and EPA have agreed that, whenever possible, CERCLA will be used for a hazardous substance response. In any case, the 311(k) fund shall not be used for response to hazardous substance incidents without prior Commandant (G-WER) approval.

c. Upon determining that a federal removal is necessary, the OSC must notify EPA Headquarters of the estimated costs, and obtain a CERCLA account number and document control numbers. For incidents that occur after working hours and/or on weekends, the OSC should initiate necessary actions and contact EPA the next working day. When notifying EPA, the OSC must provide information on the location and nature of the incident, and the nature of response activities to be performed. Note that the OSC must obtain a new document control number for each contract initiated for a response and each subsequent modification (i.e., if five contractors are involved in a response, five document control numbers must be initially obtained from EPA). If the obligated amount for a contract is increased at a later date, another document control number must be obtained to account for the increase.

d. CERCLA encourages state and local response actions and can be used to provide reimbursement for certain actions described in Section 111 of the law when certified by the OSC. The EPA (the administrator of the fund) establishes policies that govern what specific costs are reimbursable. Any state that desires to enter into a contract or cooperative agreement to carry out response actions under CERCLA should be referred to the EPA.

5. Determining Removal Completeness.

a. As a general rule the OSC should pursue removal operations until:

(1) All environmental and public health and welfare concerns are addressed, and the criteria for initiating a removal action no longer exist; or

(2) Substantial cleanup techniques must be employed, after the immediate and significant risk of harm to human health or the environment has been abated, to complete the removal of remaining contamination.

7.C.5. b. In those incidents where the need exists to perform substantial cleanup techniques that require a commitment of resources exceeding the OSC's capability, the OSC shall continue operations to stabilize the situation until arrangements can be made for EPA relief.

c. When long-term cleanup techniques are not indicated, the OSC's operation should remove harmful concentrations of the pollutant from the environment and properly dispose of them to prevent the need for subsequent removal efforts.

d. CERCLA 104(c)(1) prohibits response actions in excess of 6-months duration or exceeding $1 million in response costs (not including costs associated with investigation, monitoring, or damage assessment) unless the following conditions are met:

(1) Continued response actions are immediately required to prevent, limit, or mitigate an emergency;

(2) An immediate risk to public health, welfare, or the environment exists; and

(3) Such assistance will not otherwise be provided on a timely basis.

Costs to be included in determining whether the $1 million limit has been reached include all contractor costs, other federal agency expenses, and all Coast Guard out-of-pocket expenses. Requests to exceed the 6-month time limit shall be made to Commandant (G-WER) via the district. Requests to exceed $1 million must be made to EPA Headquarters (Emergency Response Division).

6. Entry Into Contaminated Areas.

a. Response Types. Once the hazards associated with a release are identified, the appropriate level of unit response must be identified, either a conservative response or an active response.

(1) A conservative response includes all coordination, information collection, and control functions carried out by the OSC that do not require entry of unit personnel into a hazardous environment.

(2) An active response is one where Coast Guard personnel must enter an area requiring the use of personal protective equipment. Unit personnel would normally be involved in an active response with on-scene entry only to conduct the following types of activities:

(a) Emergency lifesaving rescue;

(b) Survey for preliminary assessment and environmental monitoring;

(c) "First aid" mitigation actions that must be undertaken before cleanup contractors or the responsible party can arrive on-scene and take action; or

7.C.6.a.(2) (d) Monitoring or supervision of contractor cleanup activities.

Generally, an initial conservative response, consisting of recommending evacuation to the appropriate authorities and maintaining a safe perimeter, will be undertaken whenever the identity of the released substance(s) is unknown or uncertain. Entry by unit personnel shall not occur unless the pollutant has been identified, associated hazards determined, and the required level of protective equipment established. Active entry shall not occur unless the minimum number of trained personnel and adequate protective equipment is available. Entries will only be carried out by a team trained in chemical response. As a consequence, there will be occasions when a unit will be unable to mount a complete response to a serious incident. This circumstance is preferred to attempting a complex and potentially hazardous job without the necessary staffing, training, and equipment. The above policies notwithstanding, there are occasions that necessitate certain calculated risks be taken to protect the public health and welfare. In such cases, risks to personnel should be reduced to the minimum level possible consistent with the operational situation and shall not be incurred for purely environmental purposes.

b. Development Of A Response Plan. OSC's shall formulate an incident-specific response plan whenever their preliminary assessment indicates that entry into hazardous areas by response personnel is required. This response plan must cover the following areas:

(1) The objectives of the on-scene entry;

(2) On-scene organization and coordination;

(3) Identification of the hazards present on-scene;

(4) Personnel protective equipment requirements;

(5) On-scene work plans;

(6) Communications procedures;

(7) Emergency contingency plans;

(8) Decontamination procedures; and

(9) On-site safety and health plans.

COMDTINST M16465.30 includes a detailed description of response plan requirements. Note that completion of a response plan as described in this COMDTINST will meet the requirements of the NCP (40 CFR 300.38) for providing a program for occupational safety and health for worker protection at the response scene.

7.C.6. c. Entry Procedures.

(1) Personal Safety Practices. The following personal safety practices must be followed by all personnel involved in entries to the hazardous environment:

(a) Eating, drinking, chewing gum or tobacco, smoking, etc., are prohibited in the contaminated area. Personnel drinking liquids to replenish body fluids must be thoroughly decontaminated before such actions are authorized.

(b) Facial hair that interferes with the mask-to-face seal is not allowed on any personnel required to wear respiratory protection equipment.

(c) Prescription drugs should not be taken by entry personnel unless specifically approved by a qualified physician. Consumption of alcoholic beverages shall be forbidden.

(d) All entry personnel must be thoroughly familiar with the standard safety procedures and response plan.

(2) Safety Procedures. The following safety procedures will apply for all entries to hazardous environments:

(a) Within the contaminated area, the entry team shall work using the "buddy" system. In addition, a two-person rescue team shall be standing by when Level A or B entries are being carried out.

(b) Contact with contaminated surfaces (e.g., puddles, vapor clouds, etc.) should be avoided during an entry.

(c) Only essential personnel and equipment should be in the contaminated area. Entries shall occur only after the objective of the entry has been determined.

(d) All personnel and equipment leaving the contaminated area must be decontaminated to ensure that contaminants are not spread outside the contaminated area. Personnel decontamination should include a thorough washing of the entire body as soon as practicable after protective clothing has been removed.

(e) Entry team members shall be thoroughly briefed prior to each entry. They should also be debriefed after exiting the contaminated area.

(f) To maintain accountability for all persons within the response area, persons entering or leaving the response scene should be required to log in and out.

7.C.6.c. (2) (cont'd) COMDTINST M16465.30 provides a more detailed description of procedures to be followed during entry operations.

7. Documenting The Response. The documentation requirements listed in paragraph 7.B.6 above also apply to CERCLA responses with the exceptions noted below.

a. POLREPS. Include EPA Headquarters (Emergency Response Division, TWX #710-8229269) and Commandant (G-WER) as information addressees when any cleanup is conducted using CERCLA funds. In addition, include the EPA CERCLA account number in the subject line of the message. The magnitude of the release will be specified on the POLREP based on the following guidelines as listed in the NCP (40 CFR 300.6):

(1) Minor: The release poses minimal threat to public health or welfare or the environment;

(2) Medium: The release does not meet the criteria for classification as a minor or major release; and

(3) Major: The release poses a substantial threat to public health or welfare or the environment or results in significant public concern.

Determination of the appropriate size classification for a release should be made by the OSC based on consideration of the particular release (e.g., size, location, impact, etc.). As a matter of practicality, OSC's should classify releases that are less than or equal to the reportable quantity as a minor release unless the release meets the criteria for a higher classification.

b. Cost Documentation And OSC Report. Documentation supporting vendor costs and invoices certified by the OSC must be submitted to EPA in accordance with the requirements of the USCG/EPA MOU (see Figure 7-12). OSC reports and cost summary sheets must be submitted for all CERCLA-funded responses to Commandant (G-WER) via the district commander for forwarding to EPA Headquarters. OSC reports shall also be prepared to document the response to all other major hazardous substance releases. Copies of all OSC reports should also be submitted via the RRT to Commandant (G-WER) for forwarding to the NRT as required by the NCP.

8. Use Of The CERCLA Fund.

a. Introduction. To use the CERCLA Fund, the OSC must determine that:

(1) The elements of jurisdiction of CERCLA are met;

(2) The threat or risk of harm posed by the release is significant;

(3) Prompt action is required to control the source and mitigate associated damages; and

7.C.8.a. (4) Use of Administrative Orders is inappropriate or unsuccessful in compelling the polluter to undertake necessary removal actions.

b. Funding Vendor Costs. Figure 7-12 provides procedures for funding vendor costs incurred during emergency response to releases or threats of releases. Vendor costs include:

(1) Contractor costs;

(2) Rental of equipment for the response;

(3) Supplies and materials; and

(4) Equipment (including transportation costs) purchased for the specific incident that will be expended during a response.

c. Funding Non-Vendor Costs. Non-vendor costs for CERCLA-funded removals (incident specific) are reimbursed from the fund under separate IAA's. Examples of non-vendor costs include:

(1) Use of Coast Guard aircraft and vessels;

(2) Salaries for Coast Guard personnel;

(3) Travel and per diem for military and civilian personnel;

(4) Salary and overtime costs for civilian personnel;

(5) Fuel; and

(6) Replacement or repair costs for nonexpendable equipment.

d. Additional Funding Capabilities. In addition to the costs that are reimbursable under the FWPCA, CERCLA also funds agency costs incurred during a preliminary assessment or while monitoring removal operations conducted by the responsible party. EPA, as fund administrator, determines which costs incurred by agencies during the response will be reimbursed from the CERCLA Fund. Detailed procedures for reimbursement of agency expenses are under development at Headquarters. In the interim, districts have been provided CERCLA funds to reimburse units for out-of-pocket costs incurred for nonfederally-funded (non-incident specific) responses. Reimbursement of out-of-pocket expenses for federally-funded responses must be coordinated through Commandant (G-WER-4).

e. Expenditure Limits. The OSC may obligate up to $50,000 for removal costs (including vendor costs and out-of-pocket costs reimbursable to federal/state agencies) without prior approval from the district commander or the EPA. The district commander may authorize amounts in excess of the OSC's limits, up to $250,000, without prior EPA approval. Requests for authority to obligate CERCLA funds over $250,000 must be made to the Emergency Response Division, EPA Headquarters.

FIGURE 7-12

MEMORANDUM OF UNDERSTANDING
Between
THE UNITED STATES COAST GUARD
and
THE ENVIRONMENTAL PROTECTION AGENCY
. . .
A Mechanism for Funding Vendor Costs Incurred by the
U.S. Coast Guard During Emergency Response to Releases
or Threats of Releases of Hazardous Substances

PURPOSE:

The U.S. Coast Guard (USCG) and the Environmental Protection Agency (EPA) agree that a mechanism is required to fund USCG costs incurred during emergency response to releases, or the threats of releases of hazardous substances or pollutants or contaminants. This Memorandum of Understanding establishes the accounting, contracting, and fund management control policies and procedures for USCG response actions.

AUTHORITY:

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (94 Stat. 2796; 42 USC 9615) authorizes the President to respond to releases or threats of releases into the environment of hazardous substances, or pollutants or contaminants which may present an imminent and substantial danger to the public health or welfare. The Executive Order 12316 delegates certain authority and responsibility for
response to the Administrator of the EPA and to the Secretary of Transportation. The USCG and the EPA are entering into this agreement in order to carry out their joint responsibilities under CERCLA and the Executive Order.

SCOPE:

The USCG and the EPA agree that vendor costs are costs incurred by the USCG in response to a specific incident of a release, or threat of a release, of hazardous substances.

FIGURE 7-12 (cont'd)

The vendor costs are only those costs which qualify as allowable uses of the Hazardous Substance Response Trust Fund when the USCG undertakes response activities pursuant to CERCLA, Executive Order 12316, and the National Oil and Hazardous Substances Contingency Plan. Examples of vendor costs include, but are not limited, to, the following:

contractor and consulting costs;
lease or rental of equipment; and
supplies, materials, and equipment (including transportation costs) procured for the specific response activity and expended during a response.

Vendor costs do not include USCG out-of-pocket expenses which are:

- travel and per diem for military and civilian personnel, and overtime costs for civilian personnel;
- fuel for vessels, aircraft, or vehicles used in support of a response activity; and
- replacement or repair costs for non-expendable equipment.

Funding for out-of-pocket expenses and other non-vendor costs will be the subject of a separate agreement between the EPA and the USCG.

The Coast Guard will advise all of its District Commanders, predesignated On-Scene Coordinators (OSC), and Regional Response Team members of the terms of this Memorandum. The USCG will provide to EPA a current listing of District personnel who will serve as appropriate contacts for EPA on matters relating to contracting and accounting for response activity.

CONTRACTING AND ACCOUNTING:

The USCG and the EPA agree that the EPA will perform all accounting for vendor costs.

The USCG and the EPA agree that the contracting system used by the USCG for responses to oil and hazardous substance discharges under the authority of Section 311 of the Clean Water Act, shall be used for USCG responses to all releases or threats of releases of hazardous substances or pollutants or contaminants as defined in CERCLA.

Any contracts for immediate removal actions in response to releases or threats of releases of hazardous substances or pollutants or contaminants entered into by the Coast

FIGURE 7-12 (cont'd)

Guard, where the USCG OSC is acting in the capacity of first responding Federal official, pursuant to the National Contingency Plan, shall remain in effect only during the period that the USCG is the OSC.

Any contract for immediate removal actions in response to releases, or threats of releases, of hazardous substances or pollutants or contaminants, entered into by the Coast Guard pursuant to the authority delegated under Executive Order 12316, and retained by the USCG in Section (c) of the Instrument of Redelegation, executed 2 October 1981 by the Secretary of Transportation and consented to on 9 October 1981 by the Administrator of the Environmental Protection Agency, shall remain in effect only during the period that the USCG is acting under this authority.

The USCG and the EPA agree on the following procedures for coordinating the EPA accounting system and the USCG contracting system.

1. Obtain account number

   For each incident where CERCLA funds are obligated, the USCG OSC must obtain a ten-digit account number from EPA Headquarters which identifies a specific site/spill incident. The number is obtained by calling:

   Chief, Response Operations Branch
   Emergency Response Division
   Office of Emergency and Remedial Response
   Environmental Protection Agency
   401 M Street, S.W.
   Washington, DC 20460
   (202) 382-7917

   The USCG OSC will provide an estimate of the response costs concomitant with the request for an account number. The ten-digit account number will not be issued unless CERCLA funds are available for the response action.

2. Accounting codes

   Specific accounting information is required by the EPA Financial Management System in order to process response contracts. There are five categories of accounting and control numbers which must be entered on each contract and financial document. They are:

FIGURE 7-12 (cont'd)

- Appropriation Number: This number is permanently assigned to the trust fund.

  68-20X8145

- Account Number: The ten-digit account number obtained for each incident from EPA Headquarters (see #1). The R and SS portions will vary to identify each separate release incident.

  FTFA72RESS

  Where: R = EPA Region where the release occurred
  SS = Site/spill identification number

- Document Control Number: The OSC will develop a set of document control numbers for a specific release incident in the following format:

  RSSXXX

  Where: R = EPA Region where the release occurred
  SS = Site/spill identification number
  XXX = Contract document number

  Each contract entered into relative to each release must have a unique document control number issued in ascending numerical sequence beginning with XXX = 001 for the first contract issued for that release. The R and SS portions are obtained from the Account Number.

  For Example: RSS001 for 1st contract and its modifications
  RSS002 for 2nd contract and its modifications

- Object Class: This number is permanently assigned.

  2535

- Amount of Contract in Dollars

  $_____

3. Transmit Contract to EPA

In order for EPA to process payments for response contracts, a legible certified true copy of the contract and modifications to the contract must be submitted

FIGURE 7-12 (cont'd)

by certified mail within 72 hours of award by a USCG District Contracting Officer to the EPA paying office:

Financial Management Officer
Accounting Operations Office (MD-32)
Environmental Protection Agency
Research Triangle Park
Durham, NC 27711

The USCG will assure that the USCG contract number and the EPA accounting codes (appropriation number, account number, document control number, object class, and dollar amount) are clearly and legibly presented on the contract document. The USCG will assure that the EPA accounting codes and USCG contract number are made known to the contractor. The original contract will be retained by the USCG.

