
Office of Inspector General
Audit Report

*Report on the
Abandoned Vessels Program*

United States Coast Guard

Report Number: MA-1999-092

Date Issued: April 28, 1999





Memorandum


**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

Office of Inspector General

Subject: **INFORMATION:** Report on the Abandoned
Vessels Program, U.S. Coast Guard
MA-1999-092

Date: April 28, 1999

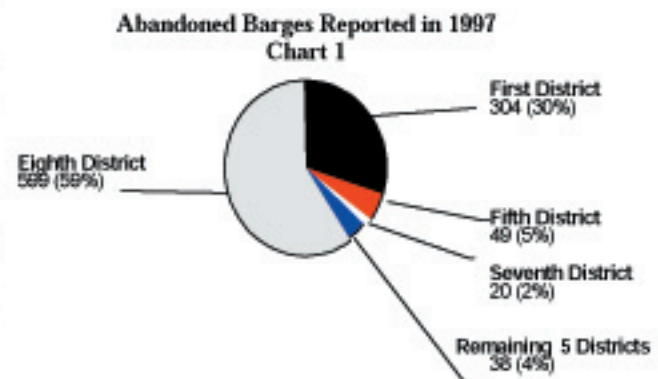
From: 
Lawrence H. Weintraub
Assistant Inspector General for Auditing

Reply to JA-40
Attn. of:

To: Chief of Staff
U.S. Coast Guard

This report presents the results of our audit of the U.S. Coast Guard's (Coast Guard) Abandoned Vessels Program (Program). The Program was established to implement the Abandoned Barge Act of 1992 (Act). The purpose of the Act is to prevent future marine pollution from abandoned barges. The Coast Guard is required to identify owners of abandoned barges, mitigate environmental or safety threats, remove barges when necessary, and hold owners liable for clean up and removal costs. To serve as a deterrent to barge abandonment, the Act provides for penalties up to \$1,000 a day against owners who abandon barges along the Nation's waterways.

The objective of our review was to assess the Coast Guard's progress towards completing an inventory of abandoned barges, identifying and contacting owners, fining those owners who are unwilling to remove barges voluntarily, and assuring that barges posing serious environmental or safety threats are cleaned up or removed. We focused our audit on abandoned barges in the Eighth District, which oversees the lower Mississippi River and Gulf zones. The Eighth District had the majority of abandoned barges (See Chart 1) including 14 that were reported as substantial environmental threats, and 2 reported as public safety threats. We discussed this approach with the Chief of the Response Operations Division following our preliminary work in the Coast Guard Fifth, Seventh, and Eighth Districts. He agreed with our approach, particularly since the Eighth



District is critical to the overall success of the Program and our preliminary work disclosed no significant Program management problems in the Fifth and Seventh District Safety Offices.

RESULTS-IN-BRIEF

The Abandoned Vessels Program has not been managed effectively in the Coast Guard's Eighth District (District). We found that the District's inventory of abandoned barges was inaccurate, abandoned barge owners were not identified or contacted, and fines meant to serve as deterrents and punitive measures were not assessed. This occurred because the District considered the activities to be a low priority. Further, District personnel were not making use of available trust fund money to clean up and remove barges posing serious environmental threats. As a result, the number of abandoned barges in the Eighth District has not been reduced and serious environmental threats have not been mitigated. Specifically,

- The District understated its Fiscal Year 1997 inventory of 599 abandoned barges by at least 100 barges because records were lost or misplaced. Also, we were unable to locate 17 of 48 barges selected from the inventory and during observation trips we found 36 barges that were not on the inventory. The District's Marine Safety Offices (Safety Offices) we reviewed had not conducted required inspections to identify abandoned barges and assess conditions and contents since 1995.
- Inventory files contained owner information for 26 of the 43 abandoned barges containing pollutants, but District personnel had not contacted them to encourage clean up and removal or notified them of potential fines and liability for cleanup and removal. We contacted the owners of record for 13 of the 26 barges and found they were still in business.
- The Safety Offices we reviewed failed to initiate any civil penalty actions authorized under the Act and required by Coast Guard procedures, even though approximately 300 abandoned barges were on the inventory records of the Safety Offices since 1995.
- Although the Safety Offices have been aware since 1995 of 43 barges containing pollutants that represent environmental threats, they have not taken action to mitigate threats. Federal On-Scene Coordinators, responsible for initiating action were misinterpreting policy and did not use available trust funds to mitigate threats before leakage occurred.

