

Office of Spill Prevention and Response

Spill Prevention and Response Day



Regulatory Update: Environmental Compliance and Enforcement

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May 14th - California Maritime Academy, Vallejo, CA



Key Legislation

- **International Conventions**

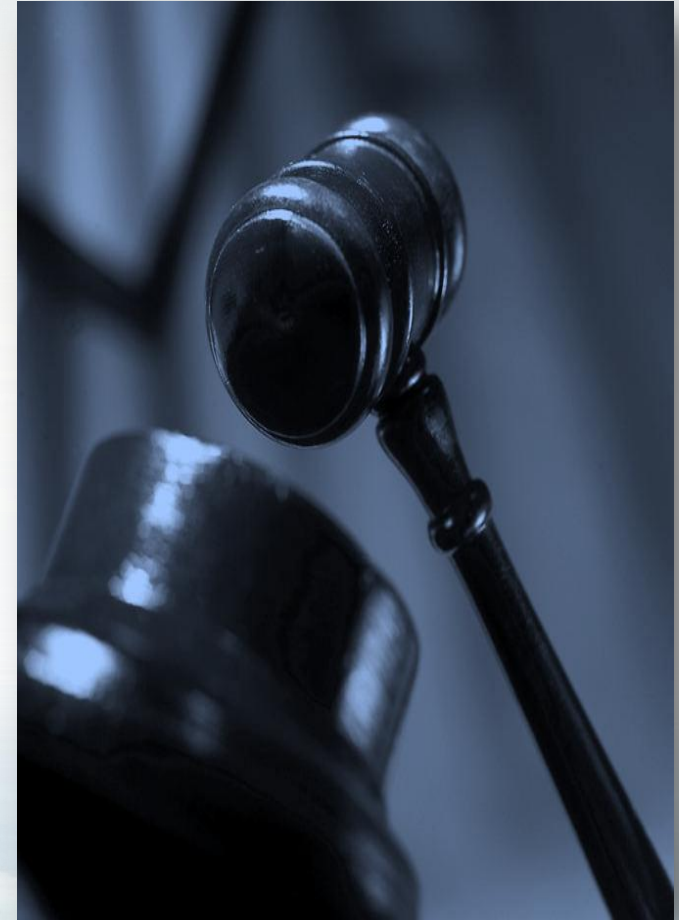
- SOLAS and MARPOL

- **Federal Law / Regulations**

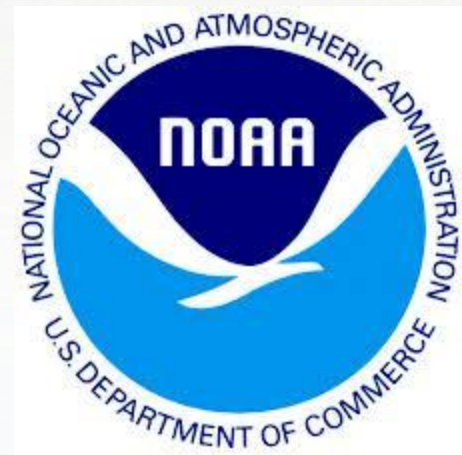
- Act to Prevent Pollution from Ships (“APPS”)
- Clean Water Act (“CWA”)
- Oil Pollution Act of 90 (“OPA 90”)
- Ports & Waterways Safety Act

- **State Laws**

- Alaska, California, Washington, Oregon, New York, Maryland and others

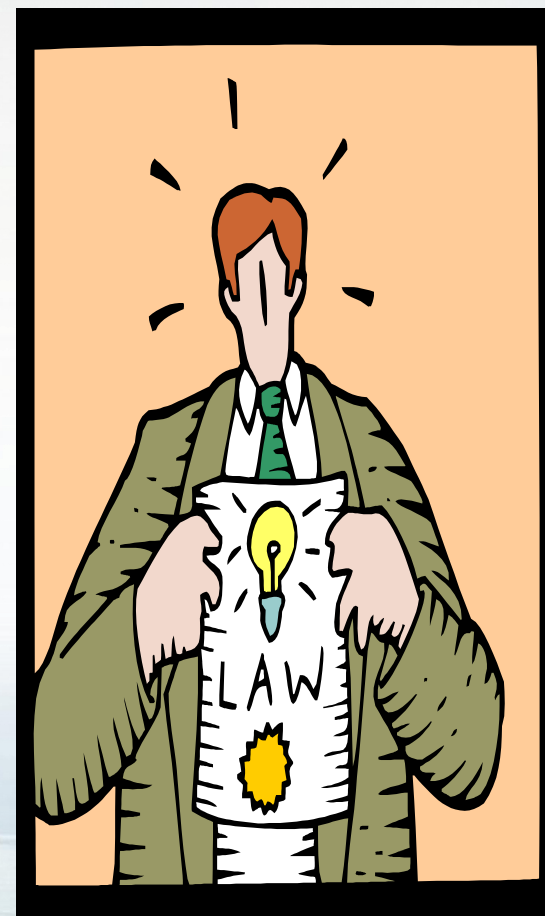


Regulatory Update



Regulatory Update (cont.)