4. Process Contractor Invoices

4.1 Contractor Responsibilities:

The contractor will:
- o Send the original invoice to the EPA paying office. The address for the paying office is:

Financial Management Officer
Accounting Operations Office (MD-32)
Environmental Protection Agency
Research Triangle Park
Durham, NC 27711

- o Submit a duplicate copy of the invoice to the USCG OSC.
- o Assure that the USCG contract number and the EPA accounting codes (appropriation number, account number, document control number, object class, and dollar amount) are clearly and legibly presented on the invoice and its copy. Contractors submitting invoices for work performed under a contract are to number each invoice sequentially beginning with one (1) and make a notation on the last invoice under the contract with the phrase "FINAL INVOICE."

4.2 USCG OSC Responsibilities:

- o The USCG OSC must certify each correct and proper invoice. A correct and proper invoice is one in which the services performed are acceptable and are consistent with the services billed and the accounting data properly transcribed.

FIGURE 7-12 (cont'd)

The certification statement to be used by OSC's of both agencies for all CERCLA cases.

"I,_____, certify to the best of my
(OSC NAME)
knowledge and belief that the services have been performed and are accepted, and that applicable Pollution Incident Reporting System (PIRS) and EPA Spill Prevention Control and Countermeasure (SPCC) information has been correctly and completely submitted." *

_____
(OSC's Signature)

_____
(date)

- The OSC will forward by certified mail the accepted and certified invoice, within 72 hours of receipt of the invoice from the contractor, to the EPA paying office (address shown above).

- The USCG OSC shall not certify invoices which include discrepancies between services performed and services billed. In the event that there are discrepancies in the invoices, the USCG representative shall, immediately upon receipt of the invoice, take appropriate action to notify the contractor and to resolve the discrepancies.

  Within 72 hours of receipt of an invoice containing unresolved discrepancies, the OSC shall forward the invoice by certified mail to the EPA paying office (address shown above). The invoice will be endorsed with the following statement:

  "This invoice contains unresolved discrepancies. DO NOT PAY THIS INVOICE UNTIL YOU RECEIVE WRITTEN NOTIFICATION THAT THE DISCREPANCIES HAVE BEEN RESOLVED AND THE INVOICE IS REISSUED."

_____
(OSC signature)

_____
(date)

*NOTE: PIRS data, including Chemical Spill Information, shall be submitted in accordance with COMDTINST M16450.25. Revised data submission requirements for EPA will be promulgated when available.

FIGURE 7-12 (cont'd)

4.3 EPA Responsibilities:

The EPA has the responsibility to process contract invoices and to make contract payments in a timely manner. Contract payments are normally made within 30 days after invoice receipt.

Payment will be contingent on the EPA paying office receipt of the original invoice from the contractor and the USCG OSC's certified copy of the invoice.

The paying office will withhold payment for contractor services if the OSC has not certified the invoice. Payments will be made when the discrepancies are resolved and the invoice is reissued and received at the paying office.

The paying office will not pay any response costs in excess of the dollar amount of the contract. In the event that a contractor's service exceeds the dollar amount of the contract, the EPA paying office will inform the USCG District Representative who will take appropriate action.

FINANCIAL MANAGEMENT:

The USCG and EPA agree that the USCG may obligate up to $250,000 per release without prior approval from EPA. Approval to obligate amounts in excess of the $250,000 ceiling must be obtained from

:

Chief, Response Operations Branch
Emergency Response Division
Office of Emergency and Remedial Response
Environmental Protection Agency
401 M Street, S. W.
Washington, DC 30460
(202) 382-7917

The USCG will modify, as necessary, any existing contracts to reflect each ceiling increase. Certified copies of the contract modification must be submitted to the EPA paying offices.

The USCG and EPA recognize that CERCLA requires that response actions cease when $1 million is obligated or 6 months have elapsed from the date of initial response, except

as authorized under Section 104(eX1), thereof.

FIGURE 7-12 (cont'd)

REPORTING REQUIREMENTS: **POLREPS**

The USCG and the EPA agree that the EPA, acting in the capacity as manager of the Hazardous Substance Response Trust Fund, requires up-to-date information on CERCLA response actions and the related obligations of CERCLA funds for these actions. Pollution Reports (POLREPS) are submitted by USCG OSC's to USCG District Commanders. POLREPS provide factual operational data relating to arelease and a current accounting of project costs. The USCG OSC will submit a duplicate copy of all POLREP's to the Director, Emergency Response Division, EPA, (TWX # 710-8229269) for the purpose of communicating CERCLA response and fund obligation data to EPA. The initial POLREP will be sent within 24 hours of initiating a response action, if information is available. Once the initial report is completed, program POLREPS should be sent on a routine basis.

PERIOD OF AGREEMENT:

This Memorandum shall continue in effect until modified or amended by the amount of both parties or terminated by either party upon a thirty (30) days advance written notice to the other party.

Nothing in this agreement is intended to diminish or otherwise affect the statutory authority of the agencies involved.

This Memorandum will become effective at noon on the date of the last signature below.

W. E. CALDWELL
Rear Admiral U.S. Coast Guard
Chief, Office of Marine
Environment and Systems

CHRISTOPHER J. CAPPER
Acting Assistant Administrator
Office of Solid Waste and
Emergency Response

7.D. Procedures For Specific Response Activities.

1. Entry Onto Private Property.

   a. Emergency Conditions. The OSC generally has the authority to enter private property without a warrant for the purpose of carrying out response activities and related investigations. The owner's permission shall be sought prior to entry. However, on occasion, entry without permission may be necessary when the owner is not available or the situation is urgent. Entry without permission should be followed up by continuing attempts to locate and advise the owner of the situation. It is recommended that the condition of the property prior to entry be documented (e.g., by photograph) and that local authorities be present when entry is required without the owner's permission. In any case, common sense should be exercised while on the property. Should an owner refuse entry, the OSC should seek assistance from the district legal officer in obtaining court orders from federal or local enforcement authorities. Using force to gain entry is permissible if the urgency of the situation warrants such action; however, all reasonable alternatives should be exhausted first. Force should not be used to the extent that it would amount to a breach of the peace or cause personal injury.

   b. Nonemergency Conditions. Once response activities have been completed, it may become necessary to initiate an investigation to determine culpability, or to obtain information for the purpose of proving liability. The procedures for entering private property under these circumstances differ from the procedures enumerated above because an emergency situation no longer exists. Entry onto private property under these circumstances may violate the constitutional guarantee against unreasonable searches and seizures. Private property may be entered with the owner's consent, but should not be entered in the absence or without the owner's permission until the district commander (dl) has been contacted for advice and assistance.

2. Controlling Access. The OSC must be familiar with other authorities, in addition to the FWPCA and CERCLA, that enable the OSC to prevent a pollution incident or minimize the resulting damage. Chapter 1 of this volume details guidelines for denying entry or detaining vessels in port that have discharged pollutants or have a history of pollution incidents. Chapter 1 of this volume also prescribes policies for limiting access to spill areas during pollution cleanup operations and/or establishing safety zones.

3. Use Of Dispersants Or Other Chemical Additives. Dispersants or chemical agents may be more effective than mechanical or physical methods for mitigating pollution damage. The NCP, Subpart H prescribes the criteria for using dispersants and other chemicals. COMDTNOTE 16465 (series) periodically distributes the latest list of EPA accepted chemical agents and additives, along with product bulletins describing technical data, application criteria, effectiveness, and toxicity.

7.D.4. Use Of Special Forces Or Teams. The OSC may obtain support from numerous private, commercial, and governmental organizations. However, four groups were created solely to support the national response mechanism by augmenting the OSC's staff and providing specialized pollution response expertise. They are the NSF, the ERT, the SSC's, and the PIAT. In addition, the Agency for Toxic Substances and Disease Registry (ATSDR) has assigned Public Health Advisors to most EPA regional offices.

a. National Strike Force (NSF). OSC's are encouraged to use the NSF whenever its expertise or equipment is needed, or to augment the OSC's staff when it is overburdened by a response to a given incident. The strike teams that comprise the NSF can provide communications support; oil and hazardous substance removal expertise; ship's damage control; and support to monitor removal operations, document costs, and coordinate logistics. The NSF should be used when:

(1) A medium or major discharge has occurred;

(2) Control of the discharge requires the special knowledge or special equipment of the NSF;

(3) Response will require in excess of 2 days to complete removal operations, and augmentation by NSF personnel will release local forces to return to normal operations; or

(4) In the judgment of the OSC, NSF capabilities are necessary.

The NSF is also available to assist state and local governments, provided that such assistance does not interfere with supporting federal OSC's or other federal agencies. Additionally, the NSF Dive Team, a subunit of the Atlantic Strike Team, can assist the OSC by: conducting underwater investigations and evaluations; serving as an advisor to the OSC when commercial or U.S. Navy divers and salvors are used; and performing light salvage or diving operations to control a pollution source when other divers are not immediately available. NSF assistance may be requested by calling a strike team directly, contacting the team via the NRC, or contacting the team via the area or district commander. [NOTE: Section 7.F below describes the administrative requirements for the NSF, including mission performance standards, organization, and training standards. NSF Dive Team capabilities supporting other mission areas are described in paragraph 7.F.6 below.]

b. Environmental Response Team (ERT). The EPA's ERT can provide technical advice and equipment pertaining to the environmental effects of discharges or releases. Among the disciplines of the team are sanitary engineering, environmental engineering, chemical engineering, chemistry, biology, environmental health, risk assessment, and analytical support. Areas of expertise include:

(1) Determining safety precautions for hazardous chemical removal;

7.D.4.b. (2) Evaluating the nature and extent of contamination;

(3) Identifying hazards of pollutants not found in standard information sources (e.g., Chemical Hazardous Response Information System (CHRIS));

(4) Assessing degree of mitigation/removal required;

(5) Identifying critical and sensitive areas that require extraordinary protective efforts; and

(6) Selecting disposal method and appropriate disposal facilities.

In addition, the ERT is responsible for activating the Environmental Emergency Response Unit (EERU), a unit which can provide on-scene equipment capable of removing pollutants from contaminated water, conducting treatment studies, and performing a wide range of analytical capabilities. ERT assistance can be requested from the EPA representative on the RRT. Promptly follow up the request with a message to the Hazardous Response Support Division, EPA Headquarters, with the appropriate EPA regional office as an information addressee.

c. Scientific Support Coordinators (SSC's). SSC's can augment the OSC's staff by providing scientific advice and arranging for scientific support on-scene. Generally, SSC's are provided by the National Oceanic and Atmospheric Administration (.)(NOAA) in coastal areas, and by the EPA in the inland regions. During a response, the SSC serves under the direction of the OSC with the responsibility to provide scientific support for operational decisions and to coordinate on-scene scientific activity. Depending upon the nature of the incident, the SSC can be expected to work with government agencies, universities, and industry to compile information that would assist the OSC in assessing the hazards and effects of spills and developing response strategies. The SSC concept is to augment, rather than replace, the OSC's local scientific team. Local teams generally have the advantage of minimal response times, familiarity with the area, and a working rapport. On the other hand, oil and hazardous materials response may become extremely complex and require expertise and resources not usually available at the local level. Coast Guard OSC's are encouraged to use the SSC as they would use other special forces available to them. SSC assistance can be requested by contacting the regional SSC, identified in the RCP. Areas in which the SSC can provide assistance include:

(1) Assessment Of Adverse Effects/Mitigation Strategies. This assistance is frequently required during the initial phases of an incident when response operations and clean-up strategies are being developed. Activities to protect and mitigate adverse effects on human health and welfare and the environment include:

(a) Liaison with natural resource and chemical experts;

7.D.4.c.(1) (b) Spill trajectory modeling;

(c) Assessment and advice on the nature, behavior, and fate of oil and hazardous materials under various environmental conditions, and recommendations on how best to deal with them;

(d) Identifying areas of special biological importance;

(e) Assistance in public relations efforts on scientific issues; and

(f) Advice on safety precautions for response personnel.

(2) Contingency Planning Assistance. Prior to a spill, considerable information can be provided by the SSC in developing regional and local contingency plans. This can include the probability that spills originating from a given location will effect specific areas; the location of environmentally sensitive areas; background data on the behavior of various pollutants known to be transported in a given area; and the possible environmental impact of various cleanup strategies.

d. Public Information Assist Team (PIAT). The PIAT is a team of public affairs specialists knowledgeable in many facets of pollution response (e.g., equipment, clean-up methods, the role of various agencies, and the laws). They can augment the OSC's staff when public interest is high. Duties and capabilities of the PIAT are described in volume I of this manual. Request PIAT assistance by contacting the team via Commandant (G-WER-2), or via the NRC during nonworking hours.

e. Agency For Toxic Substances And Disease Registry (ATSDR) Public Health Advisors. While not specifically listed in the NCP as a special force or team, the Department of Health and Human Services (HHS), through the ATSDR (previously part of the CDC), has assigned Public Health Advisors to cover each EPA Region. In most cases, these individuals work at the EPA regional offices. The ATSDR Public Health Advisors have a wide range of expertise in health-related problems, and are available to assist Coast Guard OSC's during response actions. They can assist in assessing public health threats posed by an incident, provide advice on the adequacy of personnel protection measures within the response area, investigate health complaints, provide advice on the need to relocate nearby residents, and coordinate the appropriate health response with public health agencies and the private medical community. They are also available to assist in the development of occupational safety and health considerations for local contingency plans, providing information on the location and availability of laboratory services, expert consultants, hospitals, and other treatment facilities. The above assistance is available from the regional Public Health Advisors or directly from the ATSDR Emergency Response Coordination Branch in Atlanta, GA, at (404) 452-4100/FTS 236-4100 (24-hour number).

7.D.5. Procedures For Handling Pollution Incidents Resulting From Outer Continental Shelf (OCS) Activities. Response procedures for pollution incidents resulting from OCS activities generally parallel those under the FWPCA. A basic difference is that the Offshore Oil Pollution Compensation Fund established by the OCSLA Amendments (43 U.S.C. 1801-1824) also funds third-party damages incurred as a result of an OCS spill. The statute also requires that a formal Notice of Designation confirming the source be issued to the responsible party. The function of the Notice of Designation i to trigger the claims advertising obligation of the owner, operator, or guarantor of the alleged pollution source. A separate Notice of Designation shall be sent to each owner, operator, or guarantor. 33 CFR 135.309 contains the information required in a Notice of Designation, and a sample is found in Figure 7-13. Current policy requires the OSC to obtain authority to issue a Notice of Designation from the Fund Manager, Commandant (G-WFR), or an authorized representative, on a case-by-case basis. POLREPS shall include the term "OCS Oil" in the subject line to alert personnel of the potential need for Notice of Designation authority or use of the Offshore Oil Pollution Compensation Fund. The Fund Manager also determines when the incident requires public advertisement to advise potential claimants of the spill. Guidelines for determining the type, scope, frequency, and content of advertisements are stated in 33 CFR 135.313-319. Since it may take some time to determine the advertising requirements to be included in the Notice of Designation, the OSC should issue a separate Notice of Federal Interest indicating that a subsequent Notice of Designation may or will follow. To ensure removal operations are initiated expeditiously, the OSC is authorized to obligate funds from the FWPCA 311(k) fund for OSC spills. Reimbursement from the Offshore Oil Pollution Compensation Fund to the FWPCA 311(k) fund will be accomplished by Commandant (G-WFR).

6. Funding Deepwater Port (DWP) Pollution Incident Response. Response procedures for incidents resulting from DWP activities are the same as those specified in section 7.B above, except that the DWP Liability Fund pays for federally-funded cleanup and third-party damages resulting from the incident. As is the case with OCS spills, the Fund Manager, Commandant (G-WFR), must be promptly notified when use of the DWP Fund is indicated. As is the case with OCS spills, the FWPCA 311(k) Pollution Fund may be used to initiate federal removal operations and then be reimbursed from the DWP Liability Fund.

7. Funding Trans-Alaska Pipeline (TAP) Oil Pollution Incidents. Response procedures to incidents involving TAP oil are the same as those specified in section 7.B above, except that the TAP Liability Fund is liable for all damages, including cleanup costs, sustained by any person or entity, public or private, as a result of the discharge of oil from a vessel transporting such oil. TAP Fund liability continues until the TAP oil is first brought ashore at a U.S. port. The TAP Fund is unique in that it is established as a non-profit corporation administered by a Board of Trustees, including representatives from the U.S. Department of the Interior. The Fund must be promptly notified when possible use of the TAP Fund is indicated. Units with incidents involving TAP oil should notify Commandant (G-WER), who will notify and coordinate as necessary with the

FIGURE 7-13

NOTICE OF DESIGNATION MESSAGE FORMAT

(Precedence/DTG)
FM
TO (Owner/Operator/Guarantor) (Address)
(City/State/Zip Code)
INFO (CG District)
(COMDT G-W))

ACCT CG-W2GZZZ
UNCLAS//NXXXXX//
SUBJ:
1. THE (name of vessel/facility) OF WHICH YOU ARE THE (owner) (operator) (guarantor) IS DESIGNATED AS THE SOURCE OF OIL POLLUTION UNDER P.L. 95-372 AND 33 CFR 135.309. THE (name of vessel/facility), LOCATED AT (location), DISCHARGED (quantity) OF (type of oil) AT (time/date).

