



O'BRIEN'S

a Witt O'Brien's company

MASTER'S GUIDE TO COMPLIANCE IN US WATERS

24-Hour Emergency Assistance
+1 281 606 4818

2018

!!! NOTICE !!!

This is a practical guide for Masters to assist in compliance with US laws and regulations. It is not an "official" document and is not required for compliance. It is intended to provide useful direction for Masters. It does not replace any document required by law or regulation. It does not replace direction provided by the ship's owner/manager/operator. This guide may be modified as required to be in harmony with policies of the owner/manager/operator. Questions about this guide should be directed to O'Brien's at inquiry@wittobriens.com

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REGULATORY UPDATE CHECKLISTS	<i>For supplemental guidance on additional Regional or State-specific requirements as well as more detailed topical guidance please see the accompanying Regulatory Update Checklists, each of which is a separate document:</i>
1	Alaska Checklist
2	American Samoa Checklist
3	Ballast Water Management Checklist
4	California Checklist
5	Exercise Checklist
6	Gulf of Mexico (GoM) Checklist
7	Great Lakes Checklist
8	Guam Checklist
9	Hawaii Checklist
10	Pacific Northwest Checklist (Oregon and Washington)
11	Subchapter "O" Endorsement (SOE) CVTIS Checklist (Gas and Chemical Carriers)
12	Vessel General Permit (VGP) Checklist
OTHER GUIDES	The following additional guides are also available:
1	Master's Guide to Canada
2	Master's Guide to Panama
3	Crisis Team Guide to Response in US Waters
4	Guide to Media and Public Affairs
<i>If you do not have a copy of any of the above supplemental checklists and guides and would like a copy please contact us at: inquiry@wittobriens.com. They are also available for download in the Document Library of VesselPro™ in the Resource Library Folder.</i>	



INTRODUCTION

The Master of any vessel making a call to the United States faces a number of regulatory issues that are specific to the US. Your vessel is enrolled with O'Brien's to ensure compliance with multiple US, federal, and state regulations. This guide is intended to help the Master effectively and efficiently face these issues. Use of the directions in the guide will allow O'Brien's to better serve you. Information designed to save you time and effort is present in *red italics*

EMERGENCY RESPONSE

MANDATORY NOTIFICATION	The USCG must be notified if there is a discharge of oil in/on the water or if there is a "substantial threat" of a discharge into the water. The USCG defines the following as a "substantial threat" including:
1	Grounding or stranding – even the slightest touch of the bottom
2	Collision and allision – including a hard bump by a tug or a hard landing at a dock
3	Spill on deck – any quantity that is enough for the oil to flow toward the rail
4	Hull Failure
5	Excessive List
6	Containment system failure
7	Submerged and foundered
8	Wrecked and stranded
9	Hazardous vapor release
10	Machinery / Equipment malfunctions – steering, auxiliaries, fire pump, life boat, radar, radio, compass, cargo handling gear, etc.
11	Explosion
12	Fire
US law says that a "Person in Charge of a vessel" must notify the USCG if any of these situations exist. This "Person in Charge" can be the Master, the owner/operator, the DPA, the QI or another person who your company policy says is "in charge" of your ship.	
<i>The regulations say that this person must make notifications as soon as possible (without delay).</i>	
Note: It is well established that the Qualified Individual (QI) may make the required notifications on behalf of the Master. So you should contact O'Brien's if you are in doubt and we'll help determine whether the USCG and other agencies should be notified. Our contract with you requires us to ensure compliance with all laws and regulations. <i>Please allow us to do this for you.</i>	

MASTERS ACTIONS	Upon discovery of one of the above situations you should proceed as follows:
1	See to the immediate safety of the crew and vessel.
2	Make an initial assessment of the situation. <i>Do not delay notification while trying to determine cause, fault or blame.</i> <i>This will be determined by a later investigation.</i>
3	<i>Call the QI at +1 281 606 4818.</i>
4	Contact the owner/manager/operator. Keep this conversation brief since the QI will be trying to contact you in the next 10 - 15 minutes.
5	Wait for a return call from the QI. After you have received the return call from the QI you will have time to communicate with others.
6	When the USCG and/or other authorities arrive, inform them that you have notified the QI and the QI is responding to the situation.

