

# **ECM MARITIME SERVICES, LLC 2022 IMT TTX PROGRAM**



**Japan – Tokyo, Imabari, Kobe  
April 2022**



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## Administration

- Registration - Please ensure you have signed in on the registration Sign-in Sheet.
- The IMT TTX manual will be available via the QR posted at the beginning, during the breaks and at the conclusion of the exercise. Hard copies will also be available.
- Company Name - NOTE: If you are representing a company other than the one named on the Sign-in Sheet, or more than one company, please identify the company(ies) on a blank line on the last page(s) of the Sign-in Sheet. Please be sure to write legibly.



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## Administration

### Post-Drill Documents

- Debrief Report
- Certificate
- Self-Certification Letter template
- PREP Core Components
- California Drill Credit Letter will be emailed to you once the materials are ready.



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## Why is a Tabletop Exercise (TTX) Required?

Under U.S. federal and California state law, a vessel owner or operator must:

- Annually conduct an exercise of its VRP with its IMT (ECM) to ensure it will function in an emergency incident.
- Receive USCG PREP (under OPA 90) and California exercise credit (if applicable).



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**California Drill Credit Letters**

- ECM will conduct an exercise with OSPR on May 2, 2022
- Drill credit letters from California Department of Fish and Wildlife (OSPR) will be forwarded once received. Expected in Summer 2022.

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**IMT TTX Topics**

- Actions taken by the vessel
- Actions taken by the ECM as your QI
- Actions taken by your Crisis Management Team
- On-going response issues

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**INCIDENT LOCATION – HAMPTON ROADS**

MV AMSTERDAM EXPRESS collision site

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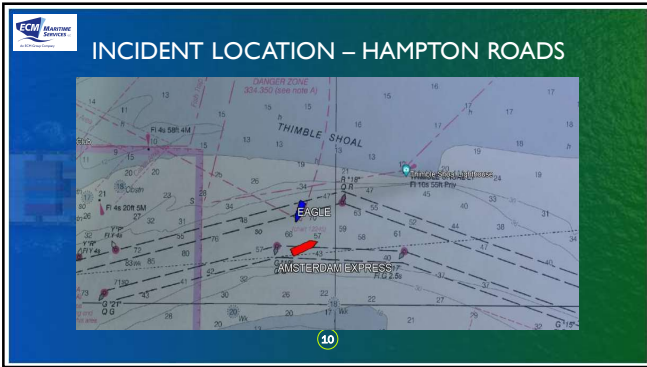
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### IMT TTX SCENARIO

- The fully loaded container ship M/V AMSTERDAM EXPRESS is outbound from Portsmouth Marine Terminal. The vessel has passed the Hampton Roads Bridge Tunnel and is entering the Thimble Shoal Channel.
- The bulk carrier M/V EAGLE is transiting the Thimble Shoal Channel just west of the Chesapeake Bay Bridge Tunnel inbound to offload at Newport News Marine Terminal. The EAGLE approaches Buoys 17 and 18 while the AMSTERDAM EXPRESS moves past Buoys 21 and 22.
- The pilots of the two vessels contact each other by VHF radio and agree on a port-to-port pass near the turn in the shipping channel at Buoy 19.

The map shows the vessels M/V EAGLE (blue arrow) and M/V AMSTERDAM EXPRESS (red arrow) in the Thimble Shoal Channel. A yellow circle with the number 11 is at the bottom center of the map.

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### IMT TTX SCENARIO

- At 0530, the Master of the EAGLE suddenly receives a call from the Chief Engineer reporting a large fire has broken out in the engine purifier room. The vessel begins to drift off course as the bridge crew is distracted by the engine room emergency.
- The pilot of the AMSTERDAM EXPRESS notices that the EAGLE is off course and attempts to contact the container ship to no avail.
- The pilot of the AMSTERDAM EXPRESS has limited maneuvering room in the channel but orders the helmsman to alter course to starboard to avoid a collision with the EAGLE.

The map shows the vessels M/V EAGLE (blue arrow) and M/V AMSTERDAM EXPRESS (red arrow) in the Thimble Shoal Channel. A yellow circle with the number 12 is at the bottom center of the map.

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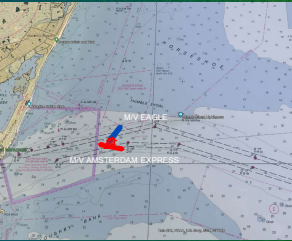
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**IMT TTX SCENARIO**

- The pilot of the EAGLE finally realizes the problem and orders a series of right rudder commands to prevent a collision. Despite the actions of both pilots, the bow of the EAGLE strikes the AMSTERDAM EXPRESS on her midships port side near the No.6 port cargo hold and No.6 port heavy fuel oil tank.
- The EAGLE continues passing along the hull of the AMSTERDAM EXPRESS, causing further damage to cargo hold No.7 (P), No.7 (P) HFO tank and the engine room. The No.6 (P) HFO tank carries 452 m<sup>3</sup> (2843 barrels) of fuel oil and the No.7 (P) HFO tank carries 1383 m<sup>3</sup> (8699 barrels) of fuel oil.
- Water ingress is soon reported in both the No. 6 and No.7 cargo holds.



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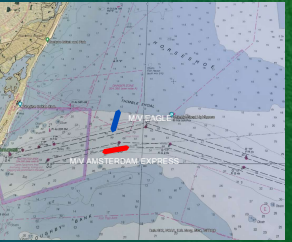
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**IMT TTX SCENARIO**

- The EAGLE suffers major damage in her forward bow area and drifts away after the collision. No oil spill is reported from the ship.
- The AMSTERDAM EXPRESS begins settling in the water and takes on a 5° list. Fuel oil immediately begins leaking into the water from the damaged tank and begins spreading with the incoming tides and current. The Master orders anchors dropped.
- The Master of the AMSTERDAM EXPRESS notifies USCG Sector Virginia on Channel 16. He immediately musters his crew and activates emergency response procedures including the vessel's response plan. The final position of the AMSTERDAM EXPRESS is 37°0'22"N, 76°15'17"W.



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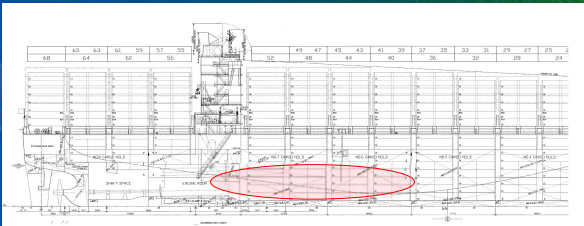
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**IMT TTX SCENARIO - HULL BREACHED / AMSTERDAM EXPRESS**



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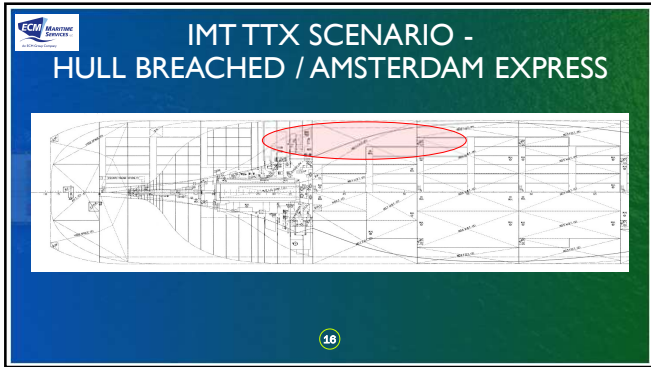
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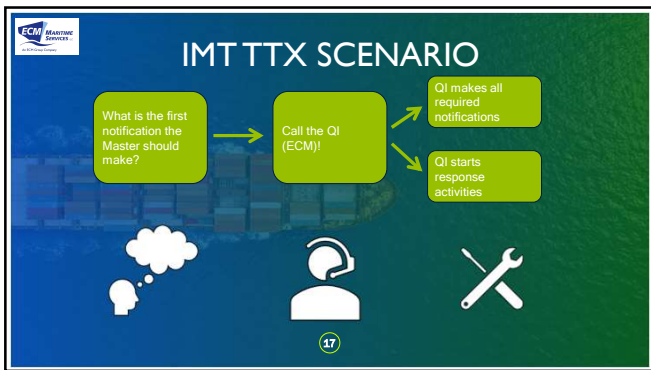
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**Consequences of Improper Notifications**

- QI/ECM response may be delayed
- Third parties (e.g., agents, pilots) may activate non-contracted resources
- USCG could assume responsibility
- Limit of liability could be removed
- USCG enforcement - fines, sanctions.