2. UNDER P.L. 95-372 AND TITLE 33 CFR 135.311, YOU HAVE 5 DAYS TO SUBMIT IN WRITING YOUR ACCEPTANCE OR DENIAL OF THIS NOTICE OF DESIGNATION. FAILURE TO DENY THIS DESIGNATION DOES NOT, IN AND OF ITSELF, CONSTITUTE ACCEPTANCE OF LIABILITY UNDER P.L. 95-372 FOR LOSSES RESULTING FROM THIS INCIDENT. THE REQUIREMENTS FOR SUBMISSION OF A DENIAL OF THIS NOTICE OF DESIGNATION ARE CONTAINED IN TITLE 33 CFR 135.311.

3. [See * below] NOTE THAT TITLE 33 CFR 135.315-.319 REQUIRES YOU TO INFORM THE PUBLIC OF PROCEDURES FOR INITIATING CLAIMS TO RECOVER ECONOMIC LOSSES FROM THIS DESIGNATED SOURCE OF POLLUTION OR AGAINST THE FUND. THE INITIAL GEOGRAPHIC AREA THAT IS OR IS LIKELY TO BE AFFECTED IS FROM (description of area). THE INITIAL ADVERTISEMENT OF THIS INCIDENT SHOULD INCLUDE, BUT IS NOT LIMITED TO, PUBLICATION IN THE NOTICE TO MARINERS, PUBLIC SERVICE ANNOUNCEMENTS ON COMMERCIAL RADIO AND TELEVISION STATIONS, AND PAID ADVERTISEMENTS IN LOCAL NEWSPAPERS SERVING THE ABOVE DESIGNATED AREA. FUTURE SPECIFIC REQUIREMENTS FOR ADVERTISEMENTS AND LIMITS OF AFFECTED GEOGRAPHIC AREAS MAY BE FORTHCOMING, AND WILL BE SUBMITTED TO YOU OR YOUR DESIGNATED REPRESENTATIVE.

4. DIRECT FURTHER COMMUNICATION REGARDING THIS INCIDENT, ADVERTISEMENT OF THE INCIDENT, OR DENIAL OF DESIGNATION TO THE CAPTAIN OF THE PORT, (address, telephone #).

[NOTE: *When the Fund Manager, Commandant (G-WFR), determines that the incident need not be advertised, the following may be substituted as paragraph 3:

3. TITLE 33 CFR 135.309 REQUIRES THAT THIS NOTICE CONTAIN ADVERTISING INSTRUCTIONS WHERE CLAIMS FOR ECONOMIC LOSS OF THE TYPE SPECIFIED IN SECTION 303(A) OF P.L. 95-372 MAY RESULT. BECAUSE POLLUTION RESULTING FROM THIS INCIDENT HAS BEEN MINIMAL AND SUBSTANTIALLY CONTAINED, WE HAVE DETERMINED THAT CLAIMS ARE UNLIKELY AT THIS TIME. THE COAST GUARD RESERVES THE RIGHT TO REQUIRE ADVERTISEMENT AT A LATER TIME, SHOULD FACTS AND CIRCUMSTANCES CHANGE TO SO WARRANT.]

7.D.7. (cont'd) TAP Fund administrator. As is the case with OCS and DWP spills, the FWPCA 311(k) Pollution Fund should be used to initiate federal removal operations and then be reimbursed from the TAP Liability Fund.

8. Intervention On The High Seas. The Intervention on the High Seas Act, as amended (33 U.S.C. 1471-1487), the FWPCA 311(c) and (d), and CERCLA 104(a) authorize Coast Guard intervention when a vessel casualty seaward of the territorial sea poses a grave and imminent danger to U.S. coastlines or related interests, or when a marine disaster in or upon the navigable waters has created a substantial threat of a pollution hazard to the public health or welfare of the United States. Intervention is "detrimental action without consent" and may include the following:

   a. Orders to the master, owner, or operator of a ship;

   b. Disposal or destruction of the cargo aboard;

   c. Removal or destruction of a vessel;

   d. Deployment of equipment for containing or dealing with a spillage;

   e. Transfer of oil or hazardous substance to other tanks, or other ships or barges; or

   f. Salvage operations.

   Coast Guard policy and procedures for intervention actions are contained in COMDTINST 16451.5 (Series).

9. Disposal Of Recovered Pollutants.

   a. Introduction. Whether monitoring or supervising cleanup operations, the OSC shall ensure proper disposal of recovered pollutants at a disposal or treatment facility permitted to handle the particular pollutant.

   b. Compliance With Waste Disposal Regulations.

      (1) Resource Conservation And Recovery Act (RCRA) Applicability. The following subparagraphs address the applicability of the RCRA and its implementing regulations (and, to a limited extent, related state and local laws) to the storage, treatment, and disposal of material recovered during response and removal actions. Local contingency plans should include the following:

         (a) Identification of proper storage, treatment, and disposal facilities for waste oil and hazardous substances;

         (b) Identification of federal and state regulations (including local ordinances) which apply to the use of those facilities;

7.D.9.b.(1) (c) Identification of laboratories capable of testing a recovered substance for hazardous waste characteristics, as required by 40 CFR 262.11; and

(d) Procedures for obtaining EPA identification numbers from the EPA regional office.

While various state and local laws, regulations, and ordinances may apply to the storage, treatment, and disposal of wastes recovered during removal actions where the discharged material was only petroleum, normally RCRA does not. However, RCRA does apply where petroleum wastes meet one or more of the characteristics set out in 40 CFR 261.20-24 (ignitability, corrosivity, reactivity, and extraction procedure (EP) toxicity). Consequently, wastes meeting those characteristics as well as any other waste identified in 40 CFR 261 (see enclosure (3) to COMDTINST M16465.29) which have been recovered in the course of response or removal actions are subject to RCRA and to its implementing regulations, except to the extent that waivers of exemptions may apply (see Notes below).

(2) RCRA Concerns For OSC's. Generally speaking, the RCRA regulations of most concerns to OSC's deal with the following matters:

(a) Determinations of whether the recovered material is subject to RCRA (40 CFR 262.11);

(b) Obtaining an EPA identification number (40 CFR 262.12 and 263.11);

(c) Preparation of a manifest (40 CFR 262.20-.23);

(d) Identifying permitted facilities for disposal of CERCLA wastes (40 CFR 262.20);

(e) Packaging, labeling, marking, and placarding the waste (40 CFR 262.30-.33); and

(f) Tracking the manifest, and retaining appropriate records (40 CFR 262.40). [NOTE: OSC's are not subject to the reporting requirements of 40 CFR 262.41-.43.]

[NOTE: By reason of 40 CFR 264.1(g)(8) and 265.1(c)(11), the requirements of 46 CFR 264 and 265 do not apply to immediate removal and response actions conducted by Coast Guard OSC's. Part 267 of 40 CFR does not impose any requirements on Coast Guard OSC's. By reason of 40 CFR 270.1(c)(3), permits issued under 40 CFR 270 are not required for treatment and containment during immediate removal and response actions conducted by Coast Guard OSC's. However, persons who dispose of the recovered waste may have to obtain permits under Part 270.] The OSC may, in one

7.D.9.b. (2) (cont'd) situation, waive requirements imposed by RCRA regulations (see 40 CFR 263.30(b)). When waste is discharged during transportation, the OSC, upon determining that its immediate removal is necessary to protect human health or the environment, may authorize its removal by transporters who do not have EPA identification numbers and without preparing a manifest. It is expected that this situation will apply in most cases, subject to Coast Guard OSC control, which would otherwise be subject to identification number and manifesting requirements. However, notwithstanding this expectation, most transportation, treatment, and disposal facilities are not familiar with the waiver authority discussed above. Therefore, they will usually require compliance with the requirements of the regulations referred to above as being of most concern to OSC's. In addition, the NCP (40 CFR 300.65(f)) requires that, to the greatest extent possible given the exigencies of the circumstances, the OSC comply with applicable or relevant and appropriate federal public health and environmental requirements. This includes compliance with RCRA requirements.

(3) OSC Procedure. In order to assure the proper and timely disposal of recovered RCRA wastes, whether subject to a possible waiver or not, OSC's shall, after determining that the recovered material is subject to RCRA, carry out the following procedure:

(a) Should normally, in a case where the waiver applies, and shall, in a case where it does not, assure that the transporter has obtained an EPA identification number and prepare a manifest in accordance with the instructions in 40 CFR 262.20-23;

(b) Assure that the recovered waste has been properly packaged, labeled, marked, and placarded;

(c) Ensure that the recovered waste is disposed of at a permitted facility authorized by EPA for disposal of CERCLA wastes. CERCLA waste disposal must comply with the EPA Off-Site Disposal Policy of 6 May 1985 (distributed by COMDTNOTE 16465 of 17 December 1985); and

(d) Retain a copy of the manifest until a signed copy is received from the designated facility indicating that the shipment was received.

OSC's should retain signed copies of manifests in unit files for at least 3 years. [NOTE: The OSC is not a "generator" within the meaning of the RCRA regulations. There are two classes of persons which fall within the definition of this term contained in 40 CFR 260.10. The first class includes those whose acts or processes produce hazardous waste. The second includes those whose acts first cause a hazardous waste to become subject to regulation. Insofar as the first class is concerned, no act or

7.D.9.b. (3) (cont'd) process of the OSC produces hazardous waste. As to the second, the hazardous waste becomes subject to regulation prior to the time that the OSC takes any action with respect to it. However, during a removal or response operation the OSC exercises control over the disposal of the recovered waste. As an element of this control, he or she performs certain functions assigned to "generators" by 40 CFR 262.]

(4) Manifest Forms. The manifest referred to above must meet the requirements of 40 CFR 262.20. Note, however, that 40 CFR 262.21 calls for the use of state provided manifest forms if the generator or disposal state has established specific requirements. As of October 1984, 25 states have established specific requirements for the use of state-supplied manifest forms. These states, with appropriate contacts, are listed in Figure 7-14. When completing the manifest, if the source is known, the OSC should list the name of the polluter on the manifest as the generator. If the source is unknown, the OSC should insert the words "Coast Guard Federal On-Scene Coordinator" in the space provided for the generator's name. In either case, the manifest should be signed by the OSC or the designated representative, and marked with the statement: "This material is being disposed of by the Coast Guard Federal On-Scene Coordinator (unit name), as part of a response action in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300)."

(5) Transportation For Disposal. OSC's must ensure that all wastes shipped off-site for disposal are transported in compliance with applicable regulations. These include the RCRA regulations in 40 CFR 262-263, the DOT Hazardous Materials Regulations in 49 CFR 171-178, and any applicable state regulations. The Office of Hazardous Materials Transportation within the DOT Research and Special Programs Administration (RSPA) is concerned that some shipments of wastes collected during spill cleanup activities have been transported in inadequate containers, resulting in secondary releases during transport. OSC's should ensure that all wastes are packaged as required in the DOT Regulations. If the nature of the wastes precludes packaging in the required container, OCS's should request emergency exemptions from the regulations following the procedures outlined in 49 CFR 107.

E. Information Systems And Resources. The OSC's staff must be familiar with information sources and systems that may assist contingency planning or responses. Figure 7-15 lists primary sources, capabilities and means of access, and additional references. Accessing the Hazard Assessment Computer System (HACS) and Spill Trajectory Forecasting through the NRC is described in volume I of this manual. COMDTINST M16465.30 (Series) lists suggested chemical response publications and additional information sources.

FIGURE 7-14

STATE CONTACTS FOR UNIFORM HAZARDOUS WASTE MANIFEST FORMS AND INFORMATION

The following states will require the use of a state-approved version of the Uniform Hazardous Waste Manifest Form for shipments destined to their state or for shipments which originate in their state, and are destined to a state which does not require the use of a state modified form. See California and Missouri for exceptions.

ALABAMA (Requires generators treating, storing, or disposing of wastes in Alabama to obtain the form from Alabama facilities.)

State Technical Contact: Joe Brewer (205-271-7700)
Department of Environmental Management
State Capitol
Montgomery, AL 36130
Continuation Sheet: State allows use, but facilities may decide not to supply.
Charge: Contact facility

ARKANSAS

State Technical Contact: Vicky Pruett (501-562-7444)
Department of Pollution Control and Ecology
Solid and Hazardous Waste Materials Division
P.O. Box 9583
Little Rock, AR 72219
Continuation Sheet: State allows use and will supply.
Charge: $2 per form

CALIFORNIA (Out-of-state generators are not required to use the California state manifest form for shipments into that state.)

State Technical Contact: Al Fong (916-322-2337)
State Transporter Contact: Kit Davis (916-324-2430)
Department of Health Services
Procedures and Regulations Division
714-744 P Street
Sacramento, CA 95814
Continuation Sheet: No
Charge: None

CONNECTICUT

State Technical Contact: Elizabeth Flores (203-566-8844)
To Request Copies: Joe Zack (203-566-3958)
Department of Environmental Protection
Hazardous Materials Management Unit
State office Building
165 Capitol Avenue
Hartford, CT 06115
Continuation Sheet: State allows use but will not supply.
Charge: 4 for $1

FIGURE 7-14 (cont'd)

DELAWARE

State Technical Contact: Ken Weiss (302-736-4781)
To Request Copies: Juanita Williamson (302-736-4781)
Department of Natural Resources and Environmental Control
89 Kings Highway
P.O. Box 1401
Dover, DE 19901
Continuation Sheet: State allows use and will supply
Charge: None

GEORGIA (Requires generators treating, storing, or disposing of wastes in Georgia to obtain the form from Georgia facilities.)

State Technical Contact: Jennifer Kaduck (404-656-7802)
Department of Natural Resources
Environmental Protection Division, Land Protection Branch
270 Washington Street, SW
Atlanta, GA 30334
Continuation Sheet: State allows use, but facilities may decide not to supply.
Charge: Contact facilities

ILLINOIS

State Technical Contact: Cindy Ladage (217-782-6761)
Environmental Protection Agency
2200 Churchill Road
Springfield, IL 62706
Continuation Sheet: State allows use and will supply.
Charge: None

LOUISIANA

State Technical Contact: Joan Albritton (504-342-1227)
Department of Environmental Quality
Hazardous Waste Division
P.O. Box 44066
Baton Rouge, LA 70804
Continuation Sheet: State only allows use for more than two transporters and will supply.
Charge: $.50 per form

MAINE

State Technical Contact: Richard Baker (207-289-2651)
Department of Environmental Protection
Bureau of Oil and Hazardous Materials
Licensing and Enforcement Division, State House - Station 17
Augusta, ME 04333
Continuation Sheet: State allows use but will not supply.
Charge: None

FIGURE 7-14 (cont'd)

MARYLAND

State Technical Contact: Tom Battle (301-383-5734)
To Request Copies: Lisa Bryson (301-383-5734)
Department of Health and Mental Hygiene
Hazardous Waste Division
201 West Preston Street
Baltimore, MD 21201
Continuation Sheet: State allows use and will supply.
Charge: $.20 per form

MASSACHUSETTS (Form will be distributed by private vendors located in Massachusetts.)

State Technical Contact: Sarah Weinstein (617-292-5820)
Department of Environmental Quality Engineering
One Winter Street
Boston, MA 02108
Continuation Sheet: State allows use.
Charge: $1 per form

MICHIGAN

State Technical Contact: Marta Fisher (517-373-2730)
Department of Natural Resources
Environmental Protection Bureau
Hazardous Waste Division
Box 30028
Lansing, MI 48909
Continuation Sheet: State only allows use for more than two transporters and will not supply.
Charge: None

MINNESOTA

State Technical Contact: Karen Ryss (612-296-7776)
Pollution Control Agency
Solid and Hazardous Waste Division
1935 West County Road, B2
Roseville, MN 55113
Continuation Sheet: State only allows use for more than two transporters and will not supply.
Charge: Call Karen Ryss

MISSOURI (Regulations mandating the use of Missouri state form are pending. During the interim period, any federally-approved form is acceptable, provided the generator includes Missouri identification numbers prior to shipment.)

