



COMDTINST M16450.27
02 OCT 1985

COMMANDANT INSTRUCTION M16450.27

Subj: Guidance and Procedures for Administering and Enforcing the Oily
Waste Reception Facility Program

- Ref:
- (a) COMDTINST M16455.6 (MARPOL 73/78)
 - (b) The Act to Prevent Pollution from Ships (33 USC 1901 et. seq.)
 - (c) 46 U.S.C. Chapter 37 (formally Section 5, The Port and Tanker Safety Act)
 - (d) 33 CFR Parts 126, 151, 154, 156, 157 and 158

1. PURPOSE. This instruction provides guidance and procedures for:
 - a. administering and enforcing regulations for oily waste reception facilities;
 - b. issuing and amending Certificates of Adequacy (COA);
 - c. inspecting reception facilities for oily waste; and
 - d. reporting reception facility information.
2. DIRECTIVES AFFECTED. None
3. BACKGROUND.
 - a. On 2 October 1983 MARPOL 73/78 entered into force and the United States, as a Party, commenced implementation and enforcement of Annex I, Regulations for the Prevention of Pollution by Oil. As the U.S. enforcement agent for MARPOL 73/78, the Coast Guard has actively enforced the provisions of MARPOL. Initial requirements were designed to reduce the amount of oily waste generated from shipboard operations. These requirements call for segregated ballast tanks (SBT), dedicated clean ballast tanks (CBT), and crude oil washing systems (COW) under the Port and Tanker Safety Act of 1978, now recodified in 46 U.S.C. Chapter 37, and the associated regulations in 33 CFR 157.

3. b. This action was followed by the Act to Prevent Pollution from Ships (hereafter referred to as the Act) and the regulations in 33 CFR 151, 155, and 157 which were enacted to limit the amounts of oily waste discharged into the sea. The regulations require cargo and bilge oily water separators and monitors, a new Oil Record Book to record oil and oily waste transfers, and an International Oil Pollution Prevention (IOPP) Certificate or equivalency to verify the required equipment is on board.
- c. To achieve the intent of Annex I of MARPOL 73/78, which is to reduce operational discharges of oil into the oceans, the Act requires adequate facilities to receive oily waste retained on board ships. Without regulations requiring adequate reception facilities the MARPOL 73/78 plan will not meet the stated goal of reducing oil discharges from normal shipboard operations.
- d. Enclosure (1) provides definitions for MARPOL 73/78 reception facility requirements to assist in better understanding and using this instruction.

4. DISCUSSION.

- a. To fulfill the MARPOL 73/78 scheme, reception facilities for oily waste must be certified in a timely manner with consistent nationwide procedures. These actions are necessary to achieve U.S. compliance with MARPOL 73/78 requirements for adequate oily waste reception facilities. Adequacy of a reception facility for oily waste depends upon its capacity, timeliness in transferring waste, and timeliness in providing reception facility service, so that ships will experience no undue delay.
- b. To facilitate COTP certification of reception facilities, a Certificate of Adequacy (COA), standard COA Application form, and Interim COA letter are provided, along with the guidance in enclosure (2). The purpose of the COA Application form (CG-5401A), attachment (A) to enclosure (2), is to provide the information required by 33 CFR 158.140 so that the COTP can determine whether the terminal's or port's oily waste reception facilities meet the criteria for adequacy. Submission of the COA Application form by industry is optional. COTPs should however, encourage industry to submit the COA Application form since the standardized format will facilitate COTP review and will assist terminals in complying with the regulatory requirements. The purpose of the COA, attachment (D) to enclosure (2), is to provide a permanent record indicating that the reception facilities fully meet the adequacy requirements. The purpose of the Interim COA letter, attachment (C) to enclosure (2), is to allow terminals or ports to continue operating pending inspection of their reception facilities for compliance with 33 CFR 126, 154, and 156.

4. c. Upon receipt of a COA Application, the COTP reviews the information submitted. If, in the COTP's judgment, the information is complete, accurate, and indicates that the adequacy criteria are met, the COTP then consults with the appropriate EPA Regional Office.
 - d. Consultation with EPA is required prior to the issuance of an Interim COA letter or the COA. If EPA's comments on the COA Application are not received within 20 days, COTPs should assume EPA has no objection and continue processing the COA Application. After consulting with EPA, the COTP may either:
 - (1) issue an interim COA letter; or
 - (2) inspect the reception facilities and issue the final COA.
 - e. A standard worksheet, attachment (E) to enclosure (2), is also provided. The purpose of the worksheet is to simplify, standardize and provide a sound analytical approach when calculating the information required by 33 CFR 158. The worksheet is an optional form. The COTP may distribute the worksheet to industry as an aid in determining reception facilities' requirements or may use the worksheet to verify information supplied on the COA Application. COTPs may use the worksheet in whole or in part, or may modify it to best suit local needs. Note: If any form of the supplied worksheet is used it must contain the assigned OMB number of the original worksheet.
 - f. The waiver authority in 33 CFR 158.150 allows COTPs flexibility in issuing COAs to account for situations where it is physically or economically impractical to comply with regulatory requirements. Waivers permit alternatives to equipment and operational requirements which in the judgment of the COTP provide an equivalent level of protection to the marine environment and do not cause undue delay to ships. Operational procedures are not an authorized alternative for equipment requirements.
 - g. The next implementation phase of MARPOL 73/78 is to certify reception facilities for Annex II chemical waste. Program implementation is scheduled for April 1987. The proposed regulations for Annex II waste are expected to parallel the regulations in 33 CFR 158 for oily waste. A separate but similar standard worksheet and application (Form B) will be developed for chemical waste.
5. ACTION. In accordance with the guidance and procedures contained in this instruction:
 - a. District commanders shall:
 - (1) coordinate activities for the implementation and management of the oily waste reception facility program through the District (m) office;

5. a. (2) take action on appeals submitted to the district from terminals/ports as set forth in 33 CFR 158.190.
- b. Commanding officers of MSOs and COTPs shall:
 - (1) process COA applications from terminals and ports for oily waste reception facilities including consulting with the Environmental Protection Agency, issuing Interim COA letters, issuing waivers, responding to appeals, and amending COAs and applications in accordance with enclosure (2);
 - (2) annually inspect reception facilities for compliance with the pollution prevention regulations in 33 CFR 154 and 156, the waterfront facility regulations in 33 CFR 126 and the reception facility regulations in 33 CFR 158;
 - (3) issue COAs with the COA application and waivers attached;
 - (4) deny entry of ships to terminals and ports not holding Certificates of Adequacy;
 - (5) submit program management information in the PES/MER Quarterly Activities Report (CG-4957) via District (m) in accordance with enclosure (4);
 - (6) review transfers of oily waste to reception facilities and associated records in ships' Oil Record Books in conjunction with vessel examinations and monitors;
 - (7) investigate allegations of terminals, ports, reception facilities, and ships not complying with MARPOL 73/78, the Act or associated regulations, and initiate enforcement actions in accordance with enclosure (3).
6. REPORTS/FORMS REQUIRED. Commanding officers of MSOs and COTPs shall submit information concerning certified oily waste reception facilities on the Reception Facility Information Sheet, per attachment (A) to enclosure (2) to District (m), and also program information concerning the issuance of Certificates of Adequacy on the PES/MER Quarterly Activities Report (QAR), CG-4957, RCS: G-WP-14013, per enclosure (4). Form CG-5401 is available from Commandant (G-WPE-1). Forms CG-4957 and 5401A may be locally reproduced.

/s/ J.H. PARENT
Acting Chief, Office of Marine
Environment and Systems

- Enclosures:
- (1) Definitions
 - (2) Guidance and Procedures for Issuing Certificates of Adequacy for Oily Waste Reception Facilities
 - (3) Oily Waste Reception Facility Enforcement Policy
 - (4) Oily Waste Reception Facility Reporting Requirements

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
COMDTINST M16450.27	1
Table of Contents	5
Enclosure (1) Definitions	1-1
Enclosure (2) Guidance and procedures for issuing and amending Certificates of Adequacy for oily waste reception facilities	
1. Applicability	2-1
2. COTP Authority	2-2
3. COA Application guidance and procedures	
a. General Policy	2-2
b. COA Application Form A review procedures	2-3
c. COA Application discrepancy procedures	2-5
4. EPA Consultation	2-5
5. Reception facility inspections	
a. General Policy	2-5
b. Reception facility initial inspection time frames	2-6
c. Reception facility inspection procedures	2-6
6. COA Application approval and denial procedures	
a. Approval procedures	2-7
b. Denial procedures	2-7
c. Interim COA Letter issuance	2-8
d. COA issuance	2-8
7. Waivers	
a. General policy	2-8
b. Processing waiver requests	2-9
8. Filing procedures	2-11
9. COTP Designation of ports	2-11
10. Appeals	2-11
11. Amendments to the COA and application	2-11
12. COA Worksheet guidance and procedures	
a. General policy	2-12
b. COA Worksheet review procedures	2-13
c. COA Worksheet discrepancy procedures	2-14
Attachment (A) Application for Certificate of Adequacy for Reception Facilities (CG-5401A)	2-A-1
Attachment (B) Sample EPA Consultation Letter	2-B-1

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
Attachment (C) Sample Interim Certificate of Adequacy	2-C-1
Attachment (D) Certificate of Adequacy for Reception Facilities (CG-5401)	2-D-1
Attachment (E) Worksheet for a Certificate of Adequacy for Reception Facilities	2-E-1
Enclosure (3) Enforcement policy for oily waste reception facility requirements	
1. General enforcement policy	
a. Targeting enforcement	3-1
b. Denial of entry	3-2
c. Suspension and revocation of COA	3-2
d. Activities which are not violations	3-3
2. Major violations	
a. Applicant intentionally supplies false information	3-4
b. Ship transfers other than oil or transfers contaminated oil	3-4
c. Reception facility does not hold all state, local, or Federal permits	3-5
d. Reception facility not able to receive the amounts of waste required	3-6
e. Reception facility does not have the means to dispose of oily waste or disposes of oily waste illegally	3-7
f. Reception facility refuses to accept waste from ships	3-7
3. Minor Violations	
a. Notification deficiencies	3-8
b. Changes in facility information	3-8
c. Reception Facility unable to complete transfer of oily ballast and residues within the required time	3-9
d. Failure of reception facility to have standard discharge connection	3-9
e. Failure to return a suspended or revoked COA .	3-10
f. Miscellaneous	3-10
Enclosure (4) Reception Facility reporting requirements	
1. Report of adequate reception facilities	4-1
2. PES/MER Quarterly Activities Report (CG-4957)	4-1

DEFINITIONS

The following definitions are provided to assist in understanding the terminology associated with the regulatory requirements for issuing Certificates of Adequacy. Where headings are enclosed by quotation marks (" ... "), the definitions are quoted directly from applicable statutes, international conventions, or regulations and the appropriate citation is provided in brackets []. Headings without quotation marks do not have a legal citation. The abbreviation CFR stands for Code of Federal Regulations and USC stands for United States Code.

1. "Administration" refers to the Government of the state under whose authority the ship is operating. For fixed or floating platforms engaged in exploration and exploitation of the coastal seabed and subsoil, the Administration is the Government of the coastal state exercising sovereign rights for the purpose of exploration and exploitation of their natural resources. [Art. 2(5) MARPOL 73/78]
2. Black Product refers to crude oil, heavy refined products, and residuals such as Bunker C, Navy Special Fuel Oil, etc. which do not require tank cleaning prior to loading.
3. "Bunker oil" means oil loaded into bunker tanks for use as fuel. [33 CFR 158.120]
4. "Clean ballast" means ballast which:
 - a. If discharged from a vessel that is stationary into clean, calm water on a clear day, would not:
 - (1) Produce visible traces of oil on the surface of the water or on adjoining shore lines; or
 - (2) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shore lines; or
 - b. If verified by an approved cargo monitor and control system, has an oil content that does not exceed 15 ppm. [33 CFR 157.03(3)]
5. "Daily average" means the total number of vessels, or quantity of oil or oily waste, handled over a typical continuous 12 month period, divided by 365. [33 CFR 158.120]
6. "Dedicated clean ballast tank" means a cargo tank that is allocated solely for the carriage of clean ballast. [33 CFR 157.03(dd)]
7. "Harmful substance" means any substance which, if introduced into the sea, is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea, and includes any substance subject to control by MARPOL 73/78. [33 CFR 158.120].

Enclosure (1) to COMDTINST M16450.27

8. "MARPOL 73/78" means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto. [33 CFR 151.05(g)]
9. "Oceangoing ship" means a ship that:
 - a. is operated under the authority of the United States and engages in international voyages;
 - b. is operated under the authority of the United States and is certificated for ocean service;
 - c. is operated under the authority of the United States and is certificated for coastwise service beyond three miles from land;
 - d. is operated under the authority of the United States and operates at any time seaward of the outermost boundary of the territorial sea of the United States; or
 - e. is operated under the authority of a country other than the United States.