The Department's Strategic Plan sets forth the overall direction, vision, and mission of the Department for FY 1997 through 2002. One of the five strategic goals in the plan is to "protect and enhance communities and the natural environment affected by transportation." One of the outcome goals that will be used to measure success in achieving the environmental strategic goal is reducing the amount of transportation-

related pollutants released into the environment. The low priority given Program activities in the Eighth District does not appear to be consistent with the Department's Strategic Plan and outcome goal.

We therefore recommend the Chief of Staff direct the District to take action to improve program effectiveness. This should include taking action to comply with requirements to inventory and assess the condition and contents of abandoned barges, identify and contact owners to encourage voluntary remediation and removal, initiate civil penalty actions where appropriate, mitigate safety and environmental threats, and clarify the policy on trust fund usage.

The Government Performance and Results Act requires agencies to develop strategic plans including objective, quantifiable, and measurable performance goals for accomplishing major program activities. The Coast Guard's performance plan does not identify the Abandoned Vessels Program as a major program and performance goals have not been established. Because protection of the natural environment is one of the Secretary of Transportation's strategic goals, we also recommend the Chief of Staff establish performance goals and measure progress in achieving these goals.

In its April 19, 1999 response (see Appendix) to our draft report, Coast Guard concurred with all of the recommendations except the one to inventory and assess the condition and contents of abandoned barges. Coast Guard partially concurred with this recommendation as it relates to completing surveys to assess the content and condition. However, the Coast Guard identified alternative means for completing the assessments, including improved partnering with state and local agencies, that satisfy the intent of the recommendation. The actions taken or planned by the Coast Guard are responsive to the recommendations and the implementation milestones are timely. We therefore consider the recommendations resolved.

BACKGROUND

In a 1992 report entitled "Abandoned Vessels Pollute Waterways and Cost Millions to Clean Up and Remove," the General Accounting Office concluded abandoned vessels were used as illegal dumpsites for hazardous materials and were costly for the Federal Government to clean up. The General Accounting Office suggested Congress consider legislation to (1) make it illegal to abandon barges in the Nation's waterways, (2) provide appropriate penalties as a deterrent, and (3) require registration and permanent marking of all barges. The report also recommended the Coast Guard work with the Army Corps of Engineers to accurately inventory abandoned vessels and their locations.

The Abandoned Barge Act of 1992 was passed to prevent future marine pollution caused by abandoned barges. The Act made it illegal to abandon barges in navigable waters and authorized the Coast Guard to remove abandoned barges, hold owners responsible for removal expenses, and to assess civil penalties of up to \$1,000 a day to deter future

barge abandonment.

In 1996, Coast Guard formalized Program management policies and procedures in Commandant Instruction M16465.43 - Abandoned Vessels. This Instruction consolidated program guidance and expanded the requirement to inventory abandoned barges to include all abandoned vessels. The Program is administered by the Coast Guard's Marine Safety and Environmental Protection Directorate and is supported by 47 Safety Offices nationwide. As of October 1997, these Safety Offices reported 2,579 abandoned barges and other vessels. This represents a 102 percent increase since 1992.

Funding for clean up and removal of barges and other vessels, that constitute a substantial environmental threat, is available from two existing trust funds. The Coast Guard's National Pollution Fund Center administers the \$1 billion Oil Spill Liability Trust Fund, of which \$50 million is apportioned annually for all federally funded oil pollution clean up activities, including abandoned vessel removal when necessary to mitigate an oil pollution threat. The Coast Guard also has access to the Environmental Protection Agency (EPA) administered Comprehensive Environmental Response Compensation and Liability Act Fund to clean up other hazardous materials that threaten navigable waters. Under existing Coast Guard and EPA policies, both funds may be used to remove abandoned vessels that pose a substantial threat of discharge of oil or hazardous materials. However, these trust funds are not available for Program administration purposes.