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### Master's Initial Notification to QI (ECM)

QI confirms actual spill and requests the following:

- Incident time and location
- Vessel name and IMO number
- Personnel injuries, fire or other emergencies
- On-scene weather
- Spill source identified
- Type of oil?

**U.S.A. EMERGENCY REPORTING PLACARD**

All oil and hazardous substance spills or threat of spills and all emergency-related emergencies must be reported **immediately** to:

**ECM MARITIME SERVICES, LLC**

24-hour Telephone: +1 202 207 2444 or +1 201 484 3208

AND

**USCG NATIONAL RESPONSE CENTER**

24-hour Telephone: +1 800 424 2002 or +1 202 267 2575

**Qualified Individuals:**

Chief Pilot	Engine Room	Manager, Michael
Deck Officer	Engine Room	Manager, Chris
Chief Mate	Engine Room	Manager, Bill
Chief Engineer	Engine Room	Manager, Morgan
Engine Room	Engine Room	Manager, Andrew

**QUARTERLY QI NOTIFICATION DRILL REQUIREMENTS**

In accordance with 33 CFR 101.105, 105.106 and 105.107, every U.S. Coast Guard-licensed vessel must have a qualified individual who can report an oil spill to the USCG. This person must be trained in the use of the USCG's National Response Center (NRC) and must be available to report an oil spill at all times.

These persons may be contacted by telephone, email **24 hours a day, 7 days a week**. All text areas are used to respond to the USCG's National Response Center (NRC) and to report an oil spill.

**Note:** Upon completion of the notification drill by email, the individual must check the time and date in your office log. **ECM will automatically update** the notification drill log for you. If you have a notification drill by email, you must report the time and date. If you have a notification drill by email, there is no need to follow up by email.

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### Master's Initial Notification to QI (ECM)

QI requests additional information:

- Capacity of damaged tanks
- If oil is in the water. If so, how large is the spill?
- Vessel's condition
- Who else has been contacted
- Master's contact information?



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### VRP Activation

Which situations require plan activation?

When resources and personnel available on board the vessel cannot meet the needs of an actual discharge or the substantial threat of discharge from:

- Oil spill
- Engine casualty
- Grounding
- Fire
- Flooding
- Collision/allision



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## VRP Notification Procedures

**2 US NORTHERN RIVER RESPONSE PLAN (NRRP)**

**2.1 NOTIFICATION PROCEDURES:**

2.1.1 **USCGC National Response Center:**

2.1.2 **State and Boundary State Agencies:**

2.1.3 **Local USCG Captain of the Port:**

2.1.4 **OSRO:**

2.1.5 **Owner / Operator / Manager:**

2.1.6 **P&I Club, Hull Underwriter:**

2.1.7 **Damage Stability / Class Society:**

**2. Qualified Individual:**  
(See Chapter 5.2)

**3. USCG National Response Center:**  
(See Chapter 9.2.2)

**4. State and Boundary State Agencies:**  
(See Chapter 9.2.4 & 9.2.5)

**5. Local USCG Captain of the Port:**  
(See Chapter 9.2.3)

**6. OSRO:**  
(See Chapter 9.3)

**7. Owner / Operator / Manager:**  
(See Chapter 10.4)

**8. P&I Club, Hull Underwriter:**  
(See Chapter 10.5 & 10.6)

**9. Damage Stability / Class Society:**  
(See Chapter 10.7 & 10.8)

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## Master's Contact Information

**Chapter 5 of NTVRP**

**5 US NORTHERN RIVER RESPONSE PLAN (NRRP)**

**5.1 LIST OF CONTACTS:**

5.1.1 **USCGC National Response Center:**

5.1.2 **State and Boundary State Agencies:**

5.1.3 **Local USCG Captain of the Port:**

5.1.4 **OSRO:**

5.1.5 **Owner / Operator / Manager:**

5.1.6 **P&I Club, Hull Underwriter:**

5.1.7 **Damage Stability / Class Society:**

**Chapter 9.2 of NTVRP (GSAs)**

**9.2 - 9.4**

Agency	Address	Phone	Fax	Website
USCGC National Response Center	1675 Wilson Blvd, Alexandria, VA 22304	703-440-8800	703-440-8801	www.uscg.mil/nrc
State and Boundary State Agencies				
Local USCG Captain of the Port				
OSRO				
Owner / Operator / Manager				
P&I Club, Hull Underwriter				
Damage Stability / Class Society				

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## IMT TTX Topics

Actions taken by the vessel

Actions taken by the ECM as your QI

Actions taken by your Crisis Management Team

On-going response issues

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**Initial Spill Notifications**

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M/V AMSTERDAM EXPRESS collision occurs

Master of AMSTERDAM EXPRESS Calls ECM (OI) under USCG VRP requirements

Who does the OI immediately notify?

ECM calls USCG NRC, Virginia DCA, local USCG Sector Virginia

Who else should the OI notify?

DPA, PAI Club, SMFF, OSRO

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DEQ VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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**USCG Expectations**

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**ECM's Initial Actions**

- Make required notifications
- Mobilize our IMT to the spill
- Establish coordinated response with USCG and Virginia Dept of Environmental Quality (DEQ)
- Establish an Incident Command Post (ICP)
- Provide initial briefing at ICP
- Use the Incident Command System for response

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### Incident Command System (ICS)

- Under U.S. Federal and State law, all oil and hazardous substance spills must be managed in a unified manner by the USCG, affected state(s), responsible party QI (ECM) and local government (if applicable) using the ICS.
- This management structure uses a Unified Command (UC).



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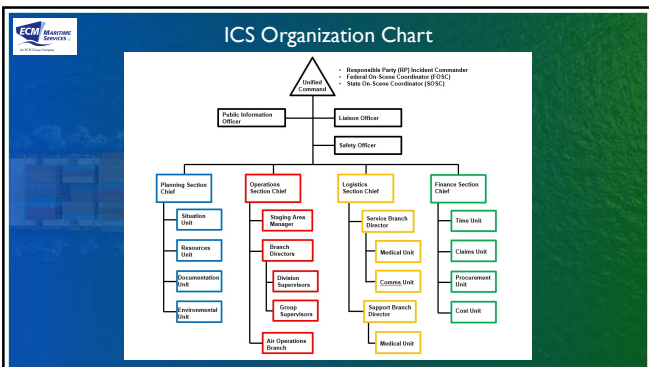
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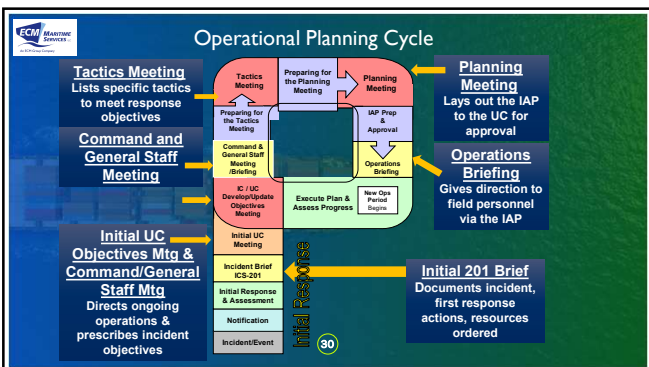
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### Initial Incident ("201") Briefing

- Purpose of initial briefing – provide status report on initial response actions and hand off responsibility to the Unified Command (RP IC – ECM, USCG, Commonwealth of Virginia and Local Representative).
- Includes initial objectives and response resources ordered.

