

7/17/85

DEPARTMENT OF TRANSPORTATION

U.S. COAST GUARD

STATEMENT OF

COMMODORE J. WILLIAM KIME

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BEFORE

THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

REGARDING

OCEAN INCINERATION OF HAZARDOUS WASTES

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I AM COMMODORE J. WILLIAM KIME, CHIEF OF THE OFFICE OF MERCHANT MARINE SAFETY, UNITED STATES COAST GUARD HEADQUARTERS. I AM PLEASED TO APPEAR BEFORE YOU TODAY TO DISCUSS THE COAST GUARD'S RESPONSIBILITIES IN THE OCEAN INCINERATION OF HAZARDOUS WASTES.

AS YOU KNOW, THE U. S. COAST GUARD IS RESPONSIBLE FOR THE PROTECTION OF THE MARINE ENVIRONMENT FROM POLLUTION AND FOR THE SAFETY OF OUR NATION'S PORTS. THIS REQUIRES THAT WE ENSURE THE SAFETY OF BOTH OUR WATERFRONT FACILITIES AND THE SHIPS AND PEOPLE THEY SUPPORT. TO DO THIS, WE ENFORCE A NUMBER OF LAWS WRITTEN WITH THIS GOAL IN MIND. THEY INCLUDE THE CLEAN WATER ACT; THE HAZARDOUS MATERIALS TRANSPORTATION ACT; THE MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT; AND THE PORTS AND WATERWAYS SAFETY ACT.

TODAY, I WOULD LIKE TO DESCRIBE PRESENT COAST GUARD PROGRAMS THAT DEAL WITH THE STORAGE AND TRANSFER OF HAZARDOUS WASTE, THE DESIGN AND CONSTRUCTION OF INCINERATOR SHIPS, AND THE MOVEMENT OF THESE SHIPS THROUGH OUR PORTS TO INCINERATION SITES. THESE PROGRAMS APPLY EQUALLY TO RESEARCH, TEST, AND OPERATIONAL BURNS. I'LL CONCLUDE WITH AN OVERVIEW OF OUR ABILITY TO RESPOND TO SPILLS AND POTENTIAL SPILLS.

FIRST I'LL ADDRESS THE TERMINALS IN OUR PORTS THAT STORE AND TRANSFER OIL, CHEMICALS AND OTHER DANGEROUS CARGOES. UNDER THE AUTHORITY OF THE PORTS AND WATERWAYS SAFETY ACT, WE INSPECT EACH OF THESE TERMINALS FOR COMPLIANCE WITH REGULATORY REQUIREMENTS FOR SECURITY; FIREFIGHTING AND POLLUTION PREVENTION EQUIPMENT; SEGREGATED CARGO STORAGE; PROPER BULK LIQUID TRANSFER EQUIPMENT AND

PROCEDURES; AND PROPERLY TRAINED OPERATING PERSONNEL. WE ALSO VERIFY THAT OIL TRANSFER FACILITIES MAINTAIN A DETAILED OPERATIONS MANUAL.

THE COAST GUARD IS NOT DIRECTLY INVOLVED IN THE SITING OF WATERFRONT FACILITIES; THIS IS THE RESPONSIBILITY OF LOCAL AND STATE GOVERNMENTS. HOWEVER, WE WORK CLOSELY WITH LOCAL GOVERNMENTS AND INDUSTRY REPRESENTATIVES TO ASSIST THEM IN UNDERSTANDING FEDERAL REQUIREMENTS, AND WE REVIEW CONSTRUCTION PLANS TO ENSURE NEW FACILITIES WILL NOT CREATE A HAZARD TO NAVIGATION. WE WILL ALSO ADVISE LOCAL AUTHORITIES OF ANY SPECIFIC ADDITIONAL REQUIREMENTS THE COAST GUARD WOULD PLACE ON THE TERMINAL AND ITS PERSONNEL AND ON VISITING SHIPS AND THEIR PERSONNEL INVOLVED IN THE STORAGE, LOADING AND TRANSPORT OF CARGOES OF PARTICULAR CONCERN SUCH AS LIQUIFIED NATURAL GAS (LNG) AND CHEMICAL WASTES. THE LOCAL CAPTAIN OF THE PORT (COTP) HAS THE AUTHORITY TO PREVENT VESSELS FROM DOCKING AT A FACILITY IF THEIR PRESENCE WILL POSE A HAZARD TO NAVIGATION OR AN UNACCEPTABLE THREAT TO THE PORT OR TERMINAL.

