



Section 9330

Derelict Vessel Best Management Practices

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Derelict Vessel Best Management Practices

9330.1 Purpose

The purpose of this plan is to outline the regulatory and policy authority of each agency with a nexus to abandoned vessels and to establish best practices available for the mitigation of imminent pollution and navigation threats from derelict vessels, barges, and houseboats.

9330.2 Definitions

An abandoned vessel is one that does not have an identified owner or that has been left by its owner on public property or without permission of the landowner. This term is defined as follows in federal, Oregon, and Washington regulations:

Federal:

- *Commandant, United States Coast Guard Instruction M16465.43*: “Any craft designed for navigation that has been moored, stranded, wrecked, sunk, or left unattended for longer than 45 days that is not on private property with the permission of the owner.”

Oregon:

- *Oregon Revised Statutes [ORS] 830.909*: A vessel that is left on public property, or private property without the permission of the landowner.

Washington:

- *Revised Code of Washington 79.100.010*: A vessel that is left, moored, or anchored in the same area without express consent for more than 30 consecutive days or for a total of 90 days in a 365-day period.

A boathouse is defined as a covered structure on floats or piles used for the protected moorage of boats (ORS 830.700).

A confined space is defined as a compartment of small size and limited access such as a double bottom tank, cofferdam, or other space that, by its small size and confined nature, can readily create or aggravate a hazardous exposure (29 Code of Federal Regulations [CFR] 1915.4).

A derelict vessel is one whose condition is degrading and, while it has an identified owner, no longer functions for its intended purpose.

A floating home is defined as a moored structure that is secured to a pier or pilings and is used primarily as a domicile and not a boat (ORS 830.700).

Owner is defined as any natural person, firm, partnership, corporation, association, government entity, or organization that has a lawful right to possession of a vessel.

Removal means the act of removing and cleaning up an abandoned boat, floating home, or boathouse.

Removing Authority is a sheriff's office, municipal police department, state police office, or law enforcement agency created by intergovernmental agreement or a port (ORS 777.005 or 778.005).

Responder means any federal, state, or local personnel that may be involved with abandoned and derelict vessels (ADV) or vessels of concern.

Ship breaking means any breaking down of a vessel's structure for the purpose of scrapping the vessel, including the removal of gear, equipment, or any component part of a vessel (29 CFR 1915.4).

Vessel includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water (29 CFR 1915.4).

9330.3 Background

ADV) have the potential to become significant threats to the environment, navigation, and human health and safety. These vessels typically include harbor and coastal working vessels, such as tugs, fishing vessels, and pleasure craft that have been abandoned due to repair cost, economic conditions, or the decline of fishing industries and scrap metal values. While there is currently no national database tracking these vessels, they remain a problem in virtually every commercial and recreational harbor throughout the United States. In addition to the potential for oil pollution, these vessels may present significant environmental concerns and public health hazards due to their location, condition, and the potential presence of other hazardous substances and wastes.

Abandoned vessels, including those found in the coastal environment, inland rivers, and Great Lakes, are often intertidal or lie in shallow waters and may pose serious hazards by creating obstructions that restrict, endanger, or interfere with navigation. Even vessels that contain no hazardous materials and pose no immediate navigation hazard may shift during storms or become dump sites for other vessels looking to discard bilge waste.

In United States waters, there are an estimated 20,000 shipwrecks and countless other abandoned or derelict vessels. Proactive mitigation of wrecks and abandoned vessels is difficult, but preferred over responding to uncontrolled spills due to hull breaches, or vessel recovery operations following floods or hurricanes. The United States Coast Guard (USCG) has the primary responsibility for responding to pollution threats in the coastal zone, including making the determination of a substantial threat of discharge, whereas the United States Environmental Protection Agency (EPA) retains those authorities in the inland zone. The United States Army Corps of Engineers (USACE) has the primary responsibility for maintaining an obstruction-free navigational waterway. If a vessel is determined to be a substantial pollution threat or navigational hazard and no action has been taken by a responsible party (RP) to mitigate the threat, federal resources may be available under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) or other federal authorities. In most cases, removal of the threat requires an interagency response by federal, state and local agencies.

9330.3.1 Columbia River Derelict Vessel Task Force

In May of 2011, the Columbia River Derelict Vessel Task Force was formed following a \$23 million response to the ex-Liberty Ship turned derelict barge Davy Crockett and a perceived growing threat of derelict and abandoned vessels. The task force mission is to recommend policy, share information, and foster collaborative and shared efforts of task force members to identify and mitigate the harmful effects of derelict vessels, barges, and houseboats along the middle and lower Columbia and Willamette Rivers. The Task Force also collaborates with coastal ports as well as Puget Sound on derelict vessel issues. Regular contributors to the task force include representatives from the USCG, EPA, USACE, National Oceanic and Atmospheric Administration (NOAA), Oregon Department of Environmental Quality, Oregon State Marine Board, Oregon Department of State Lands, Oregon Department of Justice, Washington State Department of Energy, Washington State Department of Natural Resources, and Columbia County and Multnomah County Sheriff's Offices. Task force objectives include:

1. Inventory derelict vessels, barges, and houseboats along the Columbia and Willamette Rivers.
2. Determine derelict vessels, barges, and houseboats that pose actual or potential pollution threats and hazard to navigation.
3. Prioritize and remove all pollution, hazardous materials, and navigational threats from identified derelict vessels, barges, and houseboats.
4. Conduct regular, intense, coordinated surveillance for prevention of pollution, hazardous materials, or navigational threats stemming from derelict vessels, barges, and houseboats.
5. Develop a list of law and policy areas for investigation where existing rules and policies could be changed to facilitate the reduction of current and future derelict and abandoned vessels.

6. Identify opportunities to align Washington and Oregon laws addressing derelict vessels with the goal of moving toward a consistent regulatory regime on the Columbia River.
7. Maintain effective communications with state and local agencies, USCG Auxiliary, and federal partners.

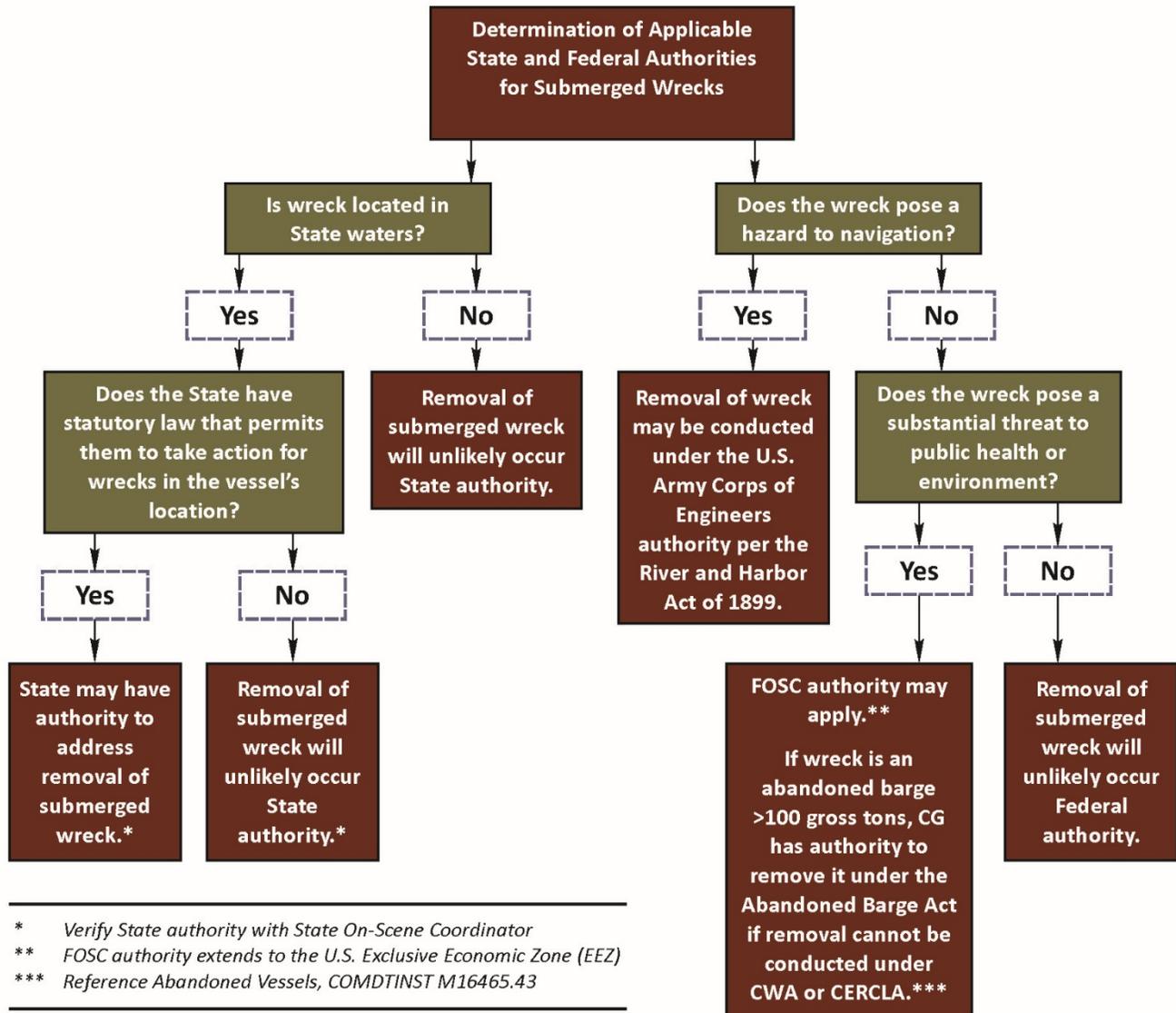
9330.3.2 Authorities Matrix

An objective of the task force was to develop a list of laws and policy that could be analyzed for possible changes. The task force members found that the authorities, jurisdictions, and funding to mitigate the consequences of derelict and/or abandoned vessels are very complex. As a result, two versions of an Authorities Matrix have been developed and are provided in Attachments A and B. The first is an abbreviated version that is suitable for use by the general public or others who simply want a summary of regulations that may apply. The other is more in-depth and appropriate for program managers.

The causes of dereliction and abandonment are also complex. The reverse side of the abbreviated Authorities Matrix is an attempt to depict the complex life cycle of a vessel leading up to abandonment.

9330.3.3 Authorities Decision Tree

In a further effort to identify and align the complex authorities of each agency, a basic decision tree has been developed.



* Verify State authority with State On-Scene Coordinator
 ** FOSC authority extends to the U.S. Exclusive Economic Zone (EEZ)
 *** Reference Abandoned Vessels, COMDTINST M16465.43

9330-1 Derelict Vessel Authorities Decision Tree

9330.4 Operations**9330.4.1 Prevention**

The most important way of preventing vessels from becoming ADVs in the future is early identification. One of the first indicators along the path to abandonment or dereliction is the loss of the vessel's registration or documentation. It is incumbent upon regulatory and enforcement agencies to have strong compliance programs that monitor the registration and documentation on both recreational and commercial vessels.

In addition to early identification, it is important that responders have early communication both with the vessel's owner and with other agencies or organizations that may have an interest in the vessel or any useful information about it. Interagency coordination should occur at federal, state, and local levels.

Recognizing the signs of a vessel that is soon to be derelict and taking preventative measures can save a great deal of time, money, and effort. If a vessel is determined to be a "vessel of concern," it is likely to become derelict in the future. A notice should be posted on a highly visible section of the vessel that recognizes it as a vessel of concern, and a letter of concern should be sent to the last known owner of the vessel within 72 hours. The letter of concern should state the vessel's make and model and registration number, why the vessel is considered a vessel of concern, that immediate attention is required of the owner, what will happen if the owner fails to comply, and reporting officer contact information. A sample letter of concern to the owner and notice to be placed on the vessel are included in Attachment C.