Note: A Canadian or U.S. ship being operated exclusively on the Great Lakes of North America or their connecting and tributary waters, or exclusively on the internal waters of the United States and Canada; is not an "oceangoing" ship. [33 CFR 151.05(j)]

10. "Oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products (other than petrochemicals that are subject to the provisions of Annex II of MARPOL 73/78) and, without limiting the generality of the foregoing, includes the substances listed in Appendix I of Annex I of MARPOL 73/78.
Note: "Oil" does not include animal or vegetable based oil.
[33 CFR 151.05(k)]
11. "Operator" means:
 - a. in the case of a ship, a charterer by demise or any other person, except the owner, who is responsible for the operation, manning, victualing, and supplying of the vessel, or
 - b. in the case of a terminal, any person, except the owner, responsible for the operation of the terminal by agreement with the owner. [33 USC 1901]
12. "Owner" means any person holding title to, or in the absence of title, any other evidence of ownership of, a ship or terminal, but does not include a person who, without participating in the management or operation of a ship or terminal, holds evidence of ownership primarily to protect a security interest in the ship or terminal. [33 USC 1901]

13. "Person" means an individual, firm, public or private corporation, partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body. [33 CFR 151.05(n)]
14. "Person in charge" means an owner of, an operator of, or a person authorized to act in behalf of a port or terminal. [33 CFR 158.120]

NOTE: The "person in charge" in this part is not necessarily the same person as the "person in charge" referred to in 33 CFR Parts 154, 155, and 156 (as defined in 33 CFR 154.105).
15. "Port" means:
 - a. a group of terminals that elect to be considered a port for the purposes of this part; or
 - b. a port authority or other organization that elects to be considered a port for the purposes of this part; or
 - c. a place or facility that has been specifically designated as a port by the COTP. [33 CFR 158.120]
16. "Reception facility" means anything capable of receiving shipboard residues and mixtures containing oil, that includes, but is not limited to:
 - a. fixed piping that conveys wastes from the ship to a storage or treatment system;
 - b. tank barges, railroad cars or tank trucks and other mobile facilities; and
 - c. any combination of fixed and mobile facilities. [33 CFR 158.120]
17. "Segregated ballast" means the ballast water introduced into a tank that is completely separated from the cargo oil and fuel oil system and that is permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious substances as variously defined in the Annexes of MARPOL 73/78. [33 CFR 151.05(p)]
18. "Ship" means a vessel of any type whatsoever, operating in the marine environment. This includes hydrofoils, air-cushioned vehicles, submersibles, floating craft whether self-propelled or not, and fixed or floating drilling rigs and other platforms. [33 CFR 151.05(q)]
19. Sludge refers to oil residues such as those resulting from the purification of fuel and lubrication oils and oil leakages in the machinery spaces which are generally heavier than water and are in a semisolid state.

Enclosure (1) to COMDTINST M16450.27

20. "Tank barge" means a tank vessel not equipped with a means of self-propulsion. [33 CFR 157.03(u)]
21. "Tanker" means a ship constructed or adapted primarily to carry oil in bulk in the cargo spaces. [33 CFR 158.120]
22. "Terminal" means an onshore facility or an offshore structure located in the navigable waters of the United States or subject to the jurisdiction of the United States and used, or intended to be used, as a port or facility for the transfer or other handling of a harmful substance. [33 USC 1901]

NOTE: A ship repair yard is a terminal by definition. A fixed or floating drilling rig or other platform is not a terminal because it is, by definition, a "ship" under 33 CFR 151.05(q).

23. "The Act" means the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) [33 CFR 158.120]
24. White Product means those products with high product purity standards which would necessitate tank cleaning for a change in cargo and which can not be loaded on top of decanted slops.

GUIDANCE AND PROCEDURES FOR
ISSUING AND AMENDING CERTIFICATES OF ADEQUACY
FOR OILY WASTE RECEPTION FACILITIES

To fulfill the requirements of MARPOL 73/78 reception facilities for oily waste must be certified in a timely manner with consistent nationwide procedures that provide for a thorough review for adequacy. The Coast Guard's goal is to issue either Interim Letters or final Certificates of Adequacy (COAs) by 10 March 1986. To meet the above objectives this enclosure provides standardized forms together with guidance to minimize the COTP's efforts in issuing COAs. Additionally, policy is given for COTPs to respond to the multitude of unforeseen special circumstances so they can tailor the program to their geographic areas.

For the smooth initiation and operation of the program, a local industry education and assistance effort is necessary. Timely dissemination of reception facility requirements and COTP responsibilities and assistance available through industry meetings, port newsletters, journal articles, personal contacts, speaking engagements, and direct correspondence will allay industry's concerns and facilitate implementation. It is recommended that COTPs contact terminal operators and inform them of their responsibility to apply for a COA and that the COTP will assist them in completing the application and worksheets, as necessary. A spirit of cooperation will foster better working relationships and will considerably aid the issuance of the COAs.

1. Applicability: Terminals and ports under U.S. jurisdiction are required to provide oily waste reception facilities to oceangoing tankers and other oceangoing ships of 400 GT or more. Excluded are terminals which receive only non-oil carrying barges or which only receive oil barges that are oceangoing, non-self propelled and that cannot ballast or wash cargo tanks while proceeding enroute.

The requirements to provide reception facilities for oily waste apply to all types of facilities regardless of the commodities they handle, e.g., grain, coal, fish, containers, ship repair yards, etc. and to Federal facilities. There may be some confusion among terminals because the definition of "terminal" in 33 CFR 158 appears to exclude facilities handling non-harmful substances. However, the key phrase in the definition of terminal is "... used or INTENDED TO BE USED, as a ... facility for the transfer or other handling of a harmful substance." The clear intent of MARPOL 73/78 is that facilities receiving oceangoing ships retaining oily waste on board provide reception facilities. Since oily waste is a harmful substance, facilities engaged in transferring containers, fish, etc. are terminals for reception facility purposes because they are intended to receive oily waste and therefore must comply with 33 CFR 158.

Enclosure (2) to COMDTINST M16450.27

2. COTP Authority: Through delegations in 33 CFR 151 and 158.130 the COTP:
 - a. issues and denies Certificates of Adequacy;
 - b. inspects reception facilities;
 - c. grants and denies waivers from reception facility requirements in 33 CFR 158;
 - d. denies entry of oceangoing tankers or any other oceangoing ship of 400 gross tons or more to terminals not having a valid COA;
 - e. denies entry of oceangoing tankers or any other oceangoing ship of 400 gross tons or more not in substantial compliance with MARPOL 73/78, to terminals and ports;
 - f. investigates alleged violations of reception facility requirements; and
 - g. issues subpoenas for investigative purposes.
3. COA APPLICATION GUIDANCE AND PROCEDURES:
 - a. General Policy:
 - (1) The purpose of the COA Application (CG-5401A), in Attachment (A) to this enclosure, is to provide the COTP with the information required in 33 CFR 158.140 in a standard format to assist him in determining whether the reception facilities are adequate. The COA Application form is optional; however, it is a means for industry to apply for a COA and be assured they have met the requirements in 33 CFR 158.140. COTPs should encourage the use of the Application form to reduce processing time for both industry and the COTP.
 - (2) Because the application provides information helpful to Coast Guard enforcement personnel, masters and agents, the COA Application shall be attached and become part of the COA. If a terminal or port does not submit a standard COA Application COTPs shall complete the standard Application using the information provided and follow the guidance and procedures herein for review. The COTP shall attach the filled in standard Application to the COA when issued. The COA Application is designated as Form A, since it is only for oily waste reception facilities. COA Application Form B, to be developed, will pertain to MARPOL Annex II chemical wastes.

- 3.a.(3) 33 CFR 158.140 does not require applicants to provide the estimated daily average quantity of oily waste generated by ships visiting the terminal or port. Since this information is absolutely necessary for the COTP to determine whether the capacity requirements are adequate, COTPs shall, under the authority in 33 CFR 158.140(b)(5), require applicants to provide the estimated daily quantity of oily waste generated by vessels visiting their terminal or port, if this information is not voluntarily provided.
- (4) The COTP should request supporting information such as the optional worksheet or calculations for unclear or questionable data submitted on the COA Application.
- (5) Based on local experience and knowledge, the COTP will assess the validity of the information supplied on the COA Application, and if this information appears accurate and states the criteria in enclosure (2) are met, the COTP shall:
- (a) after consultation with EPA issue an Interim Letter COA or
 - (b) after consultation with EPA and inspection of the reception facilities issue a Final COA.
- (6) COTPs should process a COA Application within 30 days of receipt. Within that time the COTP should either approve the application or return it for correction and/or additional information. While an application is pending DO NOT DENY ENTRY to ships using the terminal or port, solely because the terminal or port does not have a COA.
- b. COA Application Form A Review Procedures:
- (1) Review for completeness and accuracy by checking that:
- (a) entries are made for every line item except 1.D., which will not be completed if the applicant is a terminal, or 3.F. through 3.I. which apply if the terminal is a ship repair yard;
 - (b) the number of terminals listed in 1.B. is equal to the number of terminal names and addresses entered in 1.D. or on separate pages;
 - (c) each terminal's person in charge signs 1.D. to indicate the terminal is a member of the port, if the Application is for a port;
 - (d) the person in charge of the terminal or port signs at the end of the Application; and

- 3.b.(1) (e) the entries in section 3 of the Application reflect the calculations from the worksheet or other supporting documentation, if requested.
- (2) Review section 3 for reception facility adequacy:
- (a) For terminals, other than ship repair yards or tank cleaning facilities, the reception facilities are adequate if all of the following statements are true:
- 3.B. is less than 3.A.;
 - 3.C. indicates oil;
 - 3.D. reflects the terminal type for which reception facility capacity demands are calculated;
 - 3.G. is YES;
 - 3.H. is YES;
 - 3.I. is YES; and
 - 3.J. is N/A.
- (b) For ship repair yards the reception facilities are adequate if all of the following statements are true:
- 3.B. is less than 3.A.;
 - 3.C. indicates oil;
 - 3.D. indicates the terminal is a ship repair yard;
 - 3.G. is N/A;
 - 3.H. is N/A;
 - 3.I. is N/A; and
 - 3.J. is YES.
- (3) Determine reception facility location. Compare the location of the reception facility to the location of the terminal or port taking into account whether the reception facility is a mobile facility. If the location of the reception facility requires ships to travel an unreasonable distance or may endanger ships due to channel restrictions then the reception facilities are inadequate and a COA should not be issued unless there is justification for a waiver. Reasonable distance is a subjective term and relies upon the judgment of the COTP. Having a ship change berths at a terminal to discharge waste or having a ship stop at another terminal enroute to its next port is reasonable. Having the ship travel 100 miles out of its way is unreasonable. Factors which may affect the reasonable distance determination include: tides, vessel traffic, navigational route, pilot requirements, bridge schedules and local port restrictions.
- (4) Review for the concurrent use of the reception facility by other terminals to ensure capacity is sufficient to meet total demand. Total the COA Application waste capacity demands to determine whether they exceed the reception facility's daily average capacity.

- 3.c. COA Application Discrepancy Procedures: For minor discrepancies not affecting the adequacy of the facility phone the applicant and discuss the discrepancy. If agreeable to the applicant the COTP may correct the discrepancy in red, record the conversation in the applicant's files giving the name of the person contacted and the date, and continue processing of the COA Application. If significant errors, omissions, or discrepancies are noted with the COA Application which affect the adequacy determination, the COTP shall inform the applicant of the discrepancy in writing and require resubmission of the Application within 30 days. If the COA Application is not resubmitted within 30 days, then deny entry of ships to the terminal since it does not have a valid COA or a pending Application. DO NOT DENY ENTRY as long as in the judgment of the COTP the terminal is making a good faith effort to apply for a COA.
4. EPA CONSULTATION:
- a. COTPs should contact EPA regional offices to identify points of contact, to discuss the reception facility requirements and procedures, and to resolve discrepancies noted by EPA with individual COA Applications. Close coordination is essential to develop understanding and agreement.
- b. Upon receipt of a complete COA Application, the COTP shall forward a letter with a copy of the COA Application to the appropriate EPA Regional Administrator for review in accordance with 33 USC 1905(c). The letter shall request EPA to submit their comments on the COA Application within 20 working days of the date of the letter and state that negative responses are not required. If a response is not received either verbally or in writing within the 20 day period, assume EPA does not object or have substantive comments on issuance of the COA. While all due consideration should be given to EPA comments, ultimately the COTP decides whether or not to issue a COA. A sample letter to the EPA Regional Administrator is provided as attachment (B) to this enclosure.
5. RECEPTION FACILITY INSPECTIONS:
- a. General Policy:
- (1) Inspection of reception facilities is required by 33 USC 158.160 and shall be conducted prior to issuance of the final COA to verify compliance with the requirements of 33 CFR 126, 154, 156 and 158. If multiple reception facilities are designated on the COA Application, all of them must be inspected prior to issuance of the final COA. Conduct inspections of reception facilities annually thereafter, and record the results on the inspection endorsement section of the COA. Additional pages may be attached to the COA to record inspections.