COMMUNICATING WITH THE QI	It is imperative that when you call the QI whether to report an actual incident or conduct an exercise that you do all of the following:	
1	Speak slowly with clear diction and pronunciation <i>Be prepared to use the phonetic alphabet if necessary</i>	<input type="checkbox"/>
2	State the reason your calling (i.e., real incident, exercise type repeated 3 times, or other, etc.)	<input type="checkbox"/>
3	Repeat back your understanding of what was communicated, the QI will do the same.	<input type="checkbox"/>

WHAT THE QI NEEDS TO KNOW	In order to provide the help you need, the QI will ask you for some important information in the following order. This includes:
1	Your Name (Vessel Master)
2	Telephone number, fax, email or other means of communication
3	Vessel Name and IMO Number
4	Vessel Owner/Operator
5	Type of Incident
6	Time and date of incident
7	Exact location (latitude/longitude if anchored or underway; port, slip and berth if in port)
8	Type of oil spilled <i>(Try to be specific, but knowing if it is clear or black is enough for the QI to get started).</i>
9	Estimated Quantity – We know this is difficult and are looking for your best estimate. It is important for us to know if this is a “very small” spill, a “very large” spill, or something in between. <i>Is the source controlled / secured?</i> Yes <input type="checkbox"/> No <input type="checkbox"/>
10	Brief description of the situation <i>(any other information or concerns you may have).</i>
11	Death / Injuries to the crew
12	Damage (extent to the vessel, facility, pier, other vessels, etc.)
13	Confirm P&I Club membership
14	Local Agents and their phone number

COMMUNICATION WITH O'BRIEN'S

TELEPHONE	Emergency calls should go to our Command Center at our 24-hour number: +1 281 606 4818
<p>All other calls should be directed to the O'Brien's Vessel Services Office: +1 281 606 4854 Our normal office hours are 0800 – 1700 US Central Time (Monday – Friday). <i>After hours calls are automatically forwarded to our Command Center where you will get assistance.</i></p>	
EMAIL	<p>O'Brien's has established a list of email addresses to ensure effective and efficient assistance to you. Each address has a specific purpose. Use of the proper address will ensure a quick response from O'Brien's. If possible, do NOT mix several requests of different types in the same email or send your request to multiple addresses as this may delay proper and timely action on your request.</p> <p><i>Please use the primary email addresses below when communicating with O'Brien's.</i></p>
alaska@wittobriens.com	Requests for assistance in complying with state of AK requirements <i>(for vessels calling AK ports and waters)</i>
canada@wittobriens.com	Requests for assistance in arranging Canadian coverage
cofr@wittobriens.com	Requests for assistance with California Certificate of Financial Responsibility as well with arranging bonds (ICB) and SCAC
commandcenter@wittobriens.com	Follow up correspondence relating to an oil spill incident or other emergencies and exercises <i>Do not use this address for routine communications</i>
inquiry@wittobriens.com	For all regulatory compliance related questions or concerns
QI-exercise@wittobriens.com	For conducting a QI Notification Exercise via email <i>(Not for confirmation of a QI Notification conducted by phone)</i>
vesselboardings@wittobriens.com	Requests to schedule vessel attendance (company approval required)

COMPLIANCE WITH FEDERAL (USCG) REQUIREMENTS

REQUIRED DOCUMENTS		The following documents are mandatory in the US in addition to the normal international documents for both TANK and NONTANK vessels
1	Certificate of Financial Responsibility (COFR) issued by the USCG <i>This is required for all vessels even those solely transiting US waters on innocent passage</i> COFR validity can be verified by conducting a search on the USCG National Pollution Funds Center (NPFC) website: https://npfc.uscg.mil/COFR/default.aspx	<input type="checkbox"/>
2	Vessel Response Plan (VRP/NTVRP) – an electronic (soft) copy is authorized by the USCG	<input type="checkbox"/>
3	USCG VRP/NTVRP Approval Letter or Interim Operating Authorization (IOA)*	<input type="checkbox"/>
4	EPA 2013 Vessel General Permit (VGP) Notice of Intent	<input type="checkbox"/>
All of these plans or documents are required for compliance with US laws and regulations. There is minimal information in the required plans or documents that is useful for the Master. Keep the latest versions of the plans on board as required and be prepared to make them available for inspections to authorities and vetting inspectors as appropriate. <i>If you know the O'Brien's emergency telephone number and your owner/manager/operators telephone number, that's all you need in a real emergency</i>		
For Chemical and Gas Carriers please review the additional documentation requirements described in the separate Subchapter "O" Endorsement (SOE) – CVTIS Checklist.		Yes <input type="checkbox"/> NA <input type="checkbox"/>
*	<i>Most VRP/NTVRP are NOT approved for Alaska, Guam, or American Samoa. If you will be calling, or operating in and transiting one of these areas when bound for or departing from a port or place in the U.S., you must ensure that your vessel has the required VRP/NTVRP authorization for those COTP Zones. Approval will be listed on the Approval Letter or Interim Operating Authorization (IOA). If the ship is not authorized, or you have questions, contact O'Brien's immediately.</i>	

