

Commandant, USCG (CG-5431)
 Vessel Response Plan Team
 2100 2nd Street, SW. Rm. 2100
 Washington, DC 20593-0001

QUALITY



VRP STATISTICS

Active plan totals as of June 2008

Tank	764
Nontank	2,038
Combined	61
SOPEP	2,616
SMPEP	614

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LCDR Robert Smith Awarded the Coast Guard Meritorious Service Medal

“Frocked” to Commander

By Stephan A. Mort
Quality Editor

On May 30, 2008, Lieutenant Commander Robert L. Smith, former Vessel Response Plan Office Team Leader and Nontank Rulemaking Project Manager was promoted to the rank of Commander during a frocking ceremony held in the office of Rear Admiral James Watson, Director of Prevention Policy, Coast Guard Headquarters. The frocking ceremony was attended by CDR Smith’s wife Terry, their two children Robby and Valerie and fellow Coast Guard colleagues. “Frocking” is the military term for allowing an officer to wear the insignia and uniform and assume the responsibilities of the next higher rank prior to the scheduled date of official promotion.

CDR Smith is being transferred to Coast Guard Sector Houston where he will take over as the Head of the Prevention Department.

Upon his departure from Coast Guard Headquarters, CDR Smith received the Coast Guard Meritorious Service Medal for his meritorious performance of duties as VRP Team Leader from January 2006 to June 2008. The accompanying citation recognized CDR Smith’s superior fore-



RDML James Watson, Director of Prevention Policy and newly “Frocked” CDR Robert L. Smith

sight and leadership in transitioning the Vessel Response Plan regulations from the Office of Response to the Office of Vessel Activities. His high level of expertise in all facets of OPA-90 regulatory requirements aided fellow VRP staff members in the performance of their duties including tank, nontank, and IMO plan policy management.

LCDR Ryan Allain has officially relieved CDR Smith as Vessel Response Plan Team Leader.

Innocent Passage and Transiting COTP Zones

By Richard Musto
 VRP Review Team

Foreign tank vessels that may be engaged in innocent passage or while transiting a COTP zone, should keep the following guidance in mind:

- ◆ Where a foreign tank vessel is in innocent passage to a foreign port and must cross through a COTP zone to get there, the submission and approval of a tank vessel response plan is not required. (refer to 33 CFR 155.1015(c)(7)).

- ◆ If a foreign vessel is departing a foreign port bound for a U.S. port or will transfer oil in a COTP zone and must cross through one or more COTP zones during the transit, the vessel must have a USCG approved vessel response plan and must have approved geographic-specific appendices

for each of the COTP zones that it crosses, regardless if it intends to transfer cargo or fuel in those zones. Geographic-Specific Appendices must be submitted and approved for each COTP zone that the vessel intends to transit through. In addition, the plan must list contracted resources for all COTP zones the vessel(s) plan intend to transit, including an oil spill removal organization ensured available to respond to a worst case discharge. Otherwise, tank vessels must submit a request for alternate planning criteria.

Requirements for Group V Oil

By Jennifer Heinonen
VRP Review Team

If tank vessels in your plan carry Group V petroleum oil as a primary cargo, the plan must meet the requirements of 33 CFR 155.1052. Group V oil is defined as an oil having a specific gravity greater than 1.0. This means that if Group V oil were to spill, it would not react like the other oil groups. Instead of floating near the surface, Group V oil is heavier than water and will sink down into the water column. Because Group V oils have this characteristic, specific requirements to clean the oil from the water column or on the sea floor must be addressed in your vessel response plan. 33 CFR 155.1052 outlines the information which must be included in the tank vessel response plan, including specific removal procedures and strategies, and the plan must identify the source of equipment



Group V Oil has a specific gravity of > 1.0

able to mitigate a worst case discharge of Group V oils.

In addition, owners and operators must verify that the Oil Spill Removal Organizations (OSROs) listed in your plan are ensured available, through contract or other approved means, to meet the requirements of 33 CFR 155.1052(c) and (d). You must submit evidence through an equipment list that the OSROs listed have the special equipment required for locating, recovering, and mitigating the discharge. This includes sonar, sampling equipment, or other methods for locating the oil on the bottom or suspended in the water column; containment boom, sorbent boom, silt curtains, or other methods for containing oil that may remain floating on the surface or to reduce spreading on the bottom; dredges, pumps, or other equipment necessary to recover oil from the bottom and shoreline; and other appropriate equipment necessary to respond to a discharge involving the type of oil carried. In addition, this equipment must be capable of being deployed within 24 hours of a discharge.