The threat assessment and decision to use trust funds, to clean up or remove abandoned vessels, are the responsibilities of each Safety Office's Federal On-Scene Coordinator.

SCOPE AND METHODOLOGY

We performed fieldwork at:

- Coast Guard Headquarters,
- National Pollution Funds Center, Arlington, VA.,
- The Coast Guard Eighth, Seventh, and Fifth Districts
- Five Safety Offices: Hampton Roads, New Orleans, Morgan City, St. Louis, and Miami, representing 33 percent of abandoned vessels nationwide.

We reviewed the Coast Guard's abandoned vessel inventory files at the five Safety Offices we visited, and physically inspected selected vessels to verify the accuracy of reported data. We assessed the Coast Guard's policies and procedures for Program management, and interviewed key Program officials to determine actual practices. We also interviewed representatives from the U.S. Army Corps of Engineers, EPA, state and

local governments, barge and salvage industry, environmental clean up contractors, and other public action groups to obtain a balanced perspective of Program effectiveness.

We conducted the audit between April 1998 and February 1999 in accordance with Government Auditing Standards prescribed by the Comptroller General of the United States.

FINDINGS

Inaccurate Abandoned Vessel Inventory

Abandoned vessel inventory records at the three Eighth District Safety Offices reviewed were inaccurate. Approximately 100 of the 599 District inventory files were lost or misplaced while the 1997 inventory summary report was prepared, thereby understating the inventory reported to Headquarters. Our efforts to physically inspect selected barges listed on these Safety Offices' inventory records disclosed material inaccuracies in the reported information.

We selected 48 of the 300 abandoned barges reported by the three Safety Offices to physically inspect. Although we were assisted in our efforts by Coast Guard personnel, we could not find 17 of the 48 barges selected. We also found 36 barges that were not listed on the inventory, but appeared abandoned based on their location and condition.

None of the three Safety Offices we reviewed performed annual inspections to obtain accurate or current information on abandoned vessels as required by the Commandant Instruction M16465.43 - Abandoned Vessels. For example, the inventory records for the New Orleans and Morgan City Safety Offices were derived from 1995 information provided by the State of Louisiana, while the St. Louis inventory was developed from Coast Guard "fly-bys" conducted in 1994. These Safety Offices had not performed required annual inspections or conducted surveys to assess the condition and content of abandoned vessels. Consequently, neither an accurate count nor an up-to-date assessment of the safety or environmental threat was reflected in the inventory files. Officials at the District and its Safety Offices said identifying and inspecting abandoned vessels had not been assigned a high priority.

Inadequate Efforts to Identify and Contact Owners

The Safety Offices had not contacted owners, many of whom were identified in the inventory files, to encourage them to clean up and remove abandoned barges, which represented a safety or environmental threat. Of the 43 barges reported as containing oil or other hazardous materials, the Safety Offices could not provide any documentation of attempts to contact the owners for 26 of these barges (60 percent) even though they were identified in the inventory records. For the remaining 17 abandoned barges (40 percent),

the owners were not recorded in the Safety Offices' inventory, and the Safety Offices had not taken action to identify the owners.

The Safety Offices were not attempting to identify and contact owners, we were told, because these activities were considered to be a low priority use of limited staff resources. To determine whether the recorded owner information was current, we contacted owners of 13 of the 26 barges where ownership was recorded. In each case, the owner identified in the inventory file was still operating in the geographic area.

Penalties Were Not Being Assessed

The Act authorizes the Coast Guard to assess civil penalties of up to \$1,000 each day for abandoned barges that are not removed by the owner's or operator's. The Coast Guard is required by its procedures to initiate a civil penalty case 30 days after the owner or operator is notified that the barge will be removed at the owner or operators expense. The penalties are intended to deter abandonment of barges in the Nation's waterways, and prevent future environmental or public safety threats.

None of the Safety Offices reviewed had initiated civil penalty cases for any of the 300 abandoned barges reported on their inventory since FY 1995. As discussed above, many of the owners were identified in the inventory files, yet no action was taken. The Safety Offices were not initiating civil penalty cases, we were told, primarily because a low priority was assigned to this activity. The failure to penalize owners of abandoned barges undermines the deterrent effect of the penalty provisions of the Act.

