



# Compliance Systems, Inc.

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News from the USA

Fall-Winter 2008

## **National Pollutant Discharge Elimination System (NPDES) Permits**

On December 18, 2008, the Environmental Protection Agency (EPA) issued the Vessel General Permit (VGP) rules, making the National Pollutant Discharge Elimination System (NPDES) applicable to discharges incidental to normal vessel operations. On December 19, 2008, the U.S. District Court for the Northern District of California issued an Order delaying compliance with the VGP until February 6, 2009.

The VGP requirements will apply to all commercial vessels 300 or more gross tons or with a ballast water capacity of more than 8 m<sup>3</sup>. The final VGP addresses 26 vessel discharge streams by establishing effluent limits, including Best Management Practices (BMPs), to control the discharge of the waste streams and constituents found in those waste streams. The discharge streams eligible for coverage under this final permit are: deck wash-down and runoff and above water line hull cleaning; bilge water; ballast water; anti-fouling leachate from antifouling hull coatings; aqueous film forming foam (AFFF); boiler/economizer blowdown; cathodic protection; chain locker effluent; controllable pitch propeller hydraulic fluid and thruster hydraulic fluid and other oil sea interfaces including lubrication discharges from paddle wheel propulsion, stern tubes, thruster bearings, stabilizers, rudder bearings, azimuth thrusters, and propulsion pod lubrication; distillation and reverse osmosis brine; elevator pit effluent; firemain systems; freshwater layup; gas turbine wash water; graywater; motor gasoline and compensating discharge; non-oily machinery wastewater; refrigeration and air condensate discharge; seawater cooling overboard discharge; seawater piping biofouling prevention; small boat engine wet exhaust; sonar dome discharge, underwater ship husbandry; welldeck discharges; graywater mixed with sewage from vessels; and exhaust gas scrubber wash water discharge.

The first step in complying with the new rule will be to enroll under the program. To receive permit coverage under the VGP, individual vessels must submit a Notice of Intent (NOI), beginning June 19, 2009, but no later than September 19, 2009. Until September 19, 2009 these vessels will be automatically authorized upon permit issuance to discharge according to the permit requirements. All NOIs must be completed and filed using the eNOI system (yet to be finalized) or by mailing the NOI to the EPA in Washington, DC.

The VGP requires routine self-inspection and monitoring of all areas of the vessel that the permit addresses. Compliance Systems is available to assist our clients both with the submission of the NOI and also with the development of logs, etc to meet the recordkeeping requirements imposed by the VGP.



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**IMPORTANT NUMBERS**

**National Response Center:**  
(202) 267-2675

**National Vessel Movement Center:**  
(304) 264-2502

**MTSA / ISPS Help Desk:**  
(877) 687-2243

**CSI 24 Hour Emergency:**  
(912) 233-8181



## ***U.S. Certificate of Financial Responsibility (COFR) Changes***

In the U.S. Federal Register dated September 17, 2008, the U.S. Coast Guard announced the final rule change regarding Financial Responsibility for Water Pollution and OPA 90 Limits of Liability. COFR application fees increased from \$150 to \$200 USD; COFR certification increased from \$80 to \$100 USD; COFR certification fees for renewals increased from \$80 to \$100 USD. Additionally, the OPA 90 Vessel Limits of Liability have been increased as follows:

- Tank Vessel greater than 3,000 GRT with a single hull, with double sides only, or with a double bottom only: \$3,000 per gross ton or \$22,000,000.
- Tank Vessel less than or equal to 3,000 GRT with a single hull, with double sides only, or with a double bottom only: \$3,000 per gross ton or \$6,000,000.
- Tank Vessel greater than 3,000 GRT with a double hull: \$1,900 per gross ton or \$16,000,000.
- Tank Vessel less than or equal to 3,000 GRT with a double hull: \$1,900 per gross ton or \$4,000,000.
- Any vessel other than a tank vessel: \$950 per gross ton or \$8,000,000.

Another change is that the National Pollution Fund Center (NPFC) will no longer issue paper COFR Certificates to owner/operators. Vessels will no longer be required to keep onboard the paper COFR certificates or copies of said certificate after 17OCT2008. COFR compliance will be verified by the USCG electronically prior to each vessel's arrival.

**ISPS TIP:**

On vessel's implementing numbered Visitor's Passes as a security measure to control access to the vessel, we recommend that a written inventory be maintained, documenting that each numbered pass is accounted for during each change of watch. If a pass is missing or unaccounted for, the gangway watchman should notify the Ship Security Officer immediately.

## ***Burrard Clean Operations Fee Increase***

The Western Canada Marine Response Corporation (Burrard Clean Ops) has announced an increase in the annual ship registration fee from \$450.00 CAD to \$600 CAD per annum. The rate increase is to take effect on January 1, 2009. The purpose of the increase is primarily to improve the preparedness in areas where traffic is and/or will be increasing. This is the first increase requested since the inception of the regime in 1995. It should be noted that the Chamber of Shipping will not be reducing the processing fee and the total amount of fees payable will now be \$760.00 CAD per vessel. For those companies who register through a local shipping agent, the Chamber of Shipping processing fee will continue to be waived.