- MARPOL Annex V
- MARPOL Annex VI
 - North American ECA
 - Caribbean ECA
- Ballast Water Management
- EPA's Vessel General Permit
- Marine Casualty Reporting



MARPOL Annex V – Garbage



- Revised Annex V effective January 1, 2013
- Stricter garbage management procedures and documentation
 - Before, discharge generally allowed unless prohibited
 - Now, general prohibition with limited exceptions for food wastes and cargo residues and operational wastes not harmful to the marine environment
- Requires detailed Garbage Management Plan and Garbage Record Book



MARPOL Annex VI – Air

- **Regulations for the Prevention of Air Pollution from Ships**
 - Ozone depleting substances, VOC emissions, and NO_x and SO_x emissions
 - Restrictions on incinerators and fuel quality requirements
 - Requires:
 - International Air Pollution Prevention Certificate
 - Engine International Air Pollution Prevention Certificate
 - Lots of recordkeeping – How to do so may differ by flag state
- **Emissions Control Areas (ECAs)**
 - North American ECA – August 2012
 - Caribbean ECA – January 2014

→ Accurate record keeping is critical!



North American Emission Control Area

- Went into effect August 1, 2012 and encompasses most of US and Canada out to 200 nautical miles.
 - Written procedures for fuel switching
 - Recordkeeping requirements
- Vessels subject to MARPOL required to use fuel with a sulfur content 1.00% or less.
 - On January 1, 2015, sulfur limit reduced to 0.10%.



North American ECA (cont.)

- **Guidance**

- EPA Interim Guidance on Fuel Oil Non-Availability
 - Notification of EPA, port of destination and flag
 - Fuel Oil Non-Availability Reports
- Coast Guard Policy Letter, ECA Job Aid, FAQs

- **Enforcement**

- MOU between EPA and Coast Guard
- ***EPA Subpoenas for failure to use compliant fuel***

- **Notices of Protest**

- When company sampling exceeds 1%



U.S. Ballast Water Management

- **Mandatory ballast water management and reporting**
 - Applies to vessels operating in U.S. waters with ballast tanks
 - Civil and criminal penalties for non-compliance
- **Coast Guard Final Rule (March 2012)**
 - Must do one of the following:
 - Install and operate a USCG type-approved BWMS on a phased-in schedule
 - Use only water from the U.S. public water system
 - Do not discharge ballast water in U.S. waters
 - Discharge to a shore-based treatment facility
 - Complete BWE at least 200 nm from shore until required to have BWMS
 - Challenges with approved IMO Alternative Management Systems (AMSs)



U.S. Ballast Water Management (cont.)

- So, what is a company to do?
 - Are there type-approved systems?
Shoreside treatment?
 - Do the AMSs work?
 - *Coast Guard Extensions*
 - Vessel General Permit Conundrum:
How to I deal with the VGP?



EPA's 2013 Vessel General Permit

- Effective date December 19, 2013
- 27 discharges covered
- Some key differences from 2008 VGP
 - Ballast water (numeric limits)
 - Oil-to-Sea Interfaces / *Environmentally Acceptable Lubricants*
 - Monitoring requirements for ballast water, bilge water, graywater and exhaust gas scrubber effluent



EPA's 2013 Vessel General Permit

(cont.)

- **Some key differences from 2008 VGP (cont.)**

- Administrative improvements

- Recordkeeping (electronic okay onboard)
 - Consolidation of reporting into one Annual Report (on line)

→ *Enforcement on the rise*



VGP — Enforcement Actions

- ***Cruise Ship***

- Pool water discharged into Glacier Bay (May 2011) in violation of VGP (\$20,000)

- ***Passenger Ferry***

- Violated mercury standards through discharge of coal ash into Lake Michigan in 2012 (\$25,000)

- ***Hong Kong Ship Management Company***

- \$5,000 for failure to conduct inspections and train crewmembers



Environmentally Acceptable Lubricants

- **Must be used in oil-to-sea interfaces unless “technically infeasible”**
 - None meet manufacturers’ specs
 - No alternatives
 - Changeover must await vessel’s next drydocking
- **Document why not....**



Recordkeeping / Inspections

- **Records**

- Voyage Log
- Documentation of all inspection, deficiencies and violations
- Analytical results
- Training records
- Certain Maintenance
- **MSDS for EALs**

- **Inspections**

- Weekly/Voyage
- Annual
- Drydock



Ballast Water – EPA and Coast Guard’s Different Approaches

- EPA’s “Low Enforcement Priority” Letter
 - EPA’s response to “no type-approved” BWMS
 - Must have USCG extension to quality
 - Must be in compliance with all other aspects of the VGP
 - EPA will then exercise its discretion...
 - Subject to change at any time
 - DOES NOT = Compliance
 - Annual Report must list these non-compliances