THE COAST GUARD WOULD REQUEST THAT AS A CONDITION, THE ISSUANCE OF AN OCEAN INCINERATION PERMIT, WE WILL REQUIRE THE OPERATORS OF HAZARDOUS WASTE FACILITIES BE REQUIRED TO PROVIDE NOTIFICATION AT LEAST 24-HOURS BEFORE THEY BEGIN TRANSFERRING HAZARDOUS WASTE TO A SHIP. THIS NOTIFICATION WILL ALLOW COAST GUARD BOARDING TEAMS TO EXAMINE THE TERMINAL AND THE INCINERATOR VESSEL AND TO MONITOR THE TRANSFER OPERATION. OUR TEAMS WILL ENSURE THAT THE PEOPLE CONDUCTING THE TRANSFER COMPLY WITH SAFETY AND POLLUTION PREVENTION REQUIREMENTS, BOTH AT THE FACILITY AND ABOARD THE VESSEL. THEY WILL CHECK

COMMUNICATIONS, FIREFIGHTING, LIGHTING, POLLUTION CONTAINMENT AND TRANSFER CONTROL EQUIPMENT TO VERIFY THEY ARE IN PLACE AND WORKING PROPERLY. ADDITIONALLY, THE COAST GUARD WILL REQUIRE FACILITIES TO COMPLY WITH THE REGULATIONS GOVERNING BOTH DESIGNATED WATERFRONT FACILITIES AND FACILITIES HANDLING OIL.

CHAPTER 37, TITLE 46 OF THE U. S. CODE, FORMERLY KNOWN AS THE PORT AND TANKER SAFETY ACT, GIVES THE COAST GUARD THE AUTHORITY TO APPROVE THE DESIGN AND CONSTRUCTION OF INCINERATOR VESSELS. INCINERATOR VESSELS MUST ALSO MEET THE REQUIREMENTS OF THE INTERNATIONAL MARITIME ORGANIZATION'S (IMO) BULK CHEMICAL CODE WHICH THE UNITED STATES HELPED DEVELOP. BECAUSE OF THE SPECIALIZED MISSION OF THESE SHIPS, THE APPLICABLE REGULATIONS ARE COMPLEX AND LOCATED IN VARIOUS SOURCES. TO IMPROVE UNDERSTANDING AND FURTHER INSURE COMPLIANCE, WE ARE CONSOLIDATING INCINERATOR SHIP REQUIREMENTS INTO A SINGLE PART OF TITLE 46, CODE OF FEDERAL REGULATIONS. WE PLAN TO PUBLISH THE NOTICE OF PROPOSED RULEMAKING IN THE FEDERAL REGISTER THIS SUMMER (1985).

PRESENT COAST GUARD REGULATIONS REQUIRE THAT INCINERATOR SHIPS HAVE DOUBLE BOTTOMS AND SIDES TO REDUCE THE POTENTIAL FOR DISCHARGES CAUSED BY COLLISIONS AND GROUNDINGS AND MEET A TWO COMPARTMENT DAMAGE STABILITY STANDARD. THE REQUIREMENTS FOR THE CARGO HANDLING SYSTEM AS WELL AS THOSE FOR THE INCINERATOR SYSTEM HAVE WORKER SAFETY AND POLLUTION PREVENTION AS THEIR BASIS. THE SHIP MUST MEET STRINGENT REQUIREMENTS DESIGNED TO PREVENT FIRES AND ACCIDENTAL POLLUTION. SOME OF THE SPECIFIC REQUIREMENTS INCLUDE: STANDARDS DEALING WITH THE DESIGN AND USE OF ELECTRICAL EQUIPMENT, FIRE EXTINGUISHING SYSTEMS, HIGH LIQUID LEVEL CARGO TANK ALARMS, CLOSED TANK GAUGING, AND OVERFLOW CONTROL SYSTEMS.