If you submit a plan in which Group V oil is carried or may be carried as a primary cargo, please review the regulations to ensure all requirements are met. If your vessels will not carry Group V oil, we suggest that you list only the oil groups which apply.

PLAN HOLDERS

Have you checked your ONLINE Vessel Response Plan Correspondence file lately?

WWW.E-VRP.COM



FERNANDINA BEACH, FL, Nov 17 — A Coast Guard pollution investigator inspects an oil barrel aboard a container ship after an unknown amount of fuel oil and water overflowed from one of its ballast tanks and onto the deck and into the water near Nassau Terminal.



Photos by PAC Donna Brzuska

Update of VRP Certification Statements - Form CG-6083

By MST2 Matt Ferraro
VRP Staff Writer

The December 2007 newsletter contained an article which described the regulatory requirements for Certification Statements. Since publication of this article, the VRP program has issued numerous deficiencies for this item, which may lead to an interruption in vessel operations if not properly addressed.

Certification Statements must be signed by the vessel owner or operator, or a designated company official. As an alternative, third parties, acting on behalf of vessel owner or operators may sign the Certification Statement if a valid and legally binding power of attorney is submitted in conjunction with the Certification Statement.

Statements can be in letter format, on company letterhead, or the CG-6083 containing the standard verbiage can be used.

A new Certification Statement is required by 33 C.F.R. 155.1070 (d) for revisions outlined in 33 CFR 155.1070 (c)(1-9). These include:

- ◆ a change in the vessel owner or operator,
- ◆ change in the vessel's operating area including geographic areas not previously covered in the approved plan,
- ◆ change in the type of oil cargo carried aboard (oil group) that effects the required response resources,
- ◆ change in the oil spill response organization (s) or other response related resource,
- ◆ significant changes in the emergency response procedures,
- ◆ change in the Qualified Individual, or
- ◆ a vessel added to the plan.

Worst Case Discharge (WCD) vs. Fuel Capacity

*At No Time Should the WCD
Exceed Fuel Capacity Volume*

By LT Jarrod DeWitz
Nontank Policy Manager

There has been quite a bit of confusion regarding the calculation of oils onboard a nontank vessel. NVIC 01-05 CH1 provides guidance regarding appendices for nontank vessel specific information. It states that each vessel covered by a nontank vessel response plan should include the capacities of all cargo, fuel, lube oil, ballast, and fresh water tanks. The total fuel capacity is the amount of oils that may be used to supply power for the main propulsion. NVIC 01-05 CH1 defines worst case discharge as a discharge in adverse weather conditions of a vessel's entire fuel capacity. At no time should the fuel capacity exceed the WCD volume. We have seen submitted NTVRPs that list the total fuel capacity accurately, but state that the WCD is less than the fuel capacity because the vessel only operates at 90%-98% volume.

For the purposes of plan review, we do not take into account operational decisions and the WCD should be the absolute worst case if all tanks were topped off. Therefore, "entire fuel capacity" should not be greater than WCD. For plans with inaccurate WCD data, the plan holders will receive a letter recommending that this inconsistency be corrected and this office will not grant Interim Operating Authorization until the WCD is verified to be accurate. To avoid any delays in receiving an interim operating authorization letter, it is highly recommended that the volume of all liquids onboard are confirmed and the proper volume conversion is calculated before submitting a nontank vessel response plan for review.



Consistency with the Area Contingency Plan

Owners to ensure VRP consistency with the ACP in approved COTP zones

By LT Xochitl Castaneda
Tank Plan Policy Manager

Owners and operators are reminded that the information contained in a vessel response plan (VRP) must be consistent with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and the Area Contingency Plan(s) (ACP) as required by 33 CFR 155.1030(h). The national response planning framework is dependent upon the system of contin-

gency plans to ensure the overarching goal of response preparedness. Owners and operators are required to verify consistency of their VRP to the ACP of the Captain of the Port (COTP) zones in which the vessel operates in order to meet any unique challenges presented by the geographical specific area. Updated ACPs for each COTP zone can be found online at <http://homeport.uscg.mil> by clicking the Port Directory tab.

