



Partners in Compliance

Using partnerships as a force multiplier.

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What Gets Inspected?

All Coast Guard-regulated waterfront facilities in New York's captain of the port zone are inspected by the sector's Safety and Security Operations Division.

A "waterfront facility" isn't just any structure on the waterfront. Title 33 of the United States Code of Federal Regulations explains that waterfront facilities transfer oil or hazardous materials in bulk, handle or store containerized hazardous materials or bulk non-dangerous cargo, embark or disembark over 150 passengers, receive foreign-flagged cargo vessels, or any combination of the aforementioned in order to fall under the Coast Guard's jurisdiction. In New York's captain of the port zone, more than 150 facilities meet these criteria, and each receives at least two inspections annually.

During an inspection, Coast Guard waterfront facility inspectors meet with the facility representatives to discuss pertinent maritime operations and conduct material inspections of safety and security equipment. If there is a problem, the inspector will review it with a facility representative and document what changes need to be made to continue operations safely and align with federal law. Follow-up and spot-check inspections are commonly performed to help the facility rectify the deficiencies.

Regardless of any deficiency history, each facility receives at least one inspection and a spot check per year to ensure consistent and continuous compliance.

In 2008, Coast Guard waterfront facility inspectors from Sector New York conducted a safety and security inspection and discovered improperly stored hazardous materials and flammable liquids within a waterfront warehouse.

Up until that summer, the facility had not conducted a marine transfer for 13 years. Facility managers notified the Coast Guard that it would be receiving barges again, but now it would be transferring biofuel. While biofuel marine transfers are still regulated under the same laws and treaties as traditional petroleum products, the operation required new piping and updated systems.

During the Coast Guard walk-through to inspect the new piping systems, security measures, and spill mitigation and fire prevention equipment, Coast Guard facility inspectors discovered a new access control point on the exterior perimeter of the facility—a garage door on the side of a building near the facility's waterfront. Because this building had not been associated with the marine transfer operation during past exams, it was never considered under the safety-related inspected portion of the facility. When the facility inspectors entered the building to confirm access control under security regulations, they discovered it contained undocumented and improperly stored hazardous and flammable materials.

The Concern

Inspectors immediately recognized hazards associated with this facility's unprotected, unsegregated, and improperly labeled and stored hazardous materials. Ironically, the containers that *were* labeled caused even greater concern because dangerous substances were placed perilously close to each other.

For example, corrosive materials were stored next to highly flammable liquids. Upon further investigation, inspectors discovered the building's sprinkler system did not work. The fire risk associated with these hazards was of particular concern, since even the facility representatives didn't know what chemicals would be involved if a fire were to start. The building was just yards from the Passaic River and one block from a residential area and shopping center.

After notifying the sector, the inspectors completed their exam and issued 30 deficiencies associated with the hazardous materials storage. Since the facility was not in a safe condition for any operations, it received a captain of the port order to suspend all hazmat and oil transfer activities.

The Challenges

To avoid a catastrophic fire, the warehouse had to be completely ridded of rubbish, waste, and hazardous material. The facility also needed to provide adequate fire extinguishing capability, and the structural integrity of the building had to be certified. The basement of the building, filled with unlabeled drums and packages, flooded after heavy rainstorms. Initially it was not known if any of the hazardous materials stored in the basement could react with the water. In addition, the roof above the fifth floor of the storage facility was dilapidated, providing little protection to the hazardous materials stored there.

This situation was made more complex because the facility had five tenants, each involved in independent, uncoordinated hazardous material handling operations.

Tenants were using different sections of the same floor to mix flammables and other materials that were not compatible with each other. Packing and distribution materials were haphazardly stored, creating a fire hazard and blocking egress and response routes. The operations varied in size and occupancy space, and there was no way to distinguish between operations. Even the tenants were unclear where one leased space ended and the next began.

Keep the Businesses in Business

An incident management team was quickly created to oversee the task of cleaning up the facility. During the initial meeting with the owner/operator of the facility, the incident commander explained the seriousness of the situation and that the Coast Guard's intention was

Grassroots Efforts: We're All in This Together

It was determined early on that a grassroots approach based on mutual trust and communication would be the main element needed to gain the cooperation of the facility and its tenants. While this approach takes a lot of work initially, it pays off in the long run. In challenging economic times, it was important to reassure the facility and the tenants that the Coast Guard's goal was to help their businesses remain intact while improving safety.

If this grassroots approach had not been communicated in the first days of the response, it is likely the facility would have been forced to evict the tenants, causing some of the businesses to go bankrupt. Additionally, clean-up efforts would likely have taken much longer.

Instead, everyone worked together to mitigate the risk to the local community and the environment. The dedication and understanding of all parties built a foundation for strong, professional relationships and reassured other facility operators that Coast Guard Sector New York was dedicated to working with operators and helping them comply with federal regulations.



to help his facility stay in operation. This approach set the tone for cooperation.

Putting this spirit into action, the facility owner's representative eventually served as the resource unit leader for the incident management team and coordinated with the environmental cleanup company hired to remove the material.

Having the facility's representative serve as a team member removed potential conflict.



The tenants were not familiar with federal hazardous materials regulations, and this was their first interaction with the Coast Guard. All of them were very concerned about going out of business. At first, some tenants did not want to comply.

