

cargo, the supply vessel is backloaded with the previous year's accumulation of wastes, which are returned to the United States for disposal and recycling.

Construction of an ice pier is necessary to allow the various vessels to dock and unload at McMurdo Station. This ice pier, which is approximately 800 feet long, 300 feet wide, and 22 feet thick, is constructed during the winter season. The pier has several wooden poles frozen in it to support lighting, power, and telephone connections, and is covered with a gravel surface. At the end of each austral summer season, the pier is inspected, and as much of the gravel surface as possible is removed and stored for use the following season. If the pier is to be reused the next year, it is flooded with seawater during the winter to create a new surface for the following summer season.

The ice pier has a normal viable life of three to five years; after that period, factors such as stress cracking and erosion cause the pier to be unusable. If the pier has deteriorated to the point that it is not capable of being used the following season, the wooden poles are cut off just above the surface of the ice, the gravel is scraped off for use in the following season, all transportable equipment, materials, and debris are removed, and the pier is physically separated from McMurdo Base. It is then towed by a U.S. Coast Guard cutter to float free in the ice pack of the Ross Sea, where it mixes with the annual sea ice, and eventually disintegrates.

Please see the proposed permit notice in the **Federal Register** (68 FR 775-780, January 7, 2003) for a complete discussion of the McMurdo Station ice pier, including the process by which it is constructed, the reasons why the pier needs to be disposed of and reconstructed on a regular basis, the procedures undertaken prior to disposal to assure that minimal substances remain on the pier, and a description of the physical disposal process.

## **B. Statutory and Regulatory Background**

Section 102(a) of the Marine Protection, Research, and Sanctuaries Act (MPRSA), 33 U.S.C. 1412(a), requires that agencies or instrumentalities of the United States obtain a permit to transport any material from any location for the purpose of dumping into ocean waters. Section 104(c) of the MPRSA, 33 U.S.C. 1414(c), and EPA regulations at 40 CFR 220.3(a) authorize the issuance of a general permit under the MPRSA for the dumping of materials which have a minimal adverse environmental impact,

and are generally disposed of in small quantities.

The proposed towing of ice piers by the NSF from McMurdo Station for disposal at sea constitutes transportation of material for the purpose of dumping in ocean waters, so it is subject to the MPRSA. EPA has determined that only minimal adverse environmental impacts will result from the ocean dumping of ice piers under this general permit.

## **C. Discussion**

Today EPA is issuing a general permit to the NSF and its agents for the ocean dumping of man-made ice piers from the NSF research station at McMurdo Sound, Antarctica, subject to specific conditions. Agents of the NSF are included in the permit because transportation for the purpose of dumping the pier may be by vessels which are not under the direct ownership or operational control of the NSF, *e.g.*, the U.S. Military Sealift Command, the U.S. Navy, or the U.S. Coast Guard. Further, the general permit applies only to the ocean dumping of man-made ice piers from the NSF station at McMurdo Sound, Antarctica. The 1992 amendments to the MPRSA (Pub. L. 102-580) provide that permits under the MPRSA shall be issued for a period not to exceed seven years (Sec. 104(a), 33 U.S.C. 1414(a)); consequently, the term of this permit is limited to a maximum of seven years.

This general permit establishes several conditions that must be met during the life of, and prior to the ocean dumping of, an ice pier. For example, the non-embedded ends of all utility poles and bollards must be cut off from the ice pier prior to disposal, and shall not be disposed of in the ocean. In addition, this general permit requires the NSF to report by June 30 of every year to the Director of the Oceans and Coastal Protection Division, in EPA's Office of Water, on any spills, discharges, or clean-up procedures on the ice pier, and on any ocean dumping of ice piers from McMurdo Station conducted under this general permit.

The conditions specified in this general permit are intended to protect the Antarctic environment against release of contaminants from the McMurdo Station ice pier following its ocean dumping and subsequent melting. As noted above, section 104(c) of the MPRSA, 33 U.S.C. 1414(c), and EPA regulations at 40 CFR 220.3(a) authorize the issuance of general permits for the dumping of materials which have a minimal adverse environmental impact. The Agency has determined that only minimal adverse environmental impacts

would result from the dumping of ice piers from the NSF base at McMurdo Station in Antarctica.

Furthermore, the NSF is directed, as a condition of this permit, to utilize a methodology to track any ice piers released from McMurdo Station for a period of one year from the date of release. Such methodologies may include the use of satellite-tracked pingers placed on the ice pier, or any other methodology that will allow data to be collected on the course, speed, and location of the ice pier. The results of these tracking efforts are to be included in the reports that the NSF is required to submit to the Agency. If tracking results demonstrate that all such ice piers released have generally followed the same path and time duration for the one year following release, the Agency will consider whether further tracking efforts and tracking reports shall be required from the NSF under any future versions of this permit.

## **D. Response to Comments Received**

One comment was received on the proposed general permit (68 FR 775-780, January 7, 2003). That comment, from The Antarctica Project (TAP), raised two points of concern about the proposed permit. Both points derive from Section (b) of the permit; that section requires NSF or its contractors to clean up any spill or discharge on the ice pier below any visible evidence of the spill or discharge, and to clean up any spill or discharge within two hours of the spill or discharge, or as soon as possible thereafter.

The first concern raised by TAP questioned whether allowing the NSF to clean up a spill "within two hours of the spill or discharge, or as soon as possible thereafter," was sufficiently environmentally protective. TAP has proposed revising the language to read: "All spills or discharges on an ice pier must be cleaned up within two hours of the spill or discharge, unless circumstances prevent cleanup within this time frame. In that event, the spill or discharge will be cleaned up as soon as possible thereafter." Discussion of this point with NSF has made it clear that the Foundation intends to meet the two-hour cleanup requirement unless unusual circumstances prevent it from doing so. Such circumstances may include situations such as sudden severe weather conditions, a fire in the McMurdo Station complex, or a much larger discharge event elsewhere at McMurdo Station, that would require immediate and primary attention from cleanup personnel. Therefore, the language of the permit has been