- 5.a.(2) Once a reception facility satisfactorily passes the COTP's inspection it is then approved for use by other terminals without reinspection. In certain cases this may require coordination between adjacent COTPs; i.e. one COTP may accept another COTPs inspection of mobile reception facilities designated for use in both COTP zones.
- b. Reception Facility Initial Inspection Time Frames: When possible inspect reception facilities in conjunction with other routine facility inspections. COTPs are encouraged to inspect reception facilities as soon as possible but due to resource and time constraints this may not always be possible. The following guidance is provided to assist in scheduling reception facilities for initial inspections.
- (1) Designated Waterfront Facilities: Conduct reception facility inspections for fixed facilities during the annual inspection. For a waterfront facility that has recently been inspected and then submits a COA Application, inspection of its reception facilities may be delayed until its next waterfront facility inspection, i.e., 12 months.
 - (2) Mobile reception facilities: Inspect these reception facilities within 60 days of receipt of a completed COA Application. The time frame to inspect mobile facilities is shorter than for fixed facilities, since many mobile facilities will not previously have been in the marine oil transfer business, and may be unaware of the pollution prevention requirements.
 - (3) Ship Repair Yards: Inspect ship yard reception facilities within 60 days of receipt of a completed COA Application.
 - (4) Federal Facilities, including Coast Guard Facilities: Do not require Federal facilities to submit COA Applications or conduct inspections of reception facilities at Federal installations until otherwise directed. Memoranda of Understanding (MOUs) with several Federal agencies are being developed to implement the reception facility program, and will be the subject of future guidance. However, if inquiries are received from Federal facilities, explain the certification program and provide copies of the COA Application and worksheet to assist their compliance.
- c. Reception Facility Inspection Procedures: Inspect the following items to ensure the reception facility complies with applicable pollution prevention regulations and COA Application statements:
- (1) Verify that names, addresses and phone numbers of the reception facilities and persons in charge are correct.

- 5.c. (2) Verify, to the best of your ability, the reception facility's estimated daily average capacity as stated on the COA Application. Possible sources for this information are the facility's Spill Prevention, Countermeasures, and Containment (SPCC) Plan, (required under 40 CFR 112), and the operations manual required under 33 CFR 154.300. In the case of mobile reception facilities, it may be necessary to actually count the number of tank trucks or barges available.
- (3) Verify the daily average amounts of waste treated, processed, or otherwise transferred from the reception facility by having reception facility personnel explain the processes and by reviewing documents, equipment, etc. that indicate daily capacities.
- (4) Check that the reception facility complies with the applicable requirements in 33 CFR 126, 154 and 156. Specifically check for the facility operations manual, hose requirements, containment, communications, and person in charge qualifications and designation.
- (5) Check that the reception facility has a means of disposing of waste received, such as by on-site treatment, transfer to a refinery or authorized landfill, etc. to verify throughput estimates.
6. COA APPLICATION APPROVAL AND DENIAL PROCEDURES:
- a. Approval Procedures: If the COA Application has no discrepancies and EPA has been consulted, an INTERIM Letter COA, shown in attachment (C), may be issued to the terminal. Issuance of the final COA in attachment (D) will occur only after satisfactory completion of the COA Application review, EPA consultation, and inspection of the reception facility. EPA consultation occurs only once during the initial certification process. EPA consultation for issuing the Interim COA satisfies the consultation requirement for issuing the final COA.
- b. Denial Procedures:
- (1) If the COA Application indicates the proposed reception facilities are inadequate or if a discrepancy is found during the reception facility inspection, the COTP shall inform the terminal by letter of the discrepancy and state that the terminal has 30 days from the date of the letter to correct the discrepancy or the COA Application will be denied. If the discrepancy is not corrected within 30 days or substantial progress is not made in correcting the deficiency, then the COTP shall inform the terminal by letter that the COA Application is denied and that ships will be denied entry to the terminal.

- 6.b. (2) If the EPA objects that the reception facility does not comply with EPA regulations, e.g., National Pollutant Discharge Elimination System (NPDES) permit, the COA may be denied using the procedures in paragraph (1) but ultimately the COTP is responsible for deciding whether to issue a COA.

c. Interim COA Letter Issuance:

- (1) The purpose of the Interim COA letter is to give the COTP flexibility in scheduling reception facility inspections to meet operational commitments while at the same time permitting the terminals and ports that have satisfied all requirements, except for the inspection of their reception facility, to conduct normal operations.
- (2) COTPs shall issue an Interim Letter COA only if the COTP is satisfied that the terminal's COA Application is complete and accurate, the conditions for adequacy are met, and EPA consultation requirements are completed.

d. COA Issuance:

- (1) Because the COA does not have any time limit for reissuance and remains valid until suspended or revoked, the COTP must be sure that the reception facilities are adequate prior to issuance. Therefore, the COTP shall issue the COA in attachment (D) only if:
 - (a) the COA Application is complete and accurate;
 - (b) the COA Application, and worksheets or other supporting information indicate the reception facility meets the requirements for adequacy;
 - (c) EPA consultation requirements are completed; and
 - (d) the reception facility inspection is satisfactorily completed.
- (2) Forward the signed COA together with the COA Application and approved waivers attached to the COA applicant and copies to each terminal listed on the COA Application.

7. WAIVERS:

a. General Policy:

- (1) The waiver authority in 33 CFR 158.150 allows COTPs flexibility in issuing COAs to account for situations where it is physically or economically impractical to comply with regulatory requirements.

7. a. (1) (Cont.) Waivers permit alternatives to equipment and operational requirements which in the judgment of the COTP provide an equivalent level of protection to the marine environment and do not cause undue delay to ships. Operational procedures are not an authorized alternative for equipment requirements.
- (2) If a terminal or port has a pending waiver request on file together with its COA Application, DO NOT deny ships entry to the terminal. If a COA Application depends upon approval of a waiver and the waiver is denied, the terminal or port should be given 30 days to re-submit its COA Application prior to denying ships entry to that terminal.
- (3) There is no provision in either MARPOL 73/78 or the Act which authorizes a deviation from compliance with any requirement in 33 CFR 158 without an acceptable, equivalent alternative.

b. Processing Waiver Requests:

- (1) The person in charge of the terminal or port must submit an application in writing for a waiver to the COTP. Applications for waivers must specify the applicable requirement(s) in 33 CFR 158 with which the applicant feels compliance is impracticable and propose specific alternatives. The request must show that:
 - (a) compliance with the requirement is physically or economically impractical for the operation of the port or terminal;
 - (b) the proposed alternative will not cause undue delay to ships; and
 - (c) The proposed alternative provides a level of safety and protection to the marine environment which is equivalent to that provided by 33 CFR 158.
- (2) The COTP may require submission of additional information to support the waiver request.
- (3) When reviewing waiver requests COTPs should consider:
 - (a) whether the cost of compliance economically jeopardizes the economic viability of the company;
 - (b) the availability of mobile reception facilities and the travel distance involved;

Enclosure (2) to COMDTINST M16450.27

7. b. (3) (c) the cost of purchase additional equipment versus compliance with either capacity or transfer time requirements;
 - (d) whether the ships visiting the terminal or port may approve or disapprove of the proposed alternative;
 - (e) future changes in technology, cost of equipment, vessel traffic and types at the terminal or port, etc.;
 - (f) navigational and pollution risks associated with ships traveling to use reception facilities;
 - (g) the affects of tides, drawbridge operations, and other local conditions that may have an impact upon delaying the ship should the ship have to travel to another location to discharge oily waste;
 - (h) the impacts upon vessel operations and scheduling; and
 - (i) the threat of pollution to the marine environment.
- (4) To account for the above considerations COPTs may place conditions on waivers specifying an expiration date for the waiver at which time the waiver must be reevaluated to insure that the conditions for which the waiver was issued still exist. As long as the waiver condition requirements are met the waiver and COA remains valid. As an example waivers may be conditioned to remain valid as long as:
 - (a) the vessels using the terminal or port do not object to the waiver; and
 - (b) the terminal or port receives only certain vessels, types of vessels, or a certain number of vessels.
 - (5) The COTP shall either grant or deny the waiver within 30 days of receipt of a written waiver application.
 - (6) If in the judgment of the COTP the requirements above are met the COTP should issue the waiver. The waiver must be in writing and must specify each alternative and condition that applies and the regulatory requirement for which the alternative is substituted. The waiver information must be entered on the COA in the appropriate block and the waiver itself must be attached to the COA.
 - (7) Waiver expiration dates, if given, will be for no longer than 5 years, at which time the waiver must be reevaluated. If the person in charge of the terminal or port is unable to justify that the waiver conditions still exist, then the waiver should

7. b. (7) (Cont.) not be reissued and the COA application should be reevaluated for adequacy.
8. FILING PROCEDURES:
 - a. The COTP should maintain a file system with the ability to locate information pertaining to both terminals/ports and reception facilities. A suggested system is a dual filing system. One set of files would be indexed alphabetically by the terminal or port name and would contain copies of the applicable worksheets, COA Applications, COAs, waivers, violation record and correspondence. The other set of files would be indexed alphabetically by the reception facility name and would contain copies of the COA applications of the terminals/ports using its services, violation record, and inspection record. A computer program or a cross reference system are examples of other filing systems that may be used.
 - b. The dual filing system will allow COTPs to better track and schedule reception facility inspections and to determine whether a reception facility's overall capacity is exceeded by terminal demands. For example Terminal A estimates it will receive 7,500 MT of waste oil per day, contracts Reception Facility X with a capacity of 10,000 MT per day, and is issued a COA. Later Terminal B estimates it will receive 7,500 MT of waste oil per day and also contracts Reception Facility X. Terminal B's Application for a COA will be denied when the COTP refers to his reception facility files and sees the capacity requirements for Reception Facility X as 15,000 MT per day which exceeds its 10,000 MT per day capacity.
9. COTP DESIGNATION OF PORTS: COTPs shall not designate a place or facility as a port under 33 CFR 158.120 until further guidance is provided. If a COTP has a question as to whether a specific situation may require exercising this authority, they should present the situation for review to Commandant (G-WPE) via District (m).
10. APPEALS: The appeal procedures found in 33 CFR 158.190 allows persons directly affected by a COTP action to appeal first to the COTP and then to District Commanders and finally to Commandant (G-W). Although no time limit is stipulated for appeal review, the COTP and District shall respond to appeals within 10 working days, except for unusual circumstances. Specific procedures for processing appeals are in 33 CFR 158.190.
11. AMENDMENTS TO THE COA AND APPLICATION: 33 CFR 158.165(c) and (d) require terminals and ports to inform COTPs of changes in information which might affect the adequacy of the reception facility. Note that the terminal or port must notify the COTP in writing within 10 days of changes to the information required by 33 CFR 158.140(b)(4). Similarly, the terminal or port must notify the COTP in writing within 30 days of changes to the information required by 33 CFR 158.140(b)(1-3). Upon receipt of a change the COTP shall:

Enclosure (2) to COMDTINST M16450.27

11. a. If changes are minor:
 - (1) make pen and ink corrections to the COA and Application;
 - (2) initial and date each annotation; and
 - (3) return the annotated copy to the terminal for placement at the terminal.
 - b. If the changes are numerous or annotating changes may cause confusion:
 - (1) reissue the COA and/or;
 - (2) request resubmission of updated COA Application; and
 - (3) forward the revised COA and Application to the terminal or port.
 - c. Forward changes to the information previously submitted to District (m) on the Reception Facility Information Sheet for quarterly transmittal to Commandant (G-WPE-3) and subsequent publication in the Federal Register.
 - d. File the letter notification in the terminal or port's COA file and amend reception facility file, as necessary.
12. COA WORKSHEET GUIDANCE AND PROCEDURES:
- a. General Policy:
 - (1) The purpose of the COA worksheet in attachment (E) is to simplify, standardize and provide a sound analytical approach when calculating the information required by 33 CFR 158, and when determining whether a reception facility meets the criteria for adequacy by:
 - (a) calculating the estimated daily capacity of a reception facility and comparing it to the estimated daily amount of oily waste generated by vessels using the terminal or port; and
 - (b) determining if the transfer rates for oily wastes meet regulatory requirements.