5. Initial Response Objectives, Current Actions, Planned Actions	
<b>INITIAL RESPONSE OBJECTIVES</b>	
1.	Ensure the safety of vessel crew, response personnel and the public.
2.	Form a Unified Command organization to coordinate response activities.
3.	Secure the scene and immediate area surrounding grounding site.
3.	Secure/contain/contain spill source.
4.	Continue damage assessment and salvage related activities.
5.	Maximize oil recovery and aggressively respond to the spill to minimize impacts.
6.	Deploy OPRs & protection strategies as per Virginia Area Contingency Plan.
7.	Keep stakeholders/public informed in a timely manner.

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**ECM Maritime Services**

### Initial Spill Response Resources

First response assets on-scene in first 2 - 4 hours:

- 7 skimmers
- 26,940' containment boom
- Personnel
- Response Boats
- Response Trailer
- Portable barge
- Tugs (2)

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**ECM Maritime Services**

### Trajectory of Fuel Oil In First 12 Hours

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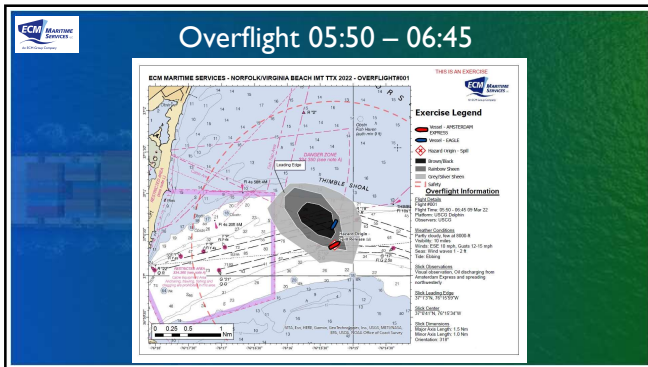
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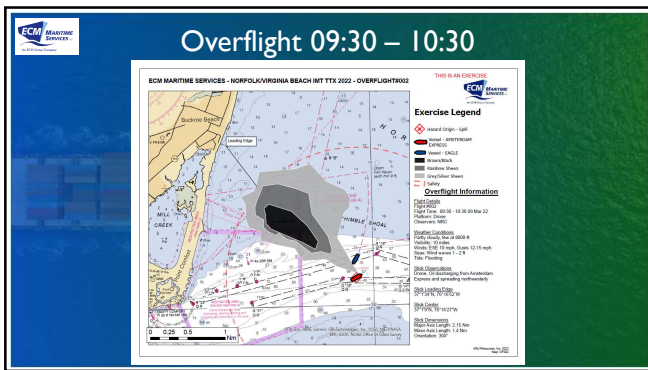
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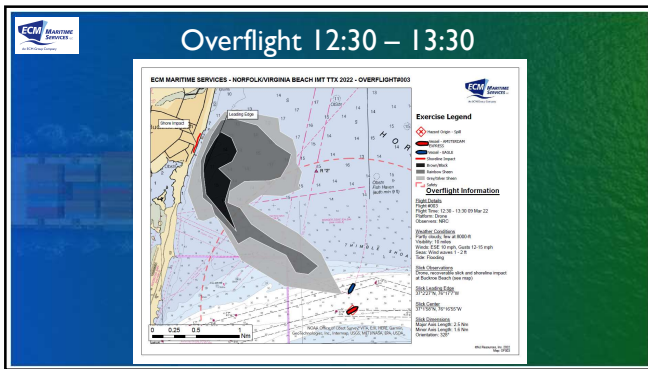
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### SMFF – Notification and Information Needs

- QI Immediately notifies SMFF provider so a remote assessment can be done with the Master
- SMFF provider needs technical information from the vessel Master or owner/operator including:
  - Trim and stability booklet
  - Capacity/general arrangement plans
  - Ship model, if available
  - Vessel loading condition (e.g., cargo, ballast tanks)
  - Vessel draft readings
  - On-site weather




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**ECM Maritime Services**

### Salvage Plan

- Damage assessment is underway:
  - Vessel is stable in current position
  - Breach in hull
- Salvage plan includes:
  - Safety plan
  - Refloat plans
  - Engineering assessment
  - Temporary repair plan
  - Environmental conditions
  - Tow plan
  - Dive plan



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### Salvage Plan

- Conduct lightering from #6 & #7 port fuel oil tanks
- Conduct dive assessment
- Evaluate topside damage
- Develop temporary repair and patching plan



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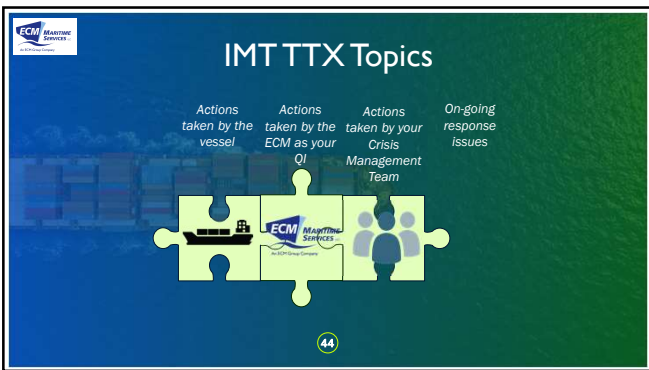
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### Crisis Management Team Actions

- Status of SMFF response?
  - Are they communicating with the vessel and CMT?
  - Are they being provided all necessary information? Who is coordinating operational and contracting issues with the SMFF? With H&M?
  - The QI will coordinate these issues with the SMFF provider and the company.
- Contact media representative, set up webpage and phone number(s) to address concerns from crew's family and public.
  - Develop initial press statement.
  - Develop/distribute statement to Company staff for press inquiries.
  - Provide a copy to QI to review prior to release.




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### Crisis Management Team Actions

- Drug and Alcohol Testing
- What is the timeframe to conduct alcohol testing and obtain drug samples?
  - 2 hours and 32 hours, respectively
- Can the Master do drug sampling or is outside assistance required?
- Agent's role? QI's role?



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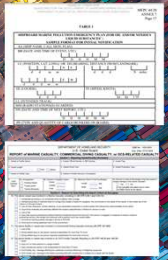
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### Crisis Management Team Actions

- Required Reporting
  - IMO report must be submitted to Flag
- USCG Form CG-2692 (new)
  - ECM recommends P&I attorney review CG-2692 before submission to USCG.
  - 5 days to submit



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### Owner/Operator On-Site Attendance

- Is the company sending someone to the U.S.?
  - If so, what is their role - technical support, project management, media, incident response, etc.?
- Stay away from the incident command post (ICP) unless you want to engage press - they WILL want to talk to you.
- Your presence in the ICP might raise a question about who is in charge - the vessel owner/operator or QI?
- Appropriate to provide on-site technical support to the Master without becoming directly involved in spill response activities.



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### USCG Notice of Designation

**U.S. COAST GUARD**

Communications Officer  
U.S. Coast Guard Auxiliary Program  
4000 Coast Guard Blvd  
Ft Belvoir, VA 22060  
Primary Phone: (703) 453-2807

**“M/V AMSTERDAM EXPRESS is designated as the source pursuant to the Oil Pollution Act of 1990”**

**“You are liable for removal costs and damages, as specified in 33 USC 2702.”**

**“You must advertise the procedures by which persons that have claims for removal costs and damages may submit their claims to you.”**

Doc: 01 (Scope of Assignment and Content of Assignments)

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### USCG Captain of the Port Order

- Activate the Vessel Response Plan including salvage and marine firefighting (SMFF) resources.
- Provide the Captain of the Port with continual updates of the vessel's condition and provide stability calculations ASAP.
- Conduct routine soundings of all tanks and internal structures to monitor further damage and oil loss.
- Conduct an underwater hull survey and provide report to USCG.



