

INDUSTRY GUIDANCE

Oil Spill Response Plans for Non-Tank Vessels Per USCG NVIC 01-05

Introduction:

Many vessels will need to have oil spill response plans by August 9, 2005. A company fleet can have one plan, with additional vessel-specific information. This is already law, and is not negotiable without Congressional action.

Applicability:

All vessels over 400 gross tons ITC are subject to this new requirement. ITC tonnage measures the actual enclosed volume of the vessel. Unlike the regulatory tonnage that most owners are familiar with, there are very few loopholes available in the ITC tonnage measurement. You cannot exempt spaces with tonnage openings, deep frames, or any of the other traditional tricks of regulatory tonnage work.

Some examples of vessels that are over 400 gross tons ITC are:

- 120' X 35' focsle tugboat, approx. 490 tons
- 100' X 30' passenger catamaran (2 decks), approx. 430 tons
- 160' X 34' shelterdecked longliner, 868 tons

Interim Plans:

The USCG has not issued the final regulations for what the plans need to contain. In fact, they haven't even issued a notice of proposed rulemaking, which is the first step in the process. However, they have issued NVIC 01-05, which gives guidelines on interim plans and gives an indication of where they want to go with the final rules. When an owner submits an interim response plan for approval, the USCG will issue a temporary authorization to operate the vessel, good for up to two years.

The interim plans must:

- Be consistent with National and Area Contingency Plans
- Identify the qualified individual who can begin an oil spill response. This person must be available 24/7 and must have the authority to begin removal actions, notify Federal officials, notify oil spill response organizations, and commit company funds to the cleanup. This person should have an alternate or backup, although it isn't required. Third-party organizations can do this job as well.
- Identify the oil spill response organization(s) that will respond to spills in all of the waters that the vessel operates in. The response organization must be capable of responding to a spill of the total fuel capacity of the vessel, and must be under contract to the vessel owners when the plan is submitted.
- Describe the training, equipment testing, drills, and response actions of people of vessel and shoreside personnel to ensure the safety of the vessel and mitigate or prevent oil spills.
- Be updated periodically.
- Be resubmitted for approval of any significant change.

Pieces Already in Place:

Many vessel owners, especially of vessels over 300 gross tons (regulatory), probably already have pieces of this plan in place. Vessels over 300 GRT are already required to have a response plan for Washington waters. In most cases, this means being a member of the Washington State Maritime Cooperative. WSMC maintains a spill response contract with oil spill response organizations, and will initiate the cleanup effort on being notified.

Owners that operate in Alaska with vessels over 400 gross tons (regulatory) must have already filed a spill response plan with the Alaska Department of Environmental Conservation. The owner must have an agreement with an approved oil spill response organization to comply with this plan.

These two requirements help larger vessel owners comply, since they have already done some of the legwork.

What's Coming:

In NVIC 01-05, the Coast Guard gave some indication of where they are going with the response planning regulations, based on adapting existing regulations for tankers. Keep in mind that these are preliminary ideas, and may be changed in the final regulations. Since many of these requirements are unreasonable or impossible to meet, we strongly recommend that all vessel owners make comments during the regulatory comment period and work with their representatives in Congress if possible. Some highlights of requirements beyond the items listed for temporary plans are listed below:

- Identify procedures for performing damaged stability and hull strength calculations (by crew or by personnel available 24/7 ashore).
- Identify the organizational structure to be used to manage response actions.
- Identify all geographic locations that the vessel will operate in, and any differences in procedures or contact information for those areas.
- Include or identify locations of vessel-specific information, including arrangements of tanks and piping systems, structural drawings, and MSDS's for all oil products carried.
- Identify oil spill response equipment available to respond to spills during oil transfers including transfers on board the vessel. This equipment must be available within two hours if the transfer occurs within twelve miles from **shore** (not port) and within one hour plus (distance from shore divided by five) hours if the transfer occurs more than twelve miles from shore.
- Identify spill response equipment that will respond to spills during normal vessel operations. The equipment must be distributed so that it can be on site anywhere the vessel operates within 24 hours for areas within 38 miles of **shore**, and 24 hours plus travel time for areas beyond 38 miles from **shore**.
- If the vessel carries more than 105,000 gallons of oil, it must identify spill response equipment to respond to a spill of up to its entire oil capacity within the same time limits listed above. The plan must also cover shoreline protection and cleanup equipment and procedures.
- Identify salvage and firefighting companies/equipment that would respond to the vessel if needed. This equipment must be in the nearest port to the operating area within 24 hours of notification.
- Meet additional requirements if the fuel specific gravity is more than 1.0 (crude oil and possibly some heavy fuel oil).
- All equipment specified in the plan must be secured by contract if it is not owned by the vessel owner.

What Jensen Can Provide:

JMC is available to assist vessel owners in:

- Writing spill response plans in cooperation with the vessel owner, including contacting and receiving quotes from oil spill response organizations if needed.
- Writing fuel oil transfer procedures and Shipboard Oil Pollution Emergency Plans (SOPEPs)
- Providing 24-hour stability and vessel strength calculations.

If you would like more information on any of these items, please contact JMC at (206) 284-1274 or ebлумhagen@jensenmaritime.com.

Useful links:

WSMC: <http://www.wsmcoop.org/>

Alaska DEC Contingency Plan: <http://www.state.ak.us/dec/spar/ipp/fvplans.htm>

USCG NVIC 01-05: <http://www.uscg.mil/hq/g-m/nvic/NVIC%2001-05.doc.pdf>

What We Need:

In order for JMC to begin work on a spill response plan, we will need some information. For many of our clients, we will already have some of this information in our files.

- Vessel information (name, call sign, capacity plan, operating areas, etc.)
- Company information (qualified contact person to begin response operations, training procedures, drill procedures, etc.)
- Copy of any existing oil spill response plans (SOPEP, FO Transfer Procedure, WSMC membership, Alaska plan, etc.)
- Information on any existing contracts with Oil Spill Response Organizations