The use of the worksheet by the COTP and industry is optional. The COTP may distribute the worksheet to industry to assist them in calculating their reception facility needs, and determining if their reception facilities meet the adequacy requirements in 33 CFR 158, or the COTP may use the work sheet to verify the accuracy of information submitted. Although the worksheet is

12. a. (1) (cont.) optional, the COTP has the authority in 33 CFR 158.140(b)(5) to require submission of the worksheet or other calculations to support statements made on the COA Application. COTPs may use the worksheet in whole or in part, or may modify it to best suit local needs. Note: Whatever form the worksheet is used in it must contain the OMB Number 20115-0543.
- (2) The Reception Facility Section consisting of line items "A" through "R" of the worksheet contains procedures to calculate the estimated daily capacity of the reception facility, and record the maximum allowable transfer rates for oily ballast and other oily residues. COTPs should be open and flexible when reviewing and approving alternative procedures that are based on a logical analytical approach, since the method for calculating the reception facility capacity is not stipulated in the regulations.
- (3) The Vessel Waste Section consisting of line items "S" through "AX" contains procedures for calculating the estimated amounts of oily waste generated by vessels visiting the terminal or port based upon vessel traffic, types, and trade. Since these calculations are taken directly from 33 CFR 158.210 through 158.240 no alternate method of calculation is authorized or acceptable.
- (4) The Adequacy Criteria Section consisting of line items "AY" through "BH" determines whether the reception facilities are adequate. They directly compare capacity demand to supply, transfer capabilities to regulatory transfer requirements, and state whether the applicant has the ability to provide reception facilities within 24-hours of notification. Upon completion of this section it will be known whether or not the reception facilities are adequate.
- (5) Instructions attached to the worksheet clarify the line item entries, provide appropriate conversion factors, and give directions for calculating the estimated daily capacity for multiple reception facilities and multiple terminals.
- b. COA Worksheet Review Procedures: The following procedures provide guidance for reviewing the COA Worksheet if submitted as supporting documentation to the COTP.
- (1) Check that all appropriate line items have entries, that the name and address of the applicant is legible, and that the person completing the worksheet signs the last page.
- (2) Determine whether the entries and calculations seem reasonable based upon COTP knowledge of the terminal's operations, e.g. is the number of crude tankers visiting the terminal per year reasonable? Does the DWT of the largest crude tanker entered as visiting the terminal compare with past ship visits?

12. b. (3) Review several of the calculations to determine whether they are mathematically correct. Give particular attention to the calculations in sections "AY" thru "BH" as they are more complicated.
- (4) Review sections "AY" thru "BH" to determine whether the reception facilities for terminals or ports, other than ship repair yards, are adequate. For adequacy all of the following statements must be true:
"AZ" is less than "AY";
"BB" is less than 10 hours;
"BF" is less than 4 hours;
"BG" is not applicable; and
"BH" is YES.
- (5) Review sections "AY" thru "BG" to determine whether the reception facilities for ship repair yards are adequate. For adequacy all of the following statements must be true:
"AZ" is less than "AY"; and
"BG" is YES.
NOTE: "BB," "BF" and "BH" do not apply to ship repair yards.

c. COA Worksheet Discrepancy Procedures:

- (1) For discrepancies found while conducting worksheet review procedures (1), (2), and (3), such as missing entries, incorrect or questionable entries, or calculation errors, phone the applicant and discuss the discrepancy. If agreeable to the applicant the COTP may correct the discrepancy in red, reference the conversation on the last page of the worksheet giving the name of the person contacted and the date, and continue processing of the COA Application. If the applicant objects or if the errors are numerous or too confusing, return the worksheet for correction and resubmission.
- (2) If any of the statements in the worksheet review procedures 12.b.(4) or 12.b.(5) are NOT TRUE, return the worksheet to the applicant indicating in writing why the reception facilities are inadequate.

- Attachments:
- (A) Certificate of Adequacy Application and Instructions
 - (B) Sample EPA Consultation Letter
 - (C) Sample Interim Certificate of Adequacy
 - (D) Certificate of Adequacy for Reception Facilities
 - (E) Certificate of Adequacy Worksheet and Instructions

GENERAL INSTRUCTIONS

**APPLICATION FOR CERTIFICATE OF ADEQUACY
FOR
RECEPTION FACILITIES**

1. General. The United States as a party to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78) is by Annex I and the Act to Prevent Pollution from Ships (33 USC 1901) to issue certificates to reception facilities verifying their adequacy to receive oily waste from ships. Regulations implementing States waste reception facility program are in 33 CFR 158 Code of Federal Regulations.
2. The Certificate of Adequacy remains valid until suspended or revoked.
3. Upon suspension or revocation a Certificate of Adequacy shall be promptly returned to the issuing U.S. Coast Guard Captain of the Port (COTP).
4. The Application, as submitted, shall be permanently attached to and become apart of the Certificate of Adequacy upon issuance.
5. A copy of the Certificate of Adequacy with the Application attached shall be available at each port and terminal to which it applies and shall be available for inspection by Coast Guard personnel and person in charge or agent of an oceangoing ship using or intending to use the reception facility.
6. A copy of the Certificate of Adequacy shall be attached to the operations manual for marine oil transfer facilities described in 33 CFR 154.300.
7. The terminal/port person in charge identified in the Application shall notify the U.S. Coast Guard Captain of the Port (COTP) in writing within 10 days after any of the reception facility information under 33 CFR 158.140(b)(4) changes. The terminal/port person in charge shall notify the U.S. Coast Guard COTP in writing within 30 days after any of the terminal/port information supplied under 33 CFR 158.140(b)(1)-(3) changes.
8. Civil Penalties. A person who after notice and an opportunity for a hearing, is found:
 - a. to have made a false, fictitious or fraudulent statement or representation in any matter in which a statement or representation is required to be made under the Act to Prevent Pollution from Ships, or the regulations thereunder, shall be liable to the United States for a civil penalty, not to exceed \$5,000 for each statement or representation; or
 - b. to have violated the Act to Prevent Pollution for Ships, or the regulations issued thereunder, shall be liable to the United States for a civil penalty, not to exceed \$25,000 for each violation.

INSTRUCTIONS

THE CERTIFICATE OF ADEQUACY (COA) APPLICATION

The following instructions for individual line items are provided to assist in completing the Application for a Certificate of Adequacy (COA). If you have any questions or need assistance in completing the A section, please contact the U.S. Coast Guard Captain of the Port (COTP) for your area. A list of definitions, which you may find helpful in completing the Application is provided in 33 Code of Federal Regulations Part 158 (33 CFR 158).

- 1.A. Indicate terminal if you are applying as a single terminal or indicate port if you are applying as a group of terminals. Do not mark "COTP Designated Port" unless you have a letter from the COTP with such a designation. COTP designation of a facility or an area as a port is for unusual situations. If you have a question as to whether COTP designation as a port applies to your situation, contact the COTP for your area.
- 1.C.(1). For a terminal enter the company or corporation name. For a port enter the company, corporation, port authority, or organization by which the group of terminals is legally known.
- 1.C.(3) Enter the name of a person authorized to act in behalf of the terminal or port.
- 1.C.(5) For a terminal enter the company or corporation name. For a port enter the company, corporation, port authority, or organization of which the person in charge is a member.
- 1.D.(1) Those applying as terminals do not have to complete this section, since the information is the same as in 1.C. Ports are to provide this information for each of the terminals indicated in 1.B.
- 2.A.(1) Enter the company or corporation name of the reception facility.
- 2.A.(5) Check as many of the types of reception facilities as may be used.
- 3.A. Enter the value as calculated on the Coast Guard optional worksheet line "AY" or other calculation sheet.
- 3.B. Enter the value as calculated on the Coast Guard optional worksheet line "AZ" or other calculation sheet. Calculate from vessel traffic at the terminal/port for the last 12 months.
- 3.C. Describe the waste the reception facility can receiver.
Enter "oil"
- 3.D. Describe the ship types or principal trades, e.g., crude tankers, product tankers, container ships, grain ships, fishing vessel, etc.
- 3.E. Enter a value based upon discharging waste through a single connection. This is necessary since ships are not required to discharge waste through multiple connections. Oily ballast discharge rates may be based on discharging through more than one connection if all of the vessels and reception facilities have this capability.
- 3.F. Enter a value upon discharging waste through a single connection. This is necessary since ships are not required to discharge waste through multiple connections.

GUIDANCE AND PROCEDURES FOR
ISSUING AND AMENDING CERTIFICATES OF ADEQUACY
FOR OILY WASTE RECEPTION FACILITIES

To fulfill the requirements of MARPOL 73/78 reception facilities for oily waste must be certified in a timely manner with consistent nationwide procedures that provide for a thorough review for adequacy. The Coast Guard's goal is to issue either Interim Letters or final Certificates of Adequacy (COAs) by 10 March 1986. To meet the above objectives this enclosure provides standardized forms together with guidance to minimize the COTP's efforts in issuing COAs. Additionally, policy is given for COTPs to respond to the multitude of unforeseen special circumstances so they can tailor the program to their geographic areas.

For the smooth initiation and operation of the program, a local industry education and assistance effort is necessary. Timely dissemination of reception facility requirements and COTP responsibilities and assistance available through industry meetings, port newsletters, journal articles, personal contacts, speaking engagements, and direct correspondence will allay industry's concerns and facilitate implementation. It is recommended that COTPs contact terminal operators and inform them of their responsibility to apply for a COA and that the COTP will assist them in completing the application and worksheets, as necessary. A spirit of cooperation will foster better working relationships and will considerably aid the issuance of the COAs.

1. Applicability: Terminals and ports under U.S. jurisdiction are required to provide oily waste reception facilities to oceangoing tankers and other oceangoing ships of 400 GT or more. Excluded are terminals which receive only non-oil carrying barges or which only receive oil barges that are oceangoing, non-self propelled and that cannot ballast or wash cargo tanks while proceeding enroute.

The requirements to provide reception facilities for oily waste apply to all types of facilities regardless of the commodities they handle, e.g., grain, coal, fish, containers, ship repair yards, etc. and to Federal facilities. There may be some confusion among terminals because the definition of "terminal" in 33 CFR 158 appears to exclude facilities handling non-harmful substances. However, the key phrase in the definition of terminal is "... used or INTENDED TO BE USED, as a ... facility for the transfer or other handling of a harmful substance." The clear intent of MARPOL 73/78 is that facilities receiving oceangoing ships retaining oily waste on board provide reception facilities. Since oily waste is a harmful substance, facilities engaged in transferring containers, fish, etc. are terminals for reception facility purposes because they are intended to receive oily waste and therefore must comply with 33 CFR 158.

Enclosure (2) to COMDTINST M16450.27

2. COTP Authority: Through delegations in 33 CFR 151 and 158.130 the COTP:

- a. issues and denies Certificates of Adequacy;
- b. inspects reception facilities;
- c. grants and denies waivers from reception facility requirements in 33 CFR 158;
- d. denies entry of oceangoing tankers or any other oceangoing ship of 400 gross tons or more to terminals not having a valid COA;
- e. denies entry of oceangoing tankers or any other oceangoing ship of 400 gross tons or more not in substantial compliance with MARPOL 73/78, to terminals and ports;
- f. investigates alleged violations of reception facility requirements; and
- g. issues subpoenas for investigative purposes.

3. COA APPLICATION GUIDANCE AND PROCEDURES:

a. General Policy:

(1) The purpose of the COA Application (CG-5401A), in Attachment (A) to this enclosure, is to provide the COTP with the information required in 33 CFR 158.140 in a standard format to assist him in determining whether the reception facilities are adequate. The COA Application form is optional; however, it is a means for industry to apply for a COA and be assured they have met the requirements in 33 CFR 158.140. COTPs should encourage the use of the Application form to reduce processing time for both industry and the COTP.

(2) Because the application provides information helpful to Coast Guard enforcement personnel, masters and agents, the COA Application shall be attached and become part of the COA. If a terminal or port does not submit a standard COA Application COTPs shall complete the standard Application using the information provided and follow the guidance and procedures herein for review. The COTP shall attach the filled in standard Application to the COA when issued. The COA Application is designated as Form A, since it is only for oily waste reception facilities. COA Application Form B, to be developed, will pertain to MARPOL Annex II chemical wastes.