Ballast Water Conundrum

- Ballast Water (USCG Final Rule in March 2012)
- EPA's Vessel General Permit 2013
- *The Conundrum*
 - USCG Extension Letter
 - EPA "Low Enforcement Priority" Letter
 - UV / Filtration Systems
 - Non enforcement \neq Compliance
- **Implications**
 - Non-compliance
 - Public filings
 - Enforcement
 - Citizen Suits



U.S. Coast Guard / EPA

- **Coast Guard inspects / EPA enforces**
 - Inspections began March 2011 as part of PSC program
- **When deficiencies discovered:**
 - Focus will be on record keeping
 - Encourage immediate corrective action
 - Entered into MISLE, which is available to EPA for review and enforcement
 - Penalties issued by EPA





CRIMINAL ENFORCEMENT

Update



Prosecutions – Liability Theories

- **APPS – Centerpiece of criminal prosecutions**
 - Annex I and Annex V
 - Ballast water
 - Clean Water Act
 - Failure to report hazardous conditions
- **Other problems – post-incident conduct**
 - False Statements
 - Obstruction of Justice
 - Conspiracy
- **Annex VI? VGP?**



“Post Incident Conduct”

- **False Statements Act** – It is a felony to falsify documents, lie to government officials, or conceal material information – either orally or in writing.
 - *Interviews, documents, meetings, log books, general conversation*
- **Obstruction of Justice** – It is a felony to interfere with an investigation
 - *Destroying documents, modifying documents, encouraging someone not to talk or to lie to an investigator, or lying to an investigator about what happened.*



Coast Guard Referrals to DOJ

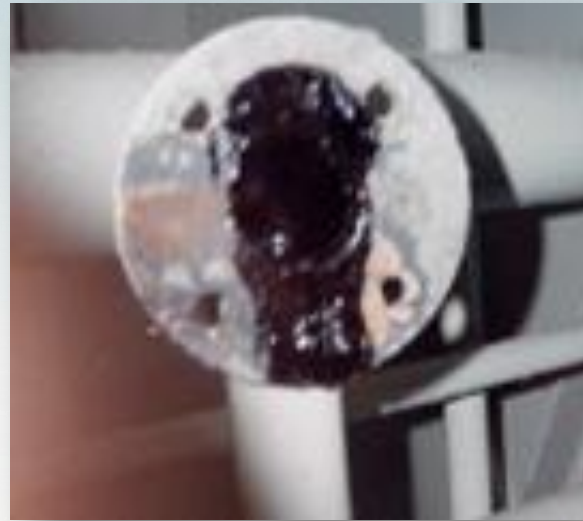
Year	Number
2008	12
2009	9
2010	22
2011	18
2012	12



Port State Control Facts

- ~9200 different vessels
- ~9300 inspections
- ~120 detentions
 - 18% marine pollution
- Most in New Orleans and Miami
- Corpus Christi, Mobile, Portland and New York increasing






It's mostly about having false records...What's the false statement?

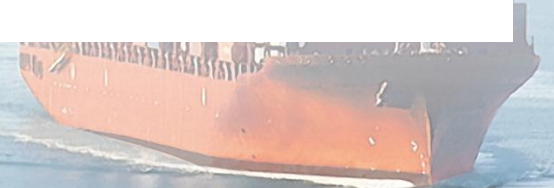
Oil Record Book Entry

NAME OF SHIPINSPIRATION.....

DISTINCTIVE NUMBER
OR LETTERSC6 FMS.....

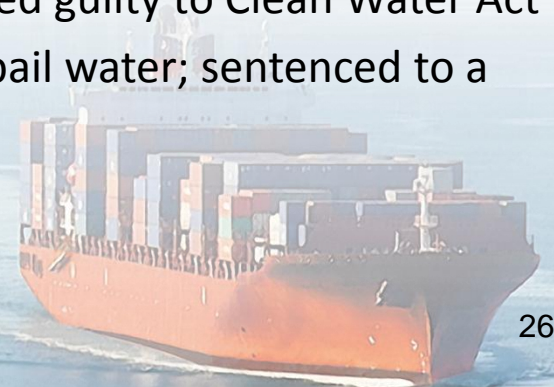
~~CARGO/BALLAST OPERATIONS~~ (OIL TANKERS)* / MACHINERY SPACE
OPERATIONS (ALL SHIPS)*

Date	Code (letter)	Item (number)	Record of operations/signature of officer in charge
SEP. 09.02	D	13	DISCHARGED APX 4 m ³ OF BILGE WATER FROM H8 CLEANSIDE TO OVERBOARD
	D	14	STARTED 05:30 STOPPED 06:45
	D	15.2	THROUGH 15 PPM EQUIPMENT START POSITION 27°48'N 088°48'W STOP POSITION 27°28'N 088°37'W HOLDING TK. H8 CLEANSIDE APX. 7 m ³ R.O.B.
			