9330.4.2 Assessments**9330.4.2.1 Identification**

There are various methods to identify potential derelict vessels as vessels of concern. Responders may conduct assessments without boarding a vessel (e.g., shore or dock) if they do not have the authority to board the vessel or if safety concerns prohibit a boarding. A Site Safety Plan specific to ADV boarding is provided in Attachment D to assist responders in identifying hazards and risks prior to boarding a vessel.

Consultation with partner agencies is essential, and multi-agency boardings and assessments are encouraged, especially if another agency has action authority on an ADV. Responders are encouraged to conduct harbor patrols and communicate with local port directors, marina managers, and local mariners to foster situational awareness and develop partnerships for identifying these vessels and conducting assessments.

9330.4.2.2 Assessment Resources

There are a host of resources available to assist with the investigation of ADVs. The USCG maintains several vessels capable of transporting responders and investigators to the scene of a vessel. Use of these assets can be coordinated via the nearest USCG Sector Command Center.

State environmental responders and law enforcement (e.g., departments of environmental protection, state marine patrol, and state police) typically maintain vessels capable of investigating vessel sites as well. In particular, they have trailerable shallow draft vessels capable of getting investigators to very shallow areas not accessible from shore.

State and local law enforcement or other agencies may have dive teams available to assist with investigations of submerged ADVs.

NOAA may be able to arrange sonar surveys of wrecks. NOAA vessels constantly run surveys of coastal areas, and responders may be able to have a ship in the vicinity of a wreck respond to survey the site.

9330.4.2.3 Derelict Vessel Reporting Form and Evaluation Matrix

The Derelict Vessel Reporting Form in Attachment E can be used to assist in assessing a vessel of concern. At a minimum, responders should determine the following information about the vessel.

9330.4.2.3.1 Vessel Information

Characteristics of the vessel should be noted and documented to assist in determining owner/operator information, vessel history, and other amplifying descriptors. These include vessel name, registration number, hull type, vessel type, fuel or hazardous materials on board, fuel capacity, activity on the vessel, etc.

9330.4.2.3.2 Location

Obtain a latitude/longitude for the vessel, accurate depth (if sunk), and a general geographic description of the area the vessel is in. Study the area and become familiar with geographic features, environmentally sensitive areas, infrastructure (including nearby piers and haul-out facilities), and port facilities that could be impacted or be of use in a response and/or removal.

Identify navigational concerns and proximity to navigational channels/byways, mooring fields, marinas, fishing co-op piers, fish pens, and any other higher traffic areas. This may affect the urgency of the response or the need to warn the public of the location of the vessel.

In the case of a grounded vessel, ascertain whether it needs to be secured to shore to keep it from drifting away on the next tide.

9330.4.2.3.3 Key Owner/Operator Information

Responders should get the name, address, and phone/cell numbers for the owner and any relevant operators if possible. Responders should have a detailed discussion with the owner and note any plans the owner may have to remove or clean up the vessel. If an owner is unknown, responders can contact the USCG and state and local agencies to determine ownership using their databases based on the name, hull number, registration sticker, or other characteristics of the

vessel. In the case of fishing vessels, the local USCG courtesy commercial fishing vessel inspector may have detailed information about the vessel and crew.

9330.4.2.3.4 Physical Condition

Assess and document the physical condition of the vessel, such as:

- Vessel sunk or listing,
- Major damage to structure,
- Visible holes in the hull or deck,
- Numerous soft patches or failing patches, and
- Popped or missing planks.

9330.4.2.3.5 Threat of Pollution

Identify and document the capacity of the fuel tanks, fuel vent location, and other cargo aboard that may be considered oil or hazardous materials (e.g., batteries, paint, hydraulic fluid in gear or stored, engine/generator crank case oil, propane tanks, packaged cleaners, etc.).

9330.4.2.3.6 Public Safety

Identify and document accessibility to the vessel to determine potential for illicit activity on board or possibility of illegal dumping. If there is a potential for criminal activity, responders should:

- Contact local law enforcement for any information they have regarding the vessel prior to sending investigators or responders aboard.
- Research the vessel history in federal, state, and local databases for past criminal activity or other violations.

9330.4.2.3.7 Current or Previous Response Actions

Harbormasters, State Marine Patrol, state environmental responders, local fire departments, and federal partners such as EPA, NOAA, USCG, or USACE may already have detailed information on the vessel in question. Take note of any previous, current, or planned actions by the federal, state, or local government to clean up or remove the vessel.

9330.4.2.4 Submission of Reporting Form and Evaluation Matrix into Vessels of Concern Database

Reports should be made as completely as possible using the reporting form and evaluation matrix in Attachment E. Responders may use the form for their own purposes and evaluation of vessels of concern as their status changes over time. Responders are also encouraged to enter new vessels of concern and updated information into the vessels of concern database so that other agencies may have access to up-to-date information for additional assessments or responses.

9330.4.3 Safety

9330.4.3.1 Pre-Boarding

All members of the team should conduct a safety brief prior to boarding a vessel of concern. Upon completion, teams should review, fill in, sign the Site Safety

Plan (Attachment D), and conduct an Initial Safety Inspection prior to conducting the rest of the assessment.

Teams should attempt to gain all pertinent safety information, including:

- Interviewing the owner/operator,
- Using agency databases such as the USCG Marine Information for Safety and Law Enforcement system,
- Checking with local law enforcement, and
- Interviewing members that have gone on vessels in recent years.

If illicit activity is identified, local police should be called immediately and the team will not continue with the boarding and assessment until it has been deemed safe to enter.

9330.4.3.2 Boarding

A vessel should not be boarded unless is it deemed necessary and only by those who are qualified.

When in doubt, stay clear and make a report at your earliest convenience.

9330.4.3.2.1 General

All personnel should use level D personal protective equipment, which includes coveralls, gloves, boots/shoes (chemical resistant, composite toe), safety glasses or splash resistant goggles, and hard hat. Four-gas meters shall also be worn, and if a four-gas meter alarms, all team members shall be notified and will exit the space.

Use control measures to avoid hazards including, but not limited to:

- | | |
|--------------------------|--------------------------|
| a. Muscle strain | f. Drowning |
| b. Slip, trip, and fall | g. Cold injury |
| c. Chemical exposure | h. Heights |
| d. Cuts, punctures, etc. | i. Noise |
| e. Fire | j. Overhead obstructions |

9330.4.3.2.2 Potential Safety Problems

Many derelict vessels have a number of potential safety problems, including:

- **Hazardous Materials**
 - *Asbestos* – Used in fire retardant coatings, heat, fire and acid resistant gaskets, pipe insulation, and ceiling insulation. Inhalation of asbestos fibers can cause serious illnesses, including malignant lung cancer, mesothelioma (a formerly rare cancer strongly associated with exposure to amphibole asbestos), and asbestosis (a type of pneumoconiosis). Long exposure to high concentrations of asbestos fibers is more likely to cause health problems.
 - *Oils and Fuels* – Many fuel and oil products have a variety of additives, including benzene, which is a known carcinogen.

- *Lead* – A soft metal that is widely used in the production of batteries, metal products (solder and pipes), ammunition, and devices to shield X-rays, leading to its exposure to the people working in these industries. Use of lead in gasoline, paints and ceramic products, caulking, and pipe solder has been dramatically reduced in recent years because of health concerns, but may remain on older vessels. Chronic exposure may be toxic to blood, kidneys, central nervous system. Repeated or prolonged exposure can produce target organ damage.
- Sites of criminal activity (illegal dumping, drug labs, and/or booby traps).
 - If any team members find themselves in one of the above situations, immediately stop all movement and alert the entire group. Carefully vacate the area in the safest possible way (usually exactly as entered) and disembark from the vessel. Notify local, state, and federal law enforcement.
- Uneven, wet, or oiled surfaces. These surfaces often result in slips, trips, and falls.
- Vessel instability or structural weaknesses due to natural deterioration, water currents, depths, etc.
- Disgruntled owners.
- Often associated with illicit activity.
- Confined spaces with little or no oxygen.
- Have the potential to cause deaths due to atmospheric hazards such as oxygen deficiency or enrichment hazards, explosive (combustible/flammable) hazards, and toxic hazards.
- Recognition of a confined space is the first step in preventing fatalities. They are typically spaces with narrow openings and very little air exchange. Signs of an oxygen-deficient atmosphere include dead animals, holds that have not been accessed by humans, etc.
- Basic precautions include all team members wearing four-gas meters to detect changes in oxygen, combustibles, carbon monoxide, and hydrogen sulfide. Confined spaces should be tested by a certified marine chemist or shipyard competent person prior to entry.

9330.4.3.2.3 Emergency Procedures

Emergency Medical Procedures: Do not attempt to move seriously injured personnel; call for an ambulance to come to the injured person.

Emergency Fire Procedures: Do not attempt to fight fires other than small fires. A small fire is generally considered to be a fire in the early stages of development that can readily be extinguished with personnel and equipment in the immediate area in a few minutes time. Alert nearby personnel to call fire department. If a fire alarm is sounded, personnel shall immediately evacuate.

9330.4.4 Response Operations**9330.4.4.1 General**

Following assessments, responders will need to determine what action will be taken on the ADV or vessel of concern. These may include, but are not limited to:

- Leaving the vessel in place while continuing to monitor and provide updated assessments using the Reporting Form;
- Securing the vessel to its location;
- Securing navigation lights or markers on the vessel;
- Removing the vessel from the waterway; and
- Removing the pollution hazard from the vessel.

9330.4.4.2 Response Priorities and Key Decisions

Response priorities with regard to derelict vessels have many influencing variables. However, there are several paramount response priorities that remain constant:

- Safety of responders and the public,
- Minimization of adverse Impacts to the environment,
- Minimize impacts to commerce infrastructure,
- Public affairs outreach, and
- Stakeholder/community engagement.

Key actions and decisions by the responder include:

- Determining authority and identifying funding,
- Conducting the initial assessment/determining courses of action,
- Operational planning/management and execution,
- Assessing current operations plan and plan adjustments, and
- Public affairs program/transparency of operations.

9330.4.4.3 Response Actions

Should action be required on an ADV or vessel of concern, the owner or operator is ultimately responsible and should fund any operations deemed necessary. However, if the owner/operator is unknown or cannot assume responsibility for the vessel or property, then local, state, and federal agencies should work together to determine the most appropriate course of action based on their authorities and resources. See the Derelict Vessel Authorities Matrix (Attachments A and B).

In the event of an imminent threat of a vessel sinking, polluting, or becoming a hazard to navigation, actions should be taken to address the threat. This may include (but is not limited to) turning on a bilge switch to prevent a vessel from sinking, deploying boom around a vessel that is sheening, or fastening additional mooring lines to a vessel that is not secure. Responders should contact the 24-hour response numbers for the appropriate federal, state, and/or local response agency.

In the event that the owner or operator is taking action, responders should monitor them as appropriate for safety and environmental compliance.

9330.4.4.3.1 Abandoned and Derelict Vehicles with Oil and/or Hazardous Materials on Board

If an ADV is actively sheening, leaking hazardous material, or is in such a condition that a pollution incident is imminent, then responders should contact the USCG (for the coastal zone) or EPA (for the inland zone) and respond in accordance with the Area Contingency Plan (ACP) to mitigate the spill using boom, sorbents, skimmers, or other collection gear may be necessary to address pollution in the water.

If a vessel has oil and/or hazardous materials on board but does not pose a substantial pollution threat because the vessel is not actively sheening or is not yet in a condition that a pollution incident is imminent, then it may be best to leave the vessel alone but continue to routinely monitor as the vessel condition changes over time.

9330.4.4.3.2 Abandoned and Derelict Vehicles with Contaminants On-board

Some ADVs (particularly older ADVs) may have contaminants in the form of asbestos, lead, polychlorinated biphenyls (PCBs) or other contaminants on board. Responders should practice awareness, document any potential contaminants, and refrain from entering any spaces containing contaminants. Contaminants may not be considered or defined as a hazardous material per federal regulations and therefore, may not warrant a pollution response. Responders should contact the USCG (for the coastal zone), EPA (for the inland zone), and the appropriate state agency to determine the best course of action for these types of vessels.

