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News from the USA

Winter / Spring 2010

NPDES / VGP Annual Inspections and Report of Non-Compliances

Two key Vessel General Permit (VGP) deadlines under the National Pollutant Discharge Elimination Systems (NPDES) recently passed on February 6, 2010—(1) to complete a comprehensive annual inspection, and (2) to make an annual report of VGP non-compliances. A comprehensive annual inspection must be conducted by qualified personnel at least once every 12 months. Qualified personnel include the master or owner/operator of the vessel, if appropriately trained, or appropriately trained marine or environmental engineers or technicians. CSI personnel hold these qualifications. These inspections must cover all areas of the vessel covered by the VGP that can be inspected without drydocking. Special attention should be paid to those areas most likely to result in an unauthorized discharge, including:

- Vessel hull for attached living organisms, flaking antifoulant paint, exposed TBT, or other organotin surfaces;
- Bilges and pumps;
- Protective seals for lubrication and hydraulic oil leaks;
- Oil and chemical storage areas, and waste storage areas; and
- All visible pollution control measures to ensure functioning properly.

In addition, the annual inspection must include a review of routine maintenance records to ensure that required maintenance is being performed, as well as consideration of the results of the past year's inspections to see if any trends are obvious.

While the comprehensive annual inspection is not submitted to EPA, the annual report of "non-compliances" was required to be submitted to EPA by February 6, 2010. This report should list all incidents covered by the VGP that occur within VGP waters, i.e., within three nautical miles of the U.S. coast. This annual report must be submitted to the EPA region where the most incidents occurred or, if an equal number



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Daylight Savings Time Reminder

On Sunday, March 14th, the United States entered Daylight Savings Time. For Notice of Arrival purposes, Eastern Daylight Time (East Coast) is UTC - 4, Central Daylight Time (Gulf) is UTC - 5, and Pacific Daylight Time (West Coast) is UTC - 7.

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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



Ballast Water Reporting Forms:

Ballast Water Reporting Forms must be submitted to the National Ballast Information Clearinghouse (NBIC) prior to arrival at all U.S. Ports during a voyage. A separate form must be submitted for each U.S. port during voyages with multiple port calls.

Copies of the fax confirmation or e-mail receipt should be attached to the reporting forms.

Full requirements for ballast water reporting can be found in 33 CFR 151.2045

There has been little VGP enforcement to date, as EPA currently has limited resources to enforce the VGP. The Coast Guard and EPA are cooperating on the development of a Memorandum of Understanding ("MOU"), which will provide the Coast Guard with authority to conduct VGP examinations of vessels on behalf of EPA. While the particulars of the MOU are still under development, we understand the general framework will include provisions for enforcement of the VGP on U.S.-flag inspected vessels during regularly-scheduled inspections. For foreign-flag vessels, enforcement of the VGP will be conducted during port-state control examinations. As we understand it, the Coast Guard does not intend to perform stand-alone VGP inspections. If significant violations are discovered, the Coast Guard would refer the violations to EPA for action.

Port Security Advisory 2-10 adds Conditions of Entry for Vessels Having Called Timor-Leste

On March 15, 2010, the U.S. Coast Guard issued Port Security Advisory (2-10) which added the Democratic Republic of Timor-Leste to the list of nations the USCG has determined do not maintain effective anti-terrorism measures in its ports. Effective March 29, the USCG is imposing conditions of entry on vessels arriving in the United States after having called at any port in the Democratic Republic of Timor-Leste, during their last five port calls. In summary, each affected vessel must: (1) implement the Security Level 2 measures from its ship security plan while in a Timor-Leste port; (2) ensure that each access point is guarded and that guards have total visibility of the exterior of the vessel while in a Timor-Leste port; (3) attempt to execute a Declaration of Security while in a Timor-Leste port; (4) log all security actions; and (5) report actions taken to the pertinent USCG Captain of the Port [COTP] prior to arrival in the US

Currently, the following countries are included under these rules: the Democratic Republic of Timor-Leste, Republic of The Congo, Cambodia, Cuba, Cameroon, Equatorial Guinea, Guinea-Bissau, Indonesia, Iran, Liberia, Mauritania, Syria, and Venezuela

All Port Security Advisories can be found online at <http://homeport.uscg.mil>.