In 2013...

- **In January in DC** following a jury trial, a **New Zealand fishing company**, and a chief engineer, were sentenced for APPS violations and obstruction of justice and fined \$1.9 million; chief engineer was sentenced to 30 days in jail and fined \$6,000.
- **In February in DC**, **Pacific International Lines** pled guilty to APPS violations and false statements and agreed to pay a \$2.2 million fine and implement an ECP.
- **In March in Washington**, a **barge owner** was sentenced to 4 months in prison, 8 months of home detention, 100 hours of community service, and 3 years of supervised release for violations of the Clean Water Act for unlawfully discharging oil on the Columbia River and failing to report the discharge during a salvage operation.
- **In June in Virginia**, a domestic **U.S. a fishing company**, pled guilty to Clean Water Act violations for the improper discharge of bilge water and bail water; sentenced to a \$7.5 million fine and an ECP.



2013...(cont.)

- **In June in New Jersey, *Columbia Shipmanagement*** pled guilty to APPS violations, obstruction of justice and falsifying the ORB; sentenced to a \$10.4 million fine and an ECP.
- **In July in Louisiana, Chief Engineer on the *Stolt Facto*** was sentenced to a \$10,000 fine and 3 years probation for obstruction of justice related to alleged APPS violations, as he instructed the crew to deny any knowledge of the discharges when interviewed by the Coast Guard.
- **In August in Virginia, *Diana Shipping Services*, Chief Engineer and Second Engineer convicted of multiple felony counts, after a bench trial, of APPS violations, conspiracy, falsification of records, and obstruction of justice; sentencing November 8.**
- **In September in Virginia, *Angelex Ltd. and Kassian Maritime*** were found not guilty of 16 counts after a 9 day trial alleging that they illegally discharged bilge water in violation of the Act to Prevent Pollution from Ships and then attempted to hide the illegal discharges from the U.S. Coast Guard.



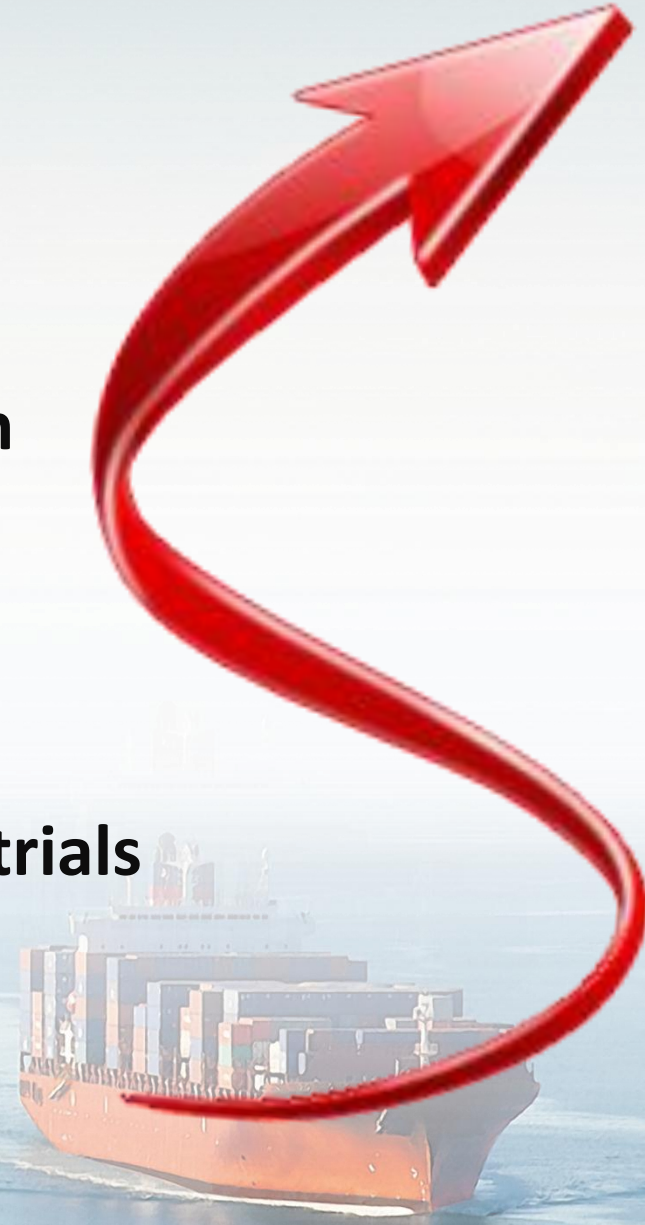
And now 2014...

