



TUVALU SHIP REGISTRY

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MARINE CIRCULAR

MC-4/2013/1

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FOR: Ship Owners, Ship Managers, Ship Operators, Ship Masters, Ship Officers, Classification Societies

SUBJECT: MONITORING AND CONTROL OF OIL DISCHARGE

DEFINITIONS:

The following abbreviations stand for:

- "IOPP" – International Oil Pollution Prevention Certificate
- "IMO" – International Maritime Organization
- "ISM Code" – International Management Code for the Safe Operation of Ships and for Pollution Prevention
- "MARPOL" – International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978
- "MEPC" – IMO Marine Environment Protection Committee
- "MSC" – IMO Maritime Safety Committee
- "ODMCS" – Oil Discharge Monitoring and Control Systems
- "OFE" – Oil Filtering Equipment
- "OWS" – Oily Water Separator
- "PSC" – Port State Control
- "RO" – Recognized Organization as defined by IMO Resolution MSC.349(92) and MEPC.237(65)
- "SMS" – Safety Management System as defined by the ISM Code
- "ST" – Short Term

The term "Administration" shall mean the Tuvalu Ship Registry.

PURPOSE:

The purpose of this marine circular is to impress on ship masters, officers, ship owners, operators and managers that overboard discharges of oil or oily mixtures in excess of the concentrations specified in MARPOL Annex I is not allowed at all times except as permitted therein, as well as to provide the procedures to be followed in the event of an ODMCS failure.

REFERENCES:

- (a) MARPOL Annex I, as amended
- (b) IMO Resolution A. 586(14), adopted on 20 November 1985
- (c) IMO Resolution MEPC.108(49), adopted on 18 July 2003
- (d) IMO Resolution MEPC.240(65), adopted on 17 May 2013
- (e) MEPC/36/22, Paragraph 9.40, adopted on 11 November 1994
- (f) IMO Circular MSC-MEPC.4/Circ.3, issued on 19 December 2008

APPLICATION:

This circular applies to all Tuvalu flagged vessels unless expressly provided in MARPOL Annex I.

CONTENTS:

1. Introduction

- 1.1. Vessels subject to the requirements of MARPOL Annex I are commonly detained by PSC for being in violation of the requirements of the Convention.
- 1.2. The most common violation being the vessel's OWS found inoperative and/or fitted with bypass piping, directing illegal oily discharges overboard. In many cases, piping modifications were made by the crew without the knowledge of management ashore, indicating potential ISM Code discrepancies.
- 1.3. Masters and Chief Engineers should take note that such situations may lead to criminal charges and/or substantial penalties imposed in certain countries before the violation vessel is allowed to be released.

2. Requirements

- 2.1. All required oily water separation, monitoring, and control equipment on board should be operating as required. This includes the proper functioning of three way or re-circulating valves, monitoring and/or recording devices, and alarms and/or automatic shut down features. The results of system tests, repairs and routine maintenance shall be properly recorded in the relevant maintenance record according to the vessel's SMS.
- 2.2. Frequent shipboard checks should be carried out to ensure that no illegal by-pass piping or other arrangements are provided that are in violation of MARPOL Annex I.
- 2.3. Emergency bilge discharge valves and other overboard discharge valves of a similar nature that are normally closed are sealed in the closed position with numbered seals. The SMS should implement a suitable method, either manual or electronic, for recording the changes in the process, including removal and replacement of numbered seal tags, testing of valves, maintenance and other operational requirements. In accordance with MSC-MEPC.4/Circ.3, the sealing of valves of an emergency nature shall not be construed as a requirement for the valve to be blanked or physically locked. It shall be ensured that such valves remain available for use at all times in case of an emergency situation, and valve sealing may be accomplished through use of a breakable seal, electronic tracking, or similar method.
- 2.4. Bilge systems are to be maintained in accordance with the plans approved by the vessel's RO.
- 2.5. There shall be no excessive oil in the bilges and cleaning substances which contain emulsifiers or other substances which may interfere with the proper operation of the monitoring and control systems shall not be used.
- 2.6. Receipts shall be requested for all shore-side discharges of oil and oily wastes, including sludge, which accounts for the amount and type of waste discharged as well as the date and place of discharge.
- 2.7. An Oil Record Book is to be properly maintained and checked for consistency with other shipboard log books.

3. Malfunctioning Equipment

- 3.1. Any malfunctioning OWS / ODMCS / OFE must be repaired as soon as practicable and in the event that the necessary parts are not readily available, the RO shall be notified to attend and issue a ST IOPP for the duration until repairs can be completed. Otherwise, owners/operators may apply to this Administration to issue an Attestation Letter to allow the vessel to operate during the interim period by providing information of the situation and of the place and date where the required parts and/or service can be obtained.