RECEPTION FACILITY INFORMATION SHEET

***** THIS PAGE FOR COMPLETION BY U.S. COAST GUARD *****

COAST GUARD COTP COMPLETE THE FOLLOWING INFORMATION AND FORWARD TO
DISTRICT (m) FOR QUARTERLY SUBMISSION TO COMMANDANT (G-WPE-3):

COTP ISSUING CERTIFICATE OF ADEQUACY _____

NAME OF TERMINAL/PORT _____

LOCATION OF TERMINAL/PORT (City/State) _____

NAME AND PHONE NUMBER OF PERSON IN CHARGE _____

() _____

TYPE OF WASTE THE RECEPTION FACILITY CAN RECEIVE _____

DAILY CAPACITY OF RECEPTION FACILITY (metric tons) _____

OILY BALLAST WASTE TRANSFER RATE (GPM) _____

ALL OTHER OILY RESIDUES AND MIXTURES
TRANSFER RATE (GPM) _____

SAMPLE EPA CONSULTATION LETTER

COTP XXXXXXXXXX
(111) 123-4567

16611
29 July 1985

Mr. E. P. Maxie
Region XX
U.S. Environmental Protection Agency
123 E. North St.
Anywhere, USA 12598

Dear Mr. Maxie:

In accordance with 33 USC 1905(c), the Application for a Certificate of Adequacy (COA) for compliance with oily waste reception facility requirements in 33 CFR 158 from (enter the terminal/port name) is forwarded for your review and comment. In the absence of receiving verbal or written comments from your office within 20 working days after the date of this letter, I will assume EPA has no objection to issuing the COA and continue with normal processing of the Application.

Sincerely,

Thomas H. Metruck
Captain, U.S. Coast Guard

Encl: (1) COA Application

SAMPLE INTERIM CERTIFICATE OF ADEQUACY

COTP XXXXXXXXXXX
(XXX) 222-5689

16611
29 July 1985

Mr. Bob H. Seebald
2235 Watertown Drive
Theresa, OH 43302

SUBJECT: INTERIM CERTIFICATE OF ADEQUACY LETTER FOR OILY WASTE RECEPTION
FACILITIES

Dear Mr. Seebald:

The Application submitted for a Certificate of Adequacy (COA) for oily waste reception facilities by (enter name of terminal/port) located at (enter address of terminal/port) has been reviewed. Based upon the information contained in the Application, supporting worksheets/calculations, and review by EPA the reception facility identified appears to meet the requirements for reception facilities for oily waste stipulated in 33 Code of Federal Regulations 158 (33 CFR 158).

An interim COA letter is issued to indicate that all requirements for adequacy appear to have been met, except for the physical inspection of the reception facilities intended for use. Upon satisfactory completion of the inspection of your reception facilities the final COA will be forwarded. Until the inspection is complete your terminal/port may continue normal operations and use the reception facilities indicated in your Application. Report changes to the COA Application information as required by 33 CFR 158.140.

(Note: The following sentence is optional and applies to those instances where a time limit is set to allow the terminal to correct problems noted while allowing continued operations.) This interim COA is valid until (enter date) at which time the adequacy of the reception facilities will be reevaluated by this office.

Sincerely,

Raymond E. Gradchez
Captain, U.S. Coast Guard

- 3.a.(3) 33 CFR 158.140 does not require applicants to provide the estimated daily average quantity of oily waste generated by ships visiting the terminal or port. Since this information is absolutely necessary for the COTP to determine whether the capacity requirements are adequate, COTPs shall, under the authority in 33 CFR 158.140(b)(5), require applicants to provide the estimated daily quantity of oily waste generated by vessels visiting their terminal or port, if this information is not voluntarily provided.
- (4) The COTP should request supporting information such as the optional worksheet or calculations for unclear or questionable data submitted on the COA Application.
- (5) Based on local experience and knowledge, the COTP will assess the validity of the information supplied on the COA Application, and if this information appears accurate and states the criteria in enclosure (2) are met, the COTP shall:
- (a) after consultation with EPA issue an Interim Letter COA or
- (b) after consultation with EPA and inspection of the reception facilities issue a Final COA.
- (6) COTPs should process a COA Application within 30 days of receipt. Within that time the COTP should either approve the application or return it for correction and/or additional information. While an application is pending DO NOT DENY ENTRY to ships using the terminal or port, solely because the terminal or port does not have a COA.
- b. COA Application Form A Review Procedures:
- (1) Review for completeness and accuracy by checking that:
- (a) entries are made for every line item except 1.D., which will not be completed if the applicant is a terminal, or 3.F. through 3.I. which apply if the terminal is a ship repair yard;
- (b) the number of terminals listed in 1.B. is equal to the number of terminal names and addresses entered in 1.D. or on separate pages;
- (c) each terminal's person in charge signs 1.D. to indicate the terminal is a member of the port, if the Application is for a port;
- (d) the person in charge of the terminal or port signs at the end of the Application; and

Enclosure (2) to COMDTINST M16450.27

3.b.(1) (e) the entries in section 3 of the Application reflect the calculations from the worksheet or other supporting documentation, if requested.

(2) Review section 3 for reception facility adequacy:

(a) For terminals, other than ship repair yards or tank cleaning facilities, the reception facilities are adequate if all of the following statements are true:

3.B. is less than 3.A.;
3.C. indicates oil;
3.D. reflects the terminal type for which reception facility capacity demands are calculated;
3.G. is YES;
3.H. is YES;
3.I. is YES; and
3.J. is N/A.

(b) For ship repair yards the reception facilities are adequate if all of the following statements are true:

3.B. is less than 3.A.;
3.C. indicates oil;
3.D. indicates the terminal is a ship repair yard;
3.G. is N/A;
3.H. is N/A;
3.I. is N/A; and
3.J. is YES.

(3) Determine reception facility location. Compare the location of the reception facility to the location of the terminal or port taking into account whether the reception facility is a mobile facility. If the location of the reception facility requires ships to travel an unreasonable distance or may endanger ships due to channel restrictions then the reception facilities are inadequate and a COA should not be issued unless there is justification for a waiver. Reasonable distance is a subjective term and relies upon the judgment of the COTP. Having a ship change berths at a terminal to discharge waste or having a ship stop at another terminal enroute to its next port is reasonable. Having the ship travel 100 miles out of its way is unreasonable. Factors which may affect the reasonable distance determination include: tides, vessel traffic, navigational route, pilot requirements, bridge schedules and local port restrictions.

(4) Review for the concurrent use of the reception facility by other terminals to ensure capacity is sufficient to meet total demand. Total the COA Application waste capacity demands to determine whether they exceed the reception facility's daily average capacity.

WORKSHEET FOR A CERTIFICATE OF ADEQUACY
FOR
RECEPTION FACILITIES

Instructions for completing the Worksheet

The following instructions for individual line items are provided to assist in completing the worksheet for a Certificate of Adequacy (COA) Application. If you have any questions or need assistance in completing the worksheet, please contact the U.S. Coast Guard Captain of the Port (COTP) for your area. A list of definitions, which you may find helpful in completing the worksheet are contained in 33 Code of Federal Regulations Part 158 (33 CFR 158.120).

Reception Facility Section: This section consisting of line items "A" through "R2" is for calculating the estimated capacity of the proposed reception facilities. Those values which require calculation are entered in boxes with the applicable formula printed below.

"A" and "B" Enter values based upon receiving oily ballast or oily residues and mixtures through a single connection. This is necessary since ships are not required to discharge waste through multiple connections. If more than one mobile reception facility is used, enter the transfer rate of the slowest mobile reception facility. Discharge rates may be based on discharging through more than one connection, if all of the vessels and reception facilities have this ability.

"D" and "R2" GENERAL Enter data for the types (fixed, tank truck, barge, other) of reception facilities to receive oily waste as appropriate. The types completed should correspond to the entry in 2.A.(5) of the COA Application. Enter estimates of time requirements to the nearest tenth of an hour, e.g. 3.1 hours.

"D" Enter the daily amount of waste that can be removed from the storage tanks by processing or by transfer to a processing or disposal facility.

"E" If more than one mobile tank truck reception facility is used, enter the number of tank trucks available.

"L" If more than one mobile barge reception facility is used, enter the number of barges available.

"R1" and "R2" If the reception facility used is not described above, describe the reception facility and show the calculations for daily capacity and transfer time requirements (attach additional sheets if necessary).

Vessel Oily Waste Section: This section consisting of line items "S" through "AX" is for calculating the estimated capacity of the terminal or port in accordance with the regulations in 33 CFR 158. It is divided into four parts, (I) through (IV). Part (I) is for terminals loading crude oil; Part (II) is for terminals loading oil (other than crude oil) in capacities of 1000 metric tons or more per day; Part (III) is for other terminals loading oceangoing ships; and Part (IV) is for ship repair yards.

Applicants applying as terminals should complete the parts that describe their operation. It may be necessary to complete more than one part. For example a terminal servicing both crude carriers and product carriers would complete Part (I) and either Part (II) or (III) depending upon the volume of product transferred per day.

Ports which have more than one terminal in each category are to enter consolidated information for each part. For example if a port has three terminals loading crude oil, the number of oceangoing crude tankers visiting the port per year reported in section "S" would be equal to the sum of the crude tankers visiting each of the terminals.

The procedures for calculating the estimated reception facility capacities are based upon the specific values and requirements in 33 CFR 158. Applicable conversion factors are as follows:

- 1 metric ton equals 336 gallons
- 1 metric ton equals 8 barrels
- 1 metric ton equals 1 DWT deadweight ton

For lines "U" and "AC" do not include crude tankers equipped with dedicated clean ballast or segregated ballast tanks or non-self propelled tank barges that do not ballast or wash cargo tanks while proceeding enroute. Base values for the average number of ships visiting the terminal on a typical continuous 12 month period. Data should be available to support entries.

Adequacy Criteria Section: This section consisting of line items "AY" through "BH" compares the capacities, transfer rates and ability to provide timely reception facility service to the regulatory requirements. The Certificate of Adequacy cannot be issued unless the following conditions are met for terminals and ports other than ship repair yards.

- "AZ" is less than "AY";
- "BB" is less than 10 hours;
- "BF" is less than 4 hours;
- "BG" is N/A; and
- "BH" is YES.

For ship repair yards the COA cannot be issued unless the following conditions are met:

- "AZ" is less than "AY"; and
- "BG" is YES.

NOTE: Sections "BB", "BF", and "BH" are not applicable to ship repair yards.

³⁶
DEFINITIONS

³
The following definitions are provided to assist in understanding the terminology associated with the regulatory requirements for issuing Certificates of Adequacy. Where headings are enclosed by quotation marks ("..."), the definitions are quoted directly from applicable statutes, international conventions, or regulations and the appropriate citation is provided in brackets []. Headings without quotation marks do not have a legal citation. The abbreviation CFR stands for Code of Federal Regulations and USC stands for United States Code.

- ⁴ 1. ⁸ "Administration" refers to the Government of the state under whose authority the ship is operating. For fixed or floating platforms engaged in exploration and exploitation of the coastal seabed and subsoil, the Administration is the Government of the coastal state exercising sovereign rights for the purpose of exploration and exploitation of their natural resources. [Art. 2(5) MARPOL 73/78]
2. Black Product refers to crude oil, heavy refined products, and residuals such as Bunker C, Navy Special Fuel Oil, etc. which do not require tank cleaning prior to loading.
3. "Bunker oil" means oil loaded into bunker tanks for use as fuel. [33 CFR 158.120]
4. "Clean ballast" means ballast which:
 - ¹² a. ¹⁶ If discharged from a vessel that is stationary into clean, calm water on a clear day, would not:
 - ²¹ (1) Produce visible traces of oil on the surface of the water or on adjoining shore lines; or
 - (2) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shore lines; or
 - b. If verified by an approved cargo monitor and control system, has an oil content that does not exceed 15 ppm. [33 CFR 157.03(e)]
- ⁴ 5. ⁸ "Daily average" means the total number of vessels, or quantity of oil or oily waste, handled over a typical continuous 12 month period, divided by 365. [33 CFR 158.120]
6. "Dedicated clean ballast tank" means a cargo tank that is allocated solely for the carriage of clean ballast. [33 CFR 157.03(dd)]
7. "Harmful substance" means any substance which, if introduced into the sea, is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea, and includes any substance subject to control by MARPOL 73/78. [33 CFR 158.120].