- **In March in Connecticut, Odfjell and a senior engineer**, pled guilty to APPS violations and will pay a \$1.2 million fine. According to several engine room crew members, the senior engineer directed them to use a complex system to transfer the bilge water from the bilge holding tank to the sewage tank and then overboard. Once the bilge holding tank was emptied, he directed the crewmembers to put clean fresh water and salt water into the tank and then processed this water through the OWS/OCM because these devices automatically record the time they are being operated, thus creating an electronic record to account for the bilge water that had bypassed the equipment and been discharged directly overboard.
- **Other cases pending....**



Trends

- **Cases continue apace**
 - Penalties higher and more jail time
 - More whistleblower awards
- **Increased international cooperation**
- **Expanding theories of liability and additional regulation**
 - VGP? Annex VI? Ballast Water?
- **Jurisdictional challenges and more trials**
 - Convictions and an acquittal



Avoiding This Trend

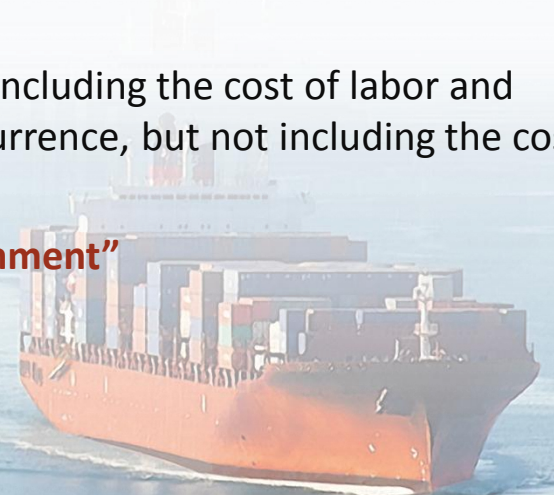
- Comprehensive Environmental Compliance Program
- **Good Company Culture!**
- Transparency with regulators
- Enhanced Compliance Training
- **Open Reporting System**
- Internal Investigations
- Audit Program

“The Department of Justice will continue to prosecute shipping companies who break the laws that protect our oceans.”



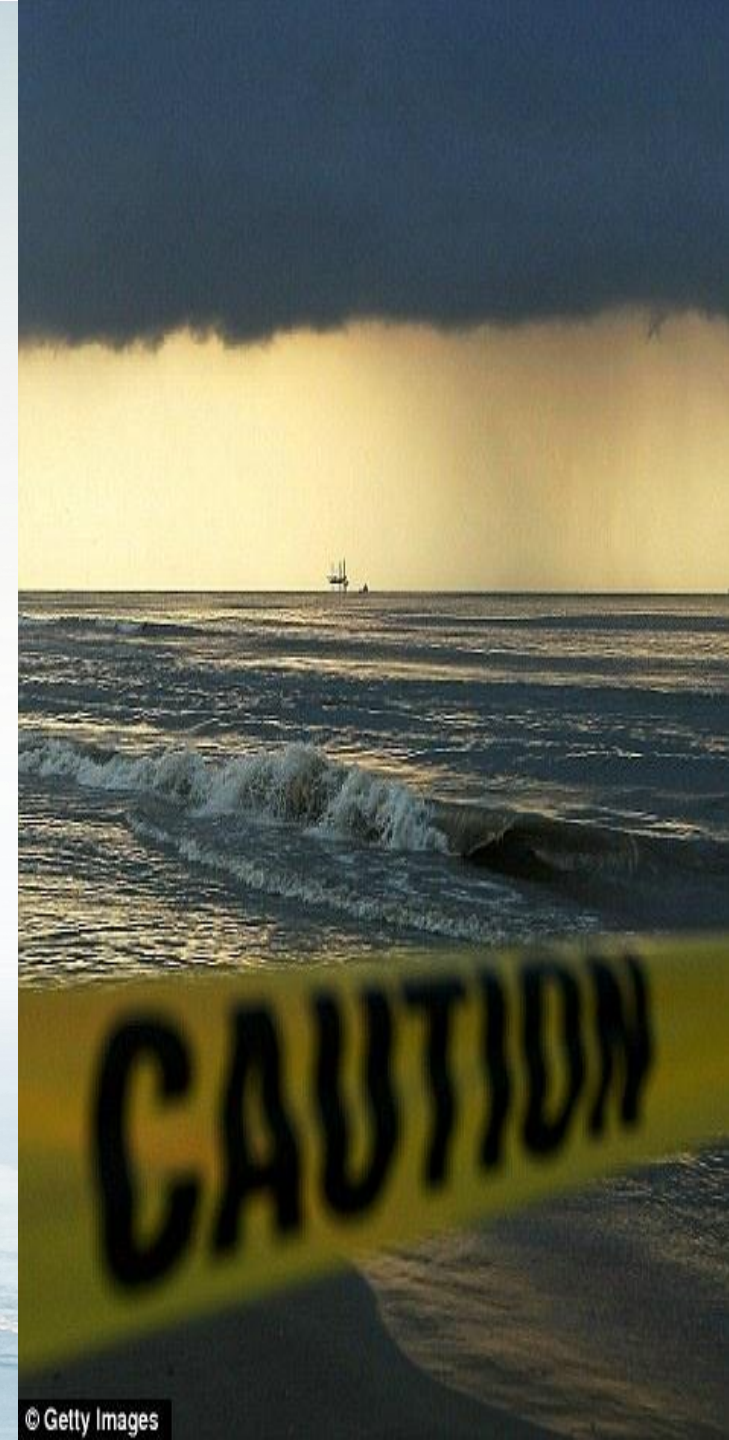
What is a Reportable Marine Casualty?