9330.4.4.3.3 Abandoned and Derelict Vessels Posing Navigation Threats

Whether or not oil or hazardous materials are involved, the owner or operator may have an obligation to mark the vessel if it is a navigation hazard. 33 CFR 64 addresses requirements for Hazard to Navigation, and responders may consult with the local USCG Sector Waterways Management Division for assistance in this area.

Under 33 United States Code (USC) §414, the USACE has the authority to remove obstructions to navigation, including sunken vessels. Depending on the cost of the removal, such an operation may be approved at the District Engineer level. Certain criteria will have to be met before the USACE will undertake such an operation; responders seeking their involvement should consult with them early to ascertain if they can assist. Aside from contacting the local USACE District, guidance can be found in 33 CFR §245 and the “Memorandum of Agreement between Department of Army and U.S. Coast Guard on Responses to Marking and Removal of Sunken Vessels and Other Obstructions to Navigation (1985).”

9330.4.4.3.4 Abandoned and Derelict Vessels on State Lands

ADV's on state-owned aquatic lands required authorization from the appropriate State Lands to be legally moored. To determine if an ADV is illegally or legally on state aquatic land or submerged/submersible land for both Washington and Oregon, responders can refer to the links below:

Oregon State Lands:

<http://www.oregon.gov/dsl/NAV/Pages/index.aspx>

Washington State Lands:

<http://www.dnr.wa.gov/programs-and-services/aquatics/leasing-and-land-transactions>

9330.4.4.3.5 Abandoned and Derelict Vessels at Piers, Marinas, or Private Property

Vessels abandoned or derelict at a pier or a private facility that do not pose a pollution threat or hazard to navigation are addressed by local and state authorities. Both Washington and Oregon States have Derelict Vessel Removal programs that can facilitate the removal of an ADV, and responders can refer to the links below for the processes that must be followed.

Oregon:

<https://www.oregon.gov/OSMB/boater-info/Pages/Abandoned-Derelict-Boats.aspx>

Washington:

<http://www.dnr.wa.gov/programs-and-services/aquatics/derelict-vessels/legal-authorities-and-how-program-works>

Responders may want to warn the pier or marina owner not to cut the vessel loose or move it to another area without permission.

9330.4.4.4 Disposal Options for Abandoned and Derelict Vessels

There are several considerations when determining disposal options for ADVs. Responders should work with the appropriate federal, state, and local agencies to determine authorities, resources, funding, and permitting requirements for disposing of ADVs.

9330.4.4.4.1 Leave in Place

When an ADV does not meet any agency criteria for removal or disposal, then leaving the vessel in place may be the only alternative. Responders are encouraged to conduct regular assessments using the Derelict Vessel Reporting Form to monitor any changes in the condition of the ADV that may warrant a future response.

9330.4.4.4.2 Dismantling in Place

The condition or structure of an ADV may prevent it from being feasible to raise it out of the water or tow it to shipyard. It is illegal for vessel owners to conduct ship breaking activities except in licensed areas. If a responder is developing a plan to dismantle an ADV in place, then all appropriate federal, state, and local agencies should be consulted to ensure that all permitting requirements are met for the operation.

9330.4.4.4.3 Removal from Water

Various methods may be used to remove an ADV from the water. Cranes, crane barges, trailers, tow ropes, winches, and other equipment are available for these operations. Responders should consult with subject matter experts such as marine operators, salvage masters, and crane operators to determine the most effective removal method from the waterway. Responders should ensure that measures are in place to mitigate potential pollution from the removal prior to commencing any operation.

9330.4.4.4.4 Ship Breaking Facility

Ship breaking facilities have the equipment and expertise necessary to dispose of an ADV. However, owners and responders should ensure that ship breaking facilities are reputable and in compliance with all federal and state regulations.

9330.4.4.4.5 Ocean Dumping

The Marine Protection, Research, and Sanctuaries Act, also called the Ocean Dumping Act, governs transportation for the purpose of disposal into ocean waters. Per 40 CFR Part 220–224, the EPA may issue permits for the disposal of vessels at sea. Other agency consultations with USCG and NOAA will be required for permit approval. ADVs must meet certain environmental criteria outlined by the EPA for a permit to be issued.

9330.4.5 Points of Contact

Oregon State Marine Board:
Oregon Clean Marina Coordinator

(503)378-2836
rachel.e.bullene@state.or.us

Oregon DEQ:
Scott Smith, Emergency Response Section

(503)229-5370
smith.scott@deq.state.or.us

USCG:
Randy Clark, Chair DV
Task Force
(503)247-4007
william.r.clark@uscg.mil

EPA:
Richard Franklin, FOOSC,
Region 10
(503)326-2917
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Washington Dept. of Ecology:
David Byers, Response Manager
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Washington State Lands:
Nancy Marvin
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Neal Parry, Marine
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(206)526-6949

Oregon State Lands:
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(503) 378-4844 (fax)

Washington DNR:
Melissa Ferris,
DVRP Manager
(360) 902-1574
melissa.ferris@dnr.wa.gov

Tami Hubert, Land Manager
Willamette Metropolitan Region
(503) 986-5272

24-HOUR RESPONSE CONTACT LIST:

EPA Region 10 24/7 Emergency Response Hotline: (206) 553-1263
USCG Command Center: (503) 861-2242
Oregon Emergency Response (OERS): (800) 452-0311
Washington Department of Emergency Management: (800) 258-5990

For active oil spill response:

Active Oil Spill Reporting – National Response Center (USCG/EPA):
(800) 424-8802 or at <http://www.nrc.uscg.mil/>

Washington Department of Emergency Management – 24 hour spill response:
1-800-258-5990

To be routed to the appropriate state emergency response agency:
(800) OILS-911 (or 800-645-7911)

For hazards to navigation:

US Army Corps Engineers Portland District (for the Columbia River and other OR locations):

Casey O'Donnell (503) 808-3413
Secondary: Mike Ott (503) 808-4345 or (971) 645-5905 [cell, after hours]

USACE (for vessels/hazards in Washington State):
John Hicks (206) 764-6908 or (206) 595-2750 [cell, after hours]

9330.5 Federal and State Authorities

There are a number of federal and state statutes that govern the mitigation of pollution from and the removal of abandoned vessels and wrecks that pose significant threat to the navigable waters of the United States.

9330.5.1 National Marine Sanctuaries Act

Under the National Marine Sanctuaries Act, the Secretary of Commerce has the authority to designate and protect areas of the marine environment with special national significance due to their conservation, recreational, ecological, historical, scientific, cultural, archaeological, educational, or aesthetic qualities as national marine sanctuaries. The primary objective of the National Marine Sanctuaries Act is to protect marine resources, such as coral reefs, sunken historical vessels, or unique habitats. Day-to-day management of national marine sanctuaries has been delegated to NOAA's Office of National Marine Sanctuaries.

9330.5.2 Abandoned Barge Act

The Abandoned Barge Act (46 USC §4701) confers the USCG the authority to remove an abandoned barge under specific circumstances. This act defines abandonment as "any barge...moored, stranded, wrecked, sunk, or left unattended for longer than 45 days." It discusses response actions that should be taken for barges containing oil or hazardous materials, the initiation of civil penalties, and removal and destruction procedures.

9330.5.3 Oil Pollution Act

The Oil Pollution Act (OPA) was signed into law in August 1990, largely in response to rising public concern following the *Exxon Valdez* [incident](#). The OPA improved the nation's ability to prevent and respond to oil spills by establishing provisions that expand the federal government's ability, and provide the money and resources necessary, to respond to oil spills. The OPA also created the national [Oil Spill Liability Trust Fund](#), which is available to provide up to one billion dollars per spill incident.

New requirements for contingency planning both by government and industry were also included in the OPA provisions. The [NCP](#) has been expanded in a three-tiered approach: the federal government is required to direct all public and private response efforts for certain types of spill events; Area Committees—composed of federal, state, and local government officials—must develop detailed, location-specific ACPs; and owners or operators of vessels and certain facilities that pose a serious threat to the environment must prepare their own Facility Response Plans.

Finally, the OPA increased penalties for regulatory noncompliance, broadened the response and enforcement authorities of the federal government, and preserved State authority to establish law governing oil spill prevention and response.

9330.5.4 Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act)

Signed into law on November 23, 1988, the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 100-707) amended the Disaster Relief Act of 1974 (Public Law 93-288). This act constitutes the statutory authority for most federal disaster response activities, especially as they pertain to the Federal Emergency Management Agency and its programs.

9330.5.5 Rivers and Harbors Act

The Rivers and Harbors Act (33 USC §414) provides the USACE the authority to remove vessels that pose a hazard to navigation.

The current Memorandum of Agreement between the USACE and the USCG provides specific guidance on determination of hazard to navigation and appropriate corrective actions to be taken by both agencies. Operations conducted under this authority do not require the Commandant of the USCG's approval if the vessel to be removed is a hazard to navigation. These operations will be conducted under the USACE, using internal procedures to determine abandonment.

9330.5.6 Comprehensive, Environmental Response, Compensation, and Liability Act

Response authorities directly from the Comprehensive, Environmental Response, Compensation, and Liability Act (CERCLA) (42 USC §9601) provide that whenever any hazardous substance is released or there is a substantial threat of such a release into the environment, or there is a release or substantial threat of release into the environment of any pollutant or contaminant that may present an imminent and substantial danger to the public health or welfare, the President or delegate is authorized to act, consistent with the NCP, to remove or arrange for the removal of, and provide for remedial action relating to, such hazardous substance, pollutant, or contaminant at any time, or take any other response measure consistent with the NCP that the President deems necessary to protect the public health or welfare or the environment.

As determined in the NCP, the Removal/Response Authority resides within the EPA for the inland zone, as agreed upon between an EPA Region and the USCG District for that particular area. The set delineation is known as the Response Boundary and the geographical area as the Area of Response.

In situations when a facility or vessel that is the source of a release is under the jurisdiction, custody, or control of other federal agency, the response authority resides within that federal agency.

9330.5.7 Federal Water Pollution Control Act

As determined in the NCP and ACPs, the EPA's removal authority is equivalent to the USCG but within the inland zone, as agreed upon between an EPA Region and the USCG District for that particular area. The set delineation is known as the

Response Boundary, and the geographical area as the Area of Response. The authority is to remove or arrange for the removal of a discharge or a substantial threat of a discharge of oil or a hazardous substance into navigable waters; on the adjoining shoreline; into or on the waters of the exclusive economic zone; or that may affect natural resources of the United States. The term navigable waters refers to traditional navigable waters or waters that have a “nexus” to traditional navigable waters (*see Rapanos v. United States*).

The removal authority comes from the Clean Water Act (CWA) §311(c), 33 USC §1321, as amended by OPA §4201, and in accordance with the NCP to:

- Remove or arrange for the removal of a discharge, and mitigate or prevent a substantial threat of a discharge, at any time;
- Direct or monitor all federal, state and private actions to remove a discharge; and
- Remove and if necessary, destroy a vessel discharging, or threatening to discharge, by whatever means are available.

This authority has been delegated to the EPA Administrator under Executive Order 12777, then re-delegated to the EPA Regional Administrators and the Administrator for Office of Solid Waste and Emergency Response (see EPA TN 312-2-89). The Regional Administrators have re-delegated the authority to the Regional Division Directors that manage the Removal Programs and in most cases re-delegated directly to the individual Federal On-Scene Coordinators (FOSCs).

In cases where “destroy” is the alternative for a vessel within the inland zone, the EPA have referred the lead to the USCG or the USACE due to potential “takings” liability. The USCG or USACE can then proceed using other statutes and authorities. In addition, although this authority applies to a discharge or threat of a discharge of both oil and hazardous substances, in the case of hazardous substances, the CWA does not provide for a funding mechanism, so those discharges or threats should be carried out under CERCLA.