**Do you need to check on the status of your Vessel Response Plan?
Visit www.e-vrp.com**

Upcoming Nontank Vessel Response Plan Enforcement Notice - Enforcement Will Not Become Effective Until 60 days After the Federal Register Notice has been Published

By LT Jarrod DeWitz
Nontank Policy Manager

The Coast Guard and Maritime Transportation Act of 2004 amended 33 USC 1321(j)(5) and requires owners/operators of nontank vessels to prepare and submit plans for responding to a worst case discharge and to a substantial threat of such a discharge of oil from their vessels by August 9, 2005. A nontank vessel means a self-propelled vessel of 400 gross tons or greater, as measured under the international tonnage convention measurement or the regulatory measurement system for vessels not admeasured under ITC, that operates on the navigable waters of the United States, carries oil of any kind as fuel for main propulsion, and is not a tank vessel.

The 2004 Act also requires promulgation of regulations that prescribe the content and submission of the nontank vessel response plans (NTVRP). The Coast Guard subsequently published Navigation & Inspection Circular 01-05 Change 1 to provide guidance to the maritime industry on how to develop these interim nontank vessel response plans.

The risks associated with oil spills from large nontank vessels are significant as seen during the November 2007 COSCO BUSAN oil spill in San Francisco Bay. August 9, 2005 marked the compliance date with the nontank vessel response plan

requirement. However, some nontank vessels still have not submitted a NTVRP. As such, on June 23, 2008, the Coast Guard published a Federal Register Notice prescribing the enforcement posture change for nontank vessels that have not complied with the NTVRP requirement. In an effort to devote resources to those nontank vessels that pose the greatest risk to the environment, this notice focuses on nontank vessels over 1,600 gross tons. Operational controls will be placed on noncompliant vessels by the Captains of the Port (COTP) under the authority of regulations in 33 CFR 160.111 issued under the Ports and Waterways Safety Act. Nontank vessels less than 1,600 gross tons are still required to submit NTVRPs consistent with 33 U.S.C. 1321(j)(5).

Enforcement will not become effective until **60 days** after publication of the Federal Register Notice, August 22, 2008. Until this time, vessel operations will not be restricted as a result of not having a Nontank Vessel Response Plan on file. However, Coast Guard units are documenting nontank vessels that are not in compliance with 33 USC 1321(j)(5).

Alternate Planning Criteria and Tank Vessel Response Plans *Where Oil Spill Removal Organization (OSRO) Resources are Limited*

By LT Xochitl Castaneda
Tank Vessel Policy Manager

Current Regulations, 33 Code of Federal Regulations 155.1035(i)(5), require that vessel owners/operators identify and ensure that oil spill removal organizations (OSROs) are available through "contract or other approved means" to respond to average most probable discharge (AMPD)*, maximum most probable discharge (MMPD) and worst case discharge (WCD) scenarios. (*AMPD coverage is only required when applicable.)

Five year VRP approvals will no longer be issued by the Coast Guard for Ports where Per-Voyage OSRO contracts are used. For those cases in which a vessel owner/operator uses a per voyage contract to provide OSRO coverage, a separate vessel response plan approval will be given only after the Coast Guard receives an

It should be noted that a contract or other approved means is defined in 33 CFR 155.1020 as:

