# Disposal of Vessels at Sea

Vessels may be disposed of at sea under specified conditions, according to federal regulations (40 CFR 229.3) based on the Marine Protection, Research and Sanctuary Act of 1972. However alternatives, such as scrap and disposal in an artificial reef, should be considered first.
Instructions for an applicant wishing to dispose of a vessel at sea are listed below along with definitions of some of the terms used and a list of contacts for applicants wishing additional information. Please note the requirement that the Environmental Protection Agency (EPA) be notified sequentially at one month, 10 days, 48 hours and 12 hours before disposal of a vessel.

## STATUTORY BASIS FOR REGULATIONS

According to Title 40, Code of Federal Regulation, Section 229.3, entitled "Transportation and Disposal of Vessels", a general permit has been issued to dispose of a vessel at sea under specified conditions.
This regulation is based on Title 1 of the Marine Protection, Research, and Sanctuaries Act of 1972 (MPRSA), specifically sections 102b, 104c, and 108 (also noted as 33 USC 1412 and 1418). MPRSA makes it illegal to transport (from US ports or on US vessels or aircraft) and dump any material into ocean waters except as authorized by permit. General permits, that is, ones that do not require an application for specific permits in each case, have been issued for specified classes (eg. burial at sea, transportation of target vessels [specifically applies to U.S. Navy], transportation and disposal of vessels) of material that have been determined to have a minimal adverse environmental impact.

## REGULATIONS FOR FIBERGLASS WRECKS

**1. MARPOL**.
According to the USCG office of compliance (see Contacts), the Marine Pollution Act (MARPOL) does not regulate the disposal of fiberglass wrecks at sea. Although MARPOL (1) considers fiberglass as plastic because of the resin in it and (2) makes it illegal to dump plastic anywhere in the ocean, the disposal of fiberglass hulls at sea is not prohibited by this act because MARPOL applies only to "shipboard-generated garbage."
**2. MPRSA.**
This act allows the disposal of fiberglass wrecks at sea under the general permit as long as they do not float. Specifically, Title 40 CFR Sec 227.5 prohibits the dumping of "persistent inert synthetic...materials which may float or remain in suspension in the ocean in such a manner that they may interfere materially with fishing, navigation or other legitimate uses of the ocean."
**3. Artificial Reef Programs.**
According to NYDEC's (see Contacts) and NJDEP's (see Contacts) artificial reef programs, fiberglass vessels are no longer accepted for their respective artificial reef program because it was found that in the shallow reef program waters, wave action and currents broke up and moved the vessels about. Thus, fiberglass wrecks did not provide the stable environment necessary for an artificial reef and fiberglass debris ended up on the beaches. NYDEC's and NJDEP's suggestions to minimize these problems included disposal in deeper waters and disposal of the hull only ballasted with concrete.

Back to Top

## APPLICANT INSTRUCTIONS FOR DISPOSAL OF VESSELS AT SEA

**1. One-month EPA notice**. At least one month before disposal of the vessel, provide the following information in writing to the EPA Region in which the proposed disposal will take place. Copies of the notice should be sent to the U.S. Coast Guard (USCG) and the U.S. Army Corps of Engineers (COE).

**i. Need-for-disposal statement**. Discussion of the need for ocean disposal of the vessel.

**ii. Vessel and cargo description**. Type and description of vessel (including vessel's name and registration number) and type of cargo normally carried.

**iii. Disposal plan**. Detailed description of proposed disposal procedures and requested date of disposal.

**iv. Environmental impact**. Information on the potential effect of disposal on the marine environment.

**v. Disposal alternatives**. Documentation of an adequate evaluation of alternatives to ocean disposal. Alternative methods of disposal, such as scrap, salvage, reclamation and disposal at an artificial reef site, shall be considered. (New York and New Jersey are both seeking suitable wrecks for their artificial reef programs).

**2. USCG supervision**. Transportation to the disposal site shall be supervised by the District Commander of the U.S. Coast Guard (USCG) or his designee.