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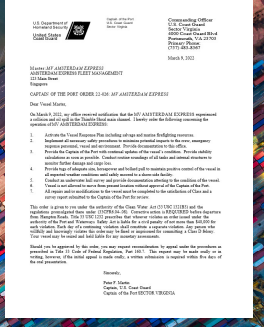
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### USCG Captain of the Port Order

- Vessel is **NOT** allowed to move without approval of the Captain of the Port.
- All repairs and/or modifications to the vessel must be completed to the satisfaction of Class and a survey report submitted to the Captain of the Port for review.
- Salvor must submit a proposed repair/salvage/transit plan to USCG for approval prior to vessel movement.
- Thimble Shoal ship channel is closed to marine traffic.



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### P&I Club Initial Roles

- Ensure all notifications and required activations completed
- Assist the vessel and crew
- Address 3<sup>rd</sup> party claims – establish procedure
- Conduct a thorough investigation
- Support their clients throughout the process



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### Social Media Recommendations

Social media from both local citizens and from crew members play an important part in the response.

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Remind crew of social media policy

It is important to control the flow of information, so we are sure the proper information is going out.

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A media consultant can respond to media questions and monitor what is going on in the media – including social media.

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## Social Media Recommendations

**Don't release/post photos or videos on any social media platforms.**

**Don't discuss the response and/or incident on any media platform.**

- Direct all questions from the media or public to the JIC, once it is formed.
- Contact your immediate supervisor or JIC if you have any questions.

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## Social Media in a Maritime Incident

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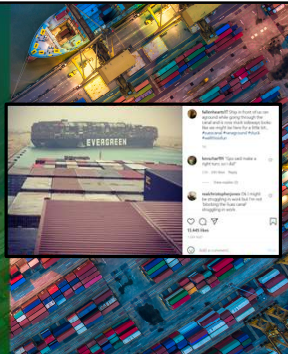
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## Crisis Media Recommendations

Have a designated media representative BEFORE THE INCIDENT. The following materials should be available for release:

- Company History & Mission Statement
- Executive Profiles
- Drug and Alcohol Policies
- Commendations for Days Without Incident
- Safety & Security Management Profiles and Performance



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### Crisis Media Recommendations

Press Conference/TV Interviews:

- Sharp dress and appearance.
- Be well rested.
- Be animated and attentive to the interviewer.
- Answer questions and present message within 30 seconds.




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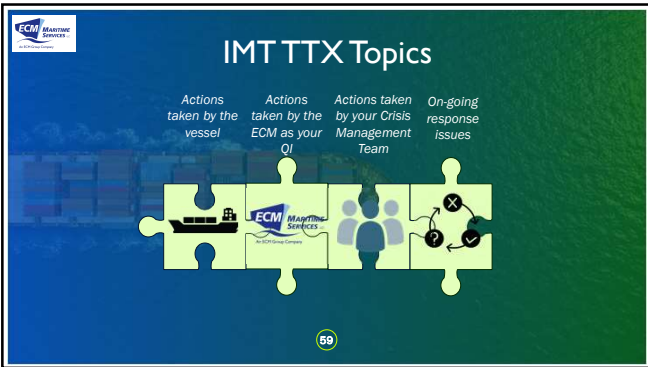
### IMT TTX Topics

Actions taken by the vessel

Actions taken by the ECM as your OI

Actions taken by your Crisis Management Team

On-going response issues

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### USCG & State Investigation

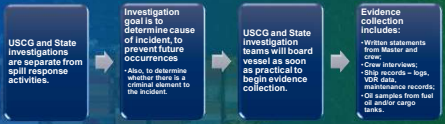

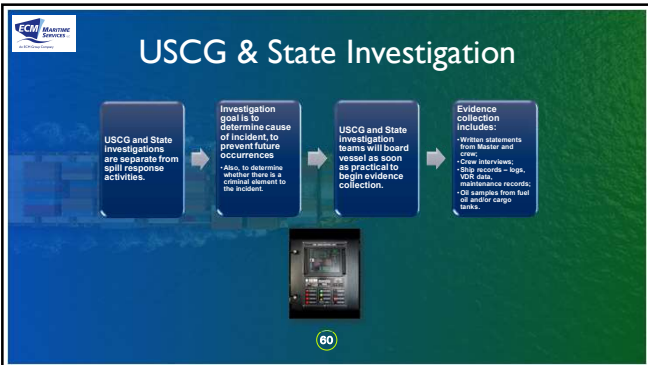
USCG and State investigations are separate from spill response activities.

Investigation goal is to determine cause of incident, to prevent future occurrences. Also, to determine whether there is a criminal element to the incident.

USCG and State investigation teams will board vessel as soon as practical to begin evidence collection.

Evidence collection includes:

- Written statements from Master and crew;
- Crew interviews;
- Ship records - logs, VDR data, maintenance records;
- Oil samples from hull oil and/or cargo tanks.

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### Wildlife

- Recovering and rehabilitating injured wildlife is specialized and labor intensive. It requires experts in the field.
- Animal survival rates have increased up to 90% when animals are recovered early.



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### Natural Resource Damage Assessment (NRDA) – What is it?


NRDA – Regulatory approach that places a monetary value on the environmental damages from a spill.

NRDA is a high priority for states and U.S. government.

NRDA monetary damages equal total costs of environmental losses (i.e., wildlife, habitat, public access) until the environment is fully recovered.

Very expensive and often exceeds spill cleanup costs.

May take 10 years or more to settle.



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### IMT TTX Topics

Actions taken by the vessel

Actions taken by the ECM as your OI

Actions taken by your Crisis Management Team

On-going response issues



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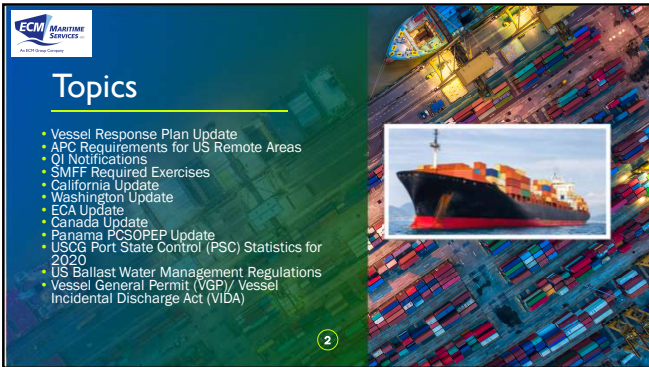
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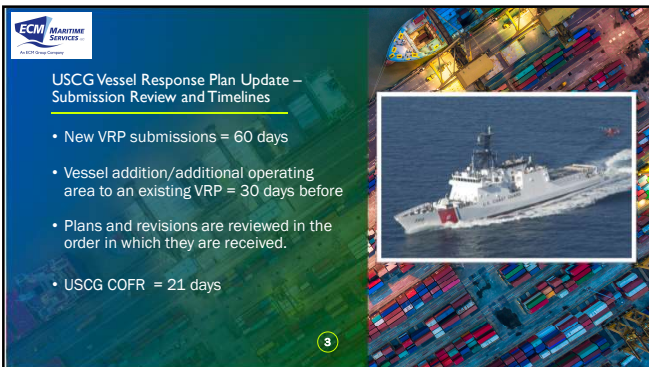
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**ECM MARITIME SERVICES**

### USCG Vessel Response Plan Update – Submission Review and Timelines

- Imperative to notify ECM of urgent ETAs when adding vessels
- Expedited requests are not accepted by the USCG
- A One Time Waiver (OTW) can be used if USCG VRP approval is not issued prior to arrival



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**ECM MARITIME SERVICES**

### How to Locate USCG VRP Approval Letters

USCG's Homeport Website:  
<https://homeport.uscg.mil/missions/vrp-status-board>  
 Search by Vessel Name or IMO #



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**ECM MARITIME SERVICES**

### Alternative Planning Criteria (APC): Western Alaska, Guam, & American Samoa



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## Western Alaska APC

Vessels operating in or transiting through Western Alaska COTP zone must be covered by an Approved APC

- Vessels operating within 200 nm of the shoreline and not in innocent passage must comply.
- Limiting latitude 47° 50' N
- There are currently 2 USCG approved APCs for Western Alaska




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## Western Alaska APC Providers

Alaska Chadux Network (ACN)