- ◆ A written contractual agreement between an OSRO and a vessel owner/operator; or Certification by the vessel owner/operator that the required resources are owned, operated, and under the control of the vessel owner/operator and can meet the response times in the specified geographic areas; or
- ◆ Active membership in a local or regional USCG classified OSRO that has identified specified personnel and equipment that are available to respond; or
- ◆ A document which identifies the personnel, equipment, and services capable of being provided by the OSRO and specifies the parties acknowledgement that the OSRO intends to commit the resources in the event of a response; or
- ◆ Written permission of an OSRO to be listed in the plan provided by the response resource provider. This option only applies to (i) secondary oil carriers; (ii) barges operating on rivers and canals when lightering, salvage & marine fire fighting; (iii) vessels for salvage and firefighting NOT lightering; (iv) and special response equipment for Type V oil removal, animal fats-vegetable oil & other non-petroleum oil carriers.
- ◆ A written contractual agreement between an OSRO and a vessel owner/operator; or Certification by the vessel owner/operator that the required resources are owned, operated, and under the control of the vessel owner/operator and can meet the response times in the specified geographic areas; or
- ◆ Active membership in a local or regional USCG classified OSRO that has identified specified personnel and equipment that are available to respond; or
- ◆ A document which identifies the personnel, equipment, and services capable of being provided by the OSRO and specifies the parties acknowledgement that the OSRO intends to commit the resources in the event of a response; or
- ◆ Written permission of an OSRO to be listed in the plan provided by the response resource provider. This option only applies to (i) secondary oil carriers; (ii) barges operating on rivers and canals when lightering, salvage & marine fire fighting; (iii) vessels for salvage and firefighting NOT lightering; (iv) and special response equipment for Type V oil removal, animal fats-vegetable oil & other non-petroleum oil carriers.

"add zone" request in accordance with 33 CFR 155.1070 (c)(2). Upon review and approval of the add zone request, the Coast Guard will issue a zone approval that matches the duration of the per voyage contract. Vessel owners/operators are reminded that the Coast Guard requires 30 days to process an add zone request as stated in 33 CFR 155.1070 (d). Owners/Operators are also reminded to provide a certification statement in accordance with 33 CFR 155.1025 (c) when requesting the addition of a new geographic-specific area.

If vessels in your company's fleet do not operate in Guam, American Samoa or Alaska then it is recommended that these geographic specific areas be removed from the VRP. If you maintain fleet plans and the vessels in the plan do not operate in the same COTP zones, then we recommend that a specific list of COTP zones where the vessel operates be provided for each vessel covered by the plan.

Vessels that operate in areas with limited OSRO resources have two options to use in order to maintain compliance with the vessel response plan regulations: (1) a COTP single voyage waiver, or (2) alternative planning criteria.

A vessel owner/operator can request a COTP single voyage waiver in accordance with 33 CFR 155.1025 (e) in order to transport or handle oil in a geographic specific area not covered by the vessel's response plan.

If VRP approval for vessel operations in remote areas where response resources are limited is desired, the vessel owner/operator can request approval of alternative planning criteria as provided in 33 CFR 155.1065 (f). Alternative planning criteria requests should be submitted to the Coast Guard when the owner/operator believes that the national planning criteria is inappropriate for the vessel in the areas in which it intends to operate. The vessel owner/operator should submit an alternative planning criteria request to the COTP 90 days before the vessel intends to begin operating in these COTP zones.

To be authorized a one-time voyage waiver, the vessel owner/operator must certify in writing to the COTP that the vessel has:

1. An approved Tank Vessel Response Plan (TVRP), or an approved IMO Shipboard Oil Pollution Emergency Plan (SOPEP);
2. The TVRP or SOPEP is onboard the vessel;
3. Identified and informed the Vessel Master and COTP of the Qualified Individual prior to the Vessel's entry into the COTP zone; and
4. Identified and ensured the availability of, through contract or other approved means, the private response resources necessary to respond, to the maximum extent practicable, to a worst case discharge or substantial threat of discharge from the vessel.

Alternative planning criteria requests should include prevention measures that mitigate the risk of a spill proportionate to the lack of response resources. The response measures identified in the request should contain the details required by section 2.7 of Appendix B in 33 CFR Part 155 including: identifying equipment and listing the storage location, quantity, and capability of the equipment. For oil recovery devices, the effective daily recovery capacity must be included. For boom, the overall boom height (draft plus freeboard) must be included. A vessel owner or operator is responsible for en-

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sureing that identified boom has compatible connectors. Once the Coast Guard deems the alternative planning criteria request acceptable, it will receive approval for up to 5 years.

Ensuring the availability of adequate response resources is the cornerstone of the Federal Water Pollution Control Act and the Oil Pollution Act of 1990. Vessel owners/operators should tailor their plans to meet the needs of each respective vessel in their fleet and list only those COTP zones where the vessel or vessels actually operates. COTP one time waivers or alternative planning criteria should be used as operational solutions only where appropriate in limited situations.