THE REQUIREMENTS ALSO ADDRESS CONCERNS FOR THE SAFETY OF THE SHIP'S CREWS AS IT RELATES TO THE HANDLING OF HAZARDOUS CHEMICALS. FOR EXAMPLE, THE REGULATIONS INCLUDE REQUIREMENTS FOR SHOWERS AND EYE WASH FOUNTAINS IN THE CARGO AREA, MEDICAL FIRST AID EQUIPMENT, CONTROLLED VENTING SYSTEMS SO THAT VAPORS ARE NOT RELEASED IN THE VICINITY OF PERSONNEL WORKING ON DECK, VENTILATION REQUIREMENTS FOR CONFINED SPACES, TOXIC VAPOR DETECTORS, AND SPECIAL BREATHING APPARATUS AND PROTECTIVE SUITS FOR EMERGENCY SITUATIONS. WE CONTINUE TO MOVE FORWARD IN THIS AREA, PARTICULARLY IN THE AREA OF TOXIC VAPOR EXPOSURE. A MEMORANDUM OF UNDERSTANDING (1983) WITH THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) ESTABLISHED THAT THE COAST GUARD IS THE DOMINANT FEDERAL AGENCY IN ENSURING THE OCCUPATIONAL SAFETY AND HEALTH OF SEAMEN ABOARD INSPECTED VESSELS. OUR PROPOSED INCINERATOR SHIP RULES WILL CONTAIN A REQUIREMENT FOR A COMPREHENSIVE RESPIRATORY PROTECTION PROGRAM. AS YOU ARE AWARE TOXIC VAPOR EXPOSURE IS AN AREA OF GROWING CONCERN, AND THE COAST GUARD IS CONTINUING TO STUDY THIS ISSUE.

THE COAST GUARD INSPECTS INCINERATOR SHIPS EACH YEAR. NEW CERTIFICATES OF INSPECTION ARE ISSUED EVERY OTHER YEAR IF THE VESSELS MEET ALL OF THE INSPECTION REQUIREMENTS. WITHOUT VALID CERTIFICATES OF INSPECTION THE SHIPS CANNOT OPERATE. WE INSPECT FOREIGN FLAG INCINERATOR SHIPS AND U. S. FLAG INCINERATOR SHIPS TO THE SAME STANDARDS AND AT THE SAME INTERVALS, IN COMPLIANCE WITH A RECENT AMENDMENT TO THE MERCHANT MARINE ACT. BOTH THE TWO VULCANUS SHIPS AND THE TWO APOLLO SHIPS MEET THE VESSEL DESIGN, CONSTRUCTION AND INSPECTION REQUIREMENTS AND WILL RECEIVE CERTIFICATES OF INSPECTION. EXCEPT FOR THE VULCANUS I AND II, INCINERATOR SHIPS MUST BE U. S. OWNED AND OPERATED.

THE COAST GUARD CAPTAIN OF THE PORT MAY USE THE AUTHORITY OF THE PORTS AND WATERWAYS SAFETY ACT TO CONTROL THE MOVEMENT OF THE INCINERATOR SHIP THROUGH THE PORT. WHEN NECESSARY, HE WILL ESTABLISH A MOVING SAFETY ZONE, REQUIRE COAST GUARD ESCORT VESSELS, RESTRICT OPERATIONS TO DAYLIGHT HOURS, SET WEATHER AND VISIBILITY RESTRICTIONS, AND REQUIRE TUG ASSISTANCE. ADDITIONALLY, THE CAPTAIN OF THE PORT WILL PREPARE A VESSEL MOVEMENT MANAGEMENT PLAN WHICH SPECIFIES ARRIVAL AND DEPARTURE PROCEDURES, VESSEL MOVEMENT CONTROLS, POINTS OF CONTACT, AND EMERGENCY PROCEDURES. SIMILAR CONTROLS HAVE BEEN IN PLACE FOR SHIPS CARRYING LNG FOR THE PAST TEN YEARS.

THE MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT MANDATES THAT THE COAST GUARD PROVIDE SURVEILLANCE FOR OCEAN DUMPING AND INCINERATION OPERATIONS. SPECIFICALLY, WE MUST ENSURE THAT THE SHIPS FOLLOW THE APPROVED ROUTE TO THE SITE AND STAY WITHIN THE SITE DURING INCINERATION. INITIALLY, WE WILL ACCOMPLISH THIS BY PLACING COAST GUARD PERSONNEL ON BOARD FOR THE COMPLETE VOYAGE.

AFTER ANALYZING OUR ENFORCEMENT PROGRAM, CURRENT REGULATORY REQUIREMENTS AND RECENT EPA STUDIES, I AM CONFIDENT THAT THE CHANCE OF A SPILL DURING INCINERATOR SHIP OPERATIONS IS EXTREMELY REMOTE. HOWEVER, IF A SPILL SHOULD OCCUR, THE CLEAN WATER ACT AND THE COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT (CERCLA) REQUIRE PROMPT CLEANUP ACTION.