Because of this initial resistance and since each operation was so different, Coast Guard members and facility representatives met with each tenant individually. Most of these meetings took place in the warehouse, where inspectors could point out and explain the dangers within each tenant's area. This allowed the tenants to propose solutions that could be evaluated and, in many cases, approved on the spot.

This approach allowed the tenants to see that the Coast Guard was in support of keeping them in operation, and that the incident management team viewed them as part of the solution. Following the one-on-one meetings, the tenants took ownership of the safety requirements and the response picked up momentum.

Working Together

The incident commander's goals were developed in cooperation with the facility representative. The goals stressed:

- safety of nearby populations and response personnel,
- environmental protection,
- teamwork,
- regulatory compliance,
- a safe return to commercial operations.

The team moved to achieve these goals through a comprehensive site safety plan and cleanup timeline.

Having the facility's representative serve as a critical member of the team alleviated potential conflict as the team coordinated the proper storage, segregation, and labeling of the hazardous materials. He worked carefully with subject matter experts from the sector's Shoreside Compliance Branch and Incident Management Division to monitor the safe removal of hazardous waste and rubbish. He also worked with Coast Guard inspectors and contracted environmental consultants to address how to properly remove or store all hazardous and flammable materials.

The facility representative helped set up meetings and inspections to work toward removing potential safety and environmental threats outside the Coast Guard's

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regulatory purview, helping the team to achieve other requirements of the local fire department, state environmental protection authorities, and the EPA. All efforts resulted in a safer facility and new relationships between the owner and these other agencies.

Follow Up, Follow Through

Communication and documentation were critical elements of this operation. The incident management team inspected the facility every day and held 15 formal progress meetings.

The gradual improvements were noted each day. Inspectors briefed the facility owner, his representative, and the tenants on progress, which helped increase their cooperation with the removal of the safety risks. Other agencies were often present to discuss the facility's progress and become familiar with its new, safer operations.

The team provided continuous guidance and helped with various tasks to maintain the project's progress. The facility representative and tenants became excited to show the visiting inspectors their progress, especially when they went above and beyond what was required for the next operational period.

The Results

After 40 days of intense work, more than 25,000 pounds of debris and over 500 drums and totes totaling more than 25,000 gallons of hazardous and flammable liquid waste were removed. The firefighting system was repaired and fully operational, proper signage and markings were put up around the building, and a cargo stowage plan was implemented for each floor of the warehouse. The basement no longer flooded, the roof was repaired, and waste was no longer stored on the premises.

In completing these improvements, the facility met all requirements to the satisfaction of the captain of the port. Best of all, the clean-up operations were conducted without injury to any personnel or damage to the environment.

The Coast Guard maintained a routine presence at the facility to monitor and assist during the first months after returning to operations. There have been numerous transfers conducted since the clean-up was completed, and the facility has installed new cargo transfer pumps, renewed pipelines, and conducted two major upgrades to the oil containment bulkheads. The facility took on additional projects to make the warehouse

safer, including installing a new roof and an explosion-proof lighting system.

Soon after the facility began to conduct business under the newly obtained compliance, Sector New York's Shoreside Compliance Branch received a letter from the facility's representative, thanking the Coast Guard members involved for their professionalism and understanding.

Tenants were excited to show the visiting inspectors their progress, especially when they went beyond what was required for the next operational period.

About the author:

LT Tiffany Johnson has served as a federal on-scene coordinator representative, port state control officer, and facilities compliance program manager. She has received the Coast Guard Achievement Medal, Army Achievement Medal, and two unit commendations.

To: HQS-DG-NMCPROCEEDINGS@USCG.MIL

SUBJECT: ASK THE MSSC

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We'll forward your questions to the council and publish the answers.*

Does the Coast Guard conduct fire rescue drills with local, county, or state agencies? If so, how are these coordinated? If not, why not?

Answered by the USCG Office of Counterterrorism and Defense Operations.

In general, Coast Guard sectors coordinate regularly with local, county, and state agencies as part of the Coast Guard's National Preparedness for Response Exercise Program (NPREP) and the Area Maritime Security Training and Exercise Program (AMSTEP). NPREP exercises involve oil spill response, but scenarios may also involve responding to a fire aboard a vessel in port or a marine facility that the CG regulates. The Coast Guard also coordinates with port/facility-operated fire departments as part of NPREP. Commercial vessels and facilities are required to retain their own fire-fighting resources.

The Coast Guard sectors do not have civilian or commercial fire-fighting equipment. Information on local, county, state, and port/facility-operated fire/rescue agencies and their response capabilities is located in area contingency plans for Coast Guard federal on-scene coordinators to use in making decisions while responding to oil spills and hazardous substance releases. Coast Guard sectors also coordinate joint training with these agencies that support and test area contingency plans and area maritime security plans.

AMSTEP exercises involve scenarios related to preventing, protecting, and responding to security-related risks posed to the general public in or near the maritime environment and to our national Marine Transportation System. This program supports the continual improvement of Area Maritime Security Plans (AMSP) as guided by and through the sectors' coordination within their respective Area Maritime Security Committees (AMSCs). Like the NPREP, AMSTEP exercises and training associated with AMSP(s) are coordinated with local, county, and state agencies that have fire rescue responsibilities.

ASK THE MSSC