Lack of Cleanup and Removal Actions

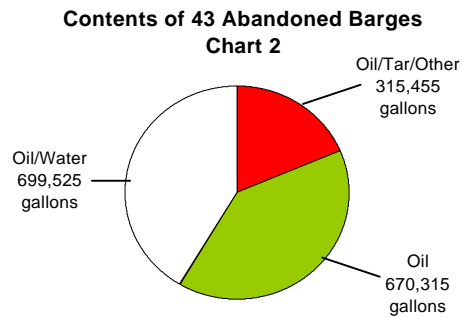
The Safety Offices did not take action to clean up and remove abandoned barges posing serious public safety or environmental threats, and hold owners responsible for the cost. The Safety Offices took action only when abandoned barges contained pollutants that were leaking into the waterway. No action was taken if leaking was not occurring, or if the barges posed only a threat to the public safety.

According to District reports filed with Headquarters, there were 2 barges that posed a threat to public safety and 14 that posed substantial environmental threats. No action was being taken, we were told, because Federal On-Scene Coordinators (FOOSC) at the Safety Offices reviewed were either misinterpreting the policy established for use of the Oil Spill Liability Trust Fund (Trust Fund) or erroneously believed that there were insufficient funds available to address threats before leaking occurred. We found that the Trust Fund had from \$21 to \$37 million available at the end of each of the last four fiscal years, which could have been used to address substantial threats.

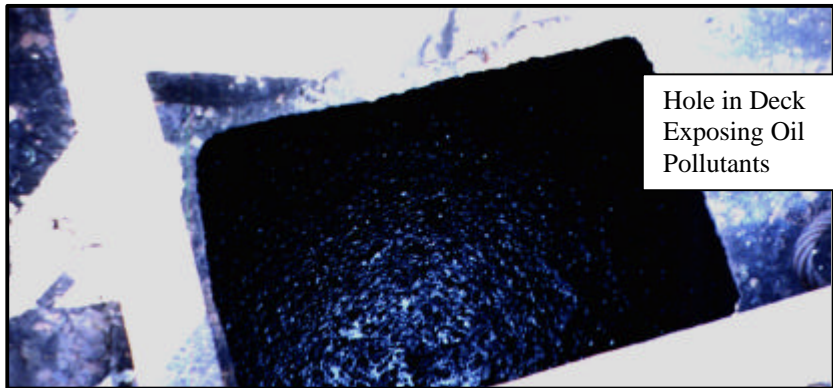
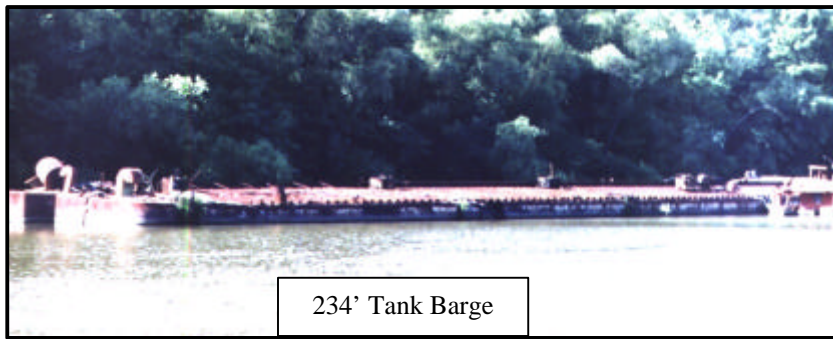
Also, the Trust Fund Director confirmed that FOOSCs have the authority to use Trust Funds to clean up abandoned barges whether or not the barge is leaking provided the

barge contains oil pollutants. For example, this is the policy followed in the Fifth District, where our work showed that the Hampton Roads Safety Office used the Trust Fund to clean up four abandoned barges which were not leaking at the time the clean up action was initiated.

The inventory for the New Orleans and Morgan City Safety Offices included 43 barges containing approximately 1.7 million gallons of primarily oil-based pollutants. (See Chart 2.) Fourteen of the 43 were classified by the Safety Offices as substantial threats, meaning that their condition was so poor that damage to the environment was imminent. These 14 barges had been on the inventory since 1995. The remaining 29 abandoned barges reported as containing pollutants were not rated as substantial threats by the Safety Offices because they did not consider leaking into the waterways to be imminent. However, these barges had not been surveyed since 1995 so their current condition was unknown. The St. Louis Safety Office inventory files did not contain information on abandoned barge pollutant contents, since no on board surveys were conducted of the barges identified during the 1994 "fly-by" survey.