Enclosure (1) to COMDTINST M16450.27

8. MARPOL 73/78" means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto. [33 CFR 151.05(g)]
9. "Oceangoing ship" means a ship that:
- a. is operated under the authority of the United States and engages in international voyages;
 - b. is operated under the authority of the United States and is certificated for ocean service;
 - c. is operated under the authority of the United States and is certificated for coastwise service beyond three miles from land;
 - d. is operated under the authority of the United States and operates at any time seaward of the outermost boundary of the territorial sea of the United States; or
 - e. is operated under the authority of a country other than the United States.
- Note: A Canadian or U.S. ship being operated exclusively on the Great Lakes of North America or their connecting and tributary waters, or exclusively on the internal waters of the United States and Canada; is not an "oceangoing" ship. [33 CFR 151.05(j)]
10. "Oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products (other than petrochemicals that are subject to the provisions of Annex II of MARPOL 73/78) and, without limiting the generality of the foregoing, includes the substances listed in Appendix I of Annex I of MARPOL 73/78. Note: "Oil" does not include animal or vegetable based oil. [33 CFR 151.05(k)]
11. "Operator" means:
- a. in the case of a ship, a charterer by demise or any other person, except the owner, who is responsible for the operation, manning, victualing, and supplying of the vessel, or
 - b. in the case of a terminal, any person, except the owner, responsible for the operation of the terminal by agreement with the owner. [33 USC 1901]
12. "Owner" means any person holding title to, or in the absence of title, any other evidence of ownership of, a ship or terminal, but does not include a person who, without participating in the management or operation of a ship or terminal, holds evidence of ownership primarily to protect a security interest in the ship or terminal. [33 USC 1901]

13. "Person" means an individual, firm, public or private corporation, partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body. [33 CFR 151.05(n)]
14. "Person in charge" means an owner of, an operator of, or a person authorized to act in behalf of a port or terminal. [33 CFR 158.120]

NOTE: The "person in charge" in this part is not necessarily the same person as the "person in charge" referred to in 33 CFR Parts 154, 155, and 156 (as defined in 33 CFR 154.105).
15. "Port" means:
 - a. a group of terminals that elect to be considered a port for the purposes of this part; or
 - b. a port authority or other organization that elects to be considered a port for the purposes of this part; or
 - c. a place or facility that has been specifically designated as a port by the COTP. [33 CFR 158.120]
16. "Reception facility" means anything capable of receiving shipboard residues and mixtures containing oil, that includes, but is not limited to:
 - a. fixed piping that conveys wastes from the ship to a storage or treatment system;
 - b. tank barges, railroad cars or tank trucks and other mobile facilities; and
 - c. any combination of fixed and mobile facilities. [33 CFR 158.120]
17. "Segregated ballast" means the ballast water introduced into a tank that is completely separated from the cargo oil and fuel oil system and that is permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious substances as variously defined in the Annexes of MARPOL 73/78. [33 CFR 151.05(p)]
18. "Ship" means a vessel of any type whatsoever, operating in the marine environment. This includes hydrofoils, air-cushioned vehicles, submersibles, floating craft whether self-propelled or not, and fixed or floating drilling rigs and other platforms. [33 CFR 151.05(q)]
19. Sludge refers to oil residues such as those resulting from the purification of fuel and lubrication oils and oil leakages in the machinery spaces which are generally heavier than water and are in a semisolid state.

ATTACHMENT (E)

Enclosure (1) to COMDTINST M16450.27

20. "Tank barge" means a tank vessel not equipped with a means of self-propulsion. [33 CFR 157.03(u)]
21. "Tanker" means a ship constructed or adapted primarily to carry oil in bulk in the cargo spaces. [33 CFR 158.120]
22. "Terminal" means an onshore facility or an offshore structure located in the navigable waters of the United States or subject to the jurisdiction of the United States and used, or intended to be used, as a port or facility for the transfer or other handling of a harmful substance. [33 USC 1901]

NOTE: A ship repair yard is a terminal by definition. A fixed or floating drilling rig or other platform is not a terminal because it is, by definition, a "ship" under 33 CFR 151.05(q).

23. "The Act" means the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) [33 CFR 158.120]
24. White Product means those products with high product purity standards which would necessitate tank cleaning for a change in cargo and which can not be loaded on top of decanted slops.

WORKSHEET FOR A RECEPTION FACILITY CERTIFICATE OF ADEQUACY FOR OIL

NAME OF TERMINAL /PORT _____
ADDRESS _____

RECEPTION FACILITY SECTION:

- A** MAXIMUM TRANSFER RATE CAPABILITY FOR OILY BALLAST. _____ GALLONS PER MINUTE
enter value of "A" on line 3.E. of Certificate of Adequacy Application
- B** MAXIMUM TRANSFER RATE CAPABILITY FOR ALL OTHER OILY RESIDUE AND MIXTURES. _____ GALLONS PER MINUTE
enter value of "B" on line 3.F. of Certificate of Adequacy Application
- C** RECEPTION FACILITIES WILL BE PROVIDED WITHIN 24 HOURS OF NOTIFICATION. _____ YES OR NO

FIXED RECEPTION FACILITIES:

- D** WASTE PROCESSING CAPABILITY OR TRANSFER FROM STORAGE FACILITY. _____ METRIC TONS PER DAY

MOBILE TANK TRUCK RECEPTION FACILITIES:

- E** NUMBER OF TANK TRUCKS AVAILABLE. _____ NO. OF TRUCKS
IF TANK TRUCKS ARE NOT OWNED, LIST THE NAME AND ADDRESS OF COMPANY(S) WHICH IS/ARE RENTING, LEASING, OR OTHERWISE PROVIDING THEM:

F SIZE OF SMALLEST TANK TRUCK. _____ GALLONS

G TIME REQUIRED TO FILL TANK TRUCK WITH OILY BALLAST. HOURS
$$\frac{F}{(A \times 60)}$$

H TIME REQUIRED TO FILL TANK TRUCK WITH OTHER OILY MIXTURES. HOURS
$$\frac{F}{(B \times 60)}$$

I ESTIMATED TIME BETWEEN FILLING OF TANK TRUCKS: i.e. TIME FOR TANK TRUCK TO OFFLOAD AND RETURN, TIME FOR MAKING CONNECTIONS TO SHIP, etc. _____ HOURS

J ENTER THE VALUE FROM LINE "G" OR "H" WHICHEVER IS GREATEST. HOURS

K DAILY CAPACITY OF MOBILE TANK TRUCK RECEPTION FACILITIES. METRIC TONS PER DAY
$$\frac{(0.07 \times E \times F)}{(J + I)}$$

BARGE RECEPTION FACILITIES:

L NUMBER OF BARGES AVAILABLE _____ **NO. OF BARGES**

IF BARGES ARE NOT OWNED, LIST THE NAME OF AND ADDRESS OF COMPANY(S) RENTING LEASING, OR OTHERWISE PROVIDING THEM.

M CAPACITY OF SMALLEST BARGE. _____ **GALLONS**

N TIME REQUIRED TO FILL BARGE WITH OILY BALLAST MIXTURES. **HOURS**

$$\frac{M}{A \times 60}$$

O TIME REQUIRED TO FILL BARGE WITH OTHER OILY RESIDUES **HOURS**

$$\frac{M}{B \times 60}$$

P IF ONLY USING 1 BARGE, ESTIMATE OF LONGEST TIME REQUIRED TO OFFLOAD AND RETURN TO TERMINAL, IF MORE THAN ONE BARGE ENTER 0. _____ **HOURS**

Q THE VALUE FROM LINE "N" OR "O" WHICHEVER IS GREATER. **HOURS**

R DAILY CAPACITY OF BARGE RECEPTION FACILITIES. **METRIC TONS PER DAY**

$$\frac{0.07 \times M}{(Q + P)}$$

OTHER RECEPTION FACILITY CAPACITY:

DESCRIBE COMPLETELY AND SHOW CALCULATIONS USED TO ARRIVE AT THE DAILY CAPACITY IN METRIC TONS AND DAILY AVERAGE TRANSFER RATE IN GPM:

R1 _____ **METRIC TONS PER DAY**
 DAILY CAPACITY

R2 _____ **GALLONS PER MINUTE**
 TRANSFER TIME

SIGNATURE OF RECEPTION FACILITY PERSON IN CHARGE _____

PRINTED NAME OF RECEPTION FACILITY PERSON IN CHARGE _____

DATE SIGNED _____

VESSEL OILY WASTE SECTION:

COMPLETE PARTS (I) THROUGH (IV) FOR THE TYPES OF OCEAN GOING SHIPS OR OPERATIONS CONDUCTED AT YOUR TERMINAL OR PORT. FOR EXAMPLE IF YOUR TERMINAL LOADS CRUDE OIL AND PRODUCT OIL MORE THAN 1000 METRIC TONS PER DAY, COMPLETE PARTS (I) AND (II). PORTS SHOULD ENTER THE SUM OF THE OPERATIONS FOR THE TERMINALS CONSIDERED PART OF THE PORT.

(I) TERMINAL/PORT LOADING CRUDE OIL; ESTIMATED RECEPTION FACILITY CAPACITY REQUIREMENTS.

- S** OCEANGOING CRUDE TANKERS VISITING TERMINAL/PORT PER YEAR. _____ NO. OF TANKERS PER YEAR
- T** OCEANGOING CRUDE TANKERS VISITING TERMINAL/PORT PER DAY. NO. OF TANKERS PER DAY
 $\frac{S}{365}$
- U** EXPECTED AVERAGE NUMBER PER DAY OF OCEANGOING OIL TANKERS NOT EQUIPPED WITH DEDICATED CLEAN BALLAST TANKS OR SEGREGATED BALLAST TANKS. DO NOT INCLUDE TANK BARGES THAT DO NOT BALLAST OR WASH CARGO TANKS WHILE PROCEEDING EN ROUTE. _____ NO. OF TANKERS PER DAY
- V** LARGEST OCEANGOING OIL TANKER EXPECTED TO VISIT TERMINAL/PORT IN METRIC TONS THAT IS NOT EQUIPPED WITH DEDICATED CLEAN BALLAST TANKS OR SEGREGATED BALLAST TANKS. DO NOT INCLUDE TANK BARGES THAT DO NOT BALLAST OR WASH CARGO TANKS WHILE PROCEEDING ENROUTE. _____ DEADWEIGHT TONS
(NOTE: DEADWEIGHT TONS EQUALS METRIC TONS)
- W** SLUDGE ESTIMATED CAPACITY REQUIREMENT (ENTER AT LEAST 10 METRIC TONS). _____ METRIC TONS PER DAY
(1 METRIC TON = 1.1 SHORT TONS = 2,200 POUNDS)
- X** OILY BILGE WATER ESTIMATED CAPACITY REQUIREMENT. METRIC TONS PER DAY
10 OR (T' X 2) WHICHEVER IS GREATER
- Y** OILY BALLAST ESTIMATED CAPACITY REQUIREMENT. METRIC TONS PER DAY
0.30 X "V" X "U"
- Z** TOTAL ESTIMATED CAPACITY REQUIREMENTS FOR TERMINAL/PORT LOADING CRUDE OIL. METRIC TONS PER DAY
"W" + "X" + "Y"

(II) TERMINAL/PORT LOADING MORE THAN 1000 METRIC TONS OF OIL PER DAY EXCEPT CRUDE OIL OR BUNKER OIL: ESTIMATED DAILY RECEPTION FACILITY CAPACITY REQUIREMENTS.

- AA OCEANGOING OIL TANKERS VISITING TERMINAL/PORT PER YEAR NO. OF SHIPS PER YEAR
- AB OCEANGOING OIL TANKERS VISTING TERMINAL/PORT PER DAY NO. OF SHIPS PER DAY
- AC EXPECTED AVERAGE NUMBER PER DAY OF OCEANGOING OIL TANKERS NOT EQUIPPED WITH DEDICATED CLEAN BALLAST TANKS OR SEGREGATED BALLAST TANKS. DO NOT INCLUDE TANK BARGES THAT DO NOT BALLAST OR WASH CARGO TANKS WHILE PROCEEDING ENROUTE. NO. OF SHIPS PER DAY
- AD LARGEST OCEANGOING OIL TANKER EXPECTED TO VISIT TERMINAL/PORT IN METRIC TONS, THAT IS NOT EQUIPPED WITH DEDICATED CLEAN BALLAST TANKS OR SEGREGATED BALLAST TANKS. DO NOT INCLUDE TANK BARGES THAT DO NOT BALLAST OR WASH CARGO TANKS WHILE PROCEEDING ENROUTE. METRIC TONS
- AE CARGO CAPACITY OF LARGEST TANKER USING THE TERMINAL/PORT IN METRIC TONS. METRIC TONS
- AF AMOUNT OF OIL, EXCEPT CRUDE OIL, LOADED TO TANKERS IN METRIC TONS PER YEAR. METRIC TONS PER YEAR
- AG AMOUNT OF OIL, EXCEPT CRUDE OIL, LOADED PER DAY. METRIC TONS PER DAY
 If item "AG" is 1000 or less, this page (PART III) should not be completed
- AH SLUDGE ESTIMATED CAPACITY REQUIREMENT. (ENTER AT LEAST 10 METRIC TONS). METRIC TONS PER DAY
- AI OILY BILGE WATER ESTIMATED CAPACITY REQUIREMENT. METRIC TONS PER DAY
- AJ OILY BALLAST ESTIMATED CAPACITY REQUIREMENT. METRIC TONS PER DAY
- AK CARGO RESIDUE ESTIMATED CAPACITY REQUIREMENT. METRIC TONS PER DAY
- AL TOTAL ESTIMATED CAPACITY REQUIREMENTS FOR TERMINAL/PORT LOADING MORE THAN 1000 METRIC TONS OF OIL, EXCEPT CRUDE OIL AND BUNKER OIL. METRIC TONS PER DAY

$\frac{*AA*}{365}$

(NOTE: DEADWEIGHT TONS EQUALS METRIC TONS)

$\frac{*AF*}{365}$

(1 METRIC TON = 1.1 SHORT TONS = 2,200 POUNDS)

10 OR (*AB* X 2)
WHICHEVER IS GREATER

$0.30 \times *AD* \times *AC*$

$0.002 \times *AE* \times *AB*$

$*AH* + *AI* + *AJ* + *AK*$

(III) OTHER TERMINALS AND PORTS RECEIVING OCEANGONG SHIPS, EXCEPT SHIP REPAIR YARDS; ESTIMATED DAILY RECEPTION FACILITY CAPACITY REQUIREMENTS.