- Covers Tank and Non-Tank Vessels
- Includes entire Western Alaska COTP Zone
- Additional information available at: [www.alaskaosro.org](http://www.alaskaosro.org)

1-CALL Alaska

- Covers Tank and Non-Tank Vessels
- Includes entire Western Alaska COTP Zone
- Additional information available at [www.1callalaska.com](http://www.1callalaska.com)





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## Western Alaska

Vessels enrolled in an APC must also:

- Adhere to the APC Operating Procedures
- Obtain USCG approval for any deviation from prescribed routing measures
- Make timely notification of hazardous situation onboard and/or significant speed reduction

NOTE: IMO Areas To Be Avoided (ATBA) involving the Aleutian Islands apply to all vessels even those in innocent passage

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### Guam and American Samoa APC

- TVs & NTVs must arrange a contract with a local oil spill removal organization (OSRO)
- Adhere to any instruction from the local USCG regarding port conditions upon entry
- Obtain VRP approval letter with Guam and/or American Samoa included




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### Panama Canal Update




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### PCSOPEP Update

- PCSOPEPs to be submitted to the Panama Canal Authority (ACP) at least 96 hours prior to first Canal transit
- ECM automatically makes the PCSOPEP submission on your behalf - No action required by vessel or office
- Electronic Notice of Acknowledgement (NOA) issued by ACP directly to vessel, local agent & ECM prior to first Canal transit, after receipt of vessel's notice of arrival (new procedure for 2021)
- NOA valid for 4 years - ECM will resubmit PCSOPEP prior to expiration of current NOA
- New NOA will be issued by the ACP prior to next Canal transit, after expiration of existing NOA




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**ECM MARITIME SERVICES**

## Required Exercises – OPA 90 & State of California



Note: Refer to ECM GD-11

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**ECM MARITIME SERVICES**

## SMFF Exercises

SMFF regulations have 3 specific exercises that impact Plan Holders or Vessels:

- 1 **Remote Assessment and Consultation (RAC) exercise\* Initiated by the vessel.**
- 2 **Annual shored-based salvage management team exercise.**
- 3 **Annual shore-based marine firefighting management team exercise.**

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Note: Refer to ECM Client Alert 24-2018

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**ECM MARITIME SERVICES**

## RAC Exercises

Who must conduct a RAC Exercise?

- One vessel per plan holder must conduct a RAC Exercise once every three years
- Contact your SMFF provider directly for details on conducting the RAC exercise
- Chapter 7.2.6 of the VRP provides an overview of this exercise

NOTE: The RAC exercise may be conducted outside U.S. waters, if desired



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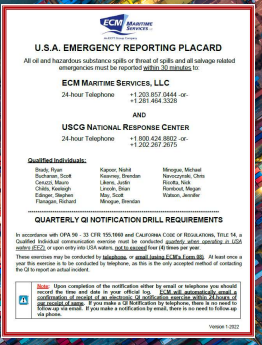
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## ECM Emergency Placard

- ECM Placard indicates Qualified Individual (QI) names
- To be used in the event of any emergency, not just oil spills
- Summary of QI Notification Requirements
- Must be posted on the bridge when operating in US waters



**U.S.A. EMERGENCY REPORTING PLACARD**  
All oil and hazardous substance spills or threat of spills and all leakage related emergencies must be reported using this placard to:

**ECM MARITIME SERVICES, LLC**  
24-hour Telephone +1 202 857 0444 or +1 202 454 3338

**AND**

**USCG NATIONAL RESPONSE CENTER**  
24-hour Telephone +1 800 424 3892 or +1 202 267 0179

**Qualified Individuals:**

Boris, Brian	Kayser, Mark	Wagner, Michael
Evans, Scott	Kearney, Brendan	Wendricks, Chris
Couch, Brian	Lane, Gabe	Wright, Rich
Chis, Vaughn	Lewis, Dan	Wynant, Megan
Chapman, Stephen	Mo, Scott	Yates, Andrew
Felipe, Richard	Wagner, Steven	

**QUARTERLY QI NOTIFICATION DRILL REQUIREMENTS**

In compliance with 45 CFR 16.12 (18) 165.1989 and 45 CFR 16.1204 (18) 165.1944, Qualified Individual (Notification) members must be notified, drilled, and trained at least once per quarter. These exercises may be conducted by teleconference or email. **ECM MARITIME SERVICES, LLC** will lead once a quarter and the exercise to be conducted by teleconference, on this is the only acceptable method of notifying QI to report an actual incident.

**Note:** Upon completion of the notification either by email or teleconference you should report the time and date in your official log. **ECM will document the results of notification and drill in the quarterly notification drill report.** If you receive a QI notification by teleconference, there is no need to change your exercise. If you receive a notification by email, there is no need to follow up by phone.

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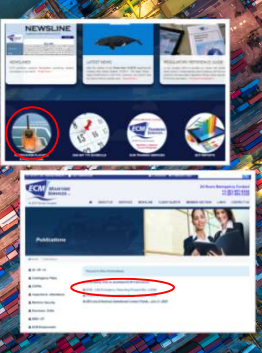
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## ECM Emergency Placard Download

- Go to [www.ecmmaritime.com](http://www.ecmmaritime.com)
- Click on Notification Placard and Publications
- Download the latest placard



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## California Update



Note: Refer to ECM GD-04

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### California Enhanced Oil Spill Penalties

Beginning in 2021, enhanced penalties for:

1. Failure to follow orders during an oil spill.
2. Failure to notify the Coast Guard that a vessel is disabled within one hour and vessel spills oil into marine waters.
3. Knowingly cause or should have known actions could cause an oil spill.
4. Knowingly fail to begin clean-up, abatement, or removal of spilled oil.

Enhanced penalties (if convicted) include:

- \$10,000 to \$1,000,000 for each violation for each day.
- Additional fine of \$1,000 for each gallon of oil spilled in excess of 1,000 gallons.

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### California Unannounced Notification Exercise

- California Inspectors may conduct unannounced exercises
- California Inspectors may provide the master with a pollution scenario to test the master's knowledge of the notification procedures
- Masters should contact ECM immediately for assistance with this exercise
- Required notifications must be completed within 30 minutes
- ECM, once notified, will conduct the required notifications

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### California New SMT Regulations




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**ECM Maritime Services**

### California SMT Requirements

- All plan holders must identify a certified SMT
- Requirements for certification include:
  - Minimum number of personnel
  - Training of the SMT
  - Meet California arrival time requirements
  - Conducting oil spill exercises in California



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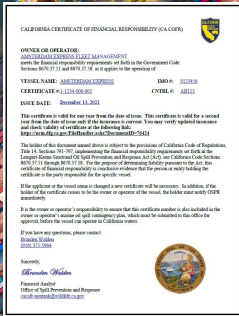
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**ECM Maritime Services**

### California Response Plan Requirements

- Tank and non-tank vessels must have an approved California Contingency Plan
  - Must apply at least five (5) working days prior to entering California
- Tank and non-tank vessels must have a valid California COFR
  - Must apply at least ten (10) calendar days prior to entering California



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**ECM Maritime Services**

### California COFR Requirement

- California COFRs are valid for two (2) years
- California COFR applicants are required to submit each vessel's renewed P&I Certificate of Entry/proof of pollution insurance each year to maintain validity
- Failure to do so will result in your COFR(s) being revoked



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**ECM MARITIME SERVICES**  
 4000 Harbor Blvd, Suite 200, San Francisco, CA 94133  
 Tel: 415.774.2200 Fax: 415.774.2201  
 www.ecm-maritime.com

### Southbound Santa Barbara Channel Transits and Port Hueneme Calls

**Southbound Santa Barbara Channel**

- NRC (fees apply) requires 24-hour notification
- MSRC (no charge) does not require notification

**Port Hueneme**

- NRC & MSRC provide Port Hueneme coverage (fees apply)
- Both NRC & MSRC require notification 24 hours in advance