THE NATIONAL OIL AND HAZARDOUS SUBSTANCE POLLUTION CONTINGENCY PLAN ASSIGNS SPECIFIC RESPONSIBILITIES TO FEDERAL AGENCIES AND MANDATES REGIONAL CONTINGENCY PLANS FOR COORDINATION AND ROLE IDENTIFICATION AT THE STATE LEVEL. UNDER THE NATIONAL CONTINGENCY PLAN, A COAST GUARD OFFICER IS THE PRE-DESIGNATED ON SCENE COORDINATOR FOR SPILLS AND POTENTIAL SPILLS IN COASTAL AND OFFSHORE AREAS, AND THE EPA IS THE ON SCENE COORDINATOR FOR INLAND SPILLS.

IF THERE IS A SPILL OR A POTENTIAL SPILL, THE ON SCENE COORDINATOR ENCOURAGES THE SPILLER TO CONDUCT RESPONSE ACTIONS. HOWEVER, IF THE SPILLER DOES NOT BEGIN AN IMMEDIATE RESPONSE OR DOES NOT RESPOND ADEQUATELY, THE ON SCENE COORDINATOR CAN INITIATE A FEDERAL CLEANUP USING FUNDS AVAILABLE FROM CERCLA OR THE CLEAN WATER ACT. IN THE CASE OF INCINERATION AT SEA, THE EPA HAS EMPHASIZED THE SPILLER'S RESPONSIBILITY BY REQUIRING SPECIFIC CONTINGENCY PLANS WHICH WILL BE REVIEWED IN DETAIL BY THE COAST GUARD. THIS IS THE SAME PROCEDURE USED TO INSURE THE ADEQUACY OF OFF SHORE OIL DRILLING CONTINGENCY PLANS.

IF THERE IS A SPILL, ON SCENE COORDINATORS CAN CALL ON A NUMBER OF FEDERAL SPECIAL FORCES DEDICATED TO POLLUTION RESPONSE. THESE FORCES INCLUDE THE COAST GUARD'S NATIONAL STRIKE FORCE, THE EPA'S ENVIRONMENTAL RESPONSE TEAM AND THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'S SCIENTIFIC SUPPORT COORDINATORS.

WE ROUTINELY COORDINATE POLICY AND OPERATIONAL MATTERS WITH OTHER FEDERAL AGENCIES AT ALL LEVELS ON A WIDE VARIETY OF TOPICS. THIS INCLUDES EPA, WITH WHOM WE HAVE ENJOYED A CLOSE WORKING RELATIONSHIP OVER THE YEARS. FOR EXAMPLE, WE WORKED WITH EPA IN THE PREPARATION OF THEIR PROPOSED REGULATIONS FOR OCEAN INCINERATION AND WILL BE ASSISTING THEM IN RESPONDING TO THE COMMENTS RECEIVED WHICH PERTAIN TO COAST GUARD RESPONSIBILITIES. A COAST GUARD REPRESENTATIVE MADE SHORT PRESENTATIONS ON COAST GUARD RESPONSIBILITIES AT EPA'S FIVE PUBLIC HEARINGS AND AT TWO OTHER PUBLIC MEETINGS. ALSO, A MEMBER OF MY STAFF SERVED ON EPA'S WORKING GROUP THAT PREPARED THE "ASSESSMENT OF INCINERATION AS A TREATMENT METHOD FOR LIQUID ORGANIC HAZARDOUS WASTES." IT IS ONLY THROUGH SUCH COORDINATION THAT THE BEST INTERESTS OF THE PUBLIC CAN BE SERVED.

IN SUMMARY, THE COAST GUARD HAS UNDER EXISTING STATUTES AND REGULATIONS SUFFICIENT AUTHORITY AND REQUIREMENTS TO ENSURE THE SAFE STORAGE AND TRANSFER OF HAZARDOUS WASTE AT PORT FACILITIES AND THE SAFE OPERATION OF INCINERATOR SHIPS, AND THESE REQUIREMENTS WILL BE RIGOROUSLY ENFORCED. WE HAVE SIGNIFICANT SUCCESSFUL EXPERIENCE IN THE TRANSFER AND SHIPPING OF LARGE QUANTITIES OF HAZARDOUS PRODUCTS ON A DAILY BASIS IN U. S. PORTS.

THIS CONCLUDES MY PREPARED STATEMENT ON THIS MATTER. I WILL BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE.