

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD

STATEMENT OF

REAR ADMIRAL J. WILLIAM KIME
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BEFORE

THE SUBCOMMITTEE ON OCEANOGRAPHY
OF THE
HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES

REGARDING

OCEAN INCINERATION OF HAZARDOUS WASTES

CHAIRWOMAN MIKULSKI AND MEMBERS OF THE COMMITTEE, I AM REAR ADMIRAL 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 AND ROLE 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, THE MOVEMENT OF THESE SHIPS THROUGH OUR PORTS TO THE INCINERATION SITES, AND OUR INTERAGENCY COORDINATION FOR OCEAN INCINERATION. INCLUDED WILL BE AN UPDATE ON OUR REGULATORY EFFORTS AND OUR ACTIVITIES FOR THE PROPOSED HAZARDOUS WASTE RESEARCH BURNS ON THE INCINERATOR SHIPS. 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 HAS REQUESTED EPA TO INCLUDE IN THEIR RESEARCH PERMITS A CONDITION THAT OPERATORS OF HAZARDOUS WASTE FACILITIES NOTIFY THE CAPTAIN OF THE PORT 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 BEFORE THE TRANSFER OPERATIONS BEGIN. 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 DESIGNATED WATERFRONT FACILITIES AND THE ADDITIONAL REQUIREMENTS FOR 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 ASSIST 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 AS SOON AS POSSIBLE.

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, OVERFLOW CONTROL SYSTEMS, AND PERSONNEL PROTECTIVE EQUIPMENT.

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. VULCANUS II IS CURRENTLY CERTIFIED BY THE COAST GUARD AS COMPLYING WITH THIS AMENDMENT (P.L. 97-389) AND THE VULCANUS I IS PRESENTLY IN THE PROCESS OF BEING CERTIFIED. THE TWO APOLLO SHIPS HAVE NOT COMPLETED THE INSPECTION REQUIREMENTS AND HAVE NOT RECEIVED A CERTIFICATE 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. FOR THE RESEARCH BURNS CAPTAIN OF THE PORT PHILADELPHIA INTENDS TO REQUIRE A COAST GUARD ESCORT VESSEL AND TUG ASSISTANCE AND ESTABLISH A MOVING SAFETY ZONE WITH ONE WAY TRAFFIC FROM THE LOADING FACILITY TO THE DELAWARE MEMORIAL BRIDGE. ALSO HE WILL RESTRICT OPERATIONS TO DAYLIGHT HOURS ONLY ABOVE SHIP JOHN SHOALS LIGHT AND SET VISIBILITY RESTRICTIONS OF TWO NAUTICAL MILES TO THE ENTRANCE OF DELAWARE BAY. 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. DURING THE RESEARCH BURNS, THE SHIPRIDER WILL DISEMBARK AT THE MOUTH OF THE DELAWARE BAY AND EPA PERSONNEL ON BOARD THE INCINERATOR SHIP AND ON EPA'S RESEARCH VESSEL WILL ENSURE THE SHIP IS OPERATING WITHIN THE INCINERATION SITE.

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.

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 PARTICULARLY CLOSE WORKING RELATIONSHIP ON ALL ASPECTS OF THE OCEAN INCINERATION PROGRAM. 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, AND THE COAST GUARD SERVED ON EPA'S WORKING GROUP THAT PREPARED THE "ASSESSMENT OF INCINERATION AS A TREATMENT METHOD FOR LIQUID ORGANIC HAZARDOUS WASTES." MORE RECENTLY WE HAVE BEEN INTIMATELY INVOLVED IN REVIEWING THE RESEARCH BURN APPLICATIONS, INCLUDING THE CONTINGENCY PLANS, AND COORDINATING THE OPERATIONAL PERMIT CONDITIONS FOR THE RESEARCH BURN. IT IS ONLY THROUGH SUCH CLOSE AND EFFECTIVE 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 I CAN ASSURE YOU THESE REQUIREMENTS WILL BE RIGOROUSLY ENFORCED. WE ALSO HAVE SIGNIFICANT, SUCCESSFUL EXPERIENCE IN THE TRANSFER AND SHIPPING OF LARGE QUANTITIES OF HAZARDOUS PRODUCTS ON A DAILY BASIS IN U. S. PORTS. FOR 1983 THERE WERE APPROXIMATELY 8,700 MILLION BARRELS OF HAZARDOUS SUBSTANCES SHIPPED IN AND OUT OF U.S. PORTS. EPA HAS ESTIMATED THAT THE AMOUNT OF HAZARDOUS WASTE CARRIED BY SIX INCINERATOR SHIPS OPERATING CONTINUOUSLY WOULD REPRESENT ONLY 0.03 PERCENT OF THE TOTAL AMOUNT OF HAZARDOUS SUBSTANCES SHIPPED IN 1983.

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