\*Please ensure your vessel Masters are only contacting their contracted OSRO




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 www.ecm-maritime.com

### California Biofouling Regulations\*

**From January 1, 2018:**

- Biofouling Management Plan required. Must include:
  - o anti-fouling coatings
  - o dry dock schedule
  - o vessel operating speeds
  - o intended operations
  - o anti-fouling coating dry thickness
  - o effective lifespan
- Must maintain a Biofouling Record Book

\* ECM's Biofouling Management Plans and Appendix comply with MEPC 207(62) and CA regulations

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 www.ecm-maritime.com

### California Biofouling Regulations

- Conduct biofouling management of the vessel's wetted surfaces
- Conduct biofouling management for vessels that undergo an extended residency (45 days in one location)

Note: See ECM Client Alert 24-2017




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**ECM Maritime Services**

### Ballast Water Exchanges Pacific Coast Region (PCR)

- New Definition:** All coastal waters (within 200 NM of land) on the Pacific Coast of North America, east of 154° W and north of 20° N, including the Gulf of California

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**ECM Maritime Services**

### Ballast Water Exchanges Pacific Coast Region (PCR)

- Arrivals from outside PCR
  - Exchange > 200 NM, 2000 M depth
- Arrivals from within PCR:
  - Ballast water from within PCR - Exchange > 50 NM, 200 M depth
  - Ballast water from outside PCR - Exchange > 200 NM, 2000 M depth

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**ECM Maritime Services**

### Ballast Water Exchanges Pacific Coast Region (PCR)

- ALWAYS** measure distances from outermost island, rock formation, etc.

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**California BW Management Penalties**

Voyages that originate outside Pacific Coast Region*			
Exchange in waters between 200 NM and 180 NM from land	Exchange in waters between 180 NM and 100 NM from land	Exchange in waters less than 100 NM	No exchange
Up to \$5,000 per tank	Up to \$10,000 per tank	Up to \$20,000 per tank	Up to \$27,500 per tank
Voyages that originate within the Pacific Coast Region*			
Exchange in waters between 50 NM and 45 NM from land	Exchange in waters between 45 NM and 25 NM from land	Exchange in waters less than 25 NM	No exchange
Up to \$5,000 per tank	Up to \$10,000 per tank	Up to \$20,000 per tank	Up to \$27,500 per tank

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**California Marine Invasive Species Program (MISP)**

- On January 1, 2022, the California State Lands Commission (CSLC) formally adopted the Federal (USCG) Ballast Water Discharge Standards contained in 33 CFR 151 Subparts C and D, as well as the 2013 Vessel General Permit (VGP).
- No new requirements, provided vessels already comply with existing US ballast water management regulations.
- CSLC inspectors may collect and analyze ballast water and sediment samples for research purposes and must be given access to ballast water tanks and sampling ports when feasible.

Refer to ECM Client Alert 3-2022 for more information

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**California Marine Invasive Species Program (MISP) Fee**

- Funds are used to prevent the spread of marine invasive species.
- Currently \$1,000 per voyage
  - Voyage is arrival to a California port from outside of California waters
- Can be paid by your agent if authorized.
- ECM can assist if the fee is not handled by your agent.
- Payment can be made online via the [MISP Fee portal](#).



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### California Marine Invasive Species Program Annual Vessel Reporting Form (AVRF)

California's Marine Invasive Species Program Annual Vessel Reporting Form (AVRF) can only be submitted online, via SLC's web portal found at <https://misp.io/>. Email submissions are no longer permissible.

The process includes:

1. Registering on the website
2. Adding the vessel to your account
3. Creating an Annual Vessel Report
4. Answering 17 questions
5. Submitting the report

**Note:** See *Client Alert 21-2020*

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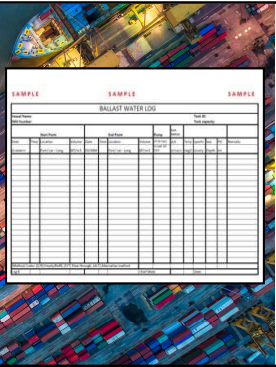
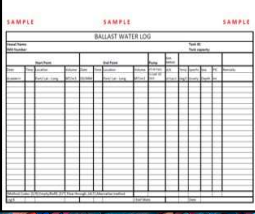
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### Ballast Water Log Requirements: California, Oregon and Washington

- These states require:
  - -Ballast water log/record book showing ballast activities for **each** ballast water tank
  - -The documentation be available onboard for inspection for two years
- Oregon and Washington also require logs/records document the exact time and position of the start and stop of ballast water operations for **each** tank.

**Note:** See *Client Alert 16-2019*

SAMPLE			SAMPLE			SAMPLE		
BALLAST WATER LOG								
Date	Time	Location	Action	Volume	Remarks	Date	Time	Location

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### California Air Resources Board (CARB) Fuel Regulations

- CARB regulations remain in force until further notice
- CARB only permits the use of distillate fuel with a maximum sulfur content of 0.1% within Regulated California Waters (RCW)
- The RCW extends out to 24 miles from the coastal baseline, including islands, rocky outcrops, etc.
- Severe penalties are issued for non-compliance
- Vessels operating emission control technologies (Scrubbers) must hold a Research Exemption prior calling California. No new exemptions are being issued.
- Vessels using non-distillate fuels must notify CARB prior calling California




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## Washington Update




37 Note: Refer to ECM GD-03

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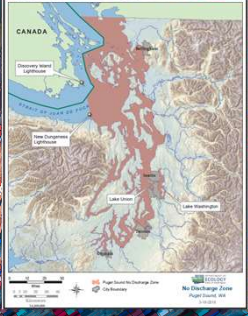
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### State of Washington No Discharge Zone (NDZ)

Effective May 10, 2018 Washington Department of Ecology (Ecology) enacted a new regulation that established a No Discharge Zone (NDZ) in the Puget Sound region.

- The NDZ prohibited the release of sewage only (black water) from all vessels, whether treated or untreated
- The NDZ covers all marine waters in the Puget Sound region north to the Canadian Border
- The designation of this NDZ had been challenged in court during 2020, as the availability of adequate shore reception facilities was in question. However, on March 1, 2021 the EPA determined that adequate facilities were "reasonably available."



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### State of Washington SMT Regulations

Effective July 1, 2021, all vessels calling the state of Washington are required to identify an approved (oil) Spill Management Team.

- ECM applied in December 2020.
- The Washington Department of Ecology reviewed our SMT members for:
  - Experience
  - Training
  - Knowledge
  - Availability to respond
- ECM was approved in March 2021 as a Spill Management Team in the State of Washington.
- No action is required by our clients.



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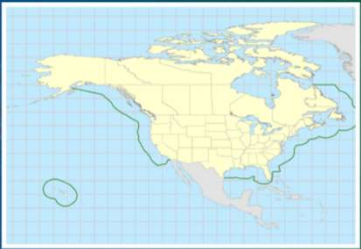
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**ECM MARITIME SERVICES**

## Emission Control Areas (ECA)



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**ECM MARITIME SERVICES**

## Emission Control Area (ECA) FONAR Submission NOx emission

- Effective June 30th, 2019 the EPA stopped accepting Fuel Oil Non-Availability Reports (FONAR) via their FONAR portal. Vessels are now required to notify the relevant USCG Captain of the Port (COTP).
- Any problems with NOx emission compliance (for Tier III engines) to be reported to the relevant COTP.

Note: See ECM Client Alert 11-2019 for more details.



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**ECM MARITIME SERVICES**

## Emission Control Area (ECA) EGCS (Scrubbers)

- EGCS (scrubbers) are permitted in open-loop mode in all States except for Connecticut and California.
- Vessels using EGCS must ensure that details have been uploaded by the flag administration to the IMO GISIS database before entering the ECA.
- Once open-loop EGCS is used in VGP waters (3 miles), vessels must follow annual VGP sampling and analysis protocols (see ECM Client Alert 27-2018).