More information about the CG Vessel Response Plan Program is available at our website; www.uscg.mil/vrp.



LCDR Ryan Allain recently relieved CDR Rob Smith as the Vessel Response Plan Team Leader

LCDR Ryan Allain Takes Over as Vessel Response Plan Team Leader

On March 28th, the VRP staff welcomed aboard LCDR Ryan Allain as the VRP Team Leader. Prior to joining the VRP staff, LCDR Allain was the Coast Guard's Port State Control Program manager. LCDR Allain has been in the Coast Guard for over 16 years and is a qualified Marine Inspector, Marine Casualty Investigator and Port Contingency Planner. His field assignments include Marine Safety Office Tampa, Florida and Marine Safety Detachment Fort Myers, Florida.

Please Visit our Websites

Do you want to learn more about the Vessel Response Plan Program? Please visit -

www.uscg.mil/vrp

Here you will find most everything you need to know about Vessel Response Plan preparation, submission, the VRP review process, and *Frequently Asked Questions*.

Would you like to check the status of your Vessel Response Plan and review its associated Correspondence Files?

www.e-vrp.com

The e-vrp database contains a listing of all submitted Tank, Nontank and IMO (SOPEP/SMPEP) plans. You may locate plan status by completing one of the appropriate search fields. Common search criteria is Plan Number, Vessel, or Plan Holder Name.

Vessel Response Plan Program CG-5431

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VRP Fax (202) 372-1219

VRP Email VRP@USCG.MIL

FAQ's on the VRP website:

<http://www.uscg.mil/vrp/faq/faq.shtml>

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2008 AWARD RECIPIENTS

OSPREY

Dow Chemical
Freeport, TX

GOLD

Alaska Chadux
Anchorage, AK

Foss Maritime Company
Seattle, WA

SILVER

U.S. Shipping Partners
Edison, NJ

American Commercial Lines
Jeffersonville, IN

Marathon Petroleum Co. LLC
Nashville, TN

BRONZE

APL Maritime, Ltd.
Bethesda, MD
(Large Facility)

APL Maritime, Ltd.
Oakland, CA
(Large Vessel)

Marathon Petroleum
Ashland, KY

HONORABLE MENTION

Todd Shipyard
Seattle, WA

SeaRiver Maritime Inc.
Houston, TX

Going Green Reaps Awards

Coast Guard Recognizes Industry's Outstanding Efforts in Marine Environmental Protection

By LT Jarrod DeWitz
VRP Staff

RADM William M. Benkert Award

The Benkert Award is the most sought after environmental award by the maritime industry. This prestigious award recognizes outstanding achievements that extend far beyond mere compliance with industrial and regulatory standards. More than just a symbol of excellence, the award provides an avenue for creative exchanges of ideas and innovations that benefit both the industry and the public. This award also provides a system for measuring and assessing an organization's management strengths and weaknesses in environmental protection.

The 2008 Benkert Award

On June 23, 2008, USCG Commandant Admiral Thad Allen presented the 2008 Benkert Awards to industry during the American Petroleum Institute (API) Tanker Conference in San Diego, California.

Dow Chemical Wins the 2008 Benkert Award's Highest Honor

Dow Chemical has received this award's highest honor for the second time in a row. This is an unprecedented achievement that no company has duplicated since the award's inception in 1995. Dow Chemical has continued to set the bar of environmental excellence extremely high and we are proud to recognize them with the Osprey Award!

Award Cycle and Eligibility Requirements

The next award cycle will begin on December 1, 2009 and is open to any marine transportation-related commercial organization owning, operating, or otherwise managing vessels, facilities, fleet areas, oil spill removal organizations, or other entities engaged in maritime operations are eligible. (Certain geographic and employee limits apply to each category). There are six categories in which a company can submit an application:

- Large Business—Facility Operations and Vessel Operations
- Small Business—Facility Operations and Vessel Operations
- Special Small Business
- Foreign Vessels

Additional information and eligibility details may be found on the VRP website at http://www.uscg.mil/vrp/news/WMB_award.shtml.

