

Inspections by the U.S. Coast Guard

The Coast Guard routinely visits and inspects ports and terminals to ensure compliance with reception facility regulations (33 CFR 158). These inspections can be pre-arranged or conducted without notice. An on-site inspection is always required before a COA is issued, either initially or for a renewal.

Handling Reports of Inadequacy

Reports of alleged reception facility inadequacy often stem from insufficient communications between the vessel and waterfront facility. When notice of alleged inadequacy is made, quick action must be taken to investigate and if necessary, correct problems.

A report of inadequacy can be made directly to the local Captain of the Port (COTP). This is preferred because the COTP can often take action that may lead to rapid resolution of actual or perceived problems, sometime before the vessel even departs the port. As an alternative, the report may be made to the vessel's Flag State Authority who will in turn notify the Port State (United States) and IMO. The U.S. Coast Guard then acts on the notification and directs an investigation be performed. Results of the investigation are then provided back to the Flag State Authority and IMO.

If a report of inadequacy is made, the waterfront facility should be prepared to provide investigators with at a minimum:

- Any records of communication to or from the vessel pertaining to waste reception needs or services available;
- The current COA and any supporting contracts with outside services, such as waste disposal companies;
- Waste delivery receipts

What Happens if Inadequacy is Determined?

If an inspection or investigations leads to a determination that a waterfront facility is not providing adequate reception facilities, a number of corrective or punitive actions may be imposed depending on, but not limited to, the severity of non-compliance, repeat offenses, or willful disregard for the regulations. Some actions that may be pursued include:

- An opportunity for immediate correction
- Issuance of a CG-835 that directs corrective action within a specified timeframe
- Revocation of a COA and imposition of an operational control that include prohibiting the waterfront facility from accepting vessels
- Imposition of civil or criminal penalties

Waterfront facility operators who have questions regarding the applicability of or compliance with 33 CFR 158 are encouraged to contact their local COTP.

Useful Internet Links

U.S. Coast Guard
www.uscg.mil

33 CFR 158 Reception Facility Regulations
<http://www.gpo.gov/fdsys/>

Coast Guard Maritime Information Exchange
<http://cgmix.uscg.mil/>

International Maritime Organization
<http://www.imo.org/OurWork/Pages/Home.aspx>

Global Integrated Shipping Information System
<http://gisis.imo.org/Public/Default.aspx>

A WATERFRONT FACILITY'S GUIDE to MARPOL and the CERTIFICATE OF ADEQUACY PROGRAM



U.S. Department of
Homeland Security

United States
Coast Guard



Summarizing MARPOL

In 1973 the International Maritime Organization (IMO) adopted the International Convention for the Prevention of Pollution by Ships. Its objective is to limit ship-borne pollution by restricting operational pollution and reducing the possibility of accidental pollution through the provision of reception facilities. MARPOL specifies standards for stowing, handling, shipping, and transferring pollutant cargoes, as well as standards for discharge of ship-generated operational wastes. Acceptance of the convention by national government obliges them to make the requirements part of domestic law.

MARPOL consists of six separate Annexes.

Annex	Pollution Source
I	Oil
II	Noxious Liquid Substances (NLSs)
III	Packaged Substances
IV	Packaged Substances
V	Garbage
VI	Air

Implementing MARPOL in the U.S.

Currently, the U.S. is signatory to Annexes I, II, III, V and VI. Annexes I, II, V and VI have been incorporated into U.S. law by the Act to Prevent Pollution from Ships and implemented within 33 USC 1901 and 33 CFR 151 and 158. The U.S. incorporates Annex III by the Hazardous Materials Transportation Act. HMTA implemented within 46 USC 2101 and 49 CFR 171-174 and 176.

The Certificate of Adequacy (COA) Program

To fulfill the U.S. obligation to MARPOL, the Coast Guard ensures applicable ports and terminals operate in compliance with domestic requirements for reception facilities. Specific ports and terminals are required to make application to the Coast Guard for a COA. If the Coast Guard finds the port or terminal can meet ships' waste disposal needs without undue delay or disincentive, a COA will be issued.

Individual COAs are issued based on oil, NLS or garbage wastes that are received. More than one COA may be required at a port or terminal. A COA issued by the Coast Guard is valid for five (5) years from its date of issuance.

Reception Facilities

Reception facilities are required at all ports and terminals for:

- Annex I wastes from oceangoing tankers, or any other oceangoing ship of 400 gross tons or more, carrying oily mixtures;
- Annex II wastes from oceangoing ships carrying NLSs; and
- Annex V wastes, except for marinas that serve less than 10 recreational vessels.

COA Applicability

The requirement for a port or terminal to provide a reception facility is separate from the requirement to hold a COA. A COA is required to operate if a port or terminal receives:

- Oceangoing tankers, or any other oceangoing ship of 400 gross tons or more, carrying oily mixtures
- Oceangoing ships carrying NLSs
- Fishing vessels which offload more than 500,000 pounds of fish per year

Amendments to MARPOL Annex V and Impacts to Waterfront Facilities

Beginning January 1, 2013, amendments to Annex V will come into effect. Among those amendments, three provisions are highlighted:

- Discharge of garbage from ships into the sea is prohibited unless allowed by MARPOL;
- While in the Wider Caribbean Region (WCR) Special Area (SA), discharge of comminuted food waste may only occur beyond 12 nautical miles from land; and
- While in the WCR SA, cargo hold washing water that includes small amounts of dry cargo residue (not classified as a marine pollutant) may be discharged.

In order to remain adequate, ports and terminals required to provide reception facilities must be prepared to handle a potential increase in the volume of discharged ships' waste. This may mean greater capacities for the reception of waste, or more frequent removal of received waste is necessary.

Best Practices

The U.S. Coast Guard encourages ports, terminals and vessels to use the IMO's "Guide to Good Practice for Port Reception Facility Providers and Users" which is available from the Global Integrated Shipping Information System. Communications between the vessel and reception facility are vital in ensuring proper arrangements are made and services provided. Use of the following forms found within the guide is encouraged:

For the vessel:
- Advance Notification Form for Waste Delivery

For the facility:
- Waste Delivery Receipt