9330.5.8 Clean Water Act

The CWA (33 USC §1251) general removal requirements are as follows:

1. That removal actions or preventative measures are carried out in accordance with the NCP and local ACPs.
2. Requires effective and immediate removal of a discharge, and mitigation or prevention of a substantial threat of discharge, of oil or hazardous substances into navigable waters or on adjoining shorelines to navigable waters, that may affect natural resources of the United States.
3. Provides for these removal, mitigation, or preventative actions at any time and for the direction of federal, state, and private actions to remove a discharge.
4. Specifically grants authority to remove or destroy a vessel that is discharging or threatening discharge by whatever means are available.

The CWA provides specific removal requirements for discharges or threat of discharges posing a substantial threat to public health or welfare. EPA authority can be exercised if there is a discharge or threat of a discharge of oil and/or a hazardous substance, or a release or threat of a release of a hazardous substance, or pollutant or contaminant.

9330.5.9 Ocean Dumping Act

The Ocean Dumping Act (33 USC §1401) is a policy of the United States to regulate the dumping of all types of materials into ocean waters and to prevent or strictly limit the dumping into ocean waters of any material that would adversely affect human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.

9330.5.10 Salvage Facilities Act

Following World War II Congress enacted the Salvage Facilities Act (Public Law 80-513, 10 USC §§ 7361-7367), which includes the following objectives:

- To provide salvage resources to protect the redeployment of government-owned war materiel on chartered ships (but not in excess of national defense needs).
- To foster (but not subsidize) the commercial salvage industry.
- To allow (but not require) the Navy to render salvage services to private vessels when commercial salvors are not available, charging for those services to support the Navy's Salvage facilities.

9330.5.11 Intervention on the High Seas Act

The International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties was drafted in 1969 and allows a coastal nation to take defensive action against a vessel on the high seas where pollution by oil is threatened.

The United States has implemented the Intervention Convention by the Intervention on the High Seas Act (33 USC §1471). The measures taken to abate the pollution shall be proportionate to the damage, actual or threatened, and, if they are not, the United States shall be liable for damages. It is noted that the revolving fund established under the CWA is available for intervention activities.

The act gives the USCG intervention authority in circumstances when a ship is threatening to spill crude oil, fuel oil, diesel oil, or lubricating oil into the seas. The USCG has the authority to take measures on the high seas to mitigate such dangers.

The Secretary, after consultation with the EPA administrator and the Secretary of Commerce, is allowed to expand the list of substances to that which is beyond the Intervention Convention. The Secretary is charged with coordinating and directing all public and private efforts designed to remove or eliminate the threatened pollution; to undertake the whole or any part of any salvage operation

of the polluting vessel; and to remove and destroy the ship and the cargo which is the source of the damage.

Before intervening, the Secretary of the Treasury must get the Secretary of State to consult with the flag country of the ship involved. The Secretary must also consult with any other agency or persons whose interests can be reasonably expected to be affected by the proposed measures, except in cases of extreme emergency. The United States shall pay damages for measures that exceed those which are reasonably necessary, and the jurisdiction is in the United States Court of Federal Claims. The Oil Spill Liability Trust Fund shall be available to the Secretary for actions taken under this section.

9330.5.12 National Oil and Hazardous Substances Pollution Contingency Plan

The OPA and the NCP (40 CFR 300) are clear as to response authorities, specifically noting authority to address as well as to remove if necessary in an effort to mitigate “substantial threats” to public health, welfare, and the environment. The NCP, under 40 CFR § 300.3(b), specifically states its purpose as: “[Providing] for efficient, coordinated, and effective response to discharges of oil and releases of hazardous substances, pollutants, and contaminants in accordance with the authorities of CERCLA and the CWA. It provides for:...

(b)(3): Procedures for undertaking removal actions pursuant to section 311 of the CWA.”

The FOSC is further directed to arrange for the removal, by whatever means necessary, any *substantial threat of discharge (including from a wreck) that may pose a significant threat to the public health or welfare of the United States (including the environment and its resources)* (*Id.* § 300.305(d)(1)-(2)).

The NCP’s national response priorities (40 CFR § 300.317) state specifically that for the purposes of stabilizing a situation to prevent a threat from worsening, the FOSC should ensure that proper measures are taken to secure the source of the spill and remove any remaining oil to prevent additional discharge, minimize any need for continued response action in the future, and lessen the impacts to the environment. In most oil spill response and removal cases, an FOSC will have an identifiable RP and will in such case be responsible to monitor the response actions of the RP, providing oversight however necessary.

9330.5.13 Revised Code of Washington 79.100.030

Revised Code of Washington 79.100.030 grants an authorized public entity the authority to “store, strip, use, auction, sell, salvage, scrap, or dispose of an abandoned or derelict vessel” that is located on the lands within the jurisdiction of that entity. This disposal must be done in an environmentally sound manner and in accordance with all applicable laws. The owner of the vessel retains primary responsibility for the removal of the vessel.

9330.5.14 Revised Code of Washington 79.100.040 (3)(a)

Under Revised Code of Washington 79.100.040, section 3a, any authorized public entity may tow, beach, or otherwise take temporary possession of a vessel if the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility for the vessel, and the vessel is either in immediate danger of sinking, breaking up, or blocking navigational channels, or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination.

9330.5.15 Oregon Revised Statute 830.914

Under ORS 830.914, a removing authority may take immediate custody of a boat, floating home, or boathouse that is “disabled, abandoned or left unattended” on state waters and that constitutes a hazard or obstruction to other boats, floating homes, or boathouses using the waterway.

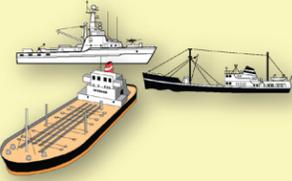
9330.5.16 Oregon Revised Statute 830.912

In addition to any authority granted in ORS 830.914, under ORS 830.912 a removing authority has the power to remove and take into custody a boat, floating home, or boathouse when the removing authority has reason to believe it is abandoned and it is left on state waters or on public or private property for longer than 48 hours without permission of the property owner.

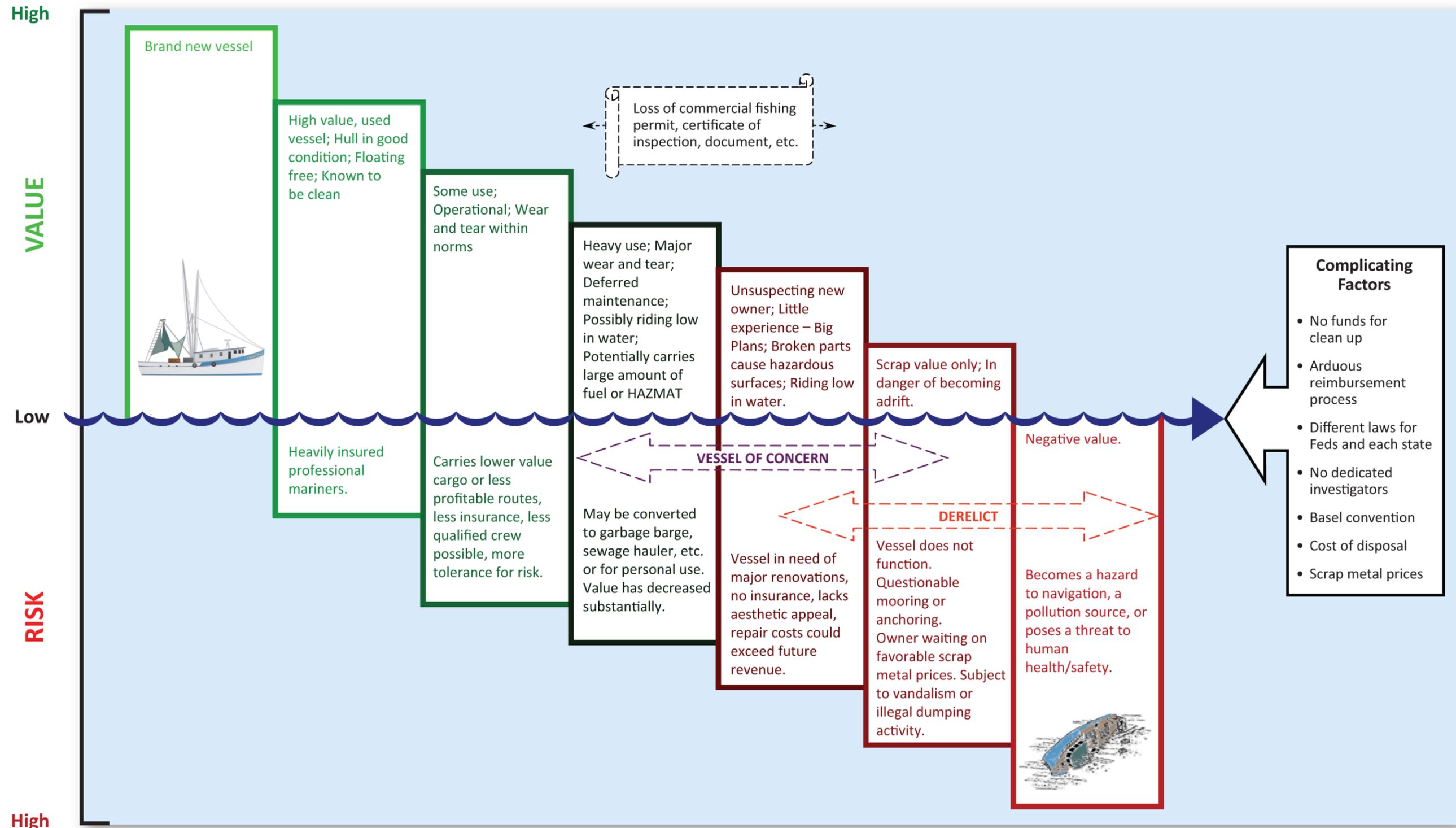
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**Attachment A: Abbreviated
Authorities Matrix**