FIGURE 7-14 (cont'd)

MISSOURI (cont'd)

State Technical Contact: Kirt Hilsenbeck (314-751-3241)
Waste Management Program
Department of Natural Resources
P.O. Box 1368
117 E. Dunklin Street
Jefferson City, MO 65102
Continuation Sheet: No
Charge: None

NEW HAMPSHIRE

State Technical Contact: Dawn Channing (603-271-4608)
Office of Waste Management
Division of Public Health Services
Health and Welfare Building
Hazen Drive
Concord, NH 03311
Continuation Sheet: State allows use but will not supply.
Charge: None

NEW JERSEY

State Technical Contact: Nancy Power (609-292-5189)
Department of Environmental Protection
32 E. Hanover Street, CN-028
Trenton, NJ 08625
Continuation Sheet: State allows use but will not supply.
Charge: None

NEW YORK

State Technical Contact: James Moran (518-457-6858)
Department of Environmental Conservation
Division of Solid and Hazardous Waste
P.O. Box 12820
Albany, NY 12212
Continuation Sheet: State allows use but will not supply.
Charge: None

OKLAHOMA

State Technical Contact: Al Coulter (405-271-5338)
Department of Health
Industrial and Solid Waste Service
P.O. Box 53551
Oklahoma City, OK 73152
Continuation Sheet: State allows use and will supply.
Charge: $.25 per form

FIGURE 7-14 (cont'd)

PENNSYLVANIA

State Technical Contact: Jeff Beatty (717-787-9870)
To Request Copies: Cheryl Mills (717-787-9870)
Department of Environmental Resources
Bureau of Solid Waste Management
Fulton Building
P.O. Box 2063
Harrisburg, PA 17120
Continuation Sheet: State allows use but will not supply.
Charge: $.15 per form

PUERTO RICO

State Technical Contact: Maria Rodriguez (809-725-5140)
Environmental Quality Board
Solid, Toxic and Hazardous Waste Program
Box 11488
Santurce, PR 00910-1488
Continuation Sheet: State allows use and will supply.

RHODE ISLAND

State Technical Contact: Alicia Good (401-277-2797)
Department of Environmental Management
Division of Air and Hazardous Materials
204 Cannon Building
75 Davis Street
Providence, RI 02908
Continuation Sheet: State allows use and will supply, but does not encourage use.
Charge: None

SOUTH CAROLINA

State Technical Contact: "Ike" Nevesky (803-758-5681)
Department of Health and Environmental Control
Bureau of Solid and Hazardous Waste Management
2600 Bull Street
Columbia, SC 29201
Continuation Sheet: State allows and will supply.
Charge: None

TEXAS

State Technical Contact (municipal and federal facilities):
Ken Zarker (512-458-7271)
Texas Department of Health
1100 West 49th Street
Austin, TX 78756

FIGURE 7-14 (cont'd)

TEXAS (cont'd)

State Technical Contact (commercial facilities): Allan Seils (512-475-5647)
Texas Department of Water Resources
P.O. Box 13087 Capitol Station
Austin, TX 78711
Continuation Sheet: State allows and will supply.
Charge: None

VERMONT

State Technical Contact: John Miller (802-832-3395)
Agency of Environmental Conservation
Air and Solid Waste Programs
State Office Building
Montpelier, VT 05602
Continuation Sheet: State allows and will supply.
Charge: None

WISCONSIN

State Technical Contact: David Charles (608-267-7551)
Department of Natural Resources
Bureau of Solid Waste Management
P.O. Box 8094
Madison, WI 53708
Continuation Sheet: State will not supply.
Charge: None

For further information on this list, contact:

Carolyn Barley (202-382-5235)/John Thompson (202-382-4697)
The RCRA/Superfund Hotline (Wash., DC area 382-3000 or 800-424-9346)
Environmental Protection Agency
Office of Solid Waste (WH-563)
401 M Street, SW
Washington, DC 20460

POLLUTION RESPONSE INFORMATION SOURCES

	CAPABILITY: Chemical identification	Physical properties	Safety Equipment Required	Equipment Availability	Response Methods	Hazard Assessment via Modelling	Direct Access	Access via NRC	ADDITIONAL INFORMATION on System
Spill Cleanup Equipment Information System (SKIM)			•				•		(1)
Chemical Hazard Response Information System (CHRIS)	•	•	•		•	•	(2)		COMDTINST M16465.11 (series) (CHRIS Manuals), MSM, Volume I
Hazard Assessment Computer System (HACS)						•	•	•	MSM, Volume I
Chemical Information System (CIS)									
Oil and Hazardous Materials Technical Assistance Data System (OHMTADS)	•	•	•		•		•	•	
Structure and Nomenclature Search System (SANSS)	•						•	•	COMDTINST 16465.2
Registry of Toxic Effects of Chemical Substances (RTECS)	•	•					•	•	
Pollution Spill Trajectory Forecasting Service						•	•	•	MSM, Volume I
Chemical Transportation Emergency Center (CHEMTREC)	•	•			•		(3)	•	Locates and notifies shipper/manufacturer

(1) Maintenance of central database discontinued in October 1985. Data for each OSC zone transferred to the applicable MSO/COTF.
(2) Unit Reference Library
(3) Telephone (800) 424-9300

7.F. National Strike Force (NSF) Administration. The FWPCA 311(c)(2) requires the NCP to include the establishment or designation of a strike force consisting of personnel trained and prepared to carry out necessary services specified in the plan. The Coast Guard NSF is one of the Special Forces available to assist OSC's whenever NSF expertise or capabilities are needed. Paragraph 7.D.4 above describes the capabilities of the NSF and other Special Forces, and provides guidance on when they should be activated. This section describes the administrative elements of the NSF.

1. Administrative And Operational Control. The NSF, comprised of the Pacific, Gulf, and Atlantic Strike Teams, and the NSF Dive Team, is under the operational and administrative control of the respective area commander. When responding to a spill, members are under the operational control of the OSC, whether the OSC is from the Coast Guard, EPA, or another federal agency. For responses to assist state or local governments, operational control is retained by the area commander. Respective strike teams respond to requests for assistance within the following standard federal regions:

   a. Atlantic Strike Team (AST). Regions I, II (excluding Puerto Rico and Virgin Islands), III, V, and North Carolina;

   b. Gulf Strike Team (GST). Regions II (Puerto Rico and Virgin Islands), IV (excluding North Carolina), VI, and VII; and

   c. Pacific Strike Team (PST). Regions VIII, IX, and X.

   d. NSF Dive Team. All regions.

2. Response Standards.

   a. Personnel Standards. When requested by the OSC, NSF personnel will be expeditiously dispatched within the following minimum standards:

Number of Personnel	Dispatch Time
1	Immediately
4	Within 2 hours
Up to 12	Within 6 hours

   These standards should be applied with careful judgment and recognition that personnel committed to training other units or participating in R&D testing may be pre-empted for a response mission. Each strike team will assist other teams, as operational commitments permit. First-class travel must not be used except in extreme circumstances. In those cases where no other class of travel is available, and the travel must be performed, Commandant approval must be obtained following the procedures in Chapter 2 of the Joint Travel Regulations and COMDTINST M4600.8 (Series), Comptroller Manual, Volume IX. All requests for approval of first-class travel should be forwarded to Commandant (G-FPS) via Commandant (G-WER) for endorsement.

7.F.2. b. Equipment Standards. NSF response equipment requested by the OSC will be dispatched by the most expeditious means available within 4 hours of the request. Except for operational repairs and routine maintenance, equipment shall be maintained in "Ready Standby" status. The equipment inventory of the NSF teams should be continually evaluated against operational experience and modified accordingly.

c. Foreign Assistance. The NSF may be available to assist foreign governments if those resources are not required for an incident in the United States or its possessions. The requesting government will make a formal request via normal diplomatic channels to the U.S. Department of State (DOS) and agree to reimburse all NSF expenses. Commandant (G-WER) will review the request and coordinate NSF assistance to foreign governments. Additional information on pollution response and pollution response training assistance to foreign governments is found in COMDTINST 5010.10, Policy Guidance for Coast Guard Assistance to Foreign Governments for Pollution Response and Pollution Response Training.

3. Response Planning. Strike teams shall plan and organize their own resources for response actions, and plan for on-scene integration. Internal planning shall include plans for transportation and deployment of equipment and on-going review of removal techniques and plans for their use. On-scene integration planning will include review of local and RCP's, participation at RRT meetings, and continuous liaison with personnel in all levels of government (federal, state, and local) as well as key personnel in industry.

a. Unit Planning. Each strike team shall:

(1) Maintain a personnel duty rotation schedule;

(2) Plan for personnel and equipment transportation from the unit and conduct exercises that use these procedures; and

(3) Perform regular routine maintenance on operational equipment in accordance with Preventative Maintenance System (PMS) procedures.

b. On-Scene Integration. As a minimum, each strike team shall:

(1) Be represented at semiannual RRT meetings and maintain liaison with all representatives of the RRT;

(2) Assist in updating and reviewing regional and local contingency plans;

(3) Ensure that OSC's and RRT members in their area know the capabilities of the NSF and the strike team;

(4) Inform OSC's as to what support they must provide for NSF equipment and ensure that these requirements are included in local contingency plans;

7.F.3.b. (5) Establish and maintain a working relationship with key personnel involved in environmental protection programs through attendance at conferences, seminars, training sessions, visits, and telephone conversations; and

(6) Maintain liaison with all representatives to the RRT's, state EPA representatives, and managers of cooperative and clean-up contractors within their area of responsibility.

4. Training.

a. Team Personnel. Each strike team shall conduct unit training to maintain necessary special skills and knowledge. Team training includes service schools, industry training sessions, conferences, and practical experience oriented towards ship salvage, diving, damage control, petroleum handling and storage, tank vessel liquid cargo and fuel systems, removal techniques, handling of hazardous substances, and instruction techniques. Additionally, unit training shall include the following:

(1) Instruction on service practices, such as practical factors for advancement, first aid, safety, Coast Guard administration, and travel claim procedures;

(2) Cross-training among enlisted ratings to enable all personnel to deploy and operate response equipment, including semiannual hands-on drills; and

(3) Resident training to meet the minimum training requirements listed in Figure 7-16.

b. Other Units. Each strike team shall annually train OSC staffs and other units that perform response activities, in accordance with administrative procedures and training schedules established by the area commander. Training will be coordinated with the OSC to stress response problems that are timely and of local significance. While the NSF is encouraged to train with industry, it is not appropriate to provide training (i.e., personnel, facilities or materials) for the exclusive benefit of industry. To the greatest extent possible, other federal, state, or local response personnel should also be encouraged to participate in training sessions. General training topics and activities include the following:

(1) Unit pollution response equipment operation and maintenance;

(2) Response strategies/priorities;

(3) Hazardous substance handling and removal;

(4) Clean-up contractor supervision;

(5) Case documentation (311(k) and CERCLA);

FIGURE 7-16

MINIMUM TRAINING REQUIREMENTS FOR STRIKE TEAMS AND NSF DIVE TEAM

COURSE	ATTENDEES
STRIKE TEAMS	
MSPOC	All enlisted
MK-6	3 enlisted (MK's only)
MK-23 Outboard Motor Maintenance	3 enlisted (MK's only)
Self-Contained Breathing Apparatus (SCBA) Regulor Repair	2 enlisted
Commercial Truck Driving	4 members
Port Operations Course; Response Module	All officers
Hazardous Materials Incident Response Operations Course (HMIROC)	All officers, 50% enlisted
Respiratory Protection (NIOSH-approved)	50% officers
Instructor Training (USN or other)	2 enlisted
Incident Mitigation and Treatment	1 officer
Emergency Medical Technicican (EMT)	3 members
Marine Firefighting	2 members
NSF DIVE TEAM	
Bauer Compressor	4 enlisted
Medical Deep Sea Diving Technician	1 enlisted
Dive Unisuit Repair	2 enlisted
Ship Salvage Diving Officer	2 officers
Diver 1st Class	2 enlisted
Diver 2nd Class	9 enlisted
U.S. Divers Regulator Repair	11 enlisted

7.F.4.b. (6) NSF equipment and OSC support requirements;

(7) Use of federal pollution funds;

(8) Contingency planning;

(9) Laws, regulations, and policies; and

(10) Hands-on exercises by response teams.

5. NSF Dive Team. The NSF Dive Team, a subunit of the AST, can assist OSC's in investigating, evaluating, and monitoring pollution response cases requiring diving or salvage operations. The Dive Team can additionally perform nonresponse operations in support of other Coast Guard mission areas. Capabilities include the following:

a. Coast Guard helicopter salvage operations;

b. Coast Guard vessel electronics and naval engineering support and husbandry tasks (i.e., hull surveys, damage assessment, minor repairs, assistance in drydocking);

c. Underwater search and recovery;

d. Enforcement of laws and treaties (ELT) (surveying abandoned and sunken vessels for contraband); and

e. Aids-to-navigation (ATON) support.

The primary mission of the Dive Team is to support the MER Program. Support in other mission areas will be on a "not-to-interfere" basis and all costs will be reimbursed by the requesting unit. All activities performed by the NSF Dive Team will be reflected on the Dive Team's QAR.

6. Required Reports.

a. Operational Status. Each strike team shall advise the area commander by priority message on the last day of each work week of the team's operational status. This message should follow the format in Figure 7-17. Commandant (G-WER) and the other strike teams should be included as information addressees on the message.

b. Advisories. Each strike team shall advise the area commander and the NRC by priority message whenever more than 50 percent of the personnel assigned to a team are operationally committed to response efforts. By priority message, advise the area commander whenever the equipment listed below cannot be placed in "Ready Standby" status within 4 hours, including unavailability due to deployment, repair, refurbishment, or routine maintenance. Except for deployment, the advisory shall also include an estimate of the time to restore to "Ready Standby" status. Operational equipment affected includes the following:

FIGURE 7-17

NSF OPERATIONAL STATUS MESSAGE FORMAT

P 181145Z JAN 86
FM COGARD NSF GULF MOBILE AL
TO COMLANTAREA COGARD NEW YORK NY
INFO COMDT COGARD WASHINGTON DC//G-WER//
Other NSF Teams

ACCT CG-XXXXXX

UNCLAS //N16465//

SUBJ: OPERATIONAL STATUS

1.	PERSONNEL ATTACHED	XX	List the appropriate number of personnel
A.	ABOARD	XX	in each category.
B.	TRAINING	XX	
C.	RESPONSE	XX	
D.	FIELD UNIT TRAINING	XX	
E.	R&D	XX	
F.	LIAISON	XX	
G.	LEAVE	XX	

2. OPERATIONAL DEPLOYMENTS AND PLANS: List status of personnel deployed on spill responses, training, or other operational activities. For personnel deployed on response, include NSF unit case number. Also include reference to operational activities anticipated for the following week.

3. EQUIPMENT
A. CASREP: List equipment covered by CASREP's including reference to CASREP number.
B. DEPLOYED: List equipment deployed on response actions including reference to NSF unit case number.

7.F.6.b. (1) Air Deliverable Anti-Pollution Transport System (ADAPTS) prime movers and pumps;

(2) Open Water Oil Containment and Recovery Systems; and

(3) Mobile Command Post.

c. Quarterly Activities Report (QAR), RCS-G-WER-14019. Within 15 days following the end of the quarter, each strike team and the NSF Dive Team shall submit the NSF QAR to Commandant (G-WER), via the area commander, in the format shown in Figure 7-18.

d. Incident Summary. Brief, to-the-point, Incident Summaries, RCS-WER-14022, shall be submitted to the appropriate OSC, with copy to Commandant (G-WER), within 30 days of the team's release from an incident. In letter format, the report shall concisely:

(1) Summarize strike team activities;

(2) Describe strike team equipment used;

(3) Assess strike team effectiveness;

(4) Describe problems encountered;

(5) Describe lessons learned;

(6) Summarize expenses;

(7) List personnel and equipment, including dates committed or hours of operation with supporting documentation for cost recovery from the responsible party; and

(8) Enclose records or photographs that may assist the OSC in documenting costs to be recovered.

e. Reimbursement Requests. Requests for reimbursement for actual expenses incurred as a result of the oil pollution incident with supporting documentation will be submitted via the OSC to the appropriate district commander. Requests for reimbursement for CERCLA-related responses should be submitted as follows:

(1) For CERCLA-funded removal with EPA OSC, submit cost summary and Interagency Agreement with OSC certification to the EPA Region for forwarding to Commandant (G-WER) for processing.

(2) For CERCLA-funded removal with Coast Guard OSC, submit cost summary and Interagency Agreement to OSC for certification and forwarding to Commandant (G-WER) for processing at EPA Headquarters.