EXERCISES

SEE THE EXERCISE CHECKLIST	
FOR MORE INFO	<i>Additional guidance regarding the types of exercises, both shipboard on onshore, required to satisfy the Preparedness for Response Exercise Program (PREP) Guidelines can be found in the separate Exercise Checklist developed to accompany and supplement this guide. It contains specific guidance regarding the applicability, documentation, frequency, plan holder actions required, and scope of each type or exercise. To assist in documenting and recordkeeping an Internal Exercise Documentation Form has been included at the end of the Exercise Checklist.</i>

TESTS BEFORE ENTERING OR GETTING UNDERWAY IN US WATERS

PER 33 CFR 164.25	The USCG requires that the following equipment must be tested <u>no more than 12 hours before</u> entering the US Territorial Sea (12 miles) or before each time a vessel gets underway in US waters:
1	Primary and secondary steering gear test procedure includes: <ol style="list-style-type: none"> Visual inspection of the steering gear and its connecting linkage. Where applicable, the operation of the following: <ol style="list-style-type: none"> Each remote steering gear control system Each steering position located on the navigating bridge The main steering gear from the alternative power supply, if installed Each remote steering gear control system power failure alarm Each remote steering gear power unit failure alarm The full movement of the rudder to the required capabilities of the steering gear
2	All internal vessel control communications and vessel control alarms
3	Standby or emergency generator
4	Storage batteries for emergency lighting and power systems in vessel control and propulsion machinery spaces
5	Main propulsion machinery, ahead and astern
No vessel may enter, or be operated on, the Territorial Sea of the United States unless the emergency steering drill described below has been conducted within 48 hours prior to entry and logged in the vessel logbook, unless the drill is conducted and logged on a regular basis at least once every three months. This drill must include at a minimum the following:	
1	The operation of the main steering gear from within the steering gear compartment.
2	The operation of the means of communications between the navigating bridge and the steering compartment.
3	The operation of the alternative power supply for the steering gear if the vessel is so equipped.
Documentation	The completion of each of these tests should be recorded in the Ship's Log. <input type="checkbox"/>
<i>When satisfactory these tests do NOT need to be reported to the USCG or the QI.</i>	
<i>If the vessel equipment fails any of these tests the USCG must be notified immediately and either directly, through the local vessel agent or by the Qualified Individual. The USCG may place an operational control on the vessel or issue a Letter of Deviation (LOD) at the discretion of the COTP.</i>	

NAVIGATION UNDERWAY: TANKERS OPERATING ON AUTO PILOT

PER 33 CFR 164.13	The USCG requires that the following conditions exist for a tanker to operate with an auto pilot engaged:
1	The operation and performance of the automatic pilot conforms with the standards recommended by the International Maritime Organization in IMO Resolution A.342(IX).
2	A qualified helmsman is present at the helm and prepared always to assume manual control.
3	The tanker is not operating in any of the following areas: <ol style="list-style-type: none"> The areas of the traffic separation schemes specified in subchapter P of this chapter. The portions of a shipping safety fairway specified in part 166 of this chapter. An anchorage ground specified in part 110 of this chapter. An area within one-half nautical mile of any U.S. shore.
4	A tanker equipped with an integrated navigation system, and complying with 3 (ii) stated above, may use the system with the auto pilot engaged while in the areas described in paragraphs 3(i) and (ii). The master shall provide, upon request, documentation showing that the integrated navigation system— <ol style="list-style-type: none"> Can maintain a predetermined track line with a cross track error of less than 10 meters 95 percent of the time; Provides continuous position data accurate to within 20 meters, 95 percent of the time; and Has an immediate override control.

