



Coast Guard Sector Houston-Galveston Marine Safety Information Bulletin 11-13

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MARPOL Reception Facility Inadequacies December 18, 2013

In recent months, the Coast Guard received complaints alleging that certain waterfront facilities within the Sector Houston-Galveston area of responsibility are charging an unreasonable price to remove MARPOL residues/waste from vessels. The cost of these services should not present a disincentive to users which may deter the use of reception facilities. Upon investigation, we have substantiated some of these allegations.

The IMO "Guide to Good Practice for Port Reception Facility Providers and Users" (MEPC.1/Circ.671/Rev.1) states,

"Although the port structure in a State Party may or may not accommodate cost/pricing schemes and/or other incentives for MARPOL residues/wastes delivery ashore, reception facility services should be provided at a reasonable cost. The IMO *Guidelines for ensuring the adequacy of port waste reception facilities* (section 3.2) define "adequate" facilities as those which "do not provide mariners with a disincentive to use them", and further suggest that unreasonably high costs can deter use of Pollution Reception Facilities (Guidelines, section 5.2)."

With this being said reception facilities are reminded that as long as vessels provide 24 hour notice the facility should provide MARPOL reception services at a reasonable cost.

A Certificate of Adequacy is required, per Title 33, CFR, Part 158 and the International Convention for the Prevention of Pollution from Ships 73/78 (MARPOL), for ports or terminal used by oceangoing tankers, or other oceangoing ships of 400 gross tons or more, carrying oily mixtures, or by oceangoing ships carrying NLS residue.

Additionally, the Coast Guard has received complaints that certain waterfront facilities within the Sector Houston-Galveston area of responsibility are not allowing ships unloading Noxious Liquid Substances (NLS) to drain NLS residues from cargo hoses and piping systems back to the terminal/facility. Subpart E – Port and Terminal Operations: 33CFR158.500 clearly states that the person in charge shall ensure that each cargo hose and each piping system containing NLS received from each oceangoing ship carrying NLS cargo is not drained back into the ship. MARPOL Annex II Reg.18 states that NLS residues from ship cargo hoses and piping systems shall not be drained back to the ship.

Violators of these regulations are liable for civil penalties of up to \$25,000 per day, per violation, with each day of a continuing violation constituting a separate violation. Knowingly violating the regulations may result in fines for each violation of up to \$50,000, imprisonment for up to five years, or both. Non-compliance may also result in the revocation of a facility's COA, resulting in termination of the facility's marine operations.

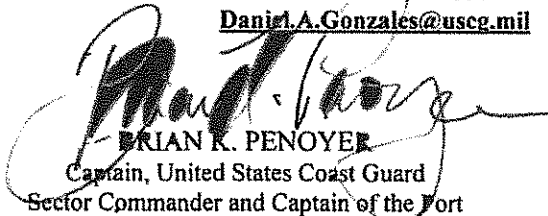
If you have any questions or concerns regarding this matter, please contact your local Coast Guard representative listed below:

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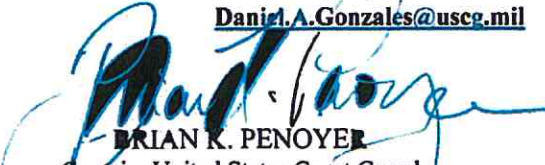
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