AM	OCEAN GOING SHIPS VISITING TERMINAL/PORT PER YEAR.	_____	NO. OF SHIPS PER YEAR
AN	OCEAN GOING SHIPS VISITING TERMINAL/PORT PER DAY.	<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;"></div> *AM* ----- 365	NO. OF SHIPS PER DAY
AO	SLUDGE ESTIMATED CAPACITY REQUIREMENT.	<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;"></div> *AN* OR 10 WHICHEVER IS GREATER	METRIC TONS PER DAY
AP	OILY BILGE WATER ESTIMATED CAPACITY REQUIREMENT.	<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;"></div> 10 OR (*AN* X 2) WHICHEVER IS GREATER	METRIC TONS PER DAY
AQ	TOTAL ESTIMATED CAPACITY FOR OTHER TERMINALS AND PORTS RECEIVING OCEANGOING SHIPS, EXCEPT SHIP REPAIR YARDS	<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;"></div> *AO* + *AP*	METRIC TONS PER DAY

(IV) SHIP REPAIR YARD; ESTIMATED RECEPTION FACILITY CAPACITY

AR	BUNKER CAPACITY OF LARGEST OCEANGOING SHIP SERVICED	_____	METRIC TONS
AS	METRIC TONS OF LARGEST TANKER SERVICED	_____	METRIC TONS
AT	ESTIMATED CAPACITY REQUIREMENT FOR OILY BUNKER BALLAST.	<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;"></div> 0.06 X *AR*	METRIC TONS
AU	ESTIMATED CAPACITY REQUIREMENT FOR SLUDGE AND SOLIDS FROM CARGO TANKS	<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;"></div> 0.001 X *AS*	METRIC TONS
AV	ESTIMATED CAPACITY REQUIREMENT FOR OILY BALLAST WATER AND WASH WATER FROM INPORT WASHING OF CARGO TANKS	<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;"></div> 1500 OR (0.045 X *AS*) WHICHEVER IS LESS	METRIC TONS
AW	LIQUID CARGO RESIDUES	<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;"></div>	METRIC TONS
		AS TIMES .01 IF LARGEST OCEANGOING TANKER IS A CRUDE CARRIER	
		AS TIMES .005 IF LARGEST OCEANGOING TANKER IS A BLACK PRODUCT CARRIER	
		AS TIMES .002 IF LARGEST OCEANGOING TANKER IS A WHITE PRODUCT CARRIER	
		* SEE DEFINITIONS	
AX	TOTAL ESTIMATED CAPACITY REQUIRED FOR SHIP REPAIR YARD.	<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;"></div> *AT* + *AU* + *AV* + *AW*	METRIC TONS

ADEQUACY CRITERIA SECTION :

- AY** TOTAL RECEPTION FACILITY ESTIMATED DAILY CAPACITY.
enter the value of "AY" on line 3.A. of the COA application
- AZ** TOTAL ESTIMATED DAILY CAPACITY REQUIRED FOR TERMINAL/PORT.
enter the value of "AZ" on line 3.B. of the COA application
If "AZ" is larger than "AY", then additional reception facility capacity is required

METRIC TONS PER DAY
"D" + "K" + "R" +
("R1" IF APPLICABLE)

METRIC TONS PER DAY
"Z" + "AL" + "AQ" + "AX"

WASTE TRANSFER RATE REQUIREMENT

- BA** DAILY OILY BALLAST ESTIMATED CAPACITY.
- BB** TIME REQUIRED TO TRANSFER OILY BALLAST.
If the value in "BB" is equal to or greater than 10 hours, then the reception facility's transfer rate for oily ballast is inadequate

METRIC TONS PER DAY
"Y" OR "AJ"
WHICHEVER IS LARGER

HOURS
"BA"
(18 X "A")

ALL OTHER OILY RESIDUES AND MIXTURES TRANSFER RATE REQUIREMENT

- BC** SLUDGE AND BILGE WASTES FROM TERMINALS SERVICING CRUDE OIL TANKERS
- BD** SLUDGE AND BILGE WASTES FROM TERMINALS LOADING MORE THAN 1000 METRIC TONS OF OIL PER DAY EXCEPT CRUDE OR OIL.
- BE** GREATEST AMOUNT OF BILGE AND SLUDGE WASTES THAT CAN BE EXPECTED TO BE GENERATED.
- BF** TIME REQUIRED TO TRANSFER ALL OTHER OILY RESIDUES AND MIXTURES.
If the value of "BF" is equal to or greater than 4 hours, the transfer rate for other oily residues and mixtures is inadequate

METRIC TONS PER DAY
"W" + "X"

METRIC TONS PER DAY
"AH" + "AI" + "AK"

METRIC TONS PER DAY
"BC", "BD" OR "AP" + "AO"
WHICHEVER IS LARGER

HOURS
"BF"
(0.18 X "B")

- BG** OILY WASTE WILL BE TRANSFERRED PRIOR TO THE SHIP LEAVING THE SHIP REPAIR YARD.
If the answer to "BG" is no, then other arrangements must be made

YES NO OR N/A

- BH** RECEPTION FACILITIES FOR OIL WASTE WILL BE PROVIDED WITHIN 24 HOURS OF NOTIFICATION.
If the answer TO "BH" is no, then this reception facility does not meet the minimum requirements

YES NO OR N/A

I HEREBY CERTIFY THAT THE INFORMATION PROVIDED IN THIS WORKSHEET FOR A WASTE RECEPTION FACILITY CERTIFICATE OF ADEQUACY IS COMPLETE, TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF

SIGNATURE OF PERSON COMPLETING WORKSHEET _____

PRINTED OR TYPED NAME OF PERSON COMPLETING THIS WORKSHEET _____

DATE SIGNED _____

ENFORCEMENT POLICY FOR OILY WASTE RECEPTION FACILITY
REQUIREMENTS

1. GENERAL ENFORCEMENT POLICY. Consistent enforcement is essential for effective implementation of the reception facility requirements. Violations of MARPOL 73/78, the Act, or the regulations carry a criminal fine of up to \$50,000 and/or 5 years imprisonment, a civil penalty of up to \$25,000, or for making a false, fictitious, or fraudulent statement a civil penalty of up to \$5,000 for each such statement.

The types of reception facility violations are categorized as either major or minor according to their impact upon the adequacy of the reception facility, potential for delaying ships and the severity of threat to the marine environment. For each category there is a description of the violations and the enforcement actions considered appropriate. The listing of violations is not all inclusive. For violations not listed, the COTP should assess the seriousness of the discrepancy, classify it as either major or minor and decide upon the appropriate enforcement actions. COTPs in taking enforcement action may modify the guidance herein to better suit the specifics of the violation, the circumstances surrounding the violations, and the local conditions.

The COTPs should strive for cooperation with terminal/port and vessel owners and operators to achieve compliance. If cooperation is not forthcoming then enforcement actions are necessary to achieve compliance.

- a. Targeting Enforcement. To achieve compliance and to fairly administer the reception facility program it is important to direct the Coast Guard's enforcement efforts against those failing to meet their reception facility responsibilities. The COTP can process a violation report for violations of 33 CFR 158.140, 158.163 and 158.165, as appropriate, against:
 - (1) the terminal or port to whom the COA is issued;
 - (2) a terminal associated with a port to whom the COA is issued;
 - (3) a reception facility;
 - (4) an oceangoing vessel; or
 - (5) a person in charge of any of the above.

Do not in all cases restrict enforcement actions to only the terminal/port owner, operator, or person in charge to whom the COA is issued. Each violation case will require careful investigation to identify the responsible party or parties prior to taking enforcement actions.

1. b. Denial of Entry. The Act states in 33 USC 1905 that ships must be denied entry to terminals and ports not having adequate reception facilities, i.e. holding a COA. All ships should be denied entry whether they have waste to discharge or not. However, this action should be taken only after reasonable opportunity has been given to apply for a COA, and the terminal or port clearly understands the consequences if they do not apply.
- c. Suspension and Revocation of a COA.
 - (1) General Policy.
 - (a) Suspension and revocation of a COA is a serious enforcement action which leads directly to the denial of entry of ships to a terminal or port. Suspension of a COA is the temporary invalidation of a COA and revocation is the permanent invalidation of a specific permit. Suspension or temporary invalidation of a COA is appropriate for major deficiencies that pose an extreme hazard to the operation or which cause undue delay to ships or for recurring, continued discrepancies. Under the authority in 33 CFR 158.170 the COTP may immediately suspend a COA for undue delay to a ship. The COTP may rescind a suspension order when in his judgment the reception facility has demonstrated it is adequate. When a COA is revoked the terminal or port will have to reapply and follow the procedures for obtaining a new COA given in enclosure (2).
 - (b) The term "Suspension and Revocation" used here and in 33 CFR 158 pertains to actions by the COTP against a Certificate of Adequacy issued for oily waste reception facilities. This term should not be confused with the Suspension and Revocation procedures in 46 USC Chapter 77 for the suspension and revocation of merchant mariner's licenses and documents
 - (2) Suspension Procedures:
 - (a) To suspend a COA the COTP shall notify in writing the person in charge of the terminal or port who is listed on the COA. The written notification should state the violation(s), when the suspension becomes effective, the length of the suspension, details of the suspension order, (i.e., equipment or conditions which must be repaired, provided, or corrected), that ships will be denied entry to the terminal or port during the time the suspension letter is in effect, and the suspension procedures.

- 1.c. (b) COTPs will normally allow 30 days for the person in charge of the terminal or port to present arguments for the retention of the COA or to correct deficiencies. After this 30-day period and after considering the comments received, the COTP may under the authority of 33 CFR 158 issue a suspension letter. The suspension letter will contain the same information as the suspension notification and also inform the terminal or port of the appeal procedures in 33 CFR 158.190, and that oceangoing ships are denied entry to the terminal until the suspension letter is rescinded. A COA which is suspended must be returned to the COTP in accordance with 33 CFR 158.165(b).
- (c) For immediate suspension for undue delay of ships, the COTP may give verbal notification, followed by a written suspension letter without the 30-day notification period.
- (d) The COTP should rescind in writing suspension letters upon satisfactory compliance with the regulatory requirements and return the COA.
- (3) Revocation of COA. If no significant measures are undertaken on the part of the person in charge of the terminal or port to resolve the deficiencies which resulted in the suspension of the COA, and if no appeal is pending the COA should be revoked. The COTP will follow similar procedures and guidance to those for the suspension letter. Upon issuance of the revocation letter the terminal or port in order to receive oceangoing ships will have to reapply for a COA. Oceangoing ships will be denied entry to the terminal or port until a new COA is issued. The COTP will recover and retain the original COA. If a new application is received and is found to be satisfactory a new COA will be issued.
- d. Activities Which Are Not Violations. The following described activities are not violations of MARPOL 73/78, the Act or the regulations in 33 CFR Part 158 and do not require enforcement action.
- (1) Leaving Port without Discharging Oily Waste. A ship may enter a terminal or port with oily waste on board and subsequently leave without discharging the oily waste to a reception facility. This is not a violation as there is no requirement for the ship to transfer oily waste ashore even if the ship requested reception facilities in advance.