NOTICE OF ARRIVAL / DEPARTURE

eNOA/D	The Notice of Arrival/Departure must be filed with the USCG and is usually accomplished with an Electronic Notice of Arrival/Departure (eNOA/D). This document must be filed according to USCG requirements or your vessel may be delayed entering port.		
1	<i>Your eNOA/D should be sent to the USCG National Vessel Movement Center at the following address using one of the accepted methods below:</i>		enoad@nvmc.uscg.gov
ACCEPTABLE NOAD FORMATS	<ol style="list-style-type: none"> 1. Emailed submission of either of the latest two published NVMC Workbooks located at www.nvmc.uscg.gov under the Downloads Tab and sent to enoad@nvmc.uscg.gov. <input type="checkbox"/> 2. Via the NVMC eNOAD website. <input type="checkbox"/> 3. Via Third-party application submissions conforming to standards found at www.nvmc.uscg.gov under the Developer Tab and sent to enoad@nvmc.uscg.gov. <input type="checkbox"/> 4. Via the NVMC InfoPath template version 6.3.0 until its retirement. Submitters utilizing this product may submit their NOAD on-line by using the built-in submit functionality or by emailing it to enoad@nvmc.uscg.gov. <i>Please note, InfoPath template version 6.3.0 will no longer be accepted after April 19, 2018.</i> <input type="checkbox"/> 		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<p>Additional information regarding the submission of the eNOA/D can be found at the USCG National Vessel Movement Center (NVMC) website: http://www.nvmc.uscg.gov/NVMC/default.aspx including:</p> <ul style="list-style-type: none"> • The most current eNOA/D software and user guides for download or reference • Frequently Asked Questions (FAQs) • Technical assistance: <p>sans@nvmc.uscg.gov or techsupport@nvmc.uscg.gov or +1 304 264 2502</p> <p><i>Do NOT contact O'Brien's for assistance with completing or filing the eNOA/D.</i></p> <p><i>If you are submitting your eNOAD via email, you should immediately discontinue the use of rich-text (RTF) and HTML (HTM) formats for the submission. Continued use of these email formats may cause serious delays. It is imperative that all eNOAD submissions sent to the NVMC parser (enoad@nvmc.uscg.gov) arrive in plain-text email format. The use of compression files (.zip) can also cause a submission to be delayed or blocked.</i></p>			
<p>It is NOT required to send a copy of the eNOA/D to your QI.</p> <p>If you do send us a copy please note the following:</p> <ul style="list-style-type: none"> • We ONLY store your NOA/D as a record of your voyage. • It will NOT be read except when there is an emergency and we need information contained in the NOA/D. • Do NOT include any requests for assistance from O'Brien's in the NOA/D. 		<p>noad@wittobriens.com</p>	
<p>Do NOT send O'Brien's reports such as noon reports, position reports, berthing, bunkering, cargo loading/discharging reports, stowage plans, entering EEZ, other (24, 48 or 72) hour notice of arrival, status reports, discharge reports, etc.</p> <p><i>O'Brien's will NOT acknowledge receipt of any such reports.</i></p> <p>Do not list O'Brien's as your "Point of Contact" in the eNOA/D. This should be a local agent or another person/organization who is arranging the details of your call to the US.</p>			

USE OF LOW SULFUR FUEL - EMISSION CONTROL AREAS (ECA)

All vessels, with limited exceptions, that operate in the North American and U.S. Caribbean ECA are required to be in compliance with the MARPOL Annex VI ECA fuel oil sulfur standard. Vessels that operate using solely distillate fuel oil are already in compliance as this meets the fuel oil sulfur limit. When operating within the bounds of the ECAs, ships must utilize low sulfur fuel oils that meet the maximum allowable sulfur content by weight standards in the table below:

