

USCG Sector San Francisco



Abandoned Vessels Enforcement April 2014



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U.S. Coast Guard
Sector San Francisco

Abandoned Vessels

- “Abandoned vessel” means any craft designed for navigation that has been moored, stranded, wrecked, sunk, or left unattended for longer than 45 days. A vessel is not abandoned if it is on private property with the permission of the owner. The Coast Guard's characterization of a vessel as an “abandoned vessel” under this instruction should not be construed as affecting any legal rights or liabilities with respect to the vessel.

Abandoned Vessels, Commandant Instruction M16465.43 Ch 2.B.



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Coast Guard Interaction with Abandoned Vessels

- Search and Rescue
- Environmental Threat
- Hazard to Navigation



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Enforceable Laws and Regulations

- Environmental Laws
 - Federal Water Pollution Control Act
 - Clean Water Act
 - Oil Pollution Act of 1990
 - Comprehensive Environmental Response Compensation and Liability Act
- Refuse Act
- Illegally Anchored Vessels
- Abandoned Barge Act



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Environmental Law Enforcement

For enforcement of an unlawful discharge:

1. Oil was discharged
2. Oil was discharged from a vessel, onshore facility, or offshore facility
3. Oil was discharged into a navigable waterway or adjoining shoreline
4. Oil or hazardous substance is a harmful or reportable quantity
5. **The responsible party can be identified**



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Environmental Law Enforcement

- Associated Fines:
- Notice of Violation:
 - \$50 - \$10,000 based on amount discharged, private or commercial vessel, offence occurrence
 - Civil Penalties: Up to \$40,000 per day of violation or up to 3 times the costs incurred by the Oil Spill Liability Trust Fund
- Criminal Penalties