Barge No. 26-035, the Bayou Zachary, exemplifies one of the 14 barges where leaking appeared imminent. This barge contains two large holes exposing 315,383 gallons of oil-based pollutants to the environment. No action had been taken to clean up or remove the barge, which was on the Safety Office's inventory since 1995, because there was no evidence of pollutants leaking into the waterway. Although this barge was classified as a significant threat since 1995, it did not qualify for removal under the District's interpretation of Trust Fund eligibility. Moreover, no action had been taken to clean up the pollutants it contains, fine the owner, or remove the barge.



We also found that the Safety Offices did not remove abandoned barges even after they had been previously identified as having been used for illegal dumping and emptied. For example, when we inspected Barge No. 51-045, which had been previously cleaned, we found that several holes had been cut into its deck and that it was again being used as an illegal dumpsite. The barge had been refilled with unknown pollutants and Safety Office's personnel stated they were unaware until our inspection that this abandoned barge was again being used as an illegal dumpsite.

Safety Offices did not initiate cleanup actions unless pollutants leaked into the waterways, even though they may present a threat to the public safety or the environment. This practice has not mitigated the threat posed by many abandoned barges in the District, nor is it consistent with the policies and procedures contained in the 1996 Commandant Instruction.

Further, cleaning up barges only after they leak is not an efficient use of available trust funds because leaking barges generally cost more to clean up than non-leaking barges. For example, abandoned Barge No. 36-36 contained over 357,000 gallons of oil. The Safety Office took no action to initiate cleanup action for this barge until it leaked pollutants into the waterway in May 1998. Although 420 gallons were recovered, an unknown quantity of oil spread into the waterway, killing at least 36 birds and causing untold harm to marine life. The cost of the cleanup was about \$395,000, but according to the contractor the cost could have been significantly less if cleanup started before leaking occurred.

Government Performance and Results Act

The Department's Strategic Plan sets forth the overall direction, vision, and mission of the Department for FY 1997 through 2002. One of the five strategic goals in the plan is to "protect and enhance communities and the natural environment affected by transportation." One of the outcome goals that will be used to measure success in achieving the environmental strategic goal is reducing the amount of transportation-related pollutants released into the environment. The low priority given Program activities in the Eighth District does not appear to be consistent with the Department's Strategic Plan and outcome goal.

The Government Performance and Results Act requires agencies to develop strategic plans including objective, quantifiable, and measurable performance goals for accomplishing major program activities. The Coast Guard's performance plan does not identify the Abandoned Vessel Program as a major program and performance goals have not been established.

RECOMMENDATIONS

To improve Program effectiveness, we recommend the Chief of Staff direct the Eighth District to:

1. compile an accurate abandoned vessel inventory and complete surveys to determine the contents and condition of all abandoned barges;
2. identify and contact abandoned barge owners to encourage voluntary remediation and removal;
3. initiate civil penalty actions as authorized under the Act where owners are unwilling or unable to remove abandoned barges voluntarily and develop a plan for mitigating safety and environmental threats including prioritizing vessels needing cleanup and/or removal; and
4. clarify policy on trust fund usage to ensure timely and consistent use of available trust funds to clean up and/or remove barges and other vessels posing a serious environmental threat.

To measure program effectiveness and actual outcome, we also recommend that the Chief of Staff establish performance goals and measure progress in achieving these goals.

MANAGEMENT COMMENTS

In its April 19, 1999 response (see Appendix) to our draft report, Coast Guard concurred with four of the five recommendations and partially concurred with Recommendation 1 as it relates to completing surveys to determine the content and condition of all abandoned vessels. However, the Coast Guard identified alternate actions to assess vessel content and condition, including improved partnering with state and local agencies that are responsive to the recommendation. They also proposed milestone dates for implementing all of the recommendations.