FEDERAL AND STATE AUTHORITIES REGARDING DERELICT VESSELS

	Registration	Definition of Abandoned	Immediate Custody Taken By Agency	Permanent Custody Taken By Agency	Disposal	Liability	Funding
FEDERAL	<p>Region includes coastal and Federal navigable waters. Must be documented if >5 net tons in commercial fishing and coastwise trade.</p> 	<p><u>River and Harbor Act, Section 15</u> Unlawful to moor, sink, or otherwise block the navigation channel.</p> <p><u>Commandant Instruction M16465.43</u> If left moored, stranded, sunk, or unattended for > 45 days.</p>	<p><u>River and Harbor Act of 1899</u> Removal authorized for obstructions to the navigable waterway under emergency conditions if owner can not or will not.</p> <p>Removal authorized under <u>Comprehensive Environmental Response, Compensation, and Liability Act</u> or <u>Oil Pollution Act of 90</u> if it is the only way to mitigate pollution.</p>	<p><u>River and Harbor Act, Section 19</u> If navigable waters obstructed for ≥30 days or if abandonment can be established in less time the object shall be broken up, removed, or sold.</p> <p><u>47 United States Code 4701</u> Removal of abandoned barges at owner's expense is authorized after notice of 30 days.</p>	<p><u>River and Harbor Act, Section 19</u> Removal may begin immediately after the formal notification process.</p>	<p><u>33 United States Code 407, 408, 409, 414</u> \$25,000/day and/or imprisonment ≥30 days but <1 year.</p> <p><u>46 United States Code 4705</u> Liable for \$1,000/day.</p> <p>Violations for pollution in accordance with <u>Abandoned Barge Act, Water Pollution Control Act, Comprehensive Environmental Response, Compensation, and Liability Act.</u> Potential fines and/or criminal prosecution against owner could occur.</p>	<p>Funding available to secure hazard to navigation to closest safe refuge and for removal of pollution only. Funding for pollution removal comes from the Oil Spill Liability Trust Fund or Superfund.</p> <p>May remove barge if cost is less than benefit.</p>
WASHINGTON	<p>All vessels must be registered that are >16 feet and have a motor >10 HP.</p> 	<p><u>79.100.010</u> A vessel that is left, moored, or anchored in the same area without express consent for >30 consecutive days or for a total of 90 days in a 365-day period.</p>	<p><u>79.100.040</u> If a vessel is in immediate danger of sinking, breaking up, blocking the navigation channel, or is immediate threat to human health/safety and the owner can not or will not take action, a removal authority may take temporary possession.</p>	<p><u>79.100.040</u> Notice of intent to take custody to last known registered owner at least 20 days prior.</p> <p>Post notice on vessel at least 30 days, publish notice ≥10 days but <20 days in a newspaper of general circulation for the county, and post on department's internet website prior to taking custody.</p>	<p><u>79.100.050</u> After being taken into custody a vessel may be disposed of in and appropriate manner without further notice.</p>	<p><u>79.100.060</u> All removal, clean up, disposal, and administrative costs.</p> <p><u>79.100.110</u> Liable of a misdemeanor; Other public nuisance, malicious mischief, trespass, and environmental crimes may apply on a case by case basis.</p>	<p>The owner is responsible for reimbursing an Authorized Public Entity. After 30 days without payment, the Derelict Vessel Removal Account can be requested.</p>
OREGON	<p><u>Oregon Revised Statute (ORS) 830.705</u> All motorized vessels and sailboats that are 12 feet and longer must be registered.</p> 	<p><u>ORS 830.909</u> A vessel that is left on public property, or private property without the permission of the landowner.</p>	<p><u>ORS 830.914</u> Immediate custody is authorized if a vessel is abandoned or unattended and constitutes a hazard to other boaters or floating homes using the waterway.</p>	<p><u>ORS 830.912</u> After providing notice per <u>ORS 830.917</u> by affixing notice to boat or floating home, a removing authority may take a vessel into custody if it is believed to be abandoned and if it was left without permission of the property owner for 48 hours.</p>	<p><u>ORS 830.927</u> If the vessel is not reclaimed within 60 days of being taken into custody, it shall be disposed of by the removing authority.</p>	<p><u>ORS 830.990</u> Liable of a Class B misdemeanor.</p> <p><u>ORS 830.909</u> Liable for cost of removal, clean up, and disposition.</p>	<p>Responsibility for costs lies with the owner. If attempts to collect from owner have been exhausted and unsuccessful, then requests to Abandoned Vessel Fund can be made.</p>

SINKING VALUE - RISING RISK



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Attachment B: In-Depth Authorities Matrix

Derelict & Abandoned Vessel Matrix

Agency	Registration	Geographic Area	Definition of Abandoned or Derelict	Immediate Custody	Formal Designation Process	Disposal Process	Liability of Violation
OR	All motorized boats, regardless of length or type, must be titled and registered in Oregon.	All state waters including: all inland waters; coastal out to 3 miles and bank to bank of the Columbia River.	ORS 830.909 – A person commits the offense of abandoning a boat, floating home or boathouse if the person leaves a boat, floating home of boathouse on the waters of this state or upon any publicly or private property except with the permission of the property owner, or attended moorage or in any area leased for occupation by the Department of State Lands under ORS Chapter 274.	830.914 – A removing authority may immediately take custody of a boat, floating home or boathouse that is disabled, abandoned or left unattended on the waters of this state and that is in such a location as to constitute a hazard or obstruction to other boats, floating homes or boathouses using the waterway.	After providing notice required under ORS 830.917 , a removing authority may take a boat, floating home or boathouse into custody and remove the boat, floating home or boathouse if: (a) The removing authority has reason to believe the boat, floating home or boathouse is abandoned; and (b) The boat, floating home or boathouse is left on the waters of this state or upon public or private property for a period in excess of 48 hours without permission of the property owner or authorization by statute or local ordinance. 830.922 – If there is no boat, floating home or boathouse identification number on a boat, floating home or boathouse and there is no registration number of other markings through which the State Marine Board could identify the owner of the boat, floating home or boathouse, then a removing authority otherwise required to provide notice under ORS 830.917 is not required to provide such notice and the boat, floating home or boathouse may be removed and disposed of as provided in ORS 98.245.	ORS 98.245 – “Unclaimed property” means personal property that was seized by a removing authority as evidence, abandoned property, found property or stolen property, and that has remained in the physical possession of that removing authority for a period of more than 60 days following conclusion of the investigation if no criminal action is filed. All unclaimed property described in a notice issued pursuant to this section shall pass to the removing authority.	830.909 – The owner of the boat, floating home or boathouse as shown by the records of the State Marine Board shall be considered responsible for the abandonment of the boat, floating home or boathouse in the manner prohibited by this section and shall be liable for the cost of removal, cleanup and disposition of the abandoned boat, floating home or boathouse. 830.990 – A person who violates ORS 830.383 or 830.909 commits a Call B misdemeanor.
WA	All vessels are required to be registered unless ≤ 16 feet & have a motor ≤ 10 HP & operated or moored on non-federal waters (inland lakes)	All state waters including: all inland waters; coastal out to 3 miles and bank to bank of the Columbia River.	79.100.010 – “Abandoned vessel” means a vessel that has been left, moored, or anchored in the same area without the express consent, or contrary to the rules of, the owner, manager, or lessee of the aquatic lands below or on which the vessel is located for either a period of more than thirty consecutive days or for more than a total of ninety days in any three hundred sixty-five-day period, and the vessels owner is: (a) Not known or cannot be located; or (b) Known and located but is unwilling to take control of the vessel. For the purposes of this subsection (1) only, “in the same area” means within a radius of five miles of any	79.100.040(33)(a) – If a vessel is (i) In immediate danger of sinking, breaking up, or blocking navigational channels; or (ii) poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination; and (iii) the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility for the vessel, any authorized public entity may tow, beach, or otherwise take temporary possession of the vessel. (b) Before taking temporary possession of the vessel, the authorized public entity must make reasonable attempts to consult with the department or the United States Coast Guard to ensure that other remedies are not available.	79.100.040 – (a) Mail notice of its intent to obtain custody, at least twenty days prior to taking custody, to that last known address of the previous owner to register the vessel in any state or with the federal government and to any lien holders or secured interest on record. A notice need not be sent to the purported owner or any other person whose interest in the vessel is not recorded with a state or federal agency; (b) Post notice of its intent clearly on the vessel for thirty days and publish its intent at least once, more than ten days but less than twenty days prior to taking custody, in a newspaper of general circulation for the county in which the vessel is located; and	79.100.050 – (1) After taking custody of a vessel, the authorized public entity may use or dispose of the vessel in any appropriate and environmentally sound manner without further notice to any owners, but must give preference to uses that derive some monetary benefit from the vessel, either in whole or in scrap. If no value can be derived from the vessel, the authorized public entity must give preference to the least costly, environmental sound, reasonable disposal option. Any disposal operations must be consisted with the state solid waste disposal provisions provided for in Chapter 70.95 RCW.	79.100.060 – (1) The owner of an abandoned vessel is responsible for reimbursing an authorized public entity for all reasonable and auditable costs associated with the removal or disposal of the owner’s vessel under this chapter. These costs include, but are not limited to, costs incurred exercising the authority granted in RCW 79.100.030, all administrative costs incurred by the authorized public entity during the procedure set forth in RCW 79.100.040, removal and disposal costs, and costs associated with environmental damages directly or indirectly caused by the vessel. An authorized public entity that has taken temporary possession of a vessel may require that all reasonable and auditable costs associated with the removal of the

Agency	Registration	Geographic Area	Definition of Abandoned or Derelict	Immediate Custody	Formal Designation Process	Disposal Process	Liability of Violation
			location where the vessel was previously moored or anchored on aquatic lands.		(c) Post notice of its intents on the department’s internet web site on a page specifically designated for such notices. If the authorized public entity is not the department, the department must facilitate the internet posting.		<p>vessel be paid before the vessel is released to the owner.</p> <p>79.100.110 – A person who causes a vessel to become abandoned or derelict upon aquatic lands is guilty of a misdemeanor.</p> <p>Public Nuisance RCW Chapter 9.66 – Provides for criminal charges for “public nuisances” as defined in RCW 9.55.010. None of the definitions is a 100% shoe-in for the scuttling of a vessel, assuming the water is deep enough for the vessel to not actually interfere with surface navigation. Even if scuttling is viewed as a criminal public nuisance, the crime is simple misdemeanor punishable by a maximum of 90 days in jail and/or \$1000 fine.</p> <p>Malicious Mischief RCW Chapter 9A.48 – Provides for criminal charges for malicious mischief. RCW 9A.48.070 states, in part: “A person is guilty of malicious mischief in the first degree is he knowingly and maliciously: (a) Causes physical damage to the property of another in an amount exceeding one thousand five hundred dollars.....” If an agency can prove that the scuttling of a vessel physically damaged public property over that dollar amount, you have a strong case. How one quantifies such damage to bedlands may be problematic. An agency could claim that the cost of removing the vessel should be included as physical damage to the state’s bedlands. A defense attorney could argue that the cost of removing a derelict vessel does not constitute “physical damage to the property of another.” If you could get a conviction on first degree malicious mischief, it is a class B felony. Even as a class B felony, the standard sentencing range for someone convicted of this particular crime, assuming no prior criminal history, is from 0 to 90 days. (Sentencing grid at RCW 9.94A.510 in conjunction with seriousness level tables at RCW</p>

Agency	Registration	Geographic Area	Definition of Abandoned or Derelict	Immediate Custody	Formal Designation Process	Disposal Process	Liability of Violation
							<p>9.94.515, level II). The court could impose a fine of up to \$20,000. RCW 9A.20.021(b).</p> <p>Criminal Trespass – None of the criminal trespass statutes seem to fit, because they all speak of the defendant’s “person” entering the premises, and none of the statutes seem to allow a criminal trespass action based upon personal property wrongfully being deposited on somebody else’s land. See RCW 9A.52.010 (definitions); RCW 9A.52.070 – 080 (elements of trespass).</p> <p>Environmental Crimes RCW 90.48.140 – Defines as a crime one’s intentional violation of any provision of RCW Chapter 90.48 (Water Pollution Control Act) or of RCW Chapter 90.56 (Oil and Hazardous Substance Spill Prevention and Response). Each day of violation can be construed as another violation. To the extent a scuttled vessel contains any pollutants on-board that are released to the environment, this is a possible option. RCW 90.48.140 doesn’t classify the crime, but it provides for a maximum \$10,000 fine and up to one year in jail, which makes it a gross misdemeanor. It is unclear whether the scuttling of a vessel that has no hazardous substances on board could still constitute the bases for a violation under RCW 90.48.140.</p>
ACOE	N/A	All Federally designated and maintained navigable waters.	While there is no direct definition of a derelict or abandoned vessel, the River and Harbor Act Section 15 does state That is shall not be lawful to tie up or anchor vessels or other craft in navigable channels in such a manner as to prevent or obstruct the passage of other vessels or craft; or to sink, or permit or cause to be sunk, vessels or other craft in navigable channels.	Section 15, 19 and 20 of the River and Harbor Act , as amended, - authorized the USACE to remove sunken vessels or other obstructions from navigable waterways under emergency conditions. USACE will remove a vessel using its emergency authorities only if the owner, operator, or lessees cannot be identified or they cannot effect removal in a timely and safe manner.	Section 19 – (a) That whenever the navigation of any river, lake, harbor, sound, bay, canal, or other navigable waters of the United States shall be obstructed or endangered by any sunken vessel, boat, watercraft, raft, or other similar obstruction and such obstruction has existed for a longer period than thirty days, or whenever the abandonment of such obstruction can be legally established in a less space of time, the sunken vessel, boat, watercraft, raft, or other obstruction shall be subjected to be broken up, removed, sold or otherwise disposed of by the Secretary of War at his discretion, without liability for any damage to the owners of the same.	Section 19 - PROVIDED, that in his discretion, the Secretary of War may cause reasonable notice of such obstruction of not less than thirty days, unless the legal abandonment of the obstruction can be established in a less time, to be given by publication, addressed “to whom it may concern:, in a newspaper published nearest to the locality of the obstruction, requiring the removal thereof.	Section 15 – And whenever a vessel, raft or other craft is wrecked and sunk in a navigable channel, it shall be the duty of the owner, lessee, or operator of such sunken craft to immediately mark it with a buoy or beacon during the day and a lighted lantern at night, and to maintain such marks until the sunken craft is removed or abandoned, and the neglect or failure of the said owner, lessee, or operator so to do shall be unlawful; and it shall be the duty of the owner, lessee, or operator of such sunken craft to commence the immediate removal of the same, and prosecute such removal diligently, and failure to do so shall be considered an