Enclosure (3) to COMDTINST M16450.27

- 1.d. (2) COA Processing Deficiencies. COA processing deficiencies are not violations of the regulations open to civil penalty proceedings. Deficiencies of this nature are handled as stated in Enclosure (2) and ultimately will result in no COA being issued and denial of entry of ships to the terminal or port.
2. MAJOR VIOLATIONS. These are defined as deficiencies which significantly affect the adequacy of the facility, pose an unreasonable risk of pollution to the marine environment or cause undue delay to ships. In addition, repeated or flagrant minor violations may escalate to the level of a major violation. The following is a list of major violations and the recommended enforcement action for each.
 - a. The applicant INTENTIONALLY provides false information required by 33 CFR 158.140. This is a very serious violation possibly involving criminal liabilities.
Enforcement Action:
 - (1) Deny the application for a COA, or if the COA is issued, immediately suspend the COA under 33 CFR 158.170.
 - (2) If the false statement causes ships undue delay, then initiate civil or criminal penalty action; and deny entry to ships to the terminal or port until the application is corrected and the reception facilities are found adequate.
 - b. Ship transfers other than oil or transfers contaminated oil to a reception facility. Transfers of substances other than oil into a system designed to receive only oily waste can result in damage to the transfer system and potentially cause serious safety and health hazards. The transfer system might be damaged as a result of mixing incompatible substances or initiating unexpected chemical reactions. Depending on the substance contaminating the oily waste a safety hazard may be present due to low flashpoint or the presence of toxic materials. Enforcement action will vary depending on whether the transfer was intentional or unintentional, and the cause and amount of the contamination.

2.b. Enforcement Action. Under the authority of 33 CFR 126 and/or (cont) 46 CFR 5:

- (1) immediately stop transfer operations;
- (2) consider detaining the vessel until the hazardous material is properly disposed of;
- (3) if hazardous materials involve more than minor contamination which can be explained, refer the case to the EPA and appropriate state hazardous waste enforcement officials;
- (4) for a U.S. vessel consider suspension and revocation proceeding against the master or other licensed officers implicated in the transfer. For a foreign vessel forward the case via Distric (m) to Commandant (G-WPE-1) for referral to the ship's flag state.

c. Reception facility does not hold all state, local, or Federal permits 33 CFR 158.200(a)(2). This regulation requires reception facilities to obtain all state, local and Federal permits and licenses required by environmental laws and regulations concerning residues and mixtures containing oil.

Enforcement Action.

- (1) If the reception facility is adequate in all respects with the exception of not having all required environmental permits and licenses; do not automatically deny the application for a COA. If the reception facility is making good faith efforts to obtain the necessary permits and licenses the COTP should consider issuing an Interim COA with a specific expiration date. In this case the Interim COA should be issued if the reception facility meets all other criteria for adequacy, except the COTPs on-site inspection.
- (2) If on the expiration date of the Interim COA the reception facility has been inspected and is adequate in all respects, with the exception of not having all the required permits and licenses, the COTP should evaluate the applicant's progress toward obtaining the required permits and should either issue the COA, issue another Interim COA or deny the COA Application.

- 2.d. (3) In the case of a COA which has been issued, send the COA holder a letter requiring him to show evidence within 30 days that all required permits and licenses are held; or the efforts being made to obtain the permits or licenses. If the person in charge of the terminal or port fails to make a good faith effort to obtain the required permits and licenses, take action to suspend or revoke the terminal's or port's COA.

- d. Reception facility not able to receive the amounts of waste required in 33 CFR 158.210, 158.220, 158.230 or 158.240.
In applying for a COA the reception facility operators are required to state the quantities and flow rates they will be capable of receiving. If the reception facility is unable to handle the quantities stated in its application for a COA it may be necessary to reevaluate the reception facility for adequacy. Enforcement actions will vary depending on the degree to which the reception facility is unable to meet the required quantities or flow rates, since the calculations for determining the daily capacity of the reception facility are only best estimates. If quantities or flow rates are grossly inadequate then vigorous enforcement is indicated. If, however, the facility is just under its prescribed quantities and flow rates, then the enforcement action may not be necessary. A reception facility unable to accept the quantities required for adequacy poses an unreasonable risk of pollution to the marine environment and may cause undue delay to ships.

Enforcement Action.

- (1) For the first violation of these requirements not involving significant deficiencies in quantity or flow rates issue a COTP Letter of Warning.
- (2) For subsequent violations not involving significant deficiencies in quantity or flow rates, initiate civil penalty proceeding, reevaluate the facility for adequacy and commence COA suspension procedures, if reception facilities are inadequate.
- (3) For major violations of these requirements involving significant deficiencies in quantity or transfer times, initiate civil penalty proceedings and COA suspension procedures, as appropriate.

2. e. Reception facility does not have means to dispose of oily waste or disposes of oily waste illegally. Reception facilities without an adequate means of disposing of oily residues and mixtures will eventually run short of their required capacities. In that case, enforcement should follow that outlined in paragraph 2.d. above, "Reception facility not able to receive...". The actual disposal of oily residues and mixtures received from oceangoing ships does not normally fall within the Coast Guard's jurisdiction. COTPs discovering a reception facility engaged in illegal or unpermitted disposal of oily residues and mixtures should immediately advise appropriate local, state and Federal environmental enforcement agencies. In the event the illegal disposal involves the actual or potential pollution of a navigable water by oil, the COTP could take immediate action under the authority of Section 311 of the Clean Water Act.

- f. Reception facility refuses to accept waste from ship. The reason COAs are issued to terminals and ports is to insure they have adequate facilities to receive oily waste generated by oceangoing ships. Refusal of a terminal or port's reception facility to accept a legitimate MARPOL 73/78 Annex I oily waste is a serious matter, unless the facility can produce substantial justification why the oily waste should not be accepted.

Enforcement Action.

- (1) For the first violation; initiate civil penalty proceedings.
- (2) For subsequent violations, commence actions to suspend the facility's COA.

NOTE: Possible justification for a reception facility refusing to accept a ship's oily waste include:

- o failure of the ship to pay or provide reasonable assurance of payment; and
 - o failure of the ship to provide the information on the oily waste required by 33 CFR 151.09(f).
3. MINOR VIOLATIONS. Minor violations are defined as those violations which do not affect the adequacy of the facility, pose only minimal risk of pollution to the marine environment or cause a short delay to ships. Minor violations which are flagrant or occur on a repeated basis should be considered major and dealt with accordingly. The following is a list of minor violations and recommended enforcement actions.

3. a. Notification deficiencies. Under the requirements of 33 CFR 151.09(f) the person in charge of an oceangoing ship must notify the reception facility at least 24 hours prior to the time of entry of the type and quantity of oily residues and mixtures to be discharged. Notification deficiencies include the following:

- (1) Vessel provides less than 24 hour notification of the need for reception facilities;
- (2) Vessel does not give any information required for notification except that reception facilities are needed;
- (3) Vessel fails to notify of reception facility needs;
- (4) Vessel gives incorrect description of waste in notification message; and
- (5) Vessel gives incorrect volume of waste in notification message.

Enforcement Action. We do not expect enforcement of the notification requirements to present a significant problem. These requirements will, for the most part, be self-enforcing. It is in the vessel's best interest to provide the required information. Failing to do so may cause the vessel to be delayed in port if it needs to discharge oily residues and or mixtures to a reception facility.

- (1) In the event a particular vessel is determined to have violated the notification requirements on more than one occasion the COTP should consider a Letter of Warning or initiate civil penalty proceedings.

b. Changes in facility information 33 CFR 158.165(c)&(d). The person submitting the COA Application for the terminal or port must notify the COTP within 30 days of changes to the information required by 33 CFR 158.140(b) (1) through (3). In addition, the person in charge of the reception facility must notify the COTP within 10 days of changes to the information required by 33 CFR 158.140(b) (4). Enforcement action is indicated for failure of the appropriate person in charge to make the notifications required by 33 CFR 158.165(c)&(d).

Enforcement Action.

- (1) For a first violation issue a COTP Letter of Warning.
- (2) For subsequent violations initiate civil penalty proceedings.

3. c. Reception facility unable to complete transfer of oily ballast within 10 hours (33 CFR 158.200(a)(3)(ii)) or other oily residues and mixtures within 4 hours (33 CFR 158.200(a)(3)(iii)). Only if the reception facility is responsible for the delay should enforcement action be considered. Often, the ship's pumps and piping system will be the limiting factor in transfer times.

Enforcement Action.

- (1) For a first violation issue a COTP Letter of Warning.
- (2) For a second violation initiate civil penalty proceedings.
- (3) For repeated violations suspend the port or terminal's COA as specified in 33 CFR 158.170, since this indicates the reception facility is not adequate and is causing undue delay to ships.

- d. Failure of the reception facility to have the standard discharge connection 33 CFR 158.250. The standard discharge connection is required so that reception facilities and ships will have compatible discharge equipment. Oceangoing ships of 400 gross tons and above are required by 33 CFR 155.430 to have a standard discharge connection for discharging oily wastes from machinery space bilges and fuel oil tank ballast water to reception facilities. This requirement does not preclude use of other sizes of connections, piping and hoses mutually agreed to by the ship and reception facility. In the case of oily ballast water, it may be impossible to complete the transfer expeditiously using the standard discharge connection. These oily ballast transfers will probably be accomplished using the ships' and the facilities' cargo piping system. This is permissible under the regulations and does not constitute a violation. However, the ship and the reception facility must each have the standard discharge connection, regardless of whether it is used for the transfer.

Enforcement Action.

- (1) For a first violation at a reception facility initiate civil penalty proceedings.
- (2) If the reception facility does not obtain the standard discharge connection within an allotted amount of time suspend the terminal or port's COA.

3. e. Failure to return a suspended or revoked COA (33 CFR 158.165(b)). Initiate civil penalty actions if a terminal or port will not voluntarily return a suspended or revoked COA after being requested to do so. Deny entry to oceangoing ships requesting to call at those terminals or ports having suspended or revoked COAs.
- f. Miscellaneous violations. This category includes a number of minor violations, primarily administrative or paperwork related, including the following:
 - (1) Waiver(s) not attached to COA (33 CFR 158.150).
 - (2) The terminal or port covered by the COA does not have a copy of the COA (33 CFR 158.163(b)(1)).
 - (3) A copy of the COA is not available for inspection by Coast Guard personnel or the master, or agent of an oceangoing ship (33 CFR 158.163(b)(2)).
 - (4) For those terminals and ports required to have a facility operations manual, a copy of the COA including any waivers is not attached to that operations manual (33 CFR 158.163(c)).

Enforcement Action.

- (1) For the first violation a verbal warning by Coast Guard personnel may be sufficient to achieve compliance.
- (2) For subsequent violations of the same requirement, issue a COTP Letter of Warning or if cooperation is not forthcoming initiate civil penalty proceedings.
- (3) If violations of these requirements continue and the reception facility does not make efforts to comply, suspend the COA.

OILY WASTE RECEPTION FACILITY REPORTING REQUIREMENTS

As a Party to MARPOL 73/78 the United States is required to cooperate in the detection and enforcement of violations and to institute adequate procedures for reporting and accumulating evidence (Article 6). Additionally, to advise mariners of the availability of reception facilities the Act requires publication in the Federal Register of reception facilities that are adequate (33 U.S.C. 1905 (d)). To comply with these provisions this enclosure provides detailed instructions on:

- o Reporting the specifics of reception facilities to which a COA has been issued for publication in the Federal Register, and
- o Reporting program information in the Quarterly Activities Report to evaluate and measure program effectiveness and progress.

1. REPORT OF ADEQUATE RECEPTION FACILITIES:

- a. To assist vessels in locating adequate reception facilities to dispose of their oily waste retained on board, the Act requires periodic publication in the Federal Register a list of terminals or ports holding a valid Certificate of Adequacy. The Reception Facility Information Sheet is provided as part of the COA Application to facilitate reporting and publication of adequate reception facilities. Upon issuing the COA the COTP shall complete the form and forward it to the District (m) office. On a quarterly basis the District (m) office shall forward the reports of COA issuance to Commandant (G-WPE-3) for periodic publication in the Federal Register.
- b. If a COA is revoked or if the COA becomes invalid due to closing of the terminal or for some other reason, the COTP shall inform Commandant (G-WPE-3) by letter via the District (m) office. The letter should give the reason for the COA becoming invalid and properly identify the terminal or port.

2. PES/MER QUARTERLY ACTIVITIES REPORT (CG-4957): The Quarterly Activities Report is the primary means of obtaining information to assess the progress and effectiveness of the reception facility program. Commandant Instruction 5010.9A provides guidance on page 6 of enclosure (1) for entering data for reception facilities. In paragraph 4.c.(1) do not include in column 2 the number of interim COAs issued; only record the number of final COAs. In paragraph 4.c.(2) do not include the inspection time associated with issuing the COA. Include inspection time for the issuance of the COA in paragraph 4.c.(1). The purpose of the information required by 4.c.(2) is to measure whether the reception facilities are being reinspected according to program goals.