OFFICE OF INSPECTOR GENERAL COMMENTS

The actions taken or planned by the Coast Guard are responsive to the recommendations and the implementation milestones are timely. We therefore consider the recommendations resolved.

The Coast Guard's progress in implementing the actions agreed to or planned is subject to the audit follow-up provisions of DOT Order 8000.1C. We request the Coast Guard provide copies of any guidance or policy clarifications issued in response to the recommendations. We appreciate the courtesies and cooperation of your staff. If you have any questions or need further information, please call me at (202) 366-1992 or Tom Howard, Deputy Assistant Inspector General for Maritime and Departmental Programs, at (202) 366-5630.

Attachment

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U.S. Department
of Transportation

United States
Coast Guard



Memorandum

Subject: DOTIG DRAFT REPORT ON THE ABANDONED VESSELS PROGRAM, Date: 19 APR 1999
U.S. COAST GUARD

From: Commandant, U.S. Coast Guard

Reply to
Attn of: G-M

To: Assistant Inspector General for Auditing

Ref: (a) DOTIG Report 8J3-005-J000, April 1, 1999

1. Enclosed you will find the U.S. Coast Guard response to the recommendations presented in the Department of Transportation Inspector General (DOTIG) Draft Report on the Abandoned Vessels Program, U.S. Coast Guard Project No. 8J3-005-J000.
2. For additional information concerning this response, please contact Mr. Mark Kulwicki at (202) 267-2294.

A handwritten signature in black ink, appearing to read "T.W. Josiah", written over a horizontal line.

T.W. JOSIAH
Vice Admiral, US Coast Guard
Chief of Staff

Encl: (1) U.S. Coast Guard Response to DOTIG Recommendations

**STATEMENT ON DEPARTMENT OF TRANSPORTATION INSPECTOR
GENERAL (DOTIG) REPORT**

I. TITLE: Abandoned Vessels Program, U.S. Coast Guard; DOTIG Draft Report No: 8J3-005-J000, April 1, 1999

II. US COAST GUARD POSITION

We concur-in-part with the DOTIG's assessment of the Abandoned Vessel Program in the Eighth District with regard to the abandoned vessel filing system, identification of abandoned vessel owners, and prosecution of penalty cases against owners. The assessment highlighted weaknesses with the Abandoned Vessel Program and the Coast Guard is taking actions within its available means to correct those weaknesses. The following comments are provided to fully understand how field units have implemented the Abandoned Barge Act with respect to maintaining an abandoned vessel inventory and removal of the pollution threats associated with abandoned vessels.

Risk Management Prioritizes Unit Activities – There is no designated funding for the detection of abandoned vessels, the assessment of their condition or contents, or administrative actions including civil penalty prosecution of owners violating the Act. Maintenance of accurate location and assessment records requires continuous surveys, and the detection, assessment of vessels and administrative actions are time consuming. These activities compete with the other activities of Coast Guard units including foreign vessel exams, pollution response, marine casualty investigations, and boat and aircrew operations. The combination of a reduction in manning, tightened budgets for all Coast Guard activities, and increased responsibilities has led the Coast Guard to adopt a risk-based management approach to make best use of resources. Using this approach, verifying the vessel information is seen as a low priority since most abandoned vessels do not move from their original location and most were not determined to pose a "substantial threat to the environment."

In the face of significant resource limitations, the CG has formed partnerships to deal with the abandoned vessel issue. The Eighth District teamed with the State of Louisiana in establishing a baseline for the number and location of abandoned vessels in Louisiana in 1995. As stated, the Abandoned Vessel Program is an unfunded mandate and teaming with the State of Louisiana was the most expeditious way to establish the baseline. During the ensuing years, the vessel data was updated as reports were received from Coast Guard personnel in the course of their other responsibilities, e.g. working aids to navigation, or routine patrols used to detect problems on the waterways. Using other resources as force multipliers freed Marine Safety Office (MSO) personnel who were used instead to respond to higher risk missions.

Clearly the audit identified weaknesses with the risk management processes used but the fundamental principles of risk-based management and partnerships are sound and will continue.