Agency	Registration	Geographic Area	Definition of Abandoned or Derelict	Immediate Custody	Formal Designation Process	Disposal Process	Liability of Violation
							<p>abandonment of such craft, and subject the same to removal by the United States as provided for in section 411 to 416, 418, and 502 of this title.</p> <p>33 USC 415 – If the owner or operator fails to begin removal or to secure the vessel pending removal or fails to complete removal on an expedited basis, the Secretary of the Army shall remove or destroy the vessel using the summary removal procedures under subsection (a) of this section. (c) Liability of owner, lessee, or operator – The owner lessee, or operator of such vessel, boat, watercraft, raft, or other obstruction as described in this section shall be liable to the United States for the actual cost, including administrative costs, of removal or destruction and disposal as described which exceeds the costs recovered under subsection (a) of this section.</p> <p>33 USC 411 Section 411 – Every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize, or instigate a violation of the provisions of sections 407, 408, 409, 414, and 415 of this title shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of up to \$25,000 per day, or by imprisonment (in the case of a natural person) for not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court, one-half of said fine to be paid to the person or persons giving information which shall lead to conviction.</p>
EPA	NA	<p>Limited CWA, 33 USC §1251 & CERCLA, 42 USC 9601 – Inland areas in agreement with the USCG. Usually first bridge inland of bays, rives, and streams.</p>	Does not speak to vessels but does for discharges of pollutants.	Same as USCG in their jurisdiction and in accordance with Water Pollution Control Act 33 USC 1321 and/or Comprehensive Environmental Response, Compensation, and Liability Act 42 USC 9601			
NOAA	NA	Within Sanctuary boundaries		16 USC 32 – Authorizes seizure and forfeiture of vessels harming sanctuary resources.			

Agency	Registration	Geographic Area	Definition of Abandoned or Derelict	Immediate Custody	Formal Designation Process	Disposal Process	Liability of Violation
USCG	<p>Vessels of five net tons or more used in fishing activities on navigable waters of the US or in the Exclusive Economic Zone (EEZ), or used in coastwise trade must be documented unless the vessel is exempt from documentation. Coastwise trade is generally defined as the transportation of merchandise or passengers between points in the US or the EEZ. In addition, towboats operating between points in the US or the EEZ or between the EEZ and points in the US and dredges operating in the US or the EEZ must be documented. Vessels that do not operate on the navigable waters of the US or in the fisheries in the EEZ, are exempt from the requirements to be documented. Also exempt are Coastwise qualified, non-self-propelled vessels used in coastwise trade within a harbor, on the rivers or lakes (except the Great Lakes) of the US or the internal waters or canal of any state.</p>	<p>All navigable waters of the US for hazards to navigation an all coastal and inland waters, divided by agreement between USCG and EPA. In OR or WA the divide is usually the first bridge in the coastal zone and up to the Bonneville Dam on the Columbia River.</p>	<p>Comdtinst M16465.43 – any craft designed for navigation that has been moored, stranded, wrecked, sunk or left unattended for longer than 45 days.</p> <p>47 USC 4701 (Abandoned Barge Act) – to moor, strand, wreck, sink, or leave a barge of more than 100 gross tons for longer than 45 days.</p>	<p>If there is no threat of oil or hazardous materials only the Commandant can authorize removal and thus authorize custody action.</p> <p>If it is determined that the derelict poses a hazard to navigation the ACOE has removal authority under Sections 15, 19, and 20 of the River and Harbor Act of 1899 and codified in 33 CFR 245.</p> <p>If under 47 USC 4701, 5 criteria must be met: Owner not identified; not authorized under CWA or CERCLA; No Haz to Nav; significant threat to public health, safety or welfare that can't be abated any other way; threat justifies the cost of removal.</p> <p>If a substantial threat of oil pollution (33 USC §1251) or hazardous material pollution (42 USC9601) exists and the only way to mitigate the threat is by removal or destruction of the vessel and the owner/operators have not taken corrective action then the USCG may take immediate action to remove or destroy the vessel.</p> <p>33 USC Chapter 26 subchapter III 1321(c) Federal removal authority (1) General removal requirement (A) – The President shall, in accordance with the National Contingency Plan and any appropriate Area Contingency Plan, ensure effective and immediate removal of a discharge, and mitigation or prevention of a substantial threat of a discharge, of oil or a hazardous substance – (i) into or on the navigable waters; (ii) into or on the waters of the exclusive economic zone; or (iv) that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States.</p> <p>(B) In carrying out this paragraph, the President may – (i) remove or arrange for the removal of a discharge, and mitigate or prevent a substantial threat of a discharge, at any time; (ii) direct</p>	<p>Section 4704 – Removal of abandoned barges</p> <p>(a)(1) The Secretary may remove a barge that is abandoned after complying with the following procedures: (A) If the identity of the owner or operator can be determined, the Secretary shall notify the owner or operator by certified mail (i) that if the barge is not removed it will be removed at the owner's or operator's expense and (ii) of the penalty under section 4703.</p> <p>If the vessel owner is known and if the circumstances do not require imminent action; the owner must be notified by certified mail 30 days prior to removal (Comdtinst m16465.43).</p>	<p>Removal may begin immediately after the formal notification process.</p> <p>The USCG may also use provisions of the River and Harbor Act for removal actions.</p> <p>See previous two columns.</p>	<p>Potentially all removal costs plus NRDA and fines under 33USC 415 and 416 USC 4705.</p> <p>Every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize, or instigate a violation of the provisions of sections 407, 408, 409, 414, and 415 of this title shall be guilty of misdemeanor, and on conviction thereof shall be punished by a fine of up to \$25,000 per day, or by imprisonment (in the case of a natural person) for not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court, one-half of said fine to be paid to the person or persons fiving information which shall lead to conviction (same as ACOE).</p> <p>Section 4703 – Penalty for unlawful abandonment of barge.</p> <p>46 USC 4705 – Thirty days after the notification procedures under section 4704(a)(1) are completed, the Secretary may assess a civil penalty of not more than \$1,000 for each day of the violation against an owner or operator that violates section 4702. A vessel with respect to which penalty is assessed under this chapter is liable in rem for the penalty.</p> <p>Violations of pollution are in accordance with Water Pollution Control Act 33 USC 1321 and/or the Comprehensive Environmental Response, Compensation, and Liability act 42 USC 9601.</p> <p>18 USC 111 – Sec. Destruction of vessel by owner</p> <p>Whoever, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, willfully and corruptly casts away or otherwise destroys any vessel of which he is owner, in whole or in part, with intent to injure any person</p>

Agency	Registration	Geographic Area	Definition of Abandoned or Derelict	Immediate Custody	Formal Designation Process	Disposal Process	Liability of Violation
NPS	NA	Within National Park System Designated Boundaries	<p>Abandoned Shipwreck Act (43 USC 2101-2106) – Abandoned shipwreck means any shipwreck to which title voluntarily has been given up by the owner with the intent of never claiming a right or interest in the future and without vesting ownership in any other person. By not taking any action after a wreck incident either to mark and subsequently remove the wrecked vessel and its cargo or to provide legal notice of abandonment to the USCG and the USACE, as is required under provisions in the Rivers and Harbors Act (33 USC 409), an owner shows intent to give up title. Such shipwrecks ordinarily are treated as being abandoned after the expiration of 30 days from the sinking.</p> <p>33 USC§ 2701 Abandonment – In the case of an abandoned vessel, onshore facility, deepwater port, pipeline, or offshore facility, the persons who would have been responsible parties immediately prior to the abandonment of the vessel or facility.</p>	<p>or monitor all Federal, State, and private actions to remove a discharge; and (iii) remove and, if necessary, destroy a vessel discharging, or threatening to discharge, by whatever means are available.</p> <p>16 USC Part 1 Park system Resource Protection Act</p>			<p>that may underwrite any policy of insurance thereon, or any merchant that may have goods thereon, or any other owner of such vessel, shall be imprisoned for life or for any term of years.</p>

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Attachment C: Sample Letter of Concern

Date

Name of owner

Street address

City, state

Zip code

Ref. **Vessel of Concern Notice**

Dear Mr./Mrs. _____:

The _____ agency name has the authority to act in situations of derelict or abandoned vessels. Through past experience, our agency has found that vessels exhibiting certain known conditions of neglect have a greater tendency to become derelict and threaten both marine safety and the environment.

You have been identified as the last known legal owner or operator of the following vessel:

Make: _____ **Model:** _____
Registration Number: _____ **Hull ID Number:** _____

Our agency has observed conditions that indicate this vessel is of concern. The vessel has been entered into the Vessel of Concern Database. Some of the vessel's present conditions may be a violation of federal and/or state laws. Please review the following list of conditions and make every effort to bring your vessel out of this **Vessel of Concern** status. Failure to do so may cause your vessel to further deteriorate and become derelict under law. Should this occur, you may face civil or criminal charges, fines, and other penalties imposed with a derelict or abandoned vessel. All costs incurred in the removal of any abandoned or derelict vessel shall be recoverable against the owner/operator thereof.

Your attention to the following is needed immediately:

- | | |
|--|---|
| <input type="checkbox"/> Excess Marine Growth | <input type="checkbox"/> Vessel is in Danger of Breaking its Mooring |
| <input type="checkbox"/> Helm Appears Inoperative | <input type="checkbox"/> No Current Registration Decal Displayed |
| <input type="checkbox"/> Vessel is Being Dismantled | <input type="checkbox"/> No Apparent Method of Propulsion |
| <input type="checkbox"/> Vessel is Listing | <input type="checkbox"/> Vessel Interior is Exposed to the Elements |
| <input type="checkbox"/> Vessel is Sinking | <input type="checkbox"/> Vessel is Subject to Vandalism and/or Trespass |
| <input type="checkbox"/> Vessel is Aground | <input type="checkbox"/> Vessel is Trespassing on Private or Public Submerged Lands |
| <input type="checkbox"/> Anchor Light Inoperative or Missing | |
| <input type="checkbox"/> Being Used as a Storage Barge | |
| <input type="checkbox"/> Other: _____ | |

Please contact the number listed below in reference to this matter and to advise of your plan to address this situation, or if you have any questions. Your immediate attention to this matter would be greatly appreciated.

Officer's name

Agency

Street Address

City, State, Zip

(xxx)-xxx-xxxx ext. xxx



C. Sample Letter of Concern

Date: _____

NOTICE

Attention Vessel Owner or Operator

This vessel has been identified by _____ *agency name* _____ as a “Vessel of Concern” and is in danger of becoming a derelict vessel. It has been entered into the Vessel of Concern Database.