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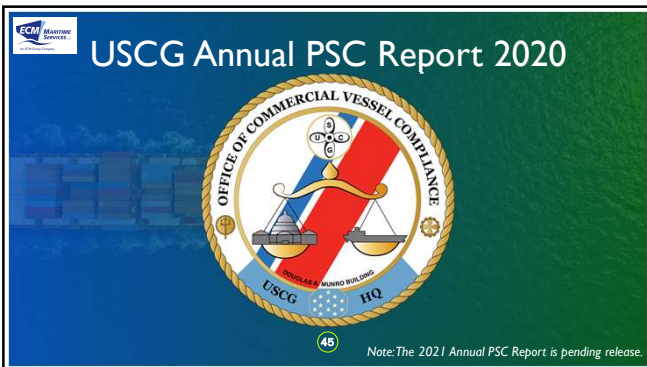
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**USCG Port State Control 2020 Statistics**

- +10,507 individual vessels making US port calls
- +79 Flag States
- Over 72,000 U.S. port calls (down from 83,000 in 2019)
- +Total of 57 vessels detained (down from 102 in 2019)

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**USCG Port State Control 2020 Statistics**

Detentions

Top three detention categories in 2020:

1. Fire Fighting Appliances/Fire Safety
2. Safety Management Systems
3. Lifesaving Appliances

COMDT (CG-CVC-2) reviews & validates or non-validates every PSC detention. Appeal process in place.

Three-year rolling Detention Ratio:  
 2020 - 1.02%  
 2019 - 1.07%

Still relatively low when compared to other PSC regimes

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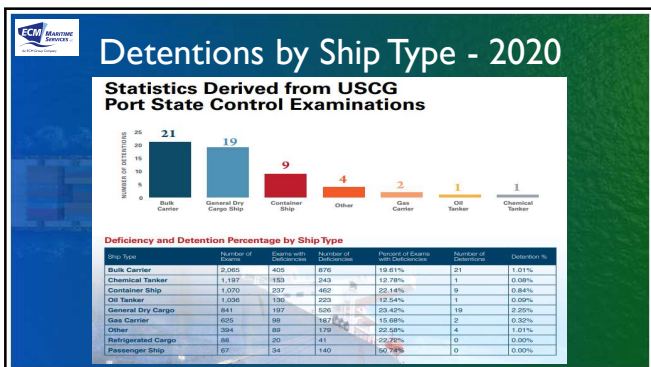
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**Detentions by Ship Type - 2020**  
 Statistics Derived from USCG Port State Control Examinations

Bar chart showing Number of Detentions by Ship Type:

Ship Type	Number of Detentions
Bulk Carrier	21
General Dry Cargo Ship	19
Container Ship	9
Other	4
Gas Carrier	2
Oil Tanker	1
Chemical Tanker	1

**Deficiency and Detention Percentage by Ship Type**

Ship Type	Number of Exams	Exams with Deficiencies	Number of Detentions	Percent of Exams with Detentions	Number of Detentions	Detention %
Bulk Carrier	2,085	405	876	19.81%	21	1.01%
Chemical Tanker	1,197	183	243	12.79%	1	0.08%
Container Ship	1,070	237	462	25.14%	9	0.84%
Oil Tanker	1,036	136	223	12.54%	1	0.09%
General Dry Cargo	811	197	508	25.42%	19	2.25%
Gas Carrier	625	98	187	15.68%	2	0.32%
Other	394	69	179	29.59%	4	1.01%
Refrigerated Cargo	88	20	41	22.22%	0	0.00%
Passenger Ship	67	34	140	50.75%	0	0.00%

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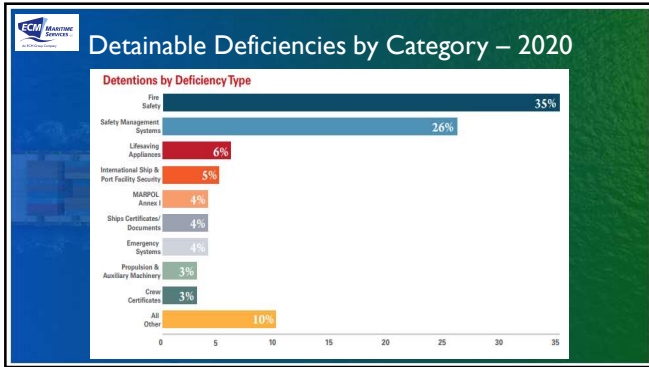
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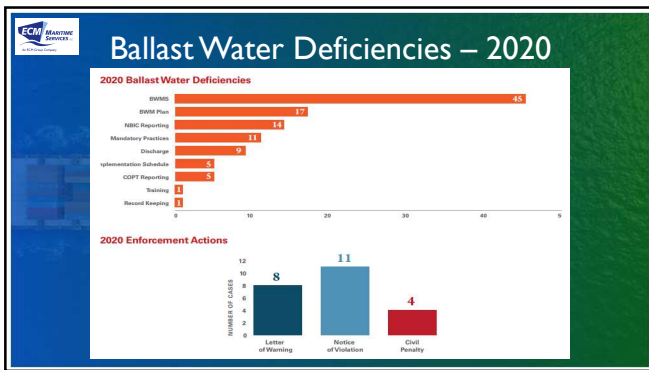
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### Targeted Flag Administrations based on PSC performance (2020)

Flag	2019-2020 Detention Rate
<b>High Risk Flag Administrations</b>	
Barbados	4.95%
Belgium	2.50%
Bolivia*	15.28%
Cook Islands	3.51%
Israel	15.28%
Mexico	5.57%
Saint Kitts and Nevis	20.00%
Saint Vincent and the Grenadines	5.00%
Togo	19.27%
Togo	4.44%
Turkey	3.25%
<b>Medium Risk Flag Administrations</b>	
Antigua and Barbuda	1.70%
Cyprus*	1.90%
Liberia	1.13%
Malta	1.19%
Panama	1.03%
Philippines	1.45%
Portugal	1.43%
Vanuatu	1.62%

\*Administration not targeted last year.

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**QUALSHIP 21 & E-Zero Programs**



To qualify, Flag Administration must:

1. Have 3-yr detention ratio less than 1.00%
2. Be credited with 10+ PSC exams/year for last 3 yrs

Qualifying Flag Administrations (July 2021 - June 2022)

Bahamas	Greece	Norway
Bermuda	Hong Kong	Republic of Korea
Canada	Isle of Man	Saudi Arabia
Cayman Islands	Italy	Singapore
Denmark	Jamaica	Spain
France	Japan	Taiwan
Germany	Marshall Islands	United Kingdom
Gibraltar	Netherlands	

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*Breaking News: Liberia to re-acquire QUALSHIP 21 status in June 2022*

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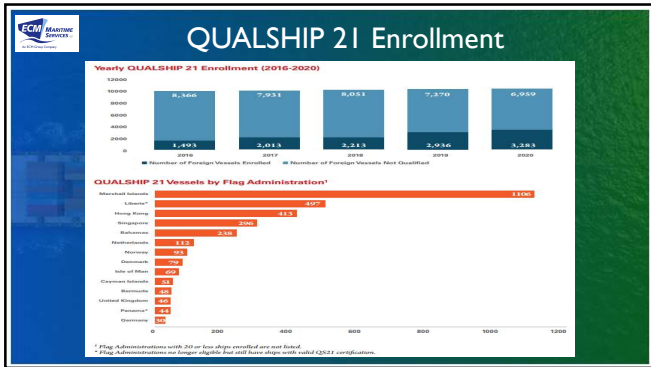
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**QUALSHIP 21 & E-Zero Programs**

**QUALSHIP 21 "E-Zero"**

Major update to 16 year old recognition/incentive based program for foreign commercial ships

- Recognizes/incentivizes for **Environmental** Compliance, Performance & Stewardship
- Covers **multiple** USCG compliance areas from pollution to Right Whale
- Incorporates **global performance** to determine eligibility (No MARPOL Detentions worldwide)



FOR OFFICIAL USE ONLY  
 Public Availability in Information Group 0-0-0 11

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**U.S. Ballast Water Management Update**

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**Compliance option with U.S. Ballast Water Management Regulations**