FIGURE 7-18

SAMPLE NSF/DIVE TEAM QUARTERLY ACTIVITIES REPORT

(UNIT) QUARTERLY ACTIVITIES REPORT RCS-G-WER-14019
_____ Quarter FY_____

I. Summary

A. External Time Use (Away From Unit)

1. Response	# Of Cases	Work-Day(s)*
a. Oil	_____	_____
b. Hazardous Substance	_____	_____
c. Other	_____	_____
2. Strike Team Training (TEMDUIN)		_____
3. Training/Presentations Given By Unit		_____
4. Planning And Liaison		_____
5. Research And Development		_____
6. Diving Operations (Dive Team Only)		
a. Pollution Response	_____	_____
b. Other Mission Areas	_____	_____

B. Internal Time Use (At Unit)

1. Response	Work-Hour(s)**
a. Administrative Support	_____
b. Telephone Consultations With OSC's	_____ Oil/HS/Other
2. Strike Team Training	_/___/___
3. Training/Presentations Given At Unit	_____
4. Planning And Liaison	_____

FIGURE 7-18 (cont'd)

	Oil/HS/Other
5. Equipment Maintenance	
a. Preventive/Scheduled	_/___/___
b. Corrective/Unscheduled (includes maintenance while away from unit)	_/___/___ Work-Hours**
6. Facility Maintenance (including self-help construction projects)	_____
7. Medical Monitoring	_____
8. Physical Fitness	_____
9. Administration	_____

II. Description Of Activities

A. Response. Give a brief description of each case accounted for in the summary. Include in the narrative the name and location of the incident and the date(s) and nature of strike team involvement. Also specify the type of pollutant (oil or hazardous substance) and the number of sorties flown to transport personnel or equipment (indicate type of aircraft).

B. Training Given By Unit. This includes marine safety office (MSO) training, OSC/RRT exercises, presentations given to federal, state or local groups, oil or hazardous spill conferences, etc.

C. Training Received By Unit. List the following for all training accounted for in the summary:

a. All resident training courses attended.

b. Training at the unit:

Total Work-Hours**	# Of Members Trained	
_____	_____	oil
_____	_____	hs
_____	_____	other

D. Remarks. Indicate unusual problems, concerns, need for future equipment, etc.

* Work-days are the actual days away from the unit. Any part of a day away from the unit will be counted as one full day.

** Work-hours are the actual number of hours expended on a given activity at the unit. Any fraction of an hour will be counted as one full hour.

7.F.6.e. (3) For monitoring of responsible party activities, either EPA or Coast Guard OSC, fund using non-incident specific CERCLA out-of-pocket cost funds provided by Commandant (G-WER) as part of CERCLA annual budget.

CHAPTER 8. COAST GUARD FIRE FIGHTING ACTIVITIES

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CHAPTER 8. COAST GUARD MARINE FIRE FIGHTING ACTIVITIES

A. Authority.

Among the provisions of the Ports and Waterways Safety Act of 1972 (PWSA) (33 U.S.C. 1221 et seq.) is an acknowledgment that increased supervision of port operations is necessary to prevent damage to structures in, on, or adjacent to the navigable waters of the U.S., and to reduce the possibility of vessel or cargo loss, or damage to life, property, and the marine environment. Section 4202 of the Oil Pollution Act of 1990 (OPA 90) (Public Law 101-380) mandates that the Coast Guard maintain an Area Contingency Plan of pollution response equipment (including fire fighting equipment) within each port. These statutes, along with the traditional functions and powers of the Coast Guard to render aid and save property (14 U.S.C. 88(b)), is the basis for Coast Guard fire fighting activities. 42 U.S.C. 1856-1856(d) provides that an agency charged with providing fire protection for any property of the United States may enter into reciprocal agreements with state and local fire fighting organizations to provide for mutual aid. This statute further provides that emergency assistance may be rendered in the absence of a reciprocal agreement, when it is determined by the head of that agency to be in the best interest of the United States.

B. Policy.

The Coast Guard has traditionally provided fire fighting equipment and training to protect its vessels and property. Commanding Officers of Coast Guard units (COTP's, Groups, Cutters, Stations) are routinely called upon to provide assistance at fires on board vessels and at waterfront facilities. Although the Coast Guard clearly has an interest in fires involving vessels or waterfront facilities, local authorities are principally responsible for maintaining the necessary fire fighting capabilities within U.S. ports and harbors. Additionally, a vessel/facility's owner and/or operator is ultimately responsible for the overall safety of vessels/facilities under their control, including ensuring adequate fire fighting protection.

The Coast Guard traditionally renders assistance as available, commensurate with each unit's level of training and the adequacy of equipment. The Commandant intends to maintain this traditional "assistance as available" posture without conveying the impression that the Coast Guard is prepared to relieve local fire departments of their responsibilities. Paramount in preparing for vessel or waterfront fires is the need to integrate Coast Guard planning and training efforts with those of other responsible agencies, particularly local fire departments and port authorities.

COTPs shall work closely with other Coast Guard units, municipal fire departments, vessel and facility owners and operators, mutual aid groups, and other interested organizations to ensure an integrated response plan is developed. The COTP shall incorporate fire fighting contingency planning in each port's Area Contingency Plan (ACP) for the COTP zone in accordance with this chapter.

C. Restrictions.

1. Operations. In developing a Coast Guard unit's assistance as available posture, consideration should be given to the fire threat level, the jurisdictions involved, the capabilities of local fire departments, the availability of Coast Guard equipment, and the level of Coast Guard training. The functions generally carried out by Coast Guard units in marine fire situations include:

a. Participating in contingency planning for marine fire fighting;

b. Conducting traditional Coast Guard response measures such as restricting access to the affected area and controlling marine traffic, conducting emergent SAR activities, notifying affected parties, and coordinating with local emergency services [NOTE: while marine fire fighting is sometimes incidental to SAR activities it is not specifically SAR.];

c. Conducting a preliminary assessment of the incident to: 1) evaluate the magnitude of the threat to the public health and welfare and the environment, 2) determine if response actions by the responsible party are adequate, and 3) collecting information for the development of a response plan;

d. Contacting the owner and/or operator to explain the Coast Guard's role and to gather information for response purposes;

e. Based on the preliminary assessment, carrying out first aid mitigation actions commensurate with the level of personnel, equipment and training. First aid mitigation actions are those response actions taken by Coast Guard personnel necessary to address immediate concerns prior to the arrival of local fire services or actions by the responsible party;

f. Monitoring response actions and providing assistance as available. Coast Guard personnel support may include supplying water and logistic

support to fire fighting forces, cooling exterior bulkheads/walls with hose lines or monitors, or enforcing a safety or security zone at the scene.

The program goal is that Commanding Officers of Coast Guard units shall be capable of performing those traditional response measures outlined above. Generally, Coast Guard personnel shall not directly engage in fire fighting activities on other than Coast Guard units except when necessary to save a life or when possible to avert a significant threat with minimal risk to Coast Guard personnel.

During marine fire fighting situations involving vessels or waterfront facilities, Commanding Officers of Coast Guard units shall adopt a conservative response posture, and shall focus their actions on those traditional Coast Guard activities listed above not requiring unit personnel to enter into a hazardous environment or be unduly tasked.

Any direct involvement by Coast Guard personnel in support of a regular fire fighting agency shall be under the supervision of the Incident Commander who shall be specifically briefed on the training and capabilities of the Coast Guard personnel.

Coast Guard personnel shall not engage in independent fire fighting operations, except to save a life or in the early stages of a fire to avert a significant threat without undue risk. [NOTE: An exception is fire fighting operations within the port area during certain defense readiness conditions.]

The above policies notwithstanding, there are occasions which necessitate certain calculated risks be taken to protect the public health and welfare. In such cases, risks to personnel will be reduced to the minimum level Possible consistent with the operational situation and shall not be incurred for Purely environmental purposes.

The Commandant recognizes the significance of the cautious approach which the Coast Guard has adopted for marine fire fighting situations. The high training, equipment, and staffing thresholds will limit the response capability of many units, and in some areas sources of support will not be readily available.

As a consequence, there will be occasions when a unit will be unable to mount a complete response to an incident. This circumstance is preferred to attempting a complex and potentially hazardous job without the necessary staffing, training and equipment.

2. Personal Protection And Training. Coast Guard personnel who support waterfront and vessel fire fighting operations shall be properly trained and equipped for the task they are assigned (see section G., pg. 8-30 for training guidelines). Coast Guard involvement shall be kept to a level commensurate with available training, equipment, experience, and leadership.

D. Contingency Planning For Fire Fighting Activities.

1. Introduction. The COTP is faced with a number of responsibilities and decisions when a shipboard or waterfront fire occurs. The decisions made may affect lives, millions of dollars in properties, and the free flow of maritime commerce. The Commandant has determined that contingency plans for fire scenarios, as they involve coordination with private, public and non-federal agencies, shall be developed by making an ACP reference to a stand alone Marine Fire Fighting Contingency Plan (MFFCP) or by developing the MFFCP as ANNEX M (reserved) to the ACP. A sample outline for contingency plan sections not covered in the ACP format is presented in Figure 8-1. Contingency plans must be updated in accordance with the ACP schedule and exercised with other interested organizations in order to detect possible problems or deficiencies.

2. Content. The marine fire fighting annex of the ACP shall describe the responsibilities of the lead organizations and the supporting actions of other agencies, including the Coast Guard, for various types and locations of fires. Specifically, the following statement concerning the relationship between local fire fighters and the master of a vessel must be included:

The presence of local fire fighters does not relieve the master of command of, or transfer the master's responsibility for overall safety on, the vessel. However, the master should not normally countermand any orders given by the local fire fighters in the performance of fire fighting activities on board the vessel, unless the action taken or planned clearly endangers the safety of the vessel or crew.

The marine fire fighting annex must also address how to respond to emergencies that develop during fire fighting operations (e.g., secondary explosions, injuries, trapped personnel, loss of water supply, or vessel drifting or sinking). As in the development of the spill response plan, the marine fire fighting annex must include an assessment of the resource and personnel requirements for each scenario. Shortfalls in meeting these requirements should be noted and alternatives identified.

3. Role Of The COTP. All Coast Guard fire fighting forces and equipment within a COTP's Area of Responsibility (AOR) shall be under the control of the COTP. The COTP is responsible for the development of the marine fire fighting annex with input from local response organizations, training of Coast Guard personnel, and coordination of Coast Guard personnel during incident response. The COTP shall act as the liaison between the Coast Guard and other response organizations and the media. Orders from the Incident Commander (as defined in paragraph 8.C.1) for Coast Guard responders shall be passed through and evaluated by the COTP. Only those orders that will not create unwarranted risk for Coast Guard personnel and equipment shall be executed. The COTP shall not assume overall control of fire fighting efforts when appropriate qualified fire officers are present and able to take control.

4. Marine Firefighting Coordinator (MFC). The MFC is the COTP's marine fire fighting technical expert and onscene liaison with response organizations in marine fire fighting incidents. As the COTP's designated representative, the MFC is responsible for the development and coordination of the planning, training, and response objectives of Coast Guard fire fighting assets. In addition to the recommended training for Coast Guard personnel outlined in Section H of this chapter, the MFC should undergo advanced training in marine fire fighting strategy and tactics, and damage control, and should have completed the appropriate Marine Safety Training & Qualification (MST&Q) Booklet(s). The MFC should also be knowledgeable of the local fire fighting organization's capabilities and response management system.

5. Funding Of Fire Fighting Activities. In general, funding for Coast Guard fire fighting activities must come from Coast Guard Operating Expense (OE) funds. Under some circumstances, the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) Trust Fund, and the Oil Spill Liability Trust Fund (OSLTF) may be available to reimburse fire fighting expenses. This is limited only to those situations where the fire is fought specifically to abate the potential for, or fire resulting from, a pollution incident. Fire fighting activities related to the safety of life or property are generally not reimbursable from CERCLA funds or the OSLTF.

6. Basic Planning Considerations.

   a. Incident Notification. In the process of identifying and contacting parties that may be involved in a marine fire response, the following groups should be considered:

(1) Vessel owners and operators;

(2) Waterfront facility owners and operators:

(3) Local fire departments;

(4) Local police departments;

(5) Emergency service agencies;

(6) Port authorities;

(7) Mayor's or city manager's office;

(8) State fire marshal;

(9) Oil and hazardous substance cleanup companies;

(10) Private fire fighting services;

(11) Towing companies;

(12) Pilots' associations;

(13) Coast Guard Vessel Traffic Services (VTS);

(14) Marine exchange;

(15) Marine salvage companies;

(16) Longshoremen's unions;

(17) Marine chemists;

(18) Railroads;

(19) Utility service companies;

(20) Ship service companies;

(21) Shipyards;

(22) News media representatives;

(23) Aircraft reconnaissance sources;

(24) Self-contained breathing apparatus (SCBA) refilling sources;

(25) Fire fighting supply companies;

(26) Hospital supply companies.

(27) Coast Guard Marine Safety Center Salvage Team

(28) Navy Supervisor of Salvage

(29) Local mutual aid systems

b. Communications. Preestablished and effective communications procedures are essential to the execution of a safe and successful fire, rescue, or hazardous materials response. The larger the incident the more agencies that are likely to be involved in the response. Pre-planning of incident communications procedures will significantly reduce many of the difficulties which may arise during fire fighting operations. Consideration should be given to the following:

(1) Do the responders have the capability to communicate on common frequencies?

(2) Have standardized radio procedures and call signs been established?

(3) Has the effectiveness and limitations of communications been tested during exercises? The primary component of vessel construction is steel, which is an inhibitor of radio communication. A vessel's hard wired communication is not a recommended alternative if the vessel has sustained damage.

(4) Terminology used must be in common day to day language. Local fire fighters may not understand nautical nomenclature.

(5) The FCC has designated three frequencies, 154.126, 154.260, and 154.290 MHz, as the Fire Mutual Aid Radio Systems (FMARS) to provide for common communications between fire fighting units from different agencies operating at a common incident.

(6) Given the long duration that can be expected in a vessel fire incident and number of personnel who may be dependent upon portable radio communications, resources for additional radios, spare batteries and recharging units need to have been identified.

c. Actions Upon Notification. Prompt notification of all parties who have a need to know a fire has occurred is of utmost importance. The COTP should use a comprehensive notification list to ensure all parties have been notified. Upon notification of a waterfront fire, the COTP shall immediately determine the vessels in the fire area and the cargoes they are carrying. The COTP shall notify local shipping

agents of their vessels' involvement or possible involvement, and any anticipated need to move them. Coast Guard personnel should contact all vessels both in and outside the fire area and advise the deck watch officer of the situation and of the possible need to get underway.

d. Use Of Cleanup Contractors. The COTP may find that local pollution cleanup contractors are not adequately equipped to conduct activities where fires are involved. Development of this capability should be encouraged, as the spread of flammable liquids may result in the spread of a fire.

e. Involvement Of Pilots. Nearly all state pilotage laws require a pilot to be on board all large vessels moved within a port. The COTP should consider the pilotage laws when determining the need for pilots in emergency situations. Local pilots' associations should be contacted to determine their procedures for handling emergency movement of vessels and response times of their members to representative locations. If a fire is reported on board a vessel or at a grain elevator, oil terminal, or other high-risk facility, other vessels moored at that facility or near the involved vessel may have to be moved immediately, with or without tugs or pilots; this may be accomplished, if necessary, through a COTP Order.

f. Involvement Of Salvors And Marine Chemists. Salvors and marine chemists have a variety of unique skills which may be of use in a marine fire incident. A marine chemist tests the atmosphere of confined and poorly ventilated spaces for concentrations of oxygen and other gases which may be harmful, flammable, or explosive. During a marine fire, marine chemists can monitor conditions of an interior fire area and advise responders of chemical hazards that may be encountered. Commercial salvors operate a variety of specialized equipment to keep a vessel afloat or raise a sunken vessel. Because many salvors deploy their assets within a large area of operations, local salvors may not be able to respond as quickly as a more remotely based company. The U.S. Navy Supervisor of Salvage also maintains personnel and equipment which may be available.

g. Involvement Of Marine Safety Center Salvage Team. The U.S. Coast Guard Marine Safety Center Salvage Team is available 24 hours each day to provide COTP's with technical guidance during marine fire fighting incidents. Staffed with Coast Guard naval architects, the Salvage Team has the experience, training, and tools to help the COTP manage and minimize the risks associated with the stability

issues of the fire fighting effort. The Salvage Team can address critical issues that arise during an incident, such as stability of the damaged ship, fire fighting water discipline, lightering and ballasting sequences, and tug requirements. The Salvage Team can also evaluate residual strength, estimate the amount of oil spilled or consumed by the fire, and predict the effects of tides on a stranded vessel. The responsible party and commercial salvor will address these issues as they develop their salvage plan; when it is prepared, the Salvage Team can provide the COTP a crucial independent assessment.

h. Use of Vessel Traffic Services. Where available, Vessel Traffic services can be an indispensable aid to the COTP in the notification of mariners, requesting assistance, and routing port traffic within the COTP's Area of Responsibility (AOR). The incorporation of available VTS resources into marine fire fighting planning and exercises is highly recommended.