Global Sulfur Cap		ECA Sulfur Cap	
On and after Jan. 1, 2012	3.50%	On and after Aug. 1, 2012	1.00%
On and after Jan. 1, 2020	0.50%	On and after Jan. 1, 2015	0.10%
REQUIRED ACTION	Vessel switches to ULSFO (which can be HFO/IFO, distillates or a mix as long as the blend used is tested to be) at or below 0.10% sulfur content prior to entering the US Exclusive Economic Zone (200 nm).		<input type="checkbox"/>
This includes Puerto Rico and the US Virgin Islands which are part of the U.S. Caribbean ECA that came into effect on January 1, 2014.			
EXCEPTIONS	Western Alaska outside of Cook Inlet, American Samoa, Guam and the Commonwealth of the Northern Mariana Islands are not part of the ECAs – the Global Sulfur Cap applies for these areas.		
INNOCENT PASSAGE	<i>There is NO innocent passage provision for the NA and Caribbean ECA.</i>		
TIER 3: NOx	80% NOx reduction for <i>new engines</i> <u>effective January 2016</u> based on the use of advanced catalytic after-treatment systems.		Yes <input type="checkbox"/> NA <input type="checkbox"/>
NON-COMPLIANCE & ENFORCEMENT	<p>Vessels that do not switch over and use compliant fuels prior to entry into the ECA are required to submit a Fuel Oil Non-Availability Report (FONAR) to document non-compliance and to explain the circumstances of why they have chosen not to use compliant fuel (i.e., not available, available but not certified or tested in engines to ensure safe to use due to lower viscosity (operational issues), did not switchover prior to entry, etc.) The FONAR must be completed online through the EPA Central Data Exchange (CDX) website FOND portal.</p> <p>FOND Instructions</p> <p>The EPA recently published a penalty policy to provide guidance on how they intend to determine an appropriate penalty for non-compliance. It is important to note that civil penalties will be calculated taking into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters as justice may require (33 U.S.C. 1908(b)).</p> <p>EPA Penalty Policy</p> <p>This policy will be used to calculate civil penalties in negotiated settlements only. In cases where a complaint has been filed the EPA may elect to assert a claim for up to the maximum penalty allowable under APPS.</p> <p><i>This policy also applies to all pending enforcement actions in which a proposed settlement penalty amount has not yet been finalized including for those vessels that did not burn compliant fuels while in the ECA prior to January 1, 2015 since August 1, 2012.</i></p>		
COOPERATION IS KEY	<ul style="list-style-type: none">• Did the violator promptly report non-compliance to the EPA via a FONAR or Notice of Protest (NOP)? How quickly was non-compliance reported?• Was the noncompliance self-reported (voluntary)?• Was a comprehensive corrective action implemented upon discovery?• Efforts to come into compliance and negotiate with the EPA in good faith.• Was settlement expedited by the violator?		