3.2. In general, the conditions for issuance of the ST IOPP and/or Attestation Letter are asf:

- 3.2.1. no overboard discharges of oil and oily wastes, including sludge, will be permitted during the interim period. All material of this type must be retained aboard for discharge to a shore-side facility;
- 3.2.2. overboard discharge valves associated with the inoperative equipment must be sealed with numbered seals in the closed position and signs or notices prohibiting the use of the valves, except for emergency conditions, must be posted;
- 3.2.3. the crew must be made aware that the equipment in question does not function properly and that it cannot be used;
- 3.2.4. the Oil Record Book and other applicable logs must document the inoperative equipment and the numbered sealing of the overboard discharge valves;
- 3.2.5. the appropriate port/coastal state authorities are notified, as required, of the defective equipment prior to arrival in port;
- 3.2.6. the Administration and the RO is notified when the defective equipment has been repaired and is properly operating;
- 3.2.7. the Master and Chief Engineer are held ultimately responsible for ensuring that no discharges are made using the defective equipment or otherwise in contravention of MARPOL Annex I.

4. Manual Monitoring of Discharge

4.1. Although MARPOL Annex I Regulation 15 and IMO Res. A.586(14) detail the requirements for the automated use of the oil discharge monitor with slop tanks during the cleaning operation of cargo tanks of existing tankers, provisions must also be made for emergency manual control of the effluent discharge in case of failure of the ODMCS.

4.2. In Regulation 15(3)(a) it is stated asf:

“Any failure of the monitoring control system shall (automatically) stop the discharge and (must) be noted in the Oil Record Book. A manually operated alternative method shall be provided and may be used in the event of such failure, but the defective unit shall be made operable as soon as possible. The Port State Authority may allow the tanker with a defective unit to undertake one ballast voyage before proceeding to a repair port.”

4.3. As per MEPC/36/22, paragraph 9.40, the phrase “before proceeding to a repair port” means a laden voyage following a ballast voyage.

4.4. If the ODMCS fails during tank cleaning while the tanker is enroute to a loading port, the cleaning may continue on condition that a planned and documented manual method of monitoring and logging the discharge is used. This allows the vessel to complete its loaded voyage after which the ODMCS must be repaired at the discharge port.

4.5. If the ODMCS cannot be repaired at the discharge port, then the vessel may be allowed one single ballast voyage directly to a port where the ODMCS repairs can be completed, subject to the following conditions:

- 4.5.1. an oil discharge monitoring method must be manually operable;
- 4.5.2. the vessel must provide documentary records in the ship's log book or the oil record book or in the vessel's planned maintenance record that the system has been maintained in accordance with the manufacturer's recommendations;

- 4.5.3. the equipment has been utilized and records are available to verify the use of the unit during all ballast discharges prior to the present functional defect and that this defect has been duly recorded in the oil record book;
- 4.5.4. prior to arrival at the unloading port, the failure has been reported to the port State and the RO; and
- 4.5.5. that every reasonable effort has been made to repair the defective unit prior to the vessel departing from the unloading port.

5. Procedures for Manual Monitoring of Discharge

- 5.1. When the ODMCS fails, discharge of effluent into the sea via the ODMCS must cease immediately and an entry must be made in the oil record book.
- 5.2. At the time of the ODMCS failure, the port State of destination, the RO, and the owners/operators should be notified so that immediate measures are taken to have the ODMCS repaired by a qualified service engineer.
- 5.3. The Manual monitoring of the effluent discharge must be made during daylight hours using the oil/water interface detectors (see MARPOL Annex I Regulation 15(3)(b)) as well as following the ODMCS manufacturers instructions for manual operation (see MARPOL Annex I Regulation 15(3)(c)) together with the procedure recommended by IMO Res. A.586(14) asf:
 - 5.3.1. **oil content meter of sampling system:** visual observation of the surface of the water adjacent to the effluent discharge as well as use of oil/water interface detector;
 - 5.3.2. **flow meter:** pump discharge characteristics such as the gallons or litres per minute to be considered in the calculation and recorded to check accuracy of flow meter;
 - 5.3.3. **ships speed device:** main engine revolutions per minute as well as the propeller diameter, pitch and slip to confirm ship travel in nautical miles to be recorded;
 - 5.3.4. **processor:** manual calculation and manual recording of oil content versus water outflow to confirm total out flow; and
 - 5.3.5. **overboard discharge control:** manual operation of pumps and valves to be utilized together with all the above to confirm that an instantaneous rate of discharge of oil does not exceed 30 litres per nautical mile.

6. Non-Compliance

6.1. Port State Control:

- 6.1.1. Vessels that are not in compliance with MARPOL Annex I may be subject to PSC actions, including detention, heavy fines and often civil and/or criminal actions from the coastal state.
- 6.1.2. OWS failure has been a continuing cause of PSC detentions.

6.2. Flag Administration:

- 6.2.1. MARPOL 73 Article 4 specifies the imposition of penalties that are sufficient in severity to discourage violations of the Convention. The Administration, as a signatory, is bound to assess appropriate penalties for the contravention of Convention requirements, such as:
 - 6.2.1.1. immediate flag State detention of the vessel;
 - 6.2.1.2. assessment of substantial fines and penalties by the Administration;

- 6.2.1.3. withdrawal of the vessel's Certificate of Registry; and
- 6.2.1.4. fine, suspension or revocation of ship's officers' Certificates of Competency.

Yours sincerely,

Deputy Registrar
Tuvalu Ship Registry