- An unintended grounding or allision with a bridge
- An intended grounding or strike of a bridge that creates a hazard to navigation, the environment, or the safety of a vessel
- Loss of main propulsion, primary steering or any associated component or control system that reduces the maneuverability of the vessel
- An occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service or route, including fire, flooding, or failure of or damage to fixed fire-extinguishing systems, life-saving equipment, auxiliary power-generating equipment, or bilge-pumping systems
- Loss of life
- **An injury that requires professional medical treatment (treatment beyond first aid) and, if the person is engaged or employed on board a vessel in commercial service, that renders the individual unfit to perform his or her routine duties**
- An occurrence causing property damage in excess of \$25,000, including the cost of labor and material to restore the property to its condition before the occurrence, but not including the cost of salvage, cleaning, gas-freeing, drydocking, or demurrage
- **An occurrence causing "significant harm to the marine environment"**



So what does this mean?

- There's been a lot of confusion....
- Draft NVIC with Coast Guard interpretations published in January
- Effort to clarify existing guidance and achieve consistency across the Sectors
- Key Steps:
 - Notification
 - Evaluation
 - Action



What and When and How?

- Reports must be made immediately after addressing resultant safety concerns to the nearest Coast Guard Sector if the casualty occurred within 12 miles
- Whenever a marine casualty meets one or more of the criteria above, it must be reported to the Coast Guard on a "Report of Marine Accident, Injury or Death" (CG-2692) Form within five days