MARPOL ANNEX VI ENFORCEMENT		http://www2.epa.gov/enforcement/marpol-annex-vi
<p>There are two components of the civil penalty: the economic benefit and the gravity components which will be calculated separately and combined to determine the penalty amount as follows.</p> <ol style="list-style-type: none"> Economic Benefit (EB) = (Fe-Fw)*U <ul style="list-style-type: none"> (Fe) is the cost per metric ton of compliant fuel whether estimated or from direct reporting of the cost. (Fw) is the cost per metric ton of non-compliant fuel that was used whether estimated or from direct reporting of the cost. (U) is the amount of non-compliant fuel burned while in the U.S. portions of the ECA whether estimated or from records gathered directly from the ship. Gravity (see Table 3 in the linked penalty policy for the calculations – the cost factor increases based on two factors: actual fuel sulfur content used and (U)). <i>These schedules apply only to the first offense.</i> <ul style="list-style-type: none"> Expect an increase up to 30% if one prior violation by the same ship or owner/operator. Expect an increase up to 70% if two or more prior violations by the same ship or owner/operator. <p><i>There are separate penalty schedules for violations of the 1.00% sulfur limit prior to January 1, 2015 and the 0.10% sulfur limit after January 1, 2015.</i></p>		
MAXIMUM PENALTY AMOUNTS		<p>The overall penalty (EB + Gravity) must be less than or equal to the statutory maximum which is calculated as:</p> <p>\$25,000 x (days of violation) x (number of violations).</p>
OTHER FACTORS	<ul style="list-style-type: none"> Degree of willfulness or negligence <i>may</i> increase gravity component up to 20%. Degree of cooperation <i>may</i> increase / decrease gravity component up to 10%. History of non-compliance (see gravity calculation above). Litigation risk and other unique factors <i>may</i> decrease the gravity component up to 10%. Ability to pay <i>will</i> be considered in arriving at a specific final penalty amount. Performance of a supplemental environmental project (SEP) or in other words use of technology that monitors SO2 emissions <i>may</i> result in a reduced penalty. 	
RECORD KEEPING	<p>Failure to comply with record keeping requirements of MARPOL Annex VI will also subject a vessel to a separate violation (\$2,500 - \$15,000 depending on egregiousness) for each day it has occurred:</p>	
1	Reg. 6-9: Maintain a current International Air Pollution Prevention Certificate.	<input type="checkbox"/>
2	Reg. 14.6: Maintain a written procedure for how the fuel oil change-over is done.	<input type="checkbox"/>
3	Reg. 14.6: Maintain a log to record change-over details including fuel tank sounding prior to entry into and/or upon exit from the ECA.	<input type="checkbox"/>
4	Reg. 18.6: Receive and maintain bunker delivery notes for a period of three years from the delivery date.	<input type="checkbox"/>
5	Reg. 18.8.1: Maintain a representative fuel oil sample for a period of twelve months from the delivery date.	<input type="checkbox"/>
FREQUENTLY ASKED QUESTIONS	<ul style="list-style-type: none"> USCG FAQs EPA FAQs 	
CALIFORNIA	<p>Vessels are required to use Marine gas oil (DMA) or Marine diesel oil (DMB) at or below 0.10% sulfur in all ocean-going vessel <u>main (propulsion) diesel engines</u>, <u>auxiliary diesel engines</u>, and <u>auxiliary boilers</u> when in Regulated California Waters (RCW) – 24 nm from the baseline (see the California Checklist).</p>	
NOTE	<p><i>Vessels on innocent passage through the RCW (not calling a port or place in California) are NOT required to comply with MGO/MDO requirements for California.</i></p>	

BALLAST WATER MANAGEMENT

SEE THE NEW BALLAST WATER MANAGEMENT CHECKLIST

**FOR
MORE
INFO**

Additional guidance regarding Ballast Water Management can be found in the separate Ballast Water Management Checklist recently developed to accompany this guide.

EPA NO DISCHARGE ZONES (NDZ)

NDZ		The Environmental Protection Agency (EPA) under the authority of the Clean Water Act (CWA) has designated certain water bodies as NDZ for treated and untreated sewage.	
		<i>This prohibition does NOT apply to graywater except on the Great Lakes.</i>	
While the majority of the waters designated as NDZ are freshwater bodies, there are also several NDZ in various state waters where commercial shipping activity commonly occurs.			
A list of all NDZ by state <u>with detailed maps</u> for each zone can be found at: https://www.epa.gov/vessels-marinas-and-ports/no-discharge-zones-ndzs-state			
CALIFORNIA		California marine waters (0-3 nm) have been designated a No Discharge Zone (NDZ) by the EPA prohibiting the discharge of treated/untreated sewage of large passenger and ocean-going vessels 300 gross tons or greater equipped with a holding tank with remaining capacity or containing sewage prior to entry into California marine waters.	
1	A vessel that does NOT have holding tanks is allowed to discharge treated sewage using an approved USCG marine sanitation device in CA waters.		<input type="checkbox"/>
2	A vessel that has maximized its holding tank capacity by entering the NDZ with an empty holding tank may discharge properly treated sewage above and beyond that capacity in the California NDZ while in transit. <i>Passenger vessels may NOT discharge sewage in the California NDZ.</i>		<input type="checkbox"/>
NOTE: When in port treated sewage that exceeds holding capacity is required to be pumped ashore.			
Discharge of graywater is regulated under the Vessel General Permit (VGP). If it is comingled with sewage then it is also regulated as sewage in the NDZ.			
More information on the CA NDZ can be found at: https://www.epa.gov/sites/production/files/2015-10/documents/california_ndz_final_rule_factsheet.pdf			
NEW ENGLAND		The following states waters have been designated as NDZ: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut Additionally, the inland waters of New York as well as the Long Island Sound and the waters surrounding Long Island. <i>Currently the port of New York / New Jersey is NOT a NDZ.</i>	
NOTE: those waters that have been designated as NDZ have been found to have sufficient on-shore reception and disposal facilities for treated/untreated sewage.			
GREAT LAKES		The following states waters have been designated as NDZ: Michigan, New York – Lake Erie & Lake Ontario and Wisconsin – Lake Michigan Additionally, there are proposed NDZ for Wisconsin – Lake Superior & Ohio – Lake Erie <i>The NDZ in the Great Lakes include a prohibition on the discharge of graywater.</i>	

