

CHAPTER 21

OCEAN DUMPING

21-1 Scope

This chapter identifies requirements and responsibilities for ocean disposal of material, other than dredged or fill material (see Chapter 7) and those discharges covered in Chapter 19.

21-1.1 References. Relevant references are:

- a. 33 CFR 324, Permits for Ocean Dumping of Dredged Material;
- b. 40 CFR 220-225, 227-229, Ocean Dumping Regulations and Criteria;
- c. NAVMEDCOMINST 5360.1 of 17 September 1987, Decedent Affairs Manual; (NOTAL).

21-2 Legislation

21-2.1 Marine Protection, Research, and Sanctuaries Act (MPRSA). Bars the transport of any material from the U.S. for the purpose of dumping into the ocean waters without a permit issued by the Environmental Protection Agency (EPA), and dumping material from outside the U.S. within the territorial sea or contiguous zone. The primary means of regulation is a Federal permit system; violations carry civil penalties of \$50,000 per violation, and criminal penalties of one year imprisonment and/or \$50,000 fine.

21-2.2 Ocean Dumping Act. Prohibits the transportation of material from the U.S. or any other location for the purpose of ocean dumping unless an EPA permit has been obtained. Violation of this requirement is punishable under Federal law. In practical terms, this Act requires that trash and

garbage generated in port be off-loaded for shore disposal before getting underway. It also means that wastes generated during exercises ashore cannot be loaded aboard ships for subsequent ocean disposal.

21-3 Terms and Definitions

21-3.1 Dumping. The intentional disposition of wastes generated ashore or materials onloaded in port for the express purpose of disposal at sea. Does not include routine discharge of materials or wastes generated on board ship and/or effluent incidental to the propulsion or operation of motor driver equipment on vessels. It does, however, include the discharge of contaminated material, including bilge water, received from another ship or shore source.

21-3.2 Material. Matter of any kind or description, including, but not limited to, solid waste, incinerator residue, garbage, sewage, sewage sludge, munitions, radiological, chemical and biological warfare agents, and discarded equipment, but does not include sewage from vessels processed through an approved marine sanitation device (MSD) as described in Chapter 19.

21-3.3 Ocean Waters. Waters seaward of the baseline from which the boundary of the territorial sea is measured.

21-4 Requirements

Unless specifically permitted, dumping of material in ocean waters is prohibited without a permit.

21-5 Navy Policy

21-5.1 Ocean Dumping

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21-5.1.1 Ocean dumping may only be authorized on a case-by-case basis by Chief of Naval Operations (CNO) (N43). Except in emergency conditions, requests for such authorization shall be accompanied by documentation per the criteria established in reference (b). Following CNO approval, full compliance with EPA permitting procedures is required.

21-5.1.2 Any material may be dumped from ships and aircraft in an emergency to safeguard life at sea.

21-5.2 Transport of Target Vessels

21-5.2.1 The transportation of naval ships and craft from the U.S. or from any other location for the purpose of conducting a sinking exercise (SINKEX) concerning tests and evaluations of conventional ammunition and weapons systems is subject to EPA permit requirements.

21-5.2.2 Necessary measures shall be taken to ensure that the vessel sinks to the bottom rapidly and permanently and that marine navigation is not impaired by the sunken vessel.

21-5.2.3 All such vessel sinkings shall be conducted in water of at least 1,000 fathoms (6,000 feet) and at least 50 nm from land, as measured from that portion of the baseline from which any territorial sea is measured (as provided for in the Convention on the Territorial Sea and the Contiguous Zone) that is the closest proximity to the proposed disposal site.

21-5.2.4 Under permit conditions and before sinking, appropriate measures shall be taken by qualified personnel at a Navy or other appropriate facility to remove, to the maximum extent practicable, all materials that may degrade the marine environment, including, but not limited to:

a. Emptying of all fuel tanks and lines to the lowest point practicable, flushing of such tanks and

lines with water, and again emptying such tanks and lines to the lowest point practicable so that tanks and lines are essentially free of petroleum.

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

21-5.2.5 Each SINKEX operation shall be conducted only after approval by CNO (N43) and preparation of the target per the EPA permit and specific OPNAV directives.

21-5.2.6 Requests for conducting SINKEX exercises shall be forwarded via chain of command to CNO (N43) on a case-by-case basis and shall include:

- a. User activity
- b. Requirements for, or purpose of the sinking
- c. Designated target hulls and approximate tonnage
- d. Statement that the designated hull has been prepared per the specification of paragraph 21-5.2.4
- e. Approximate date and location of the sinking.

21-5.2.7 After the sinking, a report (Report Symbol OPNAV 5090-12) shall be made to CNO (N43) (copies to N44, N45, and appropriate fleet and force commanders) with the name of each vessel sunk, approximate tonnage, and the location and date of sinking.

21-5.3 Burial at Sea

21-5.3.1 The EPA has granted a general permit to transport human remains from any location for the purpose of burial at sea and to bury such remains at sea.

21-5.3.2 Human remains shall be prepared for burial at sea and be buried per Chapter 8 reference (c). (Report Symbol OPNAV 5090-9).

21-5.3.3 For non-cremated human remains, burial at sea shall take place no closer than 3 nm from U.S. land and 12 nm from foreign land and in water of no less than 100 fathoms (600 feet) depth. All necessary measures shall be taken to ensure that the encased remains sink to the bottom rapidly. For purposes of this paragraph, "land" means that portion of the baseline from which any territorial sea is measured (as provided for in the Convention on the Territorial Sea and the Contiguous Zone) that is in closest proximity to the proposed disposal site.

21-5.3.4 Cremated remains shall be buried in or on ocean waters without regard to the depth limitations specified above, provided that such burial take place no closer than 3 nm from U.S. land and 12 nm from foreign land.

21-6 Responsibilities

21-6.1 CNO (N43) shall prepare and submit an annual report to the EPA Administrator setting forth the name of each vessel sunk as a target, its approximate tonnage, and the location and date of sinking (Report Symbol OPNAV 5090-12).

21-6.2 COMNAVFACENGCOM shall provide technical assistance to Navy commands, vessels, and activities, as requested, in matters concerning ocean dumping.

21-6.3 Fleet Commanders in Chief shall:

a. Ensure that all naval vessel and shore activity commanders comply with the policies and criteria as stated herein.

b. Ensure that ship sea detail checklists include a requirement to collect and offload all trash and garbage before getting underway.

c. Ensure that planning for exercises includes provisions for appropriate disposal of wastes generated ashore during the exercise.

21-6.4 Commanding officers of a vessel or aircraft conducting burials at sea shall report within 30 days the date, longitude and latitude, number, and type of burial (whole body or cremated remains) to the fleet commander in chief (CINC), with copies to the type commander and the regional environmental coordinator.

21-6.5 Area environmental coordinators shall submit a monthly report to the appropriate EPA regional office detailing all burials at sea conducted during the previous 30 days.

21-6.6 Commanding officers of ships shall, prior to getting underway from port, see that all trash and garbage is collected and off-loaded. This requirement shall be included in the ship's sea detail checklist.