

# Vessel Response Plan **QUALITY**

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

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## PLAN STATISTICS

Totals as of

December 2007

Tank	837
Nontank	2,359
Combined	58
SOPEP	2,594
SMPEP	570

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## VESSEL RESPONSE PLAN CERTIFICATION STATEMENTS AND PLAN DEACTIVATIONS

By LCDR Rob Smith

### CERTIFICATION STATEMENTS

The owner or operator of vessels required to have tank and nontank vessel response plans (VRPs) must certify that the VRP meets the applicable requirements of Title 33 Code of Federal Regulations (CFR) Part 155 (tank) or Title 33 United States Code (USC) Section 1321(j)(5)(D) (nontank). The Coast Guard does not accept the certification statement required by Title 33 CFR Part 155.1065(b) and Title 33 USC Section 1321(j)(5)(D) from third parties acting on behalf of vessel owners or operators unless this certification is accompanied by a valid power of attorney. Each submitted power of attorney will undergo full legal review by the Coast Guard for compliance with the Federal Water Pollution Control Act (FWPCA) statute and the applicable CFR regulations. The purpose of the required certification statement is for a vessel owner or operator who is required to hold an approved vessel response plan to include a statement that the plan meets the applicable VRP subparts of 33 CFR 155 (Subpart D – oil tank vessels; Subpart E – TAPAA - Prince William Sound; Subpart F – Animal fats and vegetable oils; and G – Non-petroleum oils) and shall

include a statement indicating whether the vessels covered by the plan are manned vessels carrying oil as a primary cargo, unmanned vessels carrying oil as a primary cargo, or vessels carrying oil as a secondary cargo. It is critical that this certification statement be legibly signed by a responsible individual who is a duly authorized and a designated representative of the named ves-

***“...the Coast Guard does not accept the certification statement required by Title 33 CFR Part 155.1065(b) and Title 33 USC Section 1321(j)(5)(D) from third parties...”***

sel owner or operator. Because the required certification statement communicates the owner or operator’s compliance with federal vessel response plan requirements, it is neither prudent nor authorized for a third party to submit the required VRP certification statement to the Coast Guard on the owner or operator’s behalf.

The required certification statement is central to the self-certification process that conveys that the applicable response resources (oil spill removal organizations (OSROs), salvage and marine firefighting, lightering, shoreline protection, etc.) have been ensured available by contract or other approved means to respond to a worst case discharge from a vessel. (See the definition of “By contract or other approved means” in 33 CFR 155.1020.) This certification statement is required along with first time submissions, renewals or revisions/amendments as per 33 CFR 155.1070(c)(1) - (9)

### PLAN DEACTIVATIONS

As stated above, a party who submits the certification statement which accompanies a VRP is recognized by the Coast Guard as the plan holder. In that regard, only the plan holder may request that their plan be placed on inactive status. When a VRP is no longer required and a plan holder wishes to deactivate their plan, the commercial VRP plan preparer, consultant, writer or facilitator IS NOT authorized to deactivate the VRP.

(con’t on p. 6)

## VRP Exercises and Drills

By MST2 Matt Ferraro

We all recognize the importance and value of exercising. It keeps you in practice, it keeps you fit, and in the case of your VRP it ensures readiness and functionality of your plan. We all want responses to be effective and efficient. Exercising your plan is the best way to make sure you are ready if you have a spill.

While you can exercise your plan more frequently in order to meet your companies needs, the following excerpt from 33 C.F.R. 155.1060 details the minimum requirements for completing exercises: A vessel owner or operator required by Section 155.1035 (requirements for manned vessels carrying oil as primary cargo) and 155.1040 (requirements for unmanned tank barges carrying oil as primary cargo) to have a response plan shall conduct exercises as necessary to ensure that the plan will function in an emergency. Both announced and unannounced exercises must be included.



***The following are the minimum exercise requirements for vessels covered by this sub-part:***

- Qualified Individual (QI) notification exercises, which must be conducted quarterly;
- Emergency procedures exercises, which must be conducted quarterly;
- Shore-based spill management team tabletop exercises, which must be conducted annually. In a triennial period, at least one of these exercises must include a worst case discharge scenario;
- Oil spill removal organization equipment deployment exercises, which must be conducted annually; and
- An exercise of the entire response plan, which must be conducted every 3 years. The vessel owner or operator shall design the exercise program so that all components of the response plan are exercised at least once every 3 years. All of the components do not have to be exercised at one time; they may be exercised over the 3 year period through the required exercises or through an area exercise.
- Annually, at least one of the exercises listed as per the adjacent table, must be unannounced. An unannounced exercise is one in which the personnel participating in the exercise have not been advised in advance of the exact date, time, and scenario of the exercise.