Form CG-2692

U.S. DEPARTMENT OF HOMELAND SECURITY U.S. COAST GUARD CG-2692 (Rev. 06-04)		REPORT OF MARINE ACCIDENT, INJURY OR DEATH				OMB Control No. 1625-0001 RCS No. G-MOA MSLE NOTIFICATION NUMBER			
SECTION I. GENERAL INFORMATION									
1. Name of Vessel or Facility		2. Official No.		3. Nationality		4. Call Sign			
5. USCG Certificate of Inspection issued at:									
6. Type (Towing, Freight, Fish, Drill, etc.)		7. Length		8. Gross Tons		9. Year Built			
10. Propulsion (Steam, diesel, gas, turbine, etc.)									
11. Hull Material (Steel, Wood, etc.)		12. Draft (Ft. - in.) <div style="display: flex; justify-content: space-between;"><div>FWD</div><div>AFT.</div></div>		13. If Vessel Classed, By Whom: (ABS, LLOYDS, DNV, BV, etc.)		14. Date (of occurrence)			
15. TIME (Local)									
16. Location (See Instruction No. 10A)				17. Estimated Loss of Damage TO:					
18. Name, Address & Telephone No. of Operating Co.				VESSEL _____					
				CARGO _____					
				OTHER _____					
19. Name of Master or Person in Charge		USCG License <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> YES</div><div><input type="checkbox"/> NO</div></div>		20. Name of Pilot		USCG License State License <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> YES <input type="checkbox"/> NO</div><div><input type="checkbox"/> YES <input type="checkbox"/> NO</div></div>			
10a. Street Address (City, State, Zip Code)		10b. Telephone Number		20a. Street Address (City, State, Zip Code)		20b. Telephone Number			
21. Casualty Elements (Check as many as needed and explain in Block 44.)									
<div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> NO. OF PERSONS ON BOARD _____ <input type="checkbox"/> DEATH - HOW MANY? _____ <input type="checkbox"/> MISSING - HOW MANY? _____ <input type="checkbox"/> INJURED - HOW MANY? _____ <input type="checkbox"/> HAZARDOUS MATERIAL RELEASED OR INVOLVED (Identify Substance and amount in Block 44.) <input type="checkbox"/> OIL SPILL - ESTIMATE AMOUNT: _____ <input type="checkbox"/> CARGO CONTAINER LOST/DAMAGED _____ <input type="checkbox"/> COLLISION (Identify other vessel or object in Block 44.) <input type="checkbox"/> GROUNDING <input type="checkbox"/> WAKE DAMAGE </div> <div style="width: 50%;"> <input type="checkbox"/> FLOODING; SWAMPING WITHOUT SINKING <input type="checkbox"/> CAPSIZING (with or without sinking) <input type="checkbox"/> FOUNDERING OR SINKING <input type="checkbox"/> HEAVY WEATHER DAMAGE <input type="checkbox"/> FIRE <input type="checkbox"/> EXPLOSION <input type="checkbox"/> COMMERCIAL DIVING CASUALTY <input type="checkbox"/> ICE DAMAGE <input type="checkbox"/> DAMAGE TO AIDS TO NAVIGATION <input type="checkbox"/> STEERING FAILURE <input type="checkbox"/> MACHINERY OR EQUIPMENT FAILURE <input type="checkbox"/> ELECTRICAL FAILURE <input type="checkbox"/> STRUCTURAL FAILURE </div> <div style="width: 50%;"> <input type="checkbox"/> FIREFIGHTING OR EMERGENCY EQUIPMENT FAILED OR INADEQUATE (Describe in Block 44.) <input type="checkbox"/> LIFESAVING EQUIPMENT FAILED OR INADEQUATE (Describe in Block 44.) <input type="checkbox"/> BLOW OUT (Petroleum exploration/production) <input type="checkbox"/> ALCOHOL INVOLVEMENT (Describe in Block 44.) <input type="checkbox"/> DRUG INVOLVEMENT (Describe in Block 44.) <input type="checkbox"/> OTHER (Specify) _____ </div> </div>									
22. Conditions									
A. Sea or River Conditions (wave height, river stage, etc.)		B. WEATHER <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> CLEAR</div><div><input type="checkbox"/> RAIN</div><div><input type="checkbox"/> SNOW</div><div><input type="checkbox"/> FOG</div><div><input type="checkbox"/> OTHER (Specify) _____</div></div>		C. TIME <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> DAYLIGHT</div><div><input type="checkbox"/> TWILIGHT</div><div><input type="checkbox"/> NIGHT</div></div>		D. VISIBILITY <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> GOOD</div><div><input type="checkbox"/> FAIR</div><div><input type="checkbox"/> POOR</div></div>		E. DISTANCE (miles of visibility) _____	
						F. AIR TEMPERATURE (F) _____			
						G. WIND SPEED & DIRECTION _____			
						H. CURRENT SPEED & DIRECTION _____			
23. Navigation Information				24. Last Port Where Bound		24a. Time and Date of Departure			
<input type="checkbox"/> MOORED, DOKED OR FIXED				SPEED AND COURSE _____					
<input type="checkbox"/> ANCHORED <input type="checkbox"/> UNDERWAY OR DRIFTING									
25. FOR TOWING ONLY		25a. NUMBER OF VESSELS TOWED <div style="display: flex; justify-content: space-between;"><div>Empty</div><div>Loaded</div><div>Total</div></div>		25b. TOTAL H.P. OF TOWING UNITS		25c. MAXIMUM SIZE OF TOW WITH TOW-BOAT(S) Length Width			
						25d. (Describe in Block 44.) <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> PUSHING AHEAD</div><div><input type="checkbox"/> TOWING ASTERN</div><div><input type="checkbox"/> TOWING ALONGSIDE</div><div><input type="checkbox"/> MORE THAN ONE TOW-BOAT ON TOW</div></div>			
SECTION II. BARGE INFORMATION									
26. Name		26a. Official Number		26b. Type		26c. Length			
26d. Gross Tons		26e. USCG Certificate of Inspection issued at:							
26f. Year Built		26g. <input type="checkbox"/> SINGLE SKIN <input type="checkbox"/> DOUBLE		26h. Draft FWD AFT		26i. Operating Company			
26j. Damage Amount BARGE _____ CARGO _____ OTHER _____		26k. Describe Damage to Barge							

PREVIOUS EDITION IS OBSOLETE

Reset

“Serious Marine Incidents”

- When you have an “SMI” Chemical/Drug testing is required.
- What is an “SMI”?
 - Generally a reportable marine casualty
 - Discharge of oil >10,000 gals
 - RQ of a hazardous substance
- If you have an SMI, you must arrange proper drug/alcohol testing and complete USCG form 2692B...