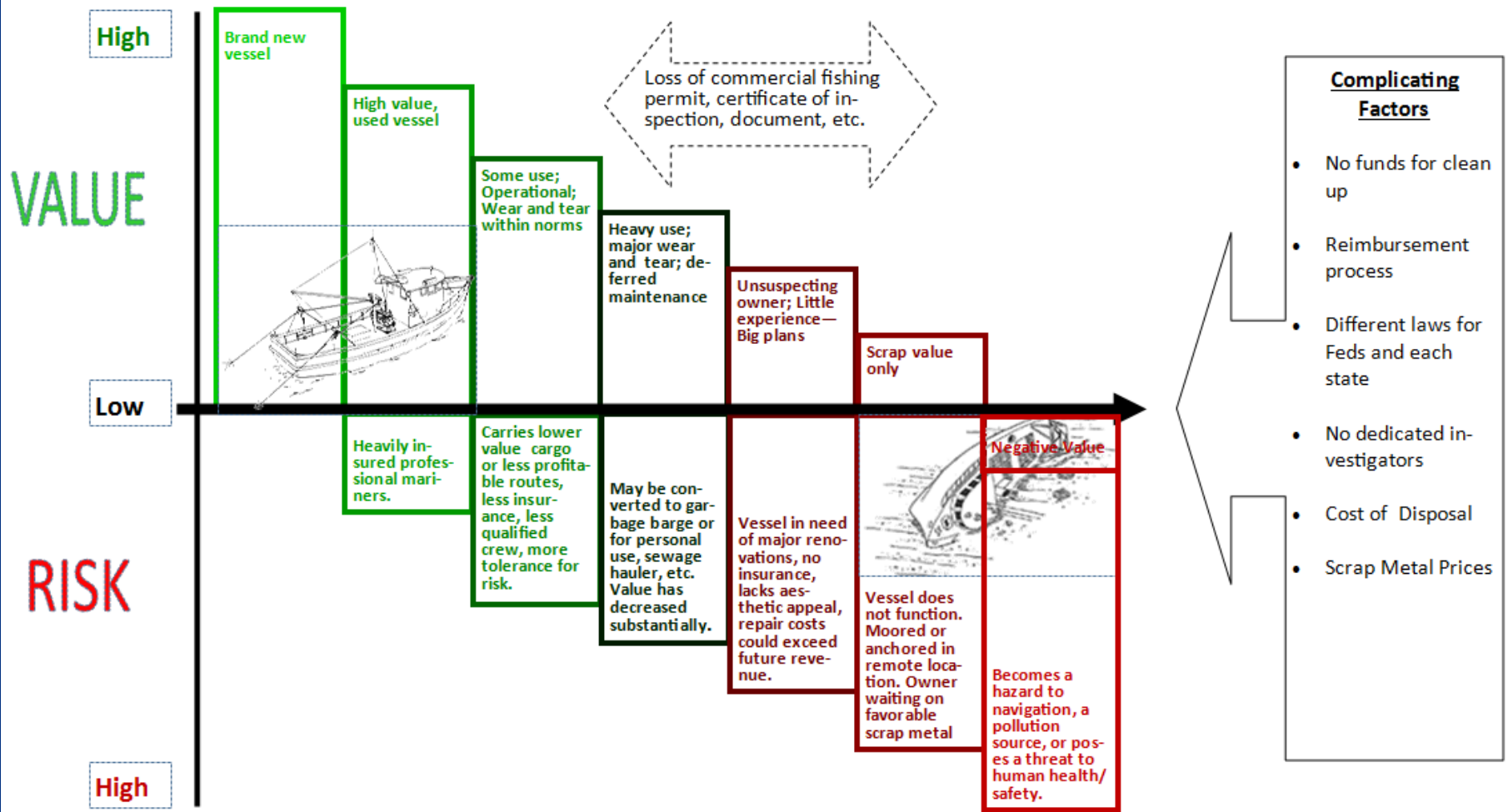


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SINKING VALUE - RISING RISK



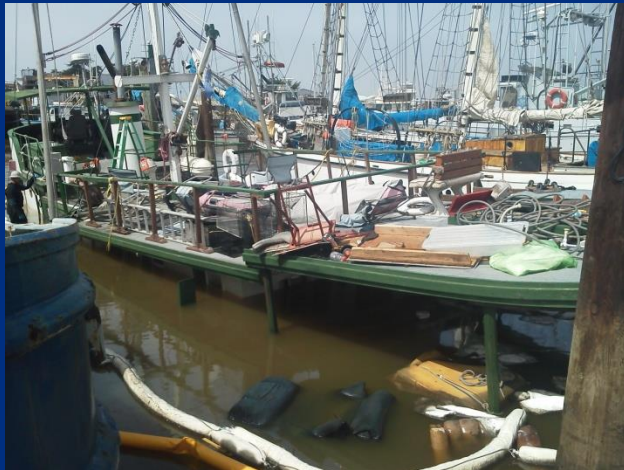
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Clean Up Costs Abandoned Vessels

- Oil Spill Liability Trust Funds- used for removal of oil when there is an imminent and substantial threat to the environment
 - Coast Guard Resources
 - Average Contractor Costs
 - Afloat: \$5,000
 - Sunken: \$10,000



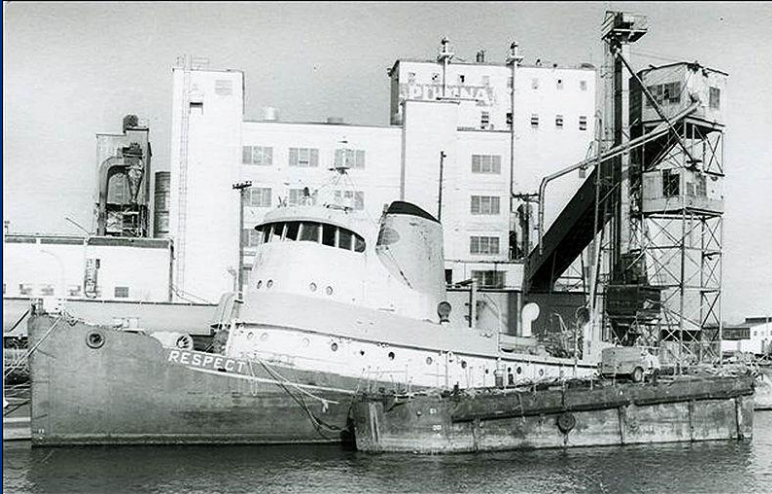
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TUG RESPECT

- USCG Costs
 - 1998 - \$160,000
 - 2013 - \$2.6 million
- 16 times the original cost



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Authority to Remove the Vessel

- FWPCA
- Code of Federal Regulations Federal On Scene Coordinator delegation (33CFR1.01-80(e))
 - Authority not delegated to remove or destroy a vessel without the consent of the vessels owner
- Policy (COMDTINST 16465.5)
 - Commandant approval required to destroy vessel



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CERCLA

- Allotted to USCG per fiscal year
- Average cost to remove a mystery drum and proper disposal cost \$5,000



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Refuse Act

- U.S. Army Corps of Engineers
 - Limited to vessels that are hazards to navigation (Removal of Wrecks and Other Obstructions, 33 CFR 245)
 - MOU between USCG and USACOE



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Illegally Anchored Vessels

- Anchorage Regulations of San Francisco, 33 CFR 110.224
- Captain of the Port anchor waiver required to anchor outside of regulated areas
- Intended for commercial vessels conducting work outside of anchorages.
- Privately owned vessels requests usually denied

Enforcement: Notice of Violation

Civil Penalty \$50 - \$110



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Abandoned Barges

- Abandonment of a barge over 100 gross tons on the navigable waters of the United States.
- Recommended Penalty Levels (per day of abandonment)

First Offense

\$100

Second Offense

\$500

Maximum

\$1,000



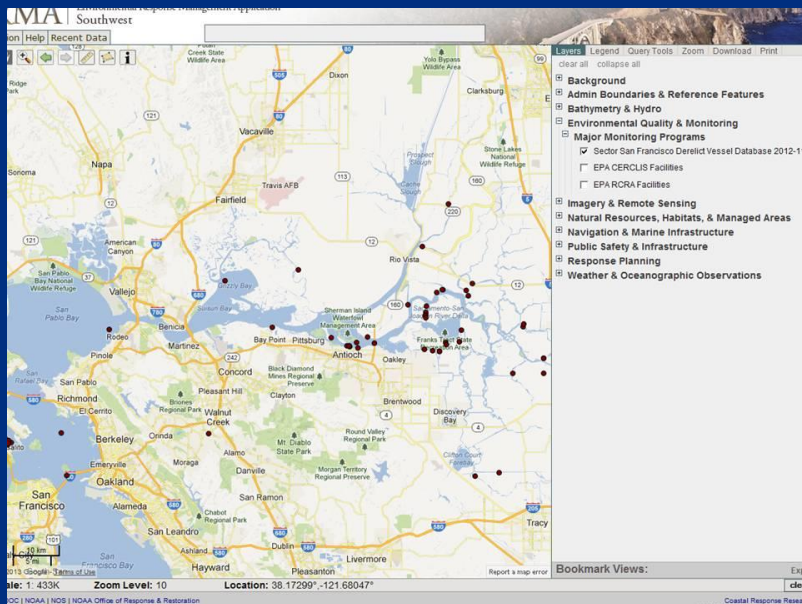
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Way Forward

- Agency cooperation
- Broaden Legislation- increase enforcement
 - Local, Regional, Federal



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Questions?



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