A vessel owner or operator shall participate in unannounced exercises, as directed by the Coast Guard COTP. The objectives of the unannounced exercises will be to evaluate notifications and equipment deployment for responses to average most probable discharge spill scenarios outlined in vessel response plans. The unannounced exercises will be limited to four per area per year, an area being that geographic area for which a separate and distinct Area Contingency Plan has been prepared, as described in the Oil Pollution Act of 1990.

A vessel owner or operator shall participate in area exercises as directed by the applicable on-scene coordinator. The area exercises will involve equipment deployment to respond to the spill scenario developed by the exercise design team, of which the vessel owner or operator will be a member.

The vessel owner or operator shall ensure that adequate exercise records are maintained.

A company may also comply with the PREP guidelines to satisfy all exercise requirements.

As per U.S. regulations, the Qualified Individual (QI) or the Alternate QI has the full authority to activate and engage oils spill removal organization(s) and other response related resources. The adequacy of the prepared response plan remains the responsibility of the owner or operator. How well, and timely, the emergency procedures are executed can be critical factors in response activities.

Please refer to VRP Exercises and Drills table on page (3) for quick reference.

***Practice, Practice, Practice!***

## Combining Vessel Response Plans (U.S. Flagged Vessels)

By David Gibson and Vicki Grafton



Many plan holders own, operate, and/or manage vessels which require different response plans. They may be required to submit Tank Vessel Response Plans (TVRPs), Nontank

Vessel Response Plans (NTVRPs), Shipboard Oil Pollution Emergency Plans (SOPEPs), and/or Shipboard Marine Pollution Emergency Plans (SMPEPs). These plan holders have the option of submitting separate plans for each vessel and/or requirement, or submitting a single combined plan as long as the plan meets all of the regulations and requirements as provisioned for in 33CFR151.27(d).

If a plan holder wishes to receive both TVRP and NTVRP approval, they may submit a plan which meets the requirements of 33 CFR Part 155. The tank vessels in the plan will receive approval letters valid for five years and the nontank vessels in the plan will receive Interim Operating Authorization letters valid for a period of 2 years.

If a plan holder wishes to receive both TVRP and SOPEP approval, they may submit a plan which meets the requirements of 33 CFR 155 and 33 CFR 151.27(d). The vessels in the plan will receive both tank and SOPEP approval letters valid for five years.

If a plan holder wishes to receive both NTVRP and SOPEP approval, they may submit a plan which meets the nontank requirements outlined in Title 33, United States Code (U.S.C.), Section 1321 (j)(5) as amended by the Coast Guard and Maritime Transportation Act of 2004, as well as the SOPEP requirements outlined in 33 CFR 151.26. The nontank vessels will receive Interim Operating Authorization letters valid for two years, and the SOPEP vessels will receive approval letters valid for five years.

In addition, if a SMPEP is required in place of a SOPEP, the requirements outlined in 33 CFR 155.1030(j) must be met, along with the SMPEP requirements mandated by MARPOL 73/78 under regulation 17 of Annex II and outlined in NVIC 03-04. Also if a plan holder has some vessels that require TVRP and SOPEP/SMPEP approval, while others only require SOPEP/SMPEP approval, the plan holder may still take advantage of 33 CFR 155.1030(j) for all vessels in their fleet.

In order to avoid confusion and possible delay, plan holders are encouraged to clearly state in their cover letter and plan which type of review they are requesting and which vessels are being submitted for TVRP, NTVRP, SOPEP and/or SMPEP approval.

While the choice of how plans are submitted for review rests with the plan holder, the USCG has found that combining all vessels into a single plan streamlines the review and update process and reduces paperwork.

### VRP Exercises and Drill Table

Frequency	Exercise Requirements
Quarterly	Qualified individual notification Emergency procedures exercises *
Annual	Oil spill removal organization equipment deployment exercises * Shore-based spill management team tabletop exercises
Triennial	Worst Case Discharge scenario for shore-based spill management team tabletop exercises An exercise of the entire response plan.

\* Annually, at least one of these exercises must be unannounced.



## 2008 USCG William M. Benkert Marine Environmental Protection Award

The USCG is now accepting applications and nominations for the 2008 William M. Benkert Award for Environmental Excellence. This environmental award is named for Rear Admiral William M. Benkert (1923 - 1989), who served at Coast Guard Headquarters in Washington, DC as Chief of the Office of Marine Environment and Systems, from 1972 until 1974, and as Chief of the Office of Merchant Marine Safety from 1974 until 1978. He is fondly remembered as the father of the Coast Guard's Marine Environmental Protection Program.

The Benkert Award was created to recognize outstanding achievements in marine environmental protection that go beyond mere compliance with industrial and regulatory standards. It is intended to be a creative exchange of ideas and innovations to everyone's benefit. It serves as a map for assessing environmental management strengths and weaknesses while stressing a continual improvement.

2006 Award winners were Ocean Holdings, Inc., Matson Navigation Company, Dow Chemical, British-Petroleum, Marathon Petroleum, Od-fjell Terminals and Todd Shipyard.