EPA – “glitch” regarding ENOI application for Vessel General Permit

The Environmental Protection Agency (EPA) recently acknowledged that there was a “glitch” in its program for submittal of the Electronic Notice of Intent (ENOI) application for the Vessel General Permit (VGP) under the National Pollutant Discharge Elimination System (NPDES). While all the details are unclear, it seems the bottom line is that the EPA system did not always accept and record information related to the onboard treatment system, particularly for those submittals made prior to September 10, 2009. Holders of VGPs are strongly encouraged to check their materials to determine whether the onboard treatment systems data is properly reflected. If it is not, then a resubmittal is in order.

After Hours Q.I. Notification Drills

Each year, at least one of the quarterly Qualified Individual (Q.I.) Notification Drills is to be conducted after our office working hours. Our normal office hours are Monday through Friday, 0830 to 1700. An after hours drill may be conducted any time after 1700 on weekdays, and any time during the weekend. Please keep in mind, however, that our Eastern Standard Time (EST) is GMT -4 hours, and our Eastern Daylight Time (EDT) is GMT -5 hours. Of course, our 24-Hour Telephone is manned 24/7 for emergencies.

Salvage and Marine Firefighting Frequently Asked Questions (FAQ) Issued

On March 18, 2010 the U.S. Coast Guard issued a revised list of Frequently Asked Questions regarding the Salvage and Marine Firefighting Rule, due to take effect February 22, 2011. The 21 page document covers a range of questions, focusing on many different topics, including: guidelines on plan submission deadlines, waivers, notification requirements under the rule, the Qualified Individual’s role in the process, clarification of a number of terms and definitions used in 33 CFR 155, the role of public resources in compliance, an extensive section on pre-fire plans, response timeframes, drills and exercise procedures and a discussion of the possibility of deviation from the plan requirements during a response. The full document can be found online at <http://homeport.uscg.mil/mycg/portal/ep/editorialSearch.do#> or on our website www.compliancesystemsinc.com.



CSI Tip:

Please remember to send your fleet position lists to CSI on a regular basis. This helps us easily determine which vessels are due for USCG exams, require AMPD coverage, or have other special needs while calling U.S. ports.



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.



Time Frame for Reporting Hazardous Conditions

Recently, we have face questions regarding the time frame for reporting hazardous conditions to the U.S. Coast Guard. 33 CFR 160.204 defines a hazardous condition as “any condition that may adversely affect the safety of any vessel, bridge, structure, or shore area or the environmental quality of any port, harbor, or navigable waterway of the United States. It may, but need not, involve collision, allision, fire, explosion, grounding, leaking, damage, injury or illness of a person aboard, or manning-shortage.”

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 4.6. Previous versions are no longer be supported.

33 CFR 160.215 states “Whenever there is a hazardous condition either aboard a vessel or caused by a vessel or its operation, the owner, agent, master, operator, or person in charge shall **immediately** notify the nearest Coast Guard Marine Safety Unit or Sector Office.” The term “immediately” is difficult to define, as it may be interpreted differently from one USCG Captain of the Port Zone to the next. One COTP Zone interprets “immediately” as “within 15 minutes,” however the USCG wide definition of “immediately” remains vague.

Failure report a hazardous condition or late reporting of a hazardous condition can result in delays, fines and other penalties to the vessel. In order to avoid penalties, we recommend that if a hazardous condition occurs, the vessel’s master report the condition to the nearest USCG Captain of The Port by telephone or VHF radio **as soon as it is safe to do so**, but no more than 15 minutes after the hazardous condition is created or discovered. Once verbal notification is made, written documentation can be prepared and submitted after the hazardous condition has been stabilized. Please note that it is the Master’s responsibility to report a hazardous condition, and he should not rely on the agent, pilot or any other person to make the required notifications.



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