UPDATED

PUGET SOUND (PENDING)	<p>DOE petitioned the EPA to establish a "No Discharge Zone" (NDZ) for the Puget Sound. The NDZ would <i>prohibit the discharge of both treated and untreated sewage</i> from all vessels operating in the Puget Sound. EPA approved the petition and Washington Department of Ecology has proposed a rulemaking to implement the decision. The final rule is expected to go into effect by the middle of 2018.</p> <p>Additional information on the status of the rulemaking and NDZ implementation is available – https://www.ecology.wa.gov/Water-Shorelines/Puget-Sound/No-discharge-zone</p>
<p>If you have any doubt or will be calling a port in which your local vessel agents state there is a prohibition to discharge treated sewage or graywater other than in the waters listed above, please contact us at inquiry@wittobriens.com as it is likely that there is no such restriction.</p>	

UPDATED

EPA NPDES VESSEL GENERAL PERMIT (VGP) COMPLIANCE

VGP	<p>The current VGP came into effect on December 19, 2013 and has a duration of 5 years. It provides minimum best management practices for 27 types of discharges incidental to normal operations of a vessel.</p>
<p>While O'Brien's has developed a guide with strategies and template forms to document compliance with the VGP, it is recommended that you contact your management for company and vessel-specific guidance and instructions to satisfy the requirements of the VGP.</p>	
1	<p>Follow your company policy for VGP compliance which includes the implementation, monitoring and documentation of vessel-specific best management practices for all applicable discharges.</p>
2	<p>Maintain a copy of your active Notice of Intent (NOI) onboard which is a certification statement that a vessel has implemented appropriate measures to comply with the VGP.</p>
<p><i>The information contained in the NOI should be maintained up to date and as accurate as possible at all times. It can be updated online by your company designated certifying official via the EPA eNOI System.</i></p>	
<p>The EPA and USCG have a Memorandum of Understanding (MOU) dated March 13, 2011 that allows the USCG to incorporate VGP compliance verification and enforcement as a routine part of a Port State Control Exam.</p>	
<p><i>Additional guidance regarding VGP compliance documentation including the Annual Report can be found in the VGP checklist.</i></p>	

IMO'S INTERNATIONAL CODE FOR SHIPS OPERATING IN POLAR WATERS

POLAR CODE	<p>The International Code for Ships Operating in Polar Waters (Polar Code) applies to vessels operating north of 60 degrees N and covers the full range of design, construction, equipment, operational, training, search and rescue and environmental protection matters relevant to ships operating in the inhospitable waters surrounding the two poles.</p> <p>The Polar Code includes mandatory measures covering safety and training (part I-A) and pollution prevention (part II-A), and recommendatory provisions for both (parts I-B and II-B). The implementation date for these measures are as follows:</p> <ul style="list-style-type: none"> ▪ Part I – Safety (SOLAS & STCW): Upon delivery or first intermediate or renewal survey after <u>January 1, 2018</u> ▪ Part II – Environmental (MARPOL): All vessels – <u>January 1, 2017</u> <p>Part I also requires that vessels carry a Polar Code Operations Manual as well as a Polar Ship Certificate. Additional information is available at – http://www.imo.org/en/mediacentre/hottopics/polar/pages/default.aspx</p>
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AVERAGE MOST PROBABLE DISCHARGE (AMPD) COVERAGE