U.S. DEPARTMENT OF HOMELAND SECURITY U.S. COAST GUARD CG-2692B (04-06)	REPORT OF REQUIRED CHEMICAL DRUG AND ALCOHOL TESTING FOLLOWING A SERIOUS MARINE INCIDENT <i>(See Instructions on reverse)</i>	APPROVED OMB NO. 1625-0001 Expiration Date: 08/31/2008 USCG MISLE ACTIVITY NUMBER																																																									
SECTION I—VESSEL INFORMATION																																																											
1. Name of vessel	2. Official Number	3. Call Sign	4. Nationality																																																								
5. Vessel Type (Freight, Towing, Fishing, MODU, etc.)	6. Length	7. Gross Tons	8. Year Built																																																								
9. Operating Company Name: Address: Telephone Number:		10. Master or Person in Charge Name: Address: Telephone Number:																																																									
SECTION II—INCIDENT INFORMATION																																																											
11. Type of Serious Marine Incident (Check Appropriate Boxes). (See Instructions on Reverse)																																																											
<input type="checkbox"/> a. Death (Append to Form CG-2692) <input type="checkbox"/> b. Injury requiring medical treatment (Append to Form CG-2692) <input type="checkbox"/> c. Property damage in excess of \$100,000 (Append to Form CG-2692) <input type="checkbox"/> d. Loss of inspected vessel (Append to Form CG-2692)		<input type="checkbox"/> e. Loss of uninspected, self-propelled vessel of over 100 gross tons (Append to Form CG-2692) <input type="checkbox"/> f. Discharge of oil of 10,000 gallons or more into U.S. waters <input type="checkbox"/> g. Discharge of a reportable quantity of hazardous substance into U.S. waters <input type="checkbox"/> h. Release of a reportable quantity of hazardous substance into U.S. environment																																																									
12. Date of Incident	13. Time (local) of Incident	14. Location of Incident (Latitude and Longitude or River and Milepost)																																																									
SECTION III—PERSONNEL / TESTING INFORMATION																																																											
15. Personnel Directly Involved in Serious Marine Incident		16. Drug and Alcohol Testing (See Instructions on reverse)																																																									
15a. Name (Last, First, Middle Initial)	15b. Licensing/Certification (Check Appropriate Box(es)) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">USCG License</td> <td style="text-align: center;">USCG MMD</td> <td style="text-align: center;">Neither</td> </tr> <tr><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> </table>	USCG License	USCG MMD	Neither	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; vertical-align: top;"> 16a. Drug Test Urine Specimen provided within 32 hours? YES NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO </td> <td style="width:33%; vertical-align: top;"> 16b. Alcohol Test Specimen provided within 2 hours? YES NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO </td> <td style="width:34%; vertical-align: top;"> <table style="width:100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">Alcohol Test Specimen Source</th> <th style="text-align: center;">Saliva</th> <th style="text-align: center;">Blood</th> <th style="text-align: center;">Breath</th> </tr> <tr><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> </table> </td> </tr> <tr> <td colspan="2" style="vertical-align: top;"> 17. 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Coast Guard Enforcement

- The vessel had experienced a failure of its main engine and had not reported the casualty for more than 10 hours.
- USCG issued this news release stating that it assessed a \$75,000 penalty against a cargo vessel for failure to immediately report a marine casualty or provide notice of a hazardous condition.

17th District Public Affairs

U.S. Coast Guard

U.S. Department of
Homeland Security
**United States
Coast Guard**



Date: June 12, 2013
Contact: [Ensign Victoria Swinghamer](#)
Office: (907) 271-6741

News Release

Coast Guard completes marine investigation in Dutch Harbor, Alaska

ANCHORAGE, Alaska — Coast Guard investigators finished a one month investigation into the operation of the cargo vessel Bangkok Bridge in Dutch Harbor Wednesday.

Two Coast Guard investigators, one from Sector Anchorage and one from Marine Safety Detachment Dutch Harbor, assessed a \$75,000 penalty for failure to report a hazardous condition.

The investigation began after MSD Dutch Harbor personnel received a report of a distressed deep draft vessel in Unimak Pass, a highly trafficked pass for commercial vessels on the Aleutian Chain. After further review of local Automated Identification Systems, Coast Guard personnel discovered that the Bangkok Bridge was near the eastern shipping lane, with a track line showing a drift pattern for several hours.

MSD Dutch Harbor personnel made contact with the vessel's crew to determine the cause and severity of their casualty. The Bangkok Bridge crew reportedly experienced failure of the main engine — an occurrence that must be reported under federal law — and did not report the failure to the Coast Guard for more than 10 hours. Specifically, the vessel's crew did not provide the immediate notice of marine casualty or provide the notice of a hazardous condition per the Code of Federal Regulations.

"The Coast Guard is committed to ensuring the safety of our waterways, and enforcing the regulations that require mariners to report hazardous conditions and marine casualties is part of that mission," said Capt. Paul Mehler III, captain of the port, Western Alaska. "With the remote location of the vessel and the limited response assets for a vessel of this size, the late report of this magnitude could have resulted in a much worse scenario."

Upon successful repairs to the vessel's main engine in Dutch Harbor, the crew was cleared to continue their voyage.

The Bangkok Bridge is an 874-foot, Panamanian-flagged cargo vessel.

For more information, contact Lt. William Albright at 907-271-6763.

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Notification of Hazardous Condition

"Any condition that may adversely affect the safety of any vessel, bridge, structure, or shore area or the environmental quality of any port, harbor, or navigable waterway of the United States. It may, but need not, involve collision, allision, fire, explosion, grounding, leaking, damage, injury or illness of a person aboard, or manning-shortage."

"Whenever there is a hazardous condition either aboard a vessel or caused by a vessel or its operation, the owner, agent, master, operator, or person in charge **shall immediately notify the nearest Coast Guard Sector Office** or Group Office." The initial report should be made either by VHF radio or by telephone.