7. Response Management System.

a. Implementation. In initiating their response, local fire fighters will likely adopt the Incident Command System (ICS), which is the response management system utilized by most fire departments. A response management system puts into motion set procedures for the activation, utilization, and control of personnel, facilities, equipment, and communications from the initial notification through final resolution of an incident. The response management system concept provides different agencies and organizations a method to accomplish a common goal in a productive, efficient and effective manner through a preestablished but dynamic modular organizational structure. In order to establish a cohesive response, Annex M should detail the integration of the local fire department's response management system with the Coast Guard's Unified Command System.

b. Incident Size-up. Size-up is a continual process at the heart of any response action. Any course of action must be based upon the available facts and probabilities. The size-up consists of six steps to rapidly form a deliberate plan of action: gathering facts, assessing probabilities, determining resources, applying basic fire fighting principles, deciding a course of action, and formulating a plan of operations. Quickly gathering incident information, such as the exact location of the vessel, location of the vessel's master and crew, acquiring the vessel's documents (especially the prefire plan), condition of the vessel (including status

of the fuel and ballast tanks and any other flooding and stability issues), type and condition of cargoes on board, and identification of any special equipment needs. Incident probabilities, potential life hazards, explosions, damage, and fire extension must also be assessed. The dynamic nature of any fire response requires constant review, reevaluation, and revision.

c. The Command Post. The first fire officer to arrive on the scene will assume command of the incident and establish a command post. The COTP should encourage local fire officials to predetermine a staging area for every marine terminal in the zone as a part of pre-fire planning. Following the size-up, action planning will result from the Incident Commander's objectives. The command post will keep track of what's been ordered, what's in progress and what has been completed. Unless the complexity of the incident necessitates a communications section, the Command Post will assume this responsibility and coordinate between groups who do not have compatible frequencies. Ideally, each responding agency should have a representative at the command post to aid in coordination of their respective agency with the overall response effort.

d. General Response Management System Organization. There are four organizational divisions which are fundamental to the majority of Response Management Systems: operations, planning, logistics, and finance. The operations section will supervise the actual control of the fire. This includes responsibility for the determination of the location and state of the fire, evaluating exposures, evaluating access and egress routes, laying supply hose lines to the vessel, and accounting for the vessel's crew and passengers. The planning section will collect, evaluate, and disseminate information about the incident, as well as resources used or needed at the scene.

The logistics section will maintain the staging area, develop an equipment pool, facilitate equipment resupply, and coordinate with relief agencies as necessary to operate rest and refreshment services for response personnel. The finance section is responsible for managing and tracking all incident costs, and evaluating the financial aspects of the incident. Success in the utilization of a response management system is measured in the clear delineation of roles and responsibilities within the chain of command in and between each section. Paramount above all else, however, is the need for active, concise communications between and within each section.

8. Planning A Marine Fire Fighting Exercise. Contingency plan exercises are the best method to evaluate the effectiveness of the fire fighting annex and conduct essential training for the familiarization and coordination of potentially involved agencies. The following outlines the suggested basic steps for planning a marine fire fighting exercise:

   (1) Identify and coordinate the availability of a suitable vessel and facility for the exercise platform. Points of contact should be the vessel owner, vessel agent and port authority.

   (2) Contact training representatives of agencies who would be involved in a marine fire (a list of agencies and their point of contact with the authority to commit personnel and equipment should be included in the marine fire fighting contingency plan).

   (3) Set up an initial planning meeting. Items for discussion at the meeting should include Coast Guard fire fighting policy, training objectives of the exercise, emphasis the use of the Incident Command System and develop an organizational outline of persons who will fill the various roles of ICS.

   (4) Develop a plausible drill scenario with a suggested time line. Prepare an organizational chart reflecting response management roles and their objectives.

   (5) Hold a second planning meeting to resolve planning, logistics, and operations questions. Set up a one day workshop covering role responsibility and objectives, safety, vessel types and construction, vessel pre-fire planning, shipboard extinguishing agents and systems, and vessel fire fighting strategy and tactics. The local fire department should be encouraged to pre-plan the exercise site.

   (6) Conduct post exercise critiques of the contingency plan, organization and management, and unmet resource needs. Evaluation of specific strategy and tactics and should be addressed internally by each agency.

9. Port Entry And Movement Of A Burning Vessel.

   a. Essential Considerations. The decision to allow a burning vessel to enter or be moved within the port can be a difficult one for the COTP. Various scenarios should be planned to consider the possible outcomes of that decision. The COTP should approach

such a situation with the view that the overall safety and security of the port is the key factor. The possibility of a vessel sinking in a channel or spreading fire to other vessels or facilities must be evaluated. The port should not be jeopardized to save a single vessel if the risk is too great. Risk evaluation (and cost-benefit analyses where applicable) should be employed during the planning process. The primary considerations for allowing a burning vessel to enter into, or be moved within, the port are:

(1) Location and extent of fire;

(2) Class and amount of cargo involved;

(3) Possibility of explosion;

(4) Possibility of sinking/capsizing;

(5) Hazards to crew or other resources at present location;

(6) Weather forecast;

(7) Maneuverability of vessel (Is it a dead ship?);

(8) Effects on bridges that must be transited

(9) Hazards to the environment; and

(10) Alternatives if the vessel is not allowed entry or movement.

b. Allowing Entry Or Movement Of The Vessel. Before entry or movement is permitted, the vessel should be examined (with other involved agencies, if possible) to determine its condition. Permission for entry or movement may generally be granted when:

(1) The fire is already contained or under control;

(2) There is little likelihood that the fire will spread;

(3) A greater possibility exists that the fire may be extinguished with equipment available in-port before secondary explosion or spread of fire; and

(4) All appropriate parties, including elected officials, have been consulted.

[NOTE:A request for entry into the port by a burning vessel under declaration of "force majeure"

should be evaluated under the same previously listed criteria.]

c. Additional Considerations Prior To Entry Or Movement. Once the decision to permit entry or movement of the vessel has been made, consideration should be given to:

(1) A safety broadcast and Notice to Mariners;

(2) Ordering the movement of other vessels or cargo stored in the area to preclude their involvement; and

(3) Locating the vessel to facilitate the use of available resources in fire fighting.

d. Liability Factors In Consideration Of Vessel Entry.

(1) The amounts and types of insurance held;

(2) Verification of coverage for liability for any oil pollution removal costs, as evidenced by a valid Certificate of Financial Responsibility (COFR);

(3) Liability insurance for possible damages caused to other property;

(4) A surety bond, in an amount equal to the estimated cost of removing the vessel from the port.

[NOTE: While these assurances are highly desirable, obtaining them may not be possible before action is required to save the vessel.]

e. Considerations For Denying Entry Or Movement.

(1) A danger, greater than the immediate danger to the vessel, crew, or cargo, that the fire will spread to other port facilities or vessels;

(2) A likelihood of the vessel sinking or capsizing within a navigable channel;

(3) A likelihood that the vessel may be abandoned as a derelict;

(4) Unfavorable weather or environmental conditions that preclude the safe movement of the vessel or fire fighting efforts; and

(5) A risk of a serious pollution incident of oil or hazardous substances. The COTP should, in conjunction with district (m) staff and the

Regional Response Team (RRT), assess pollution risks and determine whether a vessel should be allowed to enter port.

E. Fire Fighting On Vessels.

1. Importance Of Vessel Location. The success or failure of shipboard fire fighting efforts is a condition of the vessel's location; if the vessel is remotely located or otherwise inaccessible, there may be little opportunity to save it. The COTP should coordinate with fire departments, port officials, and other involved agencies to pre-select moorage, anchoring, or grounding sites for burning vessels.

a. Considerations For Moorage Locations.

(1) The flammability of pier structures and contiguous facilities;

(2) Availability of adequate water supply;

(3) Access for response boats and vehicles;

(4) Minimizing the risk of impeding navigation;

(5) Location of low risk to facilities or vessels, consistent with minimizing the distance the vessel must be moved.

b. Considerations For Anchoring Or Grounding Locations.

(1) Bottom material and formation should not pose an undue risk of rupturing the vessel's hull

(2) Water depth should be shallow enough that the vessel will not sink below the main deck level, yet deep enough that fireboats, salvage barges, and tugs can approach; and

(3) Environmental conditions: strong winds or currents may hamper fire fighting, salvage, or other response efforts. Tidal influences and river level fluctuations must also be considered.

c. Intentional Sinking Of Vessels. As a last resort when a vessel and its cargo are deemed to be a constructive total loss due to a fire, an alternative to further fire fighting and salvage efforts may be to sink the vessel. Transportation and disposal of vessels must be accomplished in accordance with COMDTINST 16451.5 series, which provides guidance concerning the Intervention on the High Seas Act (IHSA), and 40 CFR 229.3, which outlines authorities

and general procedures. Except in extreme emergencies when vessel disposal is contemplated as a viable option, the vessel's flag state, EPA's Regional Response Team (RRT) representative, and other parties known to have interests which may be affected should be consulted.

2. Operational Fire Fighting Priorities.

a. Rescue. Life safety must always be the first consideration in any fire or emergency situation. When lives are in danger, the incident commander must quickly assess whether the situation necessitates immediate removal of personnel, the number of persons which need to be extracted, and the hazards to the rescue team.

b. Exposures. The fire should be fought so as to prevent the spread of fire on or off the vessel. Typical exposures include flammable liquid or gas tanks, open stairways, explosives, or any other substance which would accelerate or aid the spread of the fire. Provided there is no danger of water reactivity, exposures are best cooled by application of a fog pattern until no visible steam is generated. For some two-dimensional surfaces foam may be an appropriate agent for exposure protect.

c. Confinement. The effort to establish control over the fire through impeding the fire's extension to non-involved areas and limiting the fire to its area of origin. To accomplish proper containment, all closures and generally all ventilation (unless personnel are trapped inside the space) should be secured. Establish primary fire, smoke, and flooding boundaries. Primary boundaries are critical to the control of a fire. Monitor and cool the boundaries, as necessary (if steam is produced when sprayed with a fog pattern, continue to cool the surface), on all six sides of the fire (fore, aft, port, starboard, above, and below).

d. Extiguishment. Attack and suppression of the main body of the fire. The goal is to cease combustion by disrupting the cycle of the fire tetrahedron. Tactics and agents to be used will be determined by the fuel source, amount of fuel/surface area, and the location of the fire.

e. Overhaul. Actions to complete incident stabilization and begin the shift to property conservation. Considerations during overhaul include: hazards from structural conditions at the fire scene, Atmospheric conditions (air packs should remain mandatory in the case of interior fire overhaul due to the likely

presence of toxic vapors, carbon monoxide, and low oxygen levels), monitor scene to ensure the fire will not re-ignite, determination of the fire's point of origin and source of ignition. Detailed photographic records of the fire scene prior to clearing any debris is highly recommended to aid in post fire investigations.

f. Ventilation. Ventilation tactics will vary depending upon the location and conditions of the fire. The choice to secure or utilize ventilation will alter the tactics used to combat the fire. Generally, all ventilation on a vessel will initially be secured and all dampeners shut upon receipt of a fire alarm. The purpose in ventilation shutdown is both to decrease the flow of oxygen to the fire area and to begin the containment process. However, this tactic may cause a fire to extend through cableways, false overheads, plumbing, etc. Utilization of ventilation to aid fire fighting efforts should not begin until a coordinated attack is staged. For example, ventilation can be used to aid fire fighters in gaining access to and prevent the travel of smoke and other fire gases from the involved space(s) by turning exhaust fans on high and supply fans on low, meanwhile ventilation in spaces surrounding the fire should be positively pressurized with supply fans on high and exhaust fans secured. However, improper use of this method could also result in backdraft conditions.

3. Vessel Stabilitv Considerations.

a. Introduction. The stability of a vessel is described as its ability to resist heeling from the upright position at small angles of inclination. The large volumes of water often used combating fires can have a negative impact on vessel stability, jeopardizing the safety of the vessel and the personnel on board.

b. Consulting Personnel. The COTP or his designee may be expected to provide advice regarding vessel stability issues and should command a basic knowledge of the topic. A list of technical experts should also be compiled as apart of the marine fire fighting contingency plan. This list should include the Coast Guard Marine Safety Center Salvage Team which is always available to provide technical guidance on stability issues. At a minimum, Coast Guard personnel who are likely to respond in incidents where stability of a vessel is at issue should be familiar with NFPA 1405 and Stability And Trim For The Ship's officer, by John La Dage and Lee Van Germert, published by Cornell Maritime Press.

c. Fire Fighting Factors Affecting Vessel Stability. The introduction of large amounts of water onto the vessel can create a free surface effect which is particularly dangerous if the water is confined above the vessel's normal center of gravity. Personnel and equipment moving through watertight doors cause potential problems by disrupting flooding boundaries.

d. Stability Affects On Fire Fighting. The most important consideration regarding vessel stability is the control of a vessel's list. Problems resulting from a failure to maintain a reasonable degree of transverse stability can include:

(1) Poor footing for response personnel,

(2) Difficulty in maintaining a foam blanket,

(3) Automatic fire door closure problems,

(4) Damage/injury from shifting of loose objects,

(5) Reduced effectiveness of fixed dewatering suctions and drains,

(6) Loss of use of vessel machinery due to sustained excessive list.

e. Vessel Factors Affecting Stability.

(1) The free surface of all liquids on board,

(2) The integrity of the hull,

(3) Whether the double bottoms are empty or full,

(4) Integrity of watertight boundaries during flooding, and

(5) Flatness of the hull bottom if the vessel is in contact with the bottom.

f. Vessel Documentation. Several vessel documents can be useful in determining vessel stability. The most important of these is the vessel's trim and stability booklet. Other useful documents are the cargo plan, the docking plan, the capacity plan, and the general arrangement plan. If this information is for some reason not available on board the vessel, it should be available from the vessel's owner or operator. Ideally, Coast Guard and/or local fire fighters would maintain copies of the pre-fire plan for those vessels which regularly call at their port. Note that per 33 CFR 155.240, owners and operators of oil tankers and offshore oil barges shall ensure by no

later than January 21, 1995, that their vessels have prearranged, prompt access to computerized, shorebased damage stability and residual strength calculation programs. Access to the shore-based calculation program must be available 24 hours a day. Per 33 CFR 155.245, owners or operators of inland oil barges shall ensure by no later than January 21, 1995, that the vessel plans necessary to perform salvage, stability, and residual hull strength assessments are maintained at a shore-based location. Access to the plans must be available 24 hours a day.

g. Water Discipline. Water is the most prevalent fire extinguishing agent. Water suppresses fire through absorbing heat when converted into steam and the resulting smothering effect as steam displaces the air around the fire. In general, 0.03 m3 (1 ft3) of water will generate 48 M3 (1700 ft3) of steam; enough to smother 6 m 3 (200 ft3) of fire under ideal conditions (closer to 3 M3 (100 ft3) in practice). The indiscriminate use of water, however, particularly in vessel fires, can be as dangerous as the fire. In considering the use of water versus other extinguishing agents the questions of potential electrical hazards, the presence of any water reactive materials, and the problems of flooding and the resulting stability issues must be answered before proceeding.

At best, indisciplined water usage may precipitate excessive water damage and disrupt the thermal balance of an interior fire resulting in reduced visibility, and severe heat conditions from the production of large amounts of steam. The thermal balance is the discernible separation between the heated fire gases in the upper portion of a compartment and the relatively cooler air below. The heated gases may exceed 704 oC (1300 oF). Disruption of the thermal balance can be avoided for as long as possible by proper application of direct and indirect attack techniques. In the worst case, disregard for the amount of water put on board will deteriorate the vessel's stability. Four liters (1 gal) of sea water weighs 3.9 kg (8.6 lbs); at a flow rate of 6 liters/second (L/s) or 100 GPM, a 1 M2 (12 ft2) space will be flooded 0.152 mm (6 in) in roughly 5 minutes, adding approximately 2 metric tons (2 tons). A 64 mm (2 1/2 in) hose, which is commonly found on vessel weather decks, delivering 2 L/s (250 GPM), equates to approximately 54 metric tons (60 tons) per hour; while the 38 mm (1 1/2 in) hose normally found at interior fire stations will deliver approximately 27 metric tons (30 tons) per hour.

h. Dewatering. A vessel will sustain a loss of

stability from fire fighting water accumulation above the vessel's original water line. For this reason, dewatering is an essential planning issue for successful vessel fire fighting. Normally, vessels will have a limited amount of dewatering equipment. This equipment will often consist of a fixed pump and suction system to handle water which accumulates in the vessel's bilges and drain holes located in areas above the waterline to allow drainage overboard or into the vessel's bilge. Portable pumps are sometimes available on board, but their limited capability will not substantially aid dewatering efforts. Removal of toilets and showers to improve drainage will allow water to flow down into holding tanks below the waterline. While the weight of the water is still a factor, the shift in weight to the holding tanks will lower the vessel's center of gravity and improve transverse stability. In extreme cases, drainage holes may be cut in the superstructure. This practice, however, can be extremely dangerous and should not be pursued without the permission of the owner or other appropriate authority. In planning for the eventuality of a dewatering effort, Annex M must give consideration to the quality of discharged water and the need for containment.

i. List Correction. The basic causes of list are a negative metacentric height (GM), or "angle of loll", which is caused by having the center of gravity too high in the vessel, and/or an off center position of the vessel's center of gravity (CG). When in doubt as to the cause of the list, always attempt to lower the vessel's center of gravity. The following outlines a general sequence of actions to limit deterioration and potentially improve vessel stability:

(1) Establish flooding boundaries,

(2) Remove water from partially flooded areas,

(3) Jettison topside weight,

(4) Completely remove water from solidly flooded areas,

(5) Transfer weight (usually liquid ballast). If the list is caused by a location of the center of gravity off the vessel's centerline, shifting weight to the high side will remove the list, however, if negative GM is a factor of the list, transverse shifting of weight within the vessel will worsen the situation. In a case in which the center of gravity is located above the

metacentric height, the center of gravity must be lowered to correct the list.