AMPD	For TANK vessels ONLY when they are transferring cargo. AMPD coverage is NOT required for bunkering.	
Tank vessels conducting cargo operations at terminal facilities are afforded AMPD coverage through the terminal's AMPD service provider.		
Exception: The offshore mooring at Barbers Point, Hawaii.		
<i>We recommend your OSRO be notified of all lightering operations. Some areas may require special arrangements and additional fees. Please contact your contracted OSRO provider listed in Appendix B of your VRP to arrange and receive confirmation of coverage.</i>		
Marine Spill Response Corporation (MSRC)		
455 Spring Park Place, Suite 200 Herndon, VA 20170 USA Tel: +1 800 645 7745 (24 Hrs) +1 732 417 0175 Email: ampd@msrc.org	Vessels that have MSRC identified as the contracted OSRO in the VRP should contact them directly regarding AMPD coverage using the contact details provided or by downloading, completing and returning the request form available on the MSRC website. <i>MSRC will provide confirmation of coverage, NOT O'Brien's.</i>	
National Response Corporation (NRC)		
3500 Sunrise Highway, Great River, NY 11739 USA Tel: +1 631 224 9141 (24 Hrs) +1 800 899 4672 Email: iocdo@nrcc.com	Vessels that have NRC identified as the contracted OSRO in the VRP should contact them directly regarding AMPD coverage using the contact details provided or by downloading, completing and returning the AMPD Authorization To Proceed (ATP) Form on the NRC website. <i>NRC will provide confirmation of coverage, NOT O'Brien's.</i>	
Delaware Bay and River Cooperative (DBRC)		
Vessels requiring AMPD coverage in Delaware Bay may also obtain it through a local cooperative, DBRC rather than the contracted OSRO listed in the VRP.		
DBRC's voyage coverage is available at a discounted rate through O'Brien's website and provides protection for your vessel(s) from sea buoy to sea buoy. Delaware Bay AMPD coverage requests submitted using the link below will have their AMPD requests forwarded directly to DBRC.		
https://www.wittobriens.com/delaware-bay-ampd-coverage-request/		
<i>DBRC will also provide confirmation of coverage, NOT O'Brien's.</i>		
REQUIRED ACTION	Notify Your OSRO at least 24 hours in advance of cargo operations to arrange AMPD coverage.	<input type="checkbox"/>
For assistance or more information on arranging AMPD coverage from O'Brien's contact:		ampd@wittobriens.com



USCG PORT SECURITY ADVISORY

PORT SECURITY ADVISORY 2-17	The Maritime Transportation Security Act of 2002 (MTSA) has mandated that the United States Coast Guard (USCG) evaluate the effectiveness of anti-terrorism measures in foreign ports and provides for the imposition of conditions of entry on vessels arriving to the United States from countries that do not maintain effective anti-terrorism measures	
All vessels arriving to the United States that have visited the countries listed in paragraph B (with exceptions noted) of PSA 2-17 during their last five port calls must take actions 1 through 5 listed below as a condition of entry into U.S. ports:		
1	Implement measures per the ship's security plan equivalent to Security Level 2	<input type="checkbox"/>
2	Ensure that each access point to the ship is guarded and that the guards have total visibility of the exterior (both landside and waterside) of the vessel. Guards may be: <ul style="list-style-type: none"> • Provided by the ship's crew, however, additional crewmembers should be placed on the ship if necessary to ensure that limits on maximum hours of work are not exceeded and/or minimum hours of rest are met, or; • Provided by outside security forces approved by the ship's master and Company Security Officer. 	<input type="checkbox"/>
3	Attempt to execute a Declaration of Security	<input type="checkbox"/>
4	Log all security actions in the ship's security records	<input type="checkbox"/>
5	Report actions taken to the cognizant USCG Captain of the Port prior to arrival in the U.S.	<input type="checkbox"/>
<p>Vessels that visited affected countries and ports during their last five port calls will be boarded or examined by the USCG to ensure the vessel took the required actions. <i>Failure to properly implement the actions listed above may result in delay or denial of entry into the United States.</i></p> <p>Based on the findings of the USCG boarding or examination, the vessel may be required to ensure that each access point to the ship is guarded by armed security guards and that they have total visibility of the exterior (both landside and waterside) of the vessel while in U.S. ports. The armed security guard requirement will normally be waived for vessels that have demonstrated and documented good security compliance.</p> <p>Port Security Advisory 2-17</p>		

SUGGESTIONS / COMMENTS / CLARIFICATIONS

CONTACT VESSEL SERVICES	<p>This document is intended to be a helpful guide for Masters. Please help us make it more useful for you.</p> <p>If you have questions, comments or concerns please contact us at: inquiry@wittobriens.com</p>
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