**3. Measures for removing pollutants.** Prior to disposal, qualified personnel shall remove all materials, to the maximum extent practical, that may degrade the marine environment. The measures include, but are not limited to:

**i.** Emptying all fuel lines and fuel tanks to the lowest point practicable, flushing them with water, and again emptying them to the lowest point practicable so that they are essentially free of petroleum; and

**ii**. Removing from the hulls other pollutants and all readily detachable material capable of creating debris or contributing to chemical pollution.

**4. Ten-day notice to EPA and USCG**. At least 10 days before disposal, notify the EPA and the District Commander of the U.S. Coast Guard that the vessel has been cleaned and is available for inspection. The vessel may be transported for dumping only after EPA and the U.S. Coast Guard agree that the requirements of paragraph 3 have been met.

**5 & 6. Disposal site location and measures**. Disposal of the vessel shall take place (a) in a site designated on current National Ocean and Atmospheric Administration (NOAA) charts for the disposal of wrecks or (b) at least 12 nautical miles from the nearest land and in water at least 300 feet deep. Disposal shall not take place in established shipping lanes unless at a designated wreck site, nor in a marine sanctuary, nor in a location where the hulk may present a hazard to commercial trawling or national defense. All necessary measures must be taken to ensure that marine navigation is not otherwise impaired and that the vessels sink to the bottom rapidly. The towing vessel shall remain at the disposal site for at least two hours to confirm that no large portions of the disposed vessel rise to the surface or to recover any floating scrap material.

**7. Disposal times**. Disposal shall be performed during daylight hours only.

**8. 48- and 12-hour notice to COTP, USCG, and EPA**. The Captain-of-the-Port (COTP), U.S. Coast Guard, and the EPA shall be notified 48 hours in advance of disposal. In addition, the COTP and EPA shall be notified by telephone at least 12 hours before the vessel's departure from port with such details as the proposed departure time and place, disposal site location, estimated time of arrival on site, and name and communication capability of the towing vessel. Schedule changes are to be reported to the COTP as rapidly as possible.

**9. NOS notification of disposal site coordinates.** The National Ocean Service (NOS) office of the National Ocean and Atmospheric Administration (NOAA) shall be notified in writing within one week of the exact coordinates of the disposal site so that it may be marked on appropriate charts.

**10. Emergencies**. Only in emergency situations, as determined by the U.S. Army Corps of Engineers and/or the U.S. Coast Guard, shall exceptions be made for the conditions of disposal outlined in paragraphs 1, 3, 4, 7 and 8.

Back to Top

## DEFINITIONS

**"Established shipping lanes"** are generally indicated on NOAA bathymetric charts of the appropriate scale. Traffic separation lanes such as those between the Hudson Canyon and Ambrose Channel or between Ambrose Channel and Barneget Inlet are shown on NOAA's "US, East Coast, Approaches to New York" bathymetric chart #12300. Any questions about the location of established shipping lanes should be directed to the USCG's Navigation Division (see "Contacts").

**"Marine Sanctuaries."** At present, there are no designated nor proposed marine sanctuaries in Region II. The Marine and Estuarine Management Division of NOAA can be contacted about any potential or newly designated marine sanctuaries (see "Contacts").

**"Sea" or "ocean"** is defined as those waters of the open seas lying seaward of the baseline from which the territorial sea is measured as provided for in the Convention on the Territorial Sea and the Contiguous Zone. Along fairly straight shorelines, the baseline commonly coincides with mean low water; across entrances (24-miles or less) of embayed areas, the baseline commonly extends in a straight line. For NY Harbor, the baseline extends from the tip end of Sandy Hook to Rockaway Point. Marine boundaries, such as baseline closures and the seaward limit of the territorial sea, are indicated on NOAA standard nautical charts of the appropriate scale for that area. The marine boundaries for the NY Bight area are shown on NOAA chart #12326.

"**Transportation**" refers to transport by ships or aircraft or other vessels.

"**Vessel**", although not defined by regulation or statute, has been used in the past to refer to a seafaring ship and not to aircraft.