(6) Add weight (counterflooding). Always start with the lowest spaces available, such as double bottom tanks. Never counterflood if free surface is the cause of the list. Problems resulting from added weight and free surface effect make counterflooding a last resort.

4. Fixed Fire Fighting Systems.

a. Fire Main Systems. The fire main system is the primary tool for defending the vessel from fire. There are two basic designs of fire main systems, the single main and the looped main. The looped main has certain advantages due to the ability to isolate sections of the system without disrupting service to the stations beyond that ruptured section. Water pressure is provided by on board fire pumps. The number of pumps will depend upon the vessel's tonnage; generally a vessel will have two pumps, a primary pump dedicated to supplying the fire main and a reserve pump which may also supply the sanitary, ballast, bilge, or general service system.

Any pump which supplies a fire main must be capable of supplying 345 kilopascals (kPa) (50 psi) (517 kPa (75 psi) for tank vessels) streams simultaneously to the two stations with the highest pressure drops. The pumps require electrical power, but are tied into the vessel's emergency as well as primary ship service generators. The fire stations, or hydrants, supplied by the fire main will be of a sufficient number and so located that any part of the vessel can be reached with two streams of water from separate stations with at least one stream through a single length of hose. In machinery spaces, any area must be reached by two streams through a single length of hose supplied from separate hydrants. Local response agencies should be aware that hose station connections on foreign vessel will likely have a different thread and that generally adapters will not be available. Therefore, if the decision is made to utilize the International Shore Connection (see E.5, p.8-24), and the vessel's fire main, fire fighters will be forced to rely on equipment which may be unfamiliar possibly poorly maintained.

b. Water Sprinkler Systems. Due to construction in accordance with Method I of the Safety Of Life At Sea (SOLAS) convention, which provides for fire protection though noncombustible construction materials, sprinkler systems are not widely used on U.S. merchant vessels in other than accommodation

spaces and Roll-On/Roll-Off vehicle decks. The primary roles of the sprinkler system are structural protection and to maintain escape routes. Sprinklers are of two varieties, automatic (wet pipe) and manual (non-detection, deluge). Automatic systems are maintained under pressure and are activated by a fusible link in the sprinkler head while the more common manual systems have an open valve assembly and are supplied directly by the ship's fire main. An important note is that both systems require power for the associated pumps to supply operating pressure, although the automatic system relies upon a pressure tank for its initial dump of about 757 liters at 103 kPa (200 gallons at 15 psi). The required power source should be available from the vessel's emergency generator if the ship's service generator is unavailable. Hazards associated with water sprinkler systems are the possibility of flooding, and its effect on stability.

c. Carbon Dioxide Systems. Carbon dioxide is a versatile extinguishing agent as it does not damage cargo, does not conduct electricity, and provides its own pressure for discharge. However, CO,) is only effective if all ventilation and opening to the space are secured.

As a smothering agent, CO lacks any considerable cooling properties, therefore the carbon dioxide concentration in the space must be maintained until heat levels in the fire area drop below the ignition temperature of fuel source. Additionally, C02 poses a significant life threat due to its ability to displace oxygen, causing asphyxiation, even in low concentrations. CO 2 systems are primarily installed in machinery spaces and cargo holds. Discharge is accomplished manually; either remotely by two pull handles outside the affected compartment or by directing the discharge point from the CO 2 bottle (high pressure system)/storage tank (low pressure system) room. Due to the life threat and often variable discharge points, it is recommended that the vessel's plans be reviewed and/or preferably a member of the vessel's crew, knowledgeable about the system, be consulted prior to its operation.

d. Halon 1301 Systems. Halon (bromotrifluoromethane) is a colorless and odorless gas, approved by the U.S. Coast Guard for use in machinery space fixed systems on merchant vessels. Halon 1301 has extinguishing properties similar to carbon dioxide: it is a nonconductor, very effective against class B and C fires (Halon 1301 can be used to extinguish class A fires provided the fire is not deep seated), leaves no residue, is stored as a liquid in cylinders, and

does not require an external power source for discharge. Fixed Halon 1301 systems require manual activation through two pull boxes located outside the protected space or from the bottle storage space. An evacuation alarm will precede the discharge. Inhalation of Halon will cause dizziness and impair coordination. Also, under exposure to open flame at around 5000C (9000F), Halon 1301 will decompose into a gas that is toxic. The toxicity from decomposition is prevented by the high rate of delivery which acts to rapidly extinguish the flames.

e. Foam Systems. Foam is primarily used to combat flammable liquid (class B) fires. Although foam does posses some cooling properties, it is a smothering agent. Foam is traditionally available in two varieties, chemical and mechanical. Shipboard installation of chemical foam systems is, however, no longer approved by the Coast Guard. Mechanical foam is produced by mixing a foam concentrate with water and then rapidly aerating the resultant solution. The ratio of water to foam concentrate determines the expansion ratio and, therefore, the physical properties of the foam.

   Foam with a low expansion ratio will be wetter, heavier, more heat resistant (provides a longer lasting blanket), and less affected by wind. These properties, however, also make low expansion foam less adherent to vertical surfaces and more electrically conductive. A lower expansion ratio will also provide better flow around obstructions, making this mixture well suited for service in class B machinery space and tank vessel deck fires. Fixed deck foam systems must be install on tankers constructed after 1 JAN 1970.

f. Steam Smothering Systems. The steam is supplied by the ship's main or auxiliary boilers for use in cargo tanks/holds, pump rooms and bilge fire suppression. This system may be present on some older vessels, however, steam smothering cannot be installed on any US flag vessel contracted after 1 JAN 62 and is generally no longer an accepted method of shipboard fire suppression. Other than the heat hazard for personnel, the use of steam as a smothering agent can easily hinder fire fighting efforts rather than help. By its nature steam has very little cooling effect and is often a high enough temperature to ignite some liquid fuels. Also as steam cools, it condenses, reducing the smothering effect. It is also important to note that application of steam smothering to fires involved with nitrates, sulfates, and explosives will have disastrous effects.

5. International Shore Connection.

   a. Introduction. The International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended, requires an "international shore connection" to be carried on board all passenger and cargo vessels over 500 gross tons subject to SOLAS, and U.S. inspected vessels of 1000 gross tons or more. This universal coupling, as illustrated and described in 46 CFR 162.034, is designed to connect fire main systems between one vessel and another or between a shore facility and a vessel. The connection shall be constructed of material suitable for 1034 kPa (150 psi) service; it shall have a flat-face flange on one side, and a permanently attached coupling that will fit the vessel's fire main piping and hoses on the other side. The flange can be fitted with a gasket and bolted quickly, enabling an assisting vessel or facility to provide fire main pressure to a distressed vessel.

   b. Coast Guard Enforcement. The Coast Guard is responsible for U.S. implementation of these requirements. COTP's shall ensure that international shore connections are carried on board vessels in U.S. ports as required. COTP's should encourage facility operators, municipal fire departments, and other interested response organizations to obtain these couplings and have them readily accessible.

6. General Tactics For Common Vessel Spaces.

   a. Introduction. A shipboard fire will present the unprepared fire fighter with an endless variety of difficulties. To ensure the readiness of the port, the COTP must have full confidence in not only the Coast Guard members in the command, but also in the knowledge and abilities of the local response services responsible for that port. One of the easiest and most beneficial steps in accomplishing this is to encourage the local fire department to periodically accompany Coast Guard marine inspectors on vessel inspections. In this way fire fighters can become acquainted with the construction, layout, organization, and available fire fighting apparatus on board a variety of merchant vessels. These visits will allow fire fighters to conduct a pre-planning fire survey. If a single survey can be conducted for each vessel which makes regular port calls, the survey can then be distributed as necessary to other fire fighters.

   b. Public And Accommodation Spaces. By the nature of their use, the first concern in responding to a fire in accommodation spaces is the rescue of victims.

The National Fire Protection Association (NFPA) describes a fire in these spaces as being very similar to shore side structural fires. While this description is accurate, it can also be misleading. The vessel's steel construction, below deck locations, and a high content of synthetic materials will raise heat levels dramatically compared to a shore side structural fire. Fire fighting efforts will likely be additionally complicated by access and egress problems and difficulty in effective utilization of ventilation techniques. Extinguishment and overhaul of accommodation space fires can also be problematic due to the threat of fire extension through cableways, false overheads and other void spaces.

c. Engine Room And Machinery Spaces. The engine room refers to the space in which the vessel's propulsion engine is located and machinery spaces refer to the location of the auxiliary systems necessary for the vessel to function. This machinery includes systems such as hydraulics, sewage, fuel and lube oil, compressed air, and steam systems, as well as the machinery which provide electricity, and hotel services. A fire in these spaces is easily the most difficult to control and extinguish. Access to an engine room/machinery space fire can be complicated by a maze of catwalks, decks, and gratings that may be slick with petroleum products and will hinder hose line advancement. The variety and size of machinery spaces can make rescue operations difficult. While the vessel's fire plan should be consulted, the vessel's engineering department can provide invaluable information on the access, layout, and obstructions that are present in these spaces. Before attempting to attack an engine room fire, verify that all personnel have been evacuated from the space, that the emergency equipment shutdowns have been utilized, and that ventilation, power, and watertight doors to the space have been shutdown. With these steps completed, utilize the space's fixed system. If the resources are available, multiple dumps of extinguishing agent may be required before the fire can be controlled. Reentry to the space following use of a fixed system must not take place until the space has had time to cool. The amount of time necessary for cooling to effectively take place will vary with the size and intensity of the fire. Prior to reentry, automatic watertight doors should be set to manual to prevent possible personnel injury and severing of a hose line. The point of reentry should be the lowest possible access point to allow fire fighters improved visibility and reduced heat conditions. Should entry from above the fire level prove necessary, ventilation should remain secured

until the fire is extinguished to prevent pulling the fire up to the fire fighters as they enter the space.

F. Special Considerations According to Vessel Type.

1. Freight Vessels.

a. Introduction. Freight vessel cargo holds come in four basic types: dry bulk, break bulk, roll-on/rolloff (Ro/Ro), and container. Each of these present particular hazards to the fire fighter. In general, as with any fire situation, it is very important to know what is burning. This is doubly true of cargo vessels due to the possible variety of goods on board with different characteristics and reactive properties.

To determine what cargo is on board and where it is located, the vessel's Cargo Manifest and especially the Dangerous Cargo Manifest, should be reviewed. If possible, the review should be done in consultation with the vessel's master. Until the decision is made as to the best method of extinguishment, identification of a cargo off-loading site, and overhaul and disposal procedures are set, the hold should be sealed and the fixed fire suppression system should be activated. If the fixed system is activated, bulkheads temperatures should be monitored hourly to track progress. Because any attempt to enter the hold after fixed system activation will introduce air into the fire area and allow escape of the extinguishing agent, the most important factor in utilizing a fixed system in this situation is the having the patience to allow the agent time to take effect.

b. Dry Bulk. Dry bulk holds generally contain goods such as grain, coal, ore, scrap metal, or other particulate matter loaded directly into a hold without packaging; much like liquid in a tanker. The danger associated with a hold full of grain is similar to that of a silo: spontaneous combustion, dust explosions, and product expansion with the addition of water. A hold containing coal may require cargo discharge to extinguish the fire. Coal that is heating spontaneously should be leveled, trimmed, and packed down tightly in the hold to minimize the chance of fire. Scrap metal cargos will probably require that the hold be sealed and inerted while cooling exposures.

c. Break Bulk. Break bulk is loaded into a vessel's hold as packaged goods in crates, bags, or barrels, etc. The cargo may be supported and separated by dunnage (wood palettes, etc.), which will present

additional class A fire hazards. Cargo on break bulk vessels is most commonly loaded vertically into the holds by cranes through a series of large hatches. As subsequent holds are loaded, it is common for cargo to be placed on the hatch to the lower hold. Access to the lower holds can difficult in these situations, often leaving scuttles and steep ladders as the only method of entry. For this reason, use of the installed fixed system is often the best course of action until a coordinated attack can be made. To aid in preventing the spread of the fire, cargo in holds with adjacent bulkheads should be moved away from the affected hold and the bulkheads should be cooled as necessary.

d. Container. Containers provide uniform modular handling of packaged and liquid goods. Containers may be stacked on deck or stored in holds. Due to the often large number of containers and the manner of stowage, access to a specific container can be difficult. In order to complete extinguishment and overhaul of the fire, it is best if the container can be removed from the vessel once the fire can be controlled. Both the affected container and those surrounding it need to be externally cooled. If the container is on deck, control of the fire inside a container is often best achieved by determining the required agent for the contents and applying the agent through a small hole high on the side closest to the hottest point. The recommended procedure if the container is in a hold is basically the same, unless the container cannot be reached, in which case the hold should be buttoned up and the fixed system dumped.

e. Roll-on/Roll-off (Ro/Ro). Ro/Ro vessels are generally comprised of several parking garage like decks designed to maximize the storage of motor vehicles. The hull on some Ro/Ro vessels have a very high freeboard; this height can be sufficient to cause complications in the staging of operations and equipment on the vessel. Access to the cargo decks can often best be established through side ports and cargo loading ramps. Close storage of cargo will likely cause difficulty in accessing a particular area or unit of cargo. If possible, it is generally best to employ the fixed system (usually a sprinkler or CO 2 system) in the cargo deck until the fire area can be accessed for a direct attack.

f. Commercial Fishing Vessels. Fishing vessels comprise a specialized sub-type of freight vessel which includes trawlers, fish tenders, and fish processing vessels. The arrangement of the holds and stowage of catch/cargo often bare similarities to a small break

bulk or dry bulk vessel. The hazards associated with these vessels are also similar to other freight vessels often with an addition of a large refrigeration system used to preserve the cargo. The use of a refrigeration system can hold potential hazards to responders due to the use of anhydrous ammonia (NH3) as the primary refrigerant. Exposure to anhydrous ammonia in its liquid state will cause serve burns on contact, and in a gaseous state possesses properties which cause severe irritation to eyes, skin, and mucous membrane as well as possibly causing fatal respiratory damage.

Other than exposure hazards for fire fighters, a release of anhydrous ammonia in an enclosed space introduces the possibility of a combustion explosion. Although characterized as having a limited flammability and low heat of combustion, in a fire scenario, enough pressure can be developed to cause major structural damage.

2. Bulk Liquid Tank Vessels.

a. Introduction. Today's tank vessels are capable of transporting large quantities of liquid products. Tank vessels can be divided into three categories: petroleum carriers, liquefied gas carriers, and chemical carriers. It is not uncommon for a tank vessel to carry a variety of liquids in its segregated tanks. Deck fires on tankers are one of the most common vessel fire scenarios. These fires usually result from over filling tanks or the spillage of product onto the deck from a leak or rupture of the piping system. The practice of plugging scuppers during cargo operations will often help to contain a spill to the deck of the vessel. The presence of on deck cargo piping systems will hinder the advancement of fire fighting operations. The key to control and extinguishment in deck fire situations is to reduce/remove the fuel source by shutting down the cargo system. System shutdown is best accomplished when performed by personnel knowledgeable about the system's operation. Fire fighters should take care to preserve the integrity of the tanks and cargo piping system.

b. Petroleum. For petroleum on deck, the best course of action is to employ foam, provided sufficient quantities are available to maintain an unbroken blanket over the entire surface of the exposed product. If feasible, the placement of fire resistant containment booms around the vessel would be prudent. It is also important to note that under 33 CFR 155.1050 and 33 CFR 155.1052, vessel response plans, required for vessels which carry group I-V

petroleum oils, must identify and ensure the availability of both a salvage company with expertise and equipment, and a company with vessel fire fighting capabilities in the area(s) which the vessel operates. The availability of these pre-planned resources should not be overlooked during a marine fire fighting scenario.

c. Liquid Natural Gas (LNG)/Liquid Propane Gas (LPG). Natural gas and Propane gas are the two most common liquefied flammable gases. For transport, these gases are liquefied through a cryogenic process.