New Abandoned Vessel Inventory System (AVIS) Automates Inventories – As early as 1996 the Coast Guard was working to develop a database that would:

- provide continuously updated information
- improved accessibility for data entry
- reduce the incidence and eliminate the impact of lost records; and
- reduce the duplicated effort of transferring data collected in the field to annual reports

In 1998 the Coast Guard contracted FYI Inc. to develop a system, AVIS, that would be compatible with the Coast Guard computer network and could be accessed via the intranet by Coast Guard field units. The system design has been completed. FYI Inc. has been contracted to host the database, which is expected to be on line by the summer of 1999.

Partnering to Remove Pollution Threats – Coast Guard MSO's throughout the United States have been using partnerships with the public and private sector to remove the oil and/or hazardous materials posing potential threats to the environment, and in some cases the abandoned vessels were removed as well. For example, the Abandoned Barge Pilot Project (Southern Louisiana) had its origins in a historical and cooperative investigation by the US Coast Guard (USCG) and the US Environmental Protection Agency (EPA) that began in 1992. The purpose was to determine the number of barges in South Louisiana that were being used as sites for “midnight dumping” of oil and/or hazardous wastes. The program evolved, aided by the Abandoned Barge Act of 1996 and similar state legislation that authorized the Louisiana Oil Spill Coordinators Office (LOSCO) and Louisiana Department of Natural Resources (LDNR) to remove the abandoned barges. Contractors working for LOSCO completed a survey of abandoned vessels in state waters in 1995. It was apparent to LOSCO, the EPA, and USCG that the abandoned barge environmental threats were not only significant, but the resources required to adequately address this threat were beyond those available to any of the individual organizations.

In 1995, a tri-party agreement was drafted on a pilot project basis. The USCG would supply cleanup funding through the Oil Spill Liability Trust Fund (OSLTF) as well as USCG Strike Team technical expertise; the EPA would supply a cleanup contractor and an On Scene Coordinator (OSC) to coordinate the field actions and oversee the cleanup; and LOSCO would arrange for the removal of the barge hull once the pollution threat was abated. Twelve barges, all presenting significant threat of discharge, were identified as prospective test cases. Eight were eliminated when owners were identified. Those eight are now being

processed under traditional enforcement methods with some responsible party actions in progress. Two barges were never located at or near their, previous location. Further investigation concluded that these barges had not sunk and were assumed to have been removed. The remaining two vessels, Barges 04-001 and 04-001A, were selected for the Pilot Project.

The contents of Barge 04-001 were removed and the barge tanks dismantled. The tank parts and concrete pad were pressure-washed and the cement pad used to support equipment on deck was "holed" to allow for adequate draining of storm water. Barge 04-001A required little attention by way of field cleanup action since it was determined that the tanks were empty and free of flammable or toxic contents ("gas free"); onboard equipment was disconnected; and flanges blanked. On site activities for the two barges were declared complete on March 17, 1998 for a field action cost of approximately \$150,000. LOSCO prepared bid specifications and collected bids from scrap dealers for final vessel removal for both barges. A contract was let and the vendor completed removal operations by August 1998, well within the 90-day contractual maximum.

All parties agreed that the Pilot Project was a success and agreed that the process be continued with another target barge. The pollution threat was eliminated from a third barge in October 1998 and the barge was removed in January 1999. BAYOU ZACHARY is one of three vessels scheduled for action during the summer of 1999. As evidenced by these pilot project efforts, removal of vessels posing a significant threat of discharge requires considerable coordination, resources, and time to complete.

Of the 196 LOSCO and two LDNR vessels identified as containing potential pollution point sources, 43 have undergone removal or refurbishment by the Responsible Party, either voluntarily or with enforcement; 26 were not located and presumed to have been removed; and six have undergone OSLTF-funded removal actions. Of the remaining vessels, 41 have no known RP or are pending potential enforcement actions, 19 are under evaluation, and 63 still require ground truth surveys. Vessels continue to be added to the target list through other database searches, field reconnaissance, and agency referrals.

III. RECOMMENDATIONS AND RESPONSES

- (1) Compile an accurate abandoned vessel inventory and complete surveys to determine the contents and condition of all abandoned barges: Concur-in-part. The AVIS database will improve the reliability of the abandoned vessel inventory and provide the most current information available. The database will be online by the summer of 1999. Training on the use of the database will consist of a short booklet prepared by Commandant (G-MWP) and FYI Inc. This booklet will be mailed to every Captain of The Port prior to June 1, 1999.