## California Hull Husbandry Reporting Form

As part of their Marine Invasive Species Program, the California State Lands Commission is now requiring vessels to submit a Hull Husbandry Reporting Form which details conditions of the vessel's hull, coatings, cleaning schedule, and other items as they relate to preventing the introduction of invasive marine species into U.S. waters. This form must be submitted by the master, owner, operator, agent, or person in charge within 60 days of receiving a written or electronic request from the Commission. A letter explaining this policy may be found online at [www.slc.ca.gov/Spec\\_Pub/MFD/Ballast\\_Water/Documents/AgentsLetter.pdf](http://www.slc.ca.gov/Spec_Pub/MFD/Ballast_Water/Documents/AgentsLetter.pdf); and the form and instructions may be found at [www.slc.ca.gov/Spec\\_Pub/MFD/Ballast\\_Water/Documents/Attachment B\\_HullForm020408.pdf](http://www.slc.ca.gov/Spec_Pub/MFD/Ballast_Water/Documents/Attachment_B_HullForm020408.pdf). Once completed, the reporting form can be submitted to the California State Lands Commission, Marine Facilities Division by fax (562-499-6444) or email ([bwform@slc.ca.gov](mailto:bwform@slc.ca.gov)).



## California Proposed Amendment of Oil Spill Response Regulations

In November 2008, The California Office of Spill Prevention and Response (OSPR) issued a Notice of Proposed Rulemaking regarding the State's oil spill response regulations. The proposal is to amend Sections 790, 818.02, and 827.02 of Subdivision 4 of Title 14 of the California Code of Regulations (CCR). The proposed rule change would shorten on-water recovery response times and add containment requirements to High Volume Port areas to improve oil containment and recovery in capability in high vessel traffic areas. The notice states that "the proposed amendments to the regulations are needed to advise owners and operators of tank vessels and non-tank vessels of the Administration's continuing responsibility to attain best achievable protection of California's coastal resources and marine waters." Public hearings have been scheduled for late January 2009 where any interested party may present statements about this proposed regulatory action. If the final rule results in any new requirements for your vessels' California Vessel Response Plans, we will notify you and arrange any required changes.

## Food Comminuters on Vessels

During several recent inspections, U.S. Coast Guard Port State Control inspectors have observed food waste in comminuters appearing fresh and recent. MARPOL Annex V: Regulation 3(1)(c) states that disposal of food waste within three nautical miles of the nearest land is prohibited, regardless of whether or not it has been passed through a grinder or comminuter. While the presence of food waste in a comminuter does not necessarily provide definite proof that food waste was discharged in inland waters, it may certainly make the USCG inspectors suspicious. In order to avoid such suspicion, we recommend that prior to arriving within three miles of shore, all food comminuters be secured and sealed. We also recommend placing a conspicuous sign on the comminuter stating that it's use is prohibited while in port and inland waters.

### **U.S. Ballast Water Reporting Reminder:**

U.S. Ballast Water Reporting Forms must be submitted for every U.S. port during a voyage, regardless of whether or not ballast water will be taken or discharged in a port. The Reporting forms must be submitted no less than 24 hours prior to arrival in the port for which the report is made. For voyages less than 24 hours, the report must be submitted prior to departure from the previous port. Submitting a U.S. Ballast Water Report does not fulfill state ballast water reporting requirements for California, Oregon, or Washington. U.S. Ballast Water Reporting Forms may be sent by email to [nbic@ballastreport.org](mailto:nbic@ballastreport.org) or faxed to 301-261-4319. Be sure to attach the email or fax confirmation to the reporting form to provide evidence that the reporting form was submitted as required.



## ***Fire Hose and Nozzle Maintenance***

In a number of our inspections and audits, we have observed fire hoses and nozzles in unsatisfactory condition. During fire pump tests, some hoses have been found to have major leaks, and some nozzles have been inoperable due to deteriorated gaskets or corrosion. These conditions may present two major problems during a Port State Control Exam: 1) If spares are not available for unsatisfactory hoses or nozzles, a vessel may be required to acquire replacements prior to departure; 2) the unsatisfactory condition of fire safety equipment may lead the U.S. Coast Guard inspectors to the opinion that the vessel's crew is not following inspection procedures set forth in the vessel's Safety Management System (SMS). In cases when the U.S.C.G. suspects that the vessel's SMS is not being adhered to, it is likely that the vessel will be Detained pending an external ISM Audit. A Detention will remain on the vessel's Port State Control Targeting Matrix for a period of 12 months, increasing the likelihood of a U.S.C.G. inspection during U.S. port calls. IMO MSC Circular 850 requires that all fire hoses and nozzles be inspected monthly, and all fire hoses be hydrostatically tested annually. Apparently, monthly inspection and annual testing is not always sufficient to insure that all hoses are in proper condition. In order to avoid Port State Control deficiencies or Detentions related to the condition of fire hoses and nozzles, we recommend that your vessels take the following additional step above and beyond the minimum testing requirements:

### **Electronic Notice of Departure Reminder:**

An Electronic Notice of Departure (eNOD) must be submitted to the U.S. Coast Guard's National Vessel Movement Center no less than one hour prior to departure from the last U.S. port on a voyage.

The current InfoPath eNOA/D template is version 4.5. Previous versions will no longer be supported after January 1, 2009.

- Monthly inspections should include more than merely confirming that each hose box is equipped with a hose, a nozzle, and a spanner. The nozzle should be removed and the condition of the gasket verified, and the smooth function of all moving parts should be verified. The condition of each gasket on the fire hose should also be verified.
- The monthly visual inspections can not always verify whether or not a fire hose has leaks or splits. Although hydrostatic testing is required only once a year, we recommend that each vessel implement a schedule in which each hose is tested under pressure quarterly. This way, there should be no surprises when the U.S.C.G. conducts fire pump tests. A little bit of extra work today could save your vessel a lot of trouble tomorrow.



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