This process results in a significant volume reduction (by a factor of 600 for natural gas and a factor of 270 for propane gas). The vessels which transport these gases generally utilize large insulated spherical tanks for product storage. The tanks are isolated within the vessel's hull by cofferdams designed to contain low volume leakage from the tanks. Despite differences in physical characteristics, when ignited, the effective methods of extinguishment are similar. Vessel's which carry LNG/LPG are fitted with deck water spray systems. The spray system is intended primarily for the protection of exposures (vessel superstructure, storage tanks, and cargo system) from the extreme radiant heat produced by natural and propane gas fires. The spray system will also aid in confinement of the fire area, protection of metal surfaces from embrittlement fractures caused by contact with cryogenic liquids, and the dissipation of unignited vapor. In addition to the spray system, most gas carriers will be fitted with a dry chemical system with sufficient agent to protect the weather deck. In the event that hose lines are brought to bear on the fire, high velocity fog may be employed to disperse unignited vapor, but the high velocity fog pattern should never be used directly on the liquid as it will only serve vaporize the liquid. In ports which handle LNG and LPG tankers, the COTP is required to maintain LNG/LPG Vessel Management and Emergency Contingency plans, these plans should be consulted for area specific guidance in handling these vessels.

d. Chemical. The bulk transport of liquid chemicals has become one of the major commodities shipped by water. Because many chemicals possess characteristics which could endanger responders, proper identification of the hazards present is the key to responding to any chemical or hazardous material incident. Although the Coast Guard sets guidelines for the bulk shipment of chemicals, the potential dangers of chemicals mixing on a multi-product tanker cannot be

overstated. A response strategy cannot be formulated before issues of toxicity, volatility, and reactivity (especially to water and other fire fighting agents) are resolved. Clearly, the integrity of the tanks and cargo system must be maintained. In some instances, it may be prudent to employ the available fixed systems rather than risk the safety of responders in a direct attack upon the fire. The Incident Commander must also evaluate the necessity to evacuate the scene and surrounding area due to the existence or potential threat of plume development.

3. Passenger Vessels.

a. Introduction. Fire fighting operations on passenger vessels can be extremely difficult. Public and accommodation spaces on passenger vessels will often present a higher fire load than other vessels because of the quantity of synthetic materials used to enhance the vessel's appearance. Another result of these cosmetic enhancements will be the existence of many void spaces and probably a complex ventilation system which will contribute to the spread of fire and smoke. Large passenger vessels, such as cruise ships, are constructed with a large number of small compartments connected by narrow passageways and ladders. The layout of many of these vessels all but ensures that the Incident Commander, even with the benefit of pre-fire planning, will be faced with manpower shortages as fire fighters become fatigued and air supplies are exhausted in efforts to locate and extract victims, and then access and extinguish the fire.

b. Special Planning. The COTP's shall work with the passenger vessel industry, the port authority, and local response and relief agencies operating in their respective zones or AOR's to ensure the coordination of these parties for the evacuation of and accountability for the vessel's passengers in the event of fire or other emergency. An accurate account of persons both ashore and aboard the vessel is critical in expediting the pace and aiding to ensure successful fire fighting and rescue operations. The sooner search and rescue is completed the sooner efforts can be focused upon property conservation. The displacement of up to several hundred passengers will require pre-planning for lodging, medical attention, meals, transportation, and communications. While these factors are principally the concern of the industry, the COTP has a vested interest in ensuring these factors have been addressed within the port.

G. Training.

1. Introduction. Proper training is essential for Coast Guard personnel and municipal fire department personnel who respond to waterfront and vessel fires. Ideally, Coast Guard personnel who support or interact with municipal fire departments should be as well trained as the most minimally trained personnel with whom they will interact (including local fire fighters and crew members of merchant vessels).

   Although the training programs envisioned here will not make Coast Guard men and women professional fire fighters, but it will help them understand their capabilities and limitations, as well as those of municipal fire departments. Training for Coast Guard personnel that support municipal fire departments in the event of waterfront or vessel fires is a multi-phased process. Training in accordance with Fire Fighter Level I specified in NFPA Standard 1001, Standard for Fire Fighter Professional Qualifications, will provide comprehensive basic fire fighting training. This standard is available from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269. Coast Guard personnel shall have knowledge of the municipal fire department organization and capabilities. Frequent exercises between the Coast Guard, municipal fire departments and other concerned agencies should be conducted to help involve each party to understand roles, responsibilities, capabilities and limitations of all concerned.

2. NFPA Standard Training. A nationally recognized and certified training program that meets or exceeds NFPA 1001 standards for entry level professional fire fighters should be used. Many fire departments can provide this training locally. This avenue of training should be explored carefully, considering the costs and the benefits of being trained by the organization that will likely request Coast Guard support. This level of training provides:

   a. Basic fire science;

   b. Fire inspection requirements;

   c. Safety, first aid, and rescue techniques; and

   d. Concepts and hands-on experience in the use of breathing apparatus, ropes, fire appliances, sprinkler systems, water streams, ventilation techniques, and communications during fire fighting operations.

3. Follow-Up Training. Follow up training broadens the basic knowledge obtained through NFPA Standard 1001 and applies it to situations on board vessels. The Coast Guard generally sends field personnel to the Advanced Marine Fire Fighting Course offered by Texas A&M University, College Station, TX, for unit personnel who may be designated as Marine Fire Fighting Coordinators.

   This course consists of classroom and fireground exercises designed to familiarize mariners with the chemistry and physics of fire, shipboard fire fighting agents and equipment, fixed extinguishing and detection systems, breathing apparatus, considerations for hazardous cargoes, fire prevention, shipboard search and rescue, and first aid. The fireground exercises provide an opportunity to use common shipboard equipment in fighting various types of fires. [NOTE: The Damage Control and Fire Fighting courses offered by the U.S. Navy do not address structural fire fighting problems; they are not acceptable alternatives to NFPA Standard 1001 or follow-up training.]

4. AOR Coast Guard Personnel Resource List. A list of Coast Guard personnel (regular/reserve/auxiliary) with fire fighting training and their qualifications should be developed for inclusion in Annex F, Appendix III, Tab A of the ACP.

5. NFPA 1405, A Guide for Land-Based Fire Fighters Who Respond to Marine Vessel Fires.

   a. Introduction. The National Fire Protection Association developed NFPA 1405 at the request of, and in cooperation with, the United States Coast Guard and with the assistance of the fire service and maritime communities. The Coast Guard provided representatives to the Subcommittee for Land-Based Fire Fighters Who Fight Marine Vessel Fires.

   b. Purpose. NFPA 1405 was developed for use by local fire fighting organizations that may be confronted with a fire aboard a vessel. This publication identifies the elements required to formulate a comprehensive marine fire fighting response program. NFPA 1405 discusses vessel familiarization, training, response techniques, contingency planning, and the hazards a fire fighter may face in combatting a vessel fire. The guide also recommends practices to use in responding to fire in the maritime environment. NFPA 1405 provides an excellent resource of information which will aid fire fighters to safely and efficiently extinguish a marine vessel fire.

c. Defining The Coast Guard Role. Many citizens and the local fire departments believe that the Coast Guard is responsible for complete fire fighting activities in the event of a vessel fire. NFPA 1405 can be used as an informational tool to educate civilian fire fighters of the role the Coast Guard fire fighting policy.

Chapter 12 of the Guide for Land-Based Fire Fighters Who Respond to Marine Vessel Fires, discusses the Coast Guard's role in responding to a vessel fire. This chapter provides a brief summary of the Coast Guard's responsibility and capabilities in the event of a vessel fire. Also discussed in this chapter is the development of contingency plans and their importance to ensuring a timely, efficient response to a fire in the port environment.

d. NFPA Publications. Copies of NFPA publications are available from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269.

e. NFPA 1405 Familiarization. All Coast Guard personnel who have completed fire fighting training should also have a working knowledge of NFPA 1405. This standard identifies several elements necessary for an efficient response to a vessel fire in the port environment.

H. Headquarters Support. The Oil Pollution Act of 1990, Section 4202, requires the Coast Guard to include fire fighting equipment in its contingency plans. However, the Commandant does not intend to greatly expand the Coast Guard's fire fighting equipment beyond the OPA 90 requirements. The procurement of protective clothing and specialized equipment in quantities sufficient to protect Coast Guard personnel involved in fire fighting at or on Coast Guard units will continue. This policy may require stockpiling of fire fighting chemicals and equipment in some locations. The Offices of Engineering Logistics and Development (G-E), Law Enforcement and Defense Operations (G-0), Navigation Safety and Waterways Services (G-N), and Marine Safety, Security and Environmental Protection (G-M) will coordinate retrofitting and procurement of necessary fire fighting equipment and protective clothing. The Offices of Health and Safety (G-K) and COMDT (G-E) will ensure that the latest design, equipment and procedural information is available to operational program directors for the safest most effective use of Coast Guard resources.

FIGURE 8-1
OUTLINE FOR ANNEX M OF THE AREA CONTINGENCY PLAN

ANNEX M -- MARINE FIRE FIGHTING

Appendix I: Policy And Responsibility

1. Federal Policy
2. State Policy
3. Local Policy
4. COTP Responsibility
5. Nonfederal Responsibility

Appendix II: Response Organization

1. Local Fire Response Organization
2. Predesignation of Responsibilities for Various Scenarios

Appendix III: Marine Fire Fighting Scenarios

Scenarios should be developed following the general guidelines for ANNEX 1: Scenario Development in COMDTNOTE 16471 dtd 30 SEP 92 and should be based on the types of facilities and vessels common within the OSC's/COTP's AOR. it is not expected that all OSC's/COTP's will encounter all of the possible scenarios listed below.

1. Waterfront Facility (Break Bulk and/or Bulk Liquid)
2. Tank Vessel (Cargo Tank and/or Engine Room)
3. Freight Vessel (Break Bulk and/or Container)
4. Bulk Solid Cargoes (Cargo and/or Engine Room)
5. Passenger Vessel (Cruise Ship and/or Gaming Vessel)
6. Tank Barge
7. Liquefied Gas Carrier (LNG/LPG)

Appendix IV: Marine Fire Fighting Resources

The intent of this section is to list those resources not already included in the ACP that would be needed in a marine fire situation. Examples include local stockpiles of fire fighting foam, sources of supply for additional foam, specialized sources of marine fire fighting assistance, marine chemists, etc ...
OSC's/COTP's may also consider including a condensed listing of those resources currently listed in other sections of the ACP that are of primary interest in a marine fire situation.
U. S. GOVERNMENT PRINTING OFFICE :1996-405-567/40009

the freight container, obvious damage to the container and/or its contents) under the exigent circumstances exception. The inspector must reasonably believe that the leaking or damage involves hazmat, or otherwise poses a significant risk of injury to persons or damage to property.

G. References. The following is a list of references that may be used by marine safety personnel in implementing local inspection programs for containerized hazardous materials:

1. Hazardous Materials Transportation Act (HMTA) (49 U.S.C. 1801, et seq.) as amended

2. Ports and Waterways Safety Act (PWSA) (33 U.S.C. 1221, et seq.)

3. The International Safe Container Act (ISCA) (46 U.S.C. 1503)

4. International Convention for Safe Containers (ISC) including 1981 and 1983 amendments

5. International Maritime Dangerous Goods (IMDG) Code, by the International Maritime Organization

6. 49 CFR Parts 100 - 180

7. 49 CFR Parts 450 - 453

8. 33 CFR Part 126

9. 33 CFR Part 160

10. Competent Authority Notice on Container Packing Certificates, published by the Research and Special Programs Administration (RSPA), Department of Transportation, Federal Register Vol.58, No.249, December 30, 1993

11. COMDTINST 16200.3A, Civil Penalty Procedures and Administration

12. "A Shipper's Guide for Proper Stowage of Intermodal Containers in Ocean Transport,** by the National Cargo Bureau

13. "A Shipper's Guide to Stowage of Cargo in Marine Containers," by the U.S. Maritime Administration

14. "Guide for Container Equipment Inspection" (Fourth Edition), by the Institute of International Container Lessors, LTD., Bedford, N.Y.

15. "IMO/ILO Guidelines for Packing Cargo in Freight Containers or Vehicles," by the International Maritime Organization

16 "IMO Code of Safe Practice for Cargo Stowage and Securing" by the International Maritime Organization

17. Bureau of Explosives Pamphlet No. 6c, "Approved Methods for Loading and Retaining Shipments of Hazardous Materials for Trailer/Container on Flat Car Movements"

18. "Cargo Containers - Their Storage, Handling and Movement," by Herman D. Tabak, Cornell Maritime Press Inc.

19. "Ocean Container Transportation: An Operational Perspective," by Mark L. Chadwin, James A. Pope, and Wayne K. Talley, Taylor & Francis, New York, NY (1990)

20. "Intermodal Freight Transportation," by Gerhardt Muller, Eno Foundation for Transportation, Inc.

H. Delegate Approval Authorities For Containers. The below organizations have been delegated authority by the Commandant (G-MSO), U.S. Coast Guard, to approve containers as complying with the International Safe Container Act in accordance with Title 49, U.S. Code of Federal Regulations, Part 450. This list is current as of August 9, 1996.

ORGANIZATION	CODE	APPROVAL DATE
1. American Bureau of Shipping	AB	6 Jun 78

ATTN: Mr. Aris Antoniou
16855 Northchase Dr.
Houston, TX 77060-6008
Tel: (713) 873-5200
Fax: (713) 874-9553

ORGANIZATION	CODE	APPROVAL DATE
2. ABS Industrial Verification Services, Inc. ATTN: Mr. Aris Antoniou 16855 Northchase Dr. Houston, TX 77060-6008 Tel: (713) 873-5200 Fax: (713) 874-9553	AT	6 Jun 78
3. International Cargo Gear Bureau, Inc. ATTN: Mr. Charles G. Visconti 17 Battery Place New York, NY 10004 Tel: (212) 425-2750 Fax: (212) 269-9469	IB	6 Jun 78
4. Marine Container Equipment Certification Corp ATTN: Capt. M. W. Alien 160 Squankum Yellowbrook Road Farmingdale, NJ 07727 Tel: (908) 938-6622 Fax: (908) 938-6972	MC	6 Jun 78
5. B. A. Bodenheimer & Co., Inc. ATTN: Mr. Bert A. Bodenheimer 456 Glenbrook Rd. Stamford, CT 06906 Tel: (203) 324-1188 Fax: (203) 324-6993	BA	17 Nov 78
6. Container Transport Technology ATTN: Mr. P. W. Shahani P. O. Box 99 Annandale, NJ 08801 Tel: (908) 735-6676 Fax: (908) 735-2160	CT	27 Dec 79
7. Intermodal Transportation Services, Inc. ATTN: Mr. E. Matthew Marks Linden Plaza 9 Campus Drive Parsippany, NJ 07054-4476 Tel: (201) 993-3634 Fax: (201) 993-5749	IT	15 Sep 80

ORGANIZATION	CODE	APPROVAL DATE
8. C. R. Cushing & Co., Inc. ATTN: Mr. Charles R. Cushing 18 Vesey Street New York. NY 10007 Tel: (212) 964-1180 Fax: (212) 285-1334	CR	8 Sep 81
9. R. J. Del Pan & Co , Inc. ATTN: Mr. Lee A. Del Pan No. 501 Don Alfonso Sycip Bldg. U.N. Avenue Corner L. Guerrero Street Ermita, Manila Philippines Tel: 5220066; 5210178; or 5210180 Fax: (632) 5210367	DP	10 Mar 82
10. Hodges Transportation, Inc. Nevada Automotive Test Center ATTN: Mr. Henry C. Hodges, Jr. P. 0. Box 234 Carson City, NV 89702 Tel: (702) 882-3261 Fax: (702) 882-3264	NA	24 Oct 88
11. Silver Inspection Services ATTN: Mr. James R. Silver 2810 Todville Road P. 0. Box 1124 Kemah, TX 77565 Tel: (713) 474-7968 Fax: (713) 474-7840	SI	29 Jun 95
12 The Hartford Steam Boiler and Insurance Company ATTN: Mr. Timothy C. Healy One State Street Hartford, CT 06102 Tel: (203) 722-5150 Fax: (203) 722-5530	HB	11 Dec 95

I. Rescinded Delegation Approval Authority For Containers. The below organization has had its delegation authority rescinded by the Commandant(G-MSO), U.S. Coast Guard, to approve containers as complying with the International Safe Container Act in accordance with Title 49, U.S. Code of Federal Regulations, Part 450. This list is current as of August 9, 1996.

ORGANIZATION	CODE	DATE APPROVAL RESCINDED
1. Omnimodal, Inc. ATTN: Mr. Peter Canellis 1A Boxwood Road Port Washington, NY 11050 Tel: (915) 597-8641	OM	13 DEC 95