Your Attention to the Following is Needed Immediately:

- | | |
|--|--|
| <input type="checkbox"/> Improper, no, or non-working anchor light/hazard to navigation | <input type="checkbox"/> Vessel is barnacle laden or heavily covered in other growth |
| <input type="checkbox"/> Vessel is being neglected, not maintained, subject to vandalism, or is unable to be used as originally intended | <input type="checkbox"/> Vessel interior is exposed to the weather |
| <input type="checkbox"/> Vessel does not comply with current registration requirements | <input type="checkbox"/> Vessel is listing |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> Vessel is aground |
| _____ | <input type="checkbox"/> Vessel is in danger of breaking its mooring |
| _____ | <input type="checkbox"/> Vessel is sinking |
| _____ | |

If your vessel is not brought into compliance, it may be subject to removal at your expense.

Please contact the number listed below when corrections have been made or if you have any questions:

Agency Name _____ Phone _____
Officers Name (please print) _____

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Attachment D: Site Safety Plan for ADV Boarding

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D. Site Safety Plan for ADV Boarding

Contents

- A. Introduction
 - B. Site Description
 - C. Site Control
 - D. Hazard Evaluation
 - E. Engineering Controls and PPE
 - F. Emergency Procedures
 - G. Communication
- APPENDIX A: Chemical Hazard Sheets MSDS
- APPENDIX B: Hospital Directions

D. Site Safety Plan for ADV Boarding

A. Introduction:

The first priority in any operation is safety. Many abandoned and/or derelict vessels have a number of potential safety problems. They could include

- a. Hazardous Materials (asbestos, ammonia, various solvents, etc.),
- b. Unknown hazmat in association with illegal dumping or drug labs
- c. Booby traps associated with illegal activity
- d. Slips, trips and falls associated with uneven, wet or oiled surfaces
- e. Structural weaknesses due to natural deterioration or damage, water currents and depths
- f. Vessel Stability
- g. Disgruntled owners or illegal activity
- h. Confined spaces with little or no oxygen

It is imperative that any person boarding one of these vessels shall do so as safely as possible and ensure that all members of the team conduct a Safety Brief prior to boarding. Then review, fill in, sign the Site Safety Plan, and conduct an Initial Safety Inspection prior to conducting the rest of the assessment. Teams should attempt to gain all pertinent safety information necessary before boarding any vessel to include: interviewing owner/operator, using agency databases such as the CG MISLE system, checking with local law enforcement, interviewing members that have gone on vessels in recent years.

B. Site Description

Provide the following information:

- a. Vessel/Barge/House Name:
 - b. Location:
 - c. Known Hazards:
 - i. Oil:
 - ii. Chemicals:
 - iii. Contaminates:
 - iv. Stability:
 - v. Structure:
 - vi. Illicit Activity History:
 - vii. Other:
-
-

D. Site Safety Plan for ADV Boarding

d. Weather

Related: _____

i. Slips, Trips, Falls:

ii. Additional

Hazards: _____

e. Surrounding population: ____ industrial, ____ residential

f. Topography: __rocky, __sandy beach, __docks, __cliffs, __marshes,
__other: _____

g. Initial Safety Inspection Results:

C. Site Control

Access to the Site:

Access to the site should be assessed to determine any illicit or unsafe activity prior to boarding the vessel, barge, or houseboat. If illicit activity is identified, local police should be called immediately and the team will not continue with the boarding and assessment until it has been deemed safe to enter. If access to the vessel, barge, or houseboat is deemed unsafe then the team shall determine and implement any mitigation strategies to ensure safe access or they shall not use the access until another method is identified.

Pre-boarding Procedures:

If possible obtain and review vessel diagram, pictures, and any agency documentation to thoroughly identify any potential risks from the vessel prior to boarding. When security concerns due to vessels history arise, a security sweep of the vessel should be conducted by a law enforcement agency prior to the Task Force Boarding. No personal shall board a vessel, barge, or houseboat without subscribing to this or another approved Site Safety and Health plan. All personnel must have adequate training in



D. Site Safety Plan for ADV Boarding

hazardous waste operations safety and health. The Lead Task Force Member and Safety Officer shall be designated and documented next to their names on the Site Safety Plan.

Prior to boarding, the team should assess the vessel for structural Integrity and stability. This should include looking at the hull condition.

Boarding Procedures

It should be clear to the Task Force Assessment Team who besides the team and owner will be accessing the vessel, barge, or houseboat. The Task Force Assessment Team should stay in one group with the owner/operator (if available).

D. Hazard Evaluation

General Hazards: The following controls shall be observed on site:

D. Site Safety Plan for ADV Boarding

Hazard	Sources	Control Measures
Muscle Strain	Lifting Heavy Equipment	Use mechanical devices for handling materials greater than 60lbs. when possible. Use proper lifting techniques. Use buddy system.
Slip, Trip, & Fall	Oily/wet surfaces, debris, rotting decks, traversing over multiple vessels	Use caution, buddy system, flag or mark hazards, & maintain good housekeeping Remember to maintain situational awareness while onboard vessel/barge/houseboat.
Chemical Exposure	Diesel fuel and fumes	Perform air monitoring to assure work operations occur only in "clean" areas. Do not enter Confined Space areas.
Cuts, punctures, etc.	Sharp edges, scrap metal, rigging cables, and metal clad hoses	Watch where you are walking and putting your hands. Wear leather gloves during operations.
Fire	Sparks from tools, equipment, and static electricity in the presence of flammable liquids/vapors	Eliminate sources of ignition from the work area. Have appropriate fire extinguishers in work areas. Store flammable liquids in well-ventilated areas. No smoking.
Drowning	Falling into water from edge of vessel or while on boat transfer	Limit risky activity near areas of potential falls into the water. Wear a Coast Guard approved PFD at all times while onboard vessel/barge/houseboat or near waters edge.
Cold injury	Air & water	Wear appropriate cold weather gear and foul weather gear as required. Boat crew to use Anti-Exposure Suit and Survival Vest (Water temperature above 50°F).
Heights	Vessels, ladders, etc...	Use caution and avoid unsafe areas, identify special equipment that may be needed (lanyards, safety nets, harness, etc).

D. Site Safety Plan for ADV Boarding

Noise	Prime mover, cranes, etc...	Hearing protection required when working around loud equipment. Ensure personnel are aware of hearing protection requirements.
Overhead Obstructions	Falling hazards from above including cranes	Avoid such areas and wear hardhat when fall hazard are present.

Confined Space Hazards:

Composition: A confined space has limited or restricted means for entry or exit, unfavorable or inadequate ventilation, and is not designed for continuous human occupancy. Confined spaces include, but are not limited to underground vaults, tanks, storage bins, manholes, pits, silos, process vessels, and pipelines. Confined spaces may be encountered in many parts of vessels, tanks, and barges; therefore, their recognition is the first step in preventing fatalities.

Hazard Description: Confined spaces can cause deaths due to atmospheric hazards which include oxygen-deficiency or enrichment hazards, explosive (combustible/flammable) hazards, and toxic hazards. Confined spaces have the potential to contain a serious atmospheric hazard and should be tested by a certified marine chemist or shipyard competent person prior to entry

Basic Precaution: Team members should look for signs of an oxygen deficient atmosphere such as dead birds in a corner, holds that have not been accessed by humans, or 4 - gas meters shall also be worn by Task Force members detect for changes in Oxygen, Combustibles, Carbon Monoxide, and Hydrogen Sulfide. If the 4-gas meter alarms all team members shall be notified and will egress the space. If the team still needs to access the space then a marine chemist will need to be hired to test and monitor the space before the team re-enters.

Chemical Hazards (check appropriate category of oil, or attach appropriate MSDS if available).

___ **Oils containing Benzene:** including crude, gasoline, military JP4, commercial JET B, aviation gasoline and gas oils.

Composition: Composed of an indefinite petroleum distillate mixture. May contain benzene, toluene, xylene, naphthalenes, & Poly Aromatic Hydrocarbons (PAHs) in concentrations that may vary widely depending on the source of the oil, weathering, and aging.

D. Site Safety Plan for ADV Boarding

Hazard Description: May cause dermatitis by skin contact, nausea by inhalation and eye irritation. Benzene is a hematological toxin (it affects the blood and blood forming organs), and is a carcinogen. The most important potential benzene, toluene, or xylene hazard is in poorly ventilated areas (such as pits or under docks), or around freshly spilled oil. Benzo(a)pyrene is a skin contact hazard and potentially may cause skin cancer with chronic skin contact. As oil weathers and ages, benzo(a)pyrene becomes more concentrated because it evaporates much slower than other chemicals in the mixture.

Basic Precaution: Stay away from, or upwind of, fresh oil spills; wear chemical resistant clothing as necessary to protect against skin or eye contact; periodically change protective clothing that has oil on it; immediately change clothing that is showing evidence of oil penetrating to your skin; and wash skin with soap and water when changing into street clothing, before eating/drinking, or when exiting to a contamination reduction zone. Flush eyes with water if oil gets in them. If ingested do not induce vomiting-contact a physician. Urine phenol should be tested as soon as possible (and not later than 72 hours after exposure) if there is a suspected overexposure to benzene. Urine specific gravity should be corrected to 1.024 for this test. If urine phenol values exceed 75 mg per liter further testing in accordance with 29 CFR 1910.1028(i)(4) may be needed, and individuals must be removed from areas of potential benzene exposure until values return to normal

Oil not containing benzene: including kerosene, diesels, military JPS, commercial JET A.

Composition: Composed of an indefinite petroleum distillate content typically including Poly Aromatic Hydrocarbons (PAHs). The concentration of these products will vary widely depending on the source of the oil, weathering, and aging.

Hazard Description: May cause dermatitis by skin contact; nausea by inhalation; and eye irritation by contact. Benzo(a)pyrene is a skin contact hazard and potentially may cause skin cancer with chronic skin contact.

Basic Precaution: Wear chemical resistant clothing as necessary to protect against skin or eye contact; periodically change protective clothing that has oil on it; immediately change clothing that is showing evidence of oil penetrating to your skin; and wash skin with soap and water when changing into street clothing, before eating/drinking, or when exiting to a contamination reduction zone. Flush eyes with water if oil gets in them. If ingested do not induce vomiting contact a physician.

Hazardous Material and Dangerous Goods:

D. Site Safety Plan for ADV Boarding

Composition: Depending on the material may be in liquid, solid, or gaseous state.

Hazard Description: All hazardous material will fall within one of the 9 Hazard Classes to include:

Class 1: Explosives

Class 2: Gases

Class 3: Flammable Liquids

Class 4: Flammable Solids

Class 5: Oxidizing substances and Organic peroxides

Class 6: Toxic and Infectious Substance

Class 7: Radioactive materials

Class 8: Corrosive substances

Class 9: Miscellaneous hazardous material

Basic Precaution: Follow the procedures in the Emergency Response Guidebook if the material is labeled. If the material is unidentifiable or is leaking immediately egress from the area and notify the Coast Guard Sector Columbia River Command Center at 503-861-6211.

Contaminates:

__Asbestos: When left intact and undisturbed, asbestos containing materials do not pose a health risk to people working or living in buildings. Asbestos containing material is not generally considered to be harmful unless it is releasing dust or fibers into the air where they can be inhaled or ingested. **Asbestos-containing ceiling tiles, floor tiles, undamaged laboratory cabinet tops, shingles, fire doors, siding shingles,** etc. will not release asbestos fibers unless they are disturbed or damaged in some way. **Asbestos pipe and boiler insulation** does not present a hazard unless the protective canvas covering is cut or damaged in such a way that the asbestos underneath is actually exposed to the air. Asbestos is hazardous when it is friable. The term "friable" means that the asbestos is easily crumbled by hand, releasing fibers into the air. Sprayed on asbestos insulation is highly friable. Asbestos floor tile is not.

Composition: Asbestos is a naturally occurring fibrous mineral. The most common types of asbestos are Chrysotile (white) and Amosite (brown / off-white). Asbestos fibers can be very small – up to 700 times smaller than a human hair. Because it is fire-resistant, resists many chemicals, and is an excellent insulator, asbestos was added to a variety of building materials and other products.

