

## SUMMARY OF INVESTIGATIVE REPORT NO. I4-0505

August 2015

### ***The Office of Inspector General's Investigation into Environmental Stewardship on a NOAA Research Vessel***

On May 5, 2014, the U.S. Department of Commerce, Office of Inspector General (OIG) opened an investigation based on a complaint by a former National Oceanic and Atmospheric Administration (NOAA) employee (complainant). The complainant alleged he was terminated for reporting that a NOAA research vessel violated the Federal Water Pollution Control Act (Clean Water Act or CWA), 33 U.S.C. §§ 1251 *et seq.*, by routinely discharging oily bilgewater directly into the ocean. Our investigation included a review of a fuel spill from this same ship because of the overall implications on environmental stewardship practices.

OIG's investigation uncovered no evidence of retaliation against the complainant, but did discover numerous underlying violations by personnel from the engineering staff:

- Intentionally and repeatedly discharged untreated bilgewater into coastal waters, in violation of environmental laws, regulations, rules and NOAA policy. This occurred on average every six days. Over half of those discharges were within one nautical mile of shore.
- Failed to report the improper discharges of untreated bilgewater in the vessel's Oil Record Book (ORB). The ORB is a mandatory reporting document that requires entries on numerous different machinery space operations, including discharge overboard or disposal otherwise of bilgewater that has accumulated in machinery spaces.
- Discharged treated bilgewater improperly, relying on a self-developed policy exempting them from their Environmental Protection Agency (EPA) permit requirements.
- Violated the requirements set forth in their EPA permit, and caused false statements to be submitted to the EPA concerning their compliance with that permit.
- Along with a lack of proper maintenance, caused a fuel spill in a harbor.

The OIG's investigation found that improper bilgewater discharges occurred during 2013, and this was the apparent practice of the ship prior to our investigation and until a solution was implemented in late 2013.

Some officials initially argued that NOAA vessels fell within the CWA exemption for "public vessels", and thus the improper discharges were not a violation of law. The OIG report details the specifics of how the public vessel exception was misapplied.

The OIG's investigation noted a general lack of oversight concerning engineering operations by several NOAA Commissioned Officer Corps on this ship, and a culture that discouraged environmental compliance efforts. Contributing factors to the incidents reported include stagnation and lack of rotation in the engineering staff.

*The OIG's full report of investigation on this matter may be requested pursuant to the Freedom of Information Act (5 U.S.C. § 552). For more information or to file a request, visit the OIG's website and click "FOIA" at the bottom of the screen.*