Commandant (G-MW) will encourage partnerships similar to that established in Southern Louisiana to map the location of abandoned vessels, determine the contents, and conduct removal operations. Without appropriated funds specifically for the administration of the Abandoned Vessel Program, MSO's can ill afford to dedicate resources to survey miles of rivers and bayous without other operational missions suffering. Moreover, there is no mechanism for evaluating the contents of every abandoned vessel found. MSO's will continue to use all available means to locate abandoned vessels including routine patrols, the assistance of waterway users (e.g. tug pilots), US Coast Guard aircraft overflights, and other force multipliers. Current practices for maintaining an accurate inventory will be evaluated and solutions to reduce/prevent inaccurate inventories will be identified and implemented as practicable. The Eighth Coast Guard District Office will be required to oversee implementation and report on actions taken or underway to Commandant (G-MWP) no later than November 1, 1999.

To address the survey issue, COTP's will make the determination for each abandoned vessel whether or not to test the contents of the vessel based on the guidelines outlined in COMDTINST M16454.43. There is no funding to directly support testing of vessel contents unless the condition of the vessel meets the criteria outlined in COMDTINST M16454.43. To access these funds, the guidelines provided by OSLTF and CERCLA must be met prior to testing the vessel's contents. These activities will begin immediately.

- (2) Identify and contact abandoned barge owners to encourage voluntary remediation and removal: Concur. The guidelines set forth in COMDTINST M16465.43, and the experience of MSO personnel will guide them in their search for abandoned vessel owners. No additional resources or funding are available for locating the owners, and COTP's will continue to apply risk management principles in allocating resources toward this effort. These efforts will begin immediately.
- (3) Initiate civil penalty actions as authorized under the Act where owners are unwilling or unable to remove abandoned barges voluntarily and develop a plan for mitigating safety and environmental threats including prioritizing vessels needing cleanup and/or removal: Concur. Owners of vessels discharging oil and/or a hazardous substance, and owners of vessels that have been abandoned will be prosecuted using the applicable guidance. Units will begin processing civil penalties immediately.

Commandant (G-MWP) will work with district staffs and hearing officers to identify common weaknesses and errors in abandoned vessel civil penalty casework to facilitate successful prosecution of these cases. This item will be completed no later than December 3, 1999.

COTPs will use the Marine Safety Manuals, Commandant Instructions, and other published guidelines on spill response to mitigate the safety and environmental threats. Programs such as the Eighth District's Abandoned Barge Pilot Program which prioritizes removal activities will be shared with other districts and MSO's immediately.

- (4) Clarify policy on trust fund usage to ensure timely and consistent use of available trust funds to clean up and/or remove barges and other vessels posing a serious environmental threat. Concur. Commandant (G-MWP) will work with the National Pollution Fund Center and EPA to clarify the OSLTF and CERCLA guidance as they pertain to vessels *posing a significant threat of discharge*. This clarification will be distributed to all COTP's by message within 30 days of this response. The additional guidance on using the funds will be incorporated into future changes to COMDTINST M16454, but no later than April 1, 2000.
- (5) Establish performance goals and measure progress in achieving these goals. Concur. Commandant G-MWP will draft for approval performance goals and measurements to be included in the FY2001 Marine Safety Business Plan.

IV. ADDITIONAL COMMENTS

Commandant (G-MWP) has assembled a list of all District and MSO points of contact for the Abandoned Vessel Program. This list will be used to pass information informally and quickly, assisting USCG units in managing the program and reducing the safety and environmental threats. Units will be able to share ideas on partnerships and innovative approaches to eliminating the threats; and benefit from lessons learned. Commandant (G-MWP) will immediately identify the most efficient and effective vehicles for sharing Abandoned Vessel Program information. A proposal and timeline for implementation of this information vehicle will be submitted to Commandant (G-MW) no later than June 1, 1999.

The Risk Management Principles being applied at all MSO's will be reviewed by COTP's immediately to ensure that the MSOs consider all of the appropriate factors, including a periodic review of the criteria used to evaluate risk and prioritize missions.