- The Ballast Water Management Final Rule has several options to meet the discharge standard
- A vessel does **NOT** need to install a ballast water treatment system (BWTS) if no ballast discharges occur in US territorial waters (12-mile limit)

*Note: Refer to NVIC 1-18 for a full overview*

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**Options for Compliance**

1. No BW Discharge

2. Coast Guard Approved Ballast Water Management System

3. Discharge to Facility Onshore or to Another Vessel for Purpose of Treatment

4. Use only water from a U.S. Public Water System

Two Temporary Compliance Alternatives

1. Alternate Management System (AMS) - Temporary Designation for up to 5 years

2. Receive an Extension to Vessel's Compliance Date - extension period will vary depending upon TA system availability

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**ECM MARITIME SERVICES**

## The All-Important Compliance Dates

33 CFR 151.2035(b)  
Implementation Schedule for Approved Ballast Management Methods

	Vessel's Ballast Water capacity	Date Constructed (Keel laid or eqv)	Vessel Compliance Date
New vessels	All	On or after December 1, 2013	On delivery
Existing vessels	Less than 1500 m <sup>3</sup>	Before December 1, 2013	First scheduled drydocking after January 1, 2016
	1500-5000 m <sup>3</sup>	Before December 1, 2013	First scheduled drydocking after January 1, 2014
	Greater than 5000 m <sup>3</sup>	Before December 1, 2013	First scheduled drydocking after January 1, 2016

*Note: Purely recreational vessels are exempt.*

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**ECM MARITIME SERVICES**

## Type of Approval Status of Ballast Water Treatment Systems (BWTS)

- There are currently 47 BWTS models (or model ranges) with full USCG type approval.
- There is 1 BWTS model currently under review by the USCG MSC, which is expected to receive full type approval within the next few months.
- Since 2012, over 60 BWTS have received AMS notation from USCG.
- Vessels fitting BWTS must source a type approved unit. AMS units are not permitted unless no type approved unit is available!



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**ECM MARITIME SERVICES**

## Extensions

- With 47 systems type approved by the USCG, it next to impossible to obtain extensions. An exception was made earlier for vessels with compliance dates between April 1, 2020 and April 1, 2021 which had faced delays in installation due to COVID 19.
- When applying for a non-COVID related extension, you must have a definitive plan with P.O. and contract in place to install a BWTS.
- Cost and commercial hardship are not valid grounds to seek an extension!



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### Vessels Bound for U.S. waters with inoperable BWTS

- USCG CVC Policy Letter 18-02 issued in February 2018, to provide comprehensive guidance to vessels and USCG COTPs in such situations (Refer to ECM Client Alert 05-2018)
- It references 33 CFR 151.2040, on procedures for "Discharge of Ballast Water in Extraordinary Circumstances"
- Vessels must always maintain BWTS in operational readiness and test the equipment before any voyage involving a US port call
- Report inoperable BWTS **asap** to the relevant Captain of the Port (COTP), with details of planned remedial action



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### Vessels Bound for U.S. waters with inoperable BWTS (continued)

- Conduct an open-sea exchange en-route to the US port
- Follow COTP instructions regarding alternative methods of BW management (Do not discharge any ballast in US territorial waters without clearance from the COTP)
- Same procedure to be followed if BWTS fails inside US waters
- BWMP must contain guidance on above situation
- Instructions from different COTPs can vary considerably

**Some COTPs are becoming increasingly strict and intolerant about permitting untreated BW discharges!**



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### Ballast Water Management Report

- All vessels proceeding to US ports must submit a BWMR using the current form, to the National Ballast Information Clearinghouse (NBIC). **A new Ballast Water Management Reporting Form (OMB number 1625-0069, expiration date 31 July 2023) has been issued and must be used by all vessels. Earlier versions are obsolete. Refer to ECM Client Alert 15-2020**
- The form can be sent through the NBIC website or via email attachment and should be submitted **no later than 6 hours after arrival port**
- Vessels not planning to de-ballast must also submit the form, with the Ballast Water History section left blank
- A pdf copy of the form is to be emailed **24 hours prior arrival** to State authorities when calling at ports in California, Oregon and Washington

*Note : Fill every section out accurately – a copy of your report gets forwarded to the relevant Coast Guard COTP!*

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### USCG Enforcement

- Coast Guard inspectors are actively verifying compliance with US regulations
- Vessels found to be discharging ballast in violation of these requirements can be penalized, detained, or both.
- Financial penalties currently average \$5,000 per violation and have been issued for up to \$38,175 under the National Invasive Species Act (NISA)

*Note: No vessel has been detained by PSC for a ballast water management violation thus far.*



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### U.S. BWM Standard vs. IMO BWMC

**International (IMO) BWMC Convention**

- Entered into force on September 8, 2017
- Existing vessels will be required to install approved BWTS by the first or second IOPP renewal survey after September 8, 2019 (MEPC 71)
- Newbuild vessels (keel laid after September 8, 2017) must have an approved BWTS installed on delivery

**U.S. Ballast Water Management Standard**

- No change in legislation. Unaffected by IMO BWMC
- Deadlines remain as previously stated in 33 CFR 151.2035(b)



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### Vessel General Permit (VGP) and Vessel Incidental Discharge Act (VIDA)



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**VGP – VIDA Transition**

December 2018  
VIDA signed into law. VGP remains in effect until replaced by VIDA

Phase I  
EPA to develop standards within 2 years. Delayed to June 2022

Phase II  
2 Years later, USCG to promulgate regulations. Delayed to mid-2024

**UPDATE**  
In October 2021, the EPA announced that publishing of their final Standards of Performance (for which the Proposed Rule was released on October 5, 2020) had been moved back to an anticipated date of June 2022. The USCG then has 2 years from that date to publish implementation, monitoring and enforcement regulations

87 Refer to ECM Client Alert 17-2021

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**VGP-VIDA Transition (continued)**

- All Notices of Intent remain valid.
- Area of coverage under VIDA will be extended to 12 miles
- Small vessels and fishing vessels are exempted, except for ballast water discharges
- VIDA will be no less stringent than the VGP
- EPA may use best management practices
- Review/revise every 5 years
- May issue emergency orders for invasive species emergencies

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**New Developments Under VIDA**

- Inert Gas System (IGS) Scrubber wash water may be included (tankers only)
- Enhanced ballast water management requirements for flushing empty tanks
- Vessels entering St. Lawrence River must first exchange and treat ballast. Exchange at >200 miles if arriving from outside EEZ, >50 miles from inside EEZ
- Pacific Region expanded to include EEZ around Hawaii
- Lower border of Pacific Region off US mainland moved further south, from 25N latitude to 20N

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### Analytical Monitoring under VGP (Current Requirement)

**Ballast water**

- If discharged into VGP waters through a BWTS
- Sampled during the 12-month period after first such VGP water discharge
- Analysis required on two separate occasions, at least 14 days apart
- If both results within parameters, only one analysis required per 12 months thereafter

**Increased monitoring by USCG. Companies have been penalized for non-compliance**

**Graywater**

- New build vessels with a maximum crew capacity of 15 or more
- Analyzed twice per year after first VGP water discharge
- Sampling must be at least 14 days apart





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### Analytical Monitoring under VGP (Current Requirement) (continued)

**Exhaust Gas Scrubber (EGS) wastewater:**

- Vessels with an NOI and using EGS in VGP waters must analyze wastewater samples twice per year
- The two sampling events must be at least 14 days apart
- If analysis results are within specified parameters during the first year, only one sampling and analysis is required during each subsequent year




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### VGP Maintenance for 2022

- Annual Report for 2022 to be submitted to EPA by February 28, 2023. All analytical and functional monitoring requires Discharge Monitoring Reports (DMRs). **Increased monitoring by USCG and EPA. Companies have been penalized for non-compliance**
- Notice of Intent (NOI) maintenance - Change of company name, vessel particulars (e.g. name, address, flag, call sign, etc.) requires NOI alterations but last drydocking date does not need to be updated
- Notice of Termination (NOT) to be filed if any vessel holding an NOI is scrapped, sold or transferred
- Drydock Report required if vessel drydocks in 2022




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