Hazard Description: Carcinogen. Asbestos fibers do not evaporate into air or dissolve in water. However, pieces of fibers can enter the air and water from the weathering of natural deposits and the wearing down of manufactured asbestos products. When breathed in, many of the fibers will become trapped in the

D. Site Safety Plan for ADV Boarding

mucous membranes of the nose and throat where they can then be removed, but some may pass deep into the lungs, or, if swallowed, into the digestive tract.

Basic Precaution: Be aware of sources of asbestos and avoid exposure.

__ Lead:

Composition: Soft metal. Lead is widely used in the production of batteries, metal products (solder and pipes), ammunition and devices to shield X-rays leading to its exposure to the people working in these industries. Use of lead in gasoline, paints and ceramic products, caulking, and pipe solder has been dramatically reduced in recent years because of health concerns but may remain on older vessels.

Hazard Description: Slightly hazardous in case of skin contact (irritant), of ingestion, of inhalation. With chronic exposure may be toxic to blood, kidneys, central nervous system (CNS). Repeated or prolonged exposure can produce target organs damage.

Basic Precaution: With skin contact, wash with soap and water. Cover the irritated skin with an emollient. Get medical attention if irritation develops. If inhaled, remove to fresh air. If not breathing, give artificial respiration. If breathing is difficult, give oxygen. Get medical attention. If ingested Do NOT induce vomiting unless directed to do so by medical personnel. Never give anything by mouth to an unconscious person. If large quantities of this material are swallowed, call a physician immediately. Loosen tight clothing such as a collar, tie, belt or waistband.

Disgruntled Owners:

Illicit Activity: CAUTION! Derelict Vessels can be a haven for vandals to conduct illicit activity to include illegal scrapping, use as a Methamphetamine lab, drug use, and/or other activities.

__ Booby traps: If any member suspects coming into contact with a booby-trap, the entire operation shall halt until the team lead confers with the Incident Commander regarding the necessity of contacting local authorities for assistance. If at any other time a team member feels the conditions warrant halting operations, the team supervisor shall be notified. The supervisor shall then notify the Incident Commander, via Sector Columbia River Command Center (503-861-6211).

__ Noise Makers: A string is tied between two fixed objects and suspends a tin can containing a few rocks. When triggered, this booby trap only makes noise. The noise simply alerts whoever set the trap that an intruder is

D. Site Safety Plan for ADV Boarding

nearby. Since it operates by sound (and not a very loud one at that) it has to be close to the illicit activity. If you see or trigger one of these devices, consider leaving the area and notifying the authorities. Variants include bells and shotgun shells with the shot removed.

___ **Snares:** Fish hooks (usually barbed) are hung by light-weight fishing line in brush and trees at face level. As an intruder moves along a trail, he or she can easily catch a hook in the face.

___ **Irritating Agents (pepper spray, tear gas, etc...):** A trip device is set to trigger a canister that will discharge an irritating agent in sufficient quantity as to cause intruders to leave the area seeking relief.

___ **Lethal Booby Traps:** Fortunately, booby traps of this sort are rare because they are only used by the most dangerous of criminal elements. Unfortunately, since the intent is to kill, these will be well hidden and very difficult to spot.

___ **Shotgun Shell on a Rat Trap:** A shotgun shell is attached to a standard rat trap and painted so as to camouflage the apparatus. It is then positioned on a tree or rock with the shotgun shell pointing to strike the victim's region and rigged to a trip wire. Note that the trip wire for this device has to be aligned with the shotgun shell's blast cone.

___ **Explosives:** Gunpowder is used in sufficient quantity to improvise an antipersonnel explosive. Further, powerful explosives can be mixed easily from basic household chemicals. Booby traps of this sort may be laced with nails, glass and even chemical and biological agents. The trip wire for this device can be almost anywhere. A short length of household pipe six inches to one foot long is commonly used as a housing.

If any team member finds themselves in one of the above situation immediately stop all movement and alert the entire group -- even those not in the immediate area. Carefully vacate the area in the safest possible way (usually exactly as entered) and disembark the vessel. Notify local, state, Federal law enforcement.

Methamphetamine labs: Meth labs have waned in the past 5 years after more stringent regulations of over the counter pseudoephedrine products. However, they still remain very dangerous when encountered. Indicators include:

- a. Unusual, strong odors (like cat urine, ether, ammonia, acetone or other chemicals).
- b. Shacks or cabins with windows blacked out.
- c. Open windows vented with fans during the winter.

D. Site Safety Plan for ADV Boarding

- d. Excessive trash including large amounts of items such as: antifreeze containers, lantern fuel cans, engine starting fluid cans, HEET cans, lithium batteries and empty battery packages, foil wrappers, red chemically stained coffee filters, drain cleaner and duct tape.
- e. Unusual amounts of clear glass containers.

If any team member finds themselves approaching a methamphetamine lab immediately stop all movement and alert the entire group -- even those not in the immediate area. Carefully vacate the area in the safest possible way (usually exactly as entered) and disembark the vessel. Notify local, state, Federal law enforcement.

E. PERSONAL PROTECTIVE EQUIPMENT (PPE)

Personnel should use Level D to include:

- a. Coveralls
- b. Gloves
- c. Boots/shoes (chemical resistant, composite toe)
- d. Safety glasses or splash resistant goggles
- e. Hard hat

4- gas meters shall also be worn by Task Force members detect for changes in Oxygen, Combustibles, Carbon Monoxide, and Hydrogen Sulfide. If a 4-gas meter alarms all team members shall be notified and will egress the space.

F. EMERGENCY PROCEDURES

Emergency Medical Procedures: Do not attempt to move seriously injured personnel, call for an ambulance to come to the injured person.

- a. The closest hospital for regular emergencies is:
 - 1. Location: _____
 - 2. Phone: _____
- b. Closest hospital for chemical exposure emergencies:
 - 1. Location: _____
 - 2. Phone: _____

Emergency Fire Procedures: DO NOT attempt to fight fires other than small fires. A small fire is generally considered to be a fire in the early stages of development, which can readily be extinguished with personnel and equipment in the immediate area in a few minutes time. Alert nearby personnel to call fire department. If a fire alarm is sounded, personnel shall immediately evacuate.

D. Site Safety Plan for ADV Boarding

In case of fire contact local fire department.

- a. Phone: _____

Evacuation Routes:

- a. Primary Evacuation Route: _____
- b. Secondary Evacuation Route: _____
- c. Assembly Point: _____

G. Communication

Radio Communication:

- a. Working: freq: _____ chnl: _____ (_VHF _UHF _OTHER)
- b. Emergency: freq: _____ chnl: _____ (_VHF _UHF __OTHER)

Phone Communication:

- a. Task Force Team Leader: _____ : _____
- b. Safety Officer: _____ ; _____
- c. Task Force Member _____ : _____
- d. Task Force Member _____ : _____
- e. Task Force Member _____ : _____
- f. Task Force Member _____ : _____
- g. Task Force Member _____ : _____

Emergency Communication Process for
boarding: _____

D. Site Safety Plan for ADV Boarding

Appendix C. Photos of Potential Hazards on Derelict Vessels

1. Lead-based paint chip debris



2. PCB containing paint



3. PCB containing, asbestos wrapped around electrical wiring



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Attachment E: Derelict Vessel Reporting Form

Vessel of Concern Reporting Form

INSTRUCTIONS: Fill out the following form to the best of your ability. If unknown, write unknown. Upon completion, submit to the appropriate agency (see below). For reporting after hours or in the event of an emergency, contact the USCG Sector Command Center at: (503) 861-6211

For Coast Guard personnel, email forms to:

For Oregon State law enforcement agencies, submit forms to:
 Rachel Bullene - (503)378-2836
Rachel.e.bullene@or.us.gov

For Washington State law enforcement agencies, submit forms to:
 Derelict Vessel Removal Program -
dvrp@dnr.wa.gov

**If you have pictures please contact Sector Columbia River Incident Management Division at (503) 861- 6477 to discuss transmittal options. **

BE ADVISED OF THE FOLLOWING: Derelict vessels not only pose a hazard to the environment but also pose many hazards to people. Please keep this in mind when gathering information and remain a safe distance from derelict vessels and **DO NOT** go onboard unless you are trained to do so.

<u>DATABASE</u>	New entry	Existing entry	If entry already exists in the database, Vessel ID # _____
Reporting Organization _____	Name _____	Phone # _____	

<u>VESSEL INFORMATION</u>			
Vessel Name _____	Current Registration (circle one):		Yes No
Registration Number _____	Registration Expiration _____		
Hull Type (circle one):	Steel	Wood	Fiberglass Aluminum Cement Other _____
Length _____	Hull Color _____	Superstructure Color _____	
Trim Color _____	Vessel Type (circle one):	Commercial	Recreational Unknown Vessel Subtype
(circle one):	Cruising	Sailing	Fishing Passenger Barge Tug
General Location _____	State/Country _____		
Lat/Long _____	Approx. Water Depth _____		
Vessel is (circle one):	Afloat	Aground	Tide Dependent
How secured (<i>check one</i>)?	<input type="checkbox"/> Tied securely to dock	<input type="checkbox"/> Tied but not secure	<input type="checkbox"/> On mooring buoy <input type="checkbox"/> Anchored
Fuel Type: _____	Total Fuel Capacity _____	Number of Tanks _____	
Fuel Vent Location (if known) _____	Description/Quantity of any HAZMAT _____		
Is vessel occupied? _____	Evidence of other illegal activity _____		
Current or planned actions to cleanup/remove by Fed/state/local government:			

<u>OWNER INFORMATION</u>	
Last Known Owner _____	Phone Number _____
Address _____	
Has the owner been contacted? (circle one):	Yes No
Does the owner plan on taking action to remove/cleanup the vessel? If so, what? _____	

R a n k		1	2	3	4	5	Previous Rank	New Rank
Hull Condition and Position in Water	Steel, aluminum, or fiberglass hull in good condition and vessel floating with normal freeboard.	Steel, aluminum, or fiberglass hull, rusted or aged; Possibly sitting slightly low in water, but appears to be floating free	Wooden hull or other hull material in poor condition or riding noticeably low in water, but floating free	Visible holes in hull and/or listing or still upright, but low enough to touch bottom during low tide; Or vessel is being continuously mechanically de-watered to stay afloat	Broken up and no longer seaworthy; Severe list (30° or more) and/or sunk or aground			
Public Safety	Not accessible to public, not a site of criminal activity or dumping	Access to vessel is difficult for public, not likely a site of criminal activity or dumping	Public access to vessel is somewhat limited, some broken parts and physical hazards	Very little effort to limit public access to vessel, broken parts causing hazardous surfaces and/or attractive nuisance, possible site of criminal activity or dumping	Unrestricted public access onto vessel, Used as dump site or site of other criminal activity			
How Secured	Tied securely to dock with sound lines	Moored or anchored securely	Moored or anchored securely but mooring lines worn or with heavy marine growth	Not secure but not adrift (grounded or beached), mooring lines parting	In danger of becoming adrift in immediate future			
Navigational Hazard	Away from vessel traffic	Near limited vessel traffic	Encroaching upon middle of moderate traffic area (e.g., approaches to small marinas or ports)	Encroaching upon middle of high-traffic area, such as approach to large marinas or ports	Encroaching upon middle of navigable waterway (e.g., a traffic lane)			
Environmental Hazard	Known to be clean	Does not likely contain much fuel or HAZMAT. Residual amounts only.	Could potentially carry large amounts of fuel or HAZMAT; ongoing activities make spill possible	Multiple containers of unknown materials visible on vessel, ongoing activities (e.g., scrapping) makes spill likely	Leaking oil or HAZMAT imminent			
Score								
5 – 12 A vessel in this range is not generally a vessel of concern								
13 – 17 A vessel in this range is generally a VESSEL OF CONCERN								
18 – 28 A vessel in this range is generally considered DERELICT								
If vessel is in trespass on private or public submerged lands, add 3 to total								
TOTAL SCORE:								

If a box is shaded, immediately contact a 24-hour response number and/or program manager