The 2008 Benkert Awards will be presented during the American Petroleum Institute Tanker Conference in San Diego, CA in June of 2008 at the Rancho Bernardo Inn.

This Award is now processed within the Office of Vessel Activities, CG-5431. For additional information and for submission guidelines go to: [www.uscg.mil/hq/g-m/mor/mor-1/benkert\\_award/overview.htm](http://www.uscg.mil/hq/g-m/mor/mor-1/benkert_award/overview.htm).



***The VRP staff welcomed Captain Stephan A. Mort*** aboard on October 1, 2007. Stephan is assigned the responsibility for oversight of the program's IMO Plan (SOPEP and SMPEP) area. This includes interpretation of international policy, policy development and enforcement related to foreign and affected domestic vessels trading in U.S. ports. Stephan is a licensed U.S. Coast Guard Captain of 3000 GT ITC and former Vice President of Maritime Operations of a leading Open Registry. He holds ISO 9001-2000 Lead Auditor Certification, International Ship and Port Facility Security (ISPS) Code Company and Ship Security Officer Certification, and International Safety Management (ISM)

Code auditor Certification. Stephan retired from the U.S. Coast Guard in 1998 as a Master Chief Quartermaster and has since been involved in a variety of maritime operations including Large Passenger Vessel and Large Commercial Yacht command, training officer for High Speed Operating Craft and ship and yacht statutory surveys and safety inspections on behalf of various flag administrations.

## 2007 TECHNICAL UPDATE OF 33 CFR PART 3

By Richard Musto and Jennifer Heinonen

With the publication of technical amendments to 33 CFR Part 3 (See- [72 Federal Register 36316, July 2, 2007](#)), the USCG Captain of the Port (COTP) zone boundaries were updated to reflect the introduction of Sector Commanders. Due to the regulatory changes, Vessel Response Plans (VRPs) will need to be amended. Plan Holders and Plan Preparers have up to one year to revise their Geographic-Specific Appendices (GSAs) to align with the 33 CFR Part 3 technical amendments.

*Items to consider when reviewing your vessel response plan include:*

1. Not all COTP names have changed.
2. There are two newly created COTP zones: COTP North Carolina and COTP Key West.
3. Paducah, Huntington, Cleveland, Toledo and Chicago no longer have COTP authority and are now considered Alternate Classification Cities for COTP Ohio Valley, COTP Ohio Valley, COTP Buffalo, COTP Detroit and COTP Lake Michigan respectively.
4. In certain Sectors, a number of COTP zones are within the geographic boundaries of other COTP zones. If you do not wish to operate in one of these COTP zones, your plan must specifically state that your vessel (s) does not intend to operate in this COTP zone. For example, COTP Cape Fear River is geographically encompassed by COTP North Carolina. If your plan only lists COTP North Carolina, your plan will be reviewed for both COTP North Carolina and COTP Cape Fear River. If you do not operate in COTP Cape Fear River and do not want your plan evaluated for this COTP zone, your plan must be amended to state this.
5. Certain COTP zones contain Alternate Classification Cities (ACCs). Your plan will be reviewed for all ACCs that are part of the COTP zones listed in your plan, unless your plan specifically states that your vessel(s) does not operate within that ACC. If you wish to only operate in a particular ACC within the COTP zone, your plan must also be amended to state this.
6. Closely review OSRO coverage for the Key West COTP zone.
7. All plans resubmitted for their 5 year review will be required to be updated to reflect the changes noted in the above-referenced technical amendments.
8. All new plans submitted for review will be required to reflect the changes noted in the above-referenced technical amendments.



For further information and guidance concerning the technical amendments to 33 CFR Part 3, please visit [http://www.uscg.mil/vrp/news/zone\\_change.shtml](http://www.uscg.mil/vrp/news/zone_change.shtml).

## Vessel Response Plan Certification Statements and Plan Deactivations (con't from p. 1)

Only a vessel owner or operator may submit notification to the USCG that their plan is to be placed on inactive status. Requests from plan preparers to deactivate a plan will neither be accepted nor reviewed. Instead, the plan preparer is requested to notify the USCG of all services previously provided which have been terminated (plan preparation, Qualified Individual, Spill Management Team, OSRO contracts, etc.).

## INDUSTRY VRP CORRESPONDENCE

*The USCG VRP review program needs your assistance to ensure your correspondence is delivered in a timely basis.*



For fast service E-mail VRP Staff at [vrp@uscg.mil](mailto:vrp@uscg.mil)

To check plan status call (202) 372-1209

Call the Help Desk if you need further assistance at (202) 372-1229  
Monday-Friday 8:00am – 4:00pm EST

For routine questions, check the FAQ section of our website at

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

All written correspondence, including plans / revisions, must be sent to the following mailing address:

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

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