



**REPUBLIC OF
THE MARSHALL ISLANDS**
MARITIME ADMINISTRATOR

Marine Notice

No. 2-013-3

Mar/2017

TO: ALL SHIPOWNERS, OPERATORS, MASTERS AND OFFICERS OF MERCHANT SHIPS, AND RECOGNIZED ORGANIZATIONS

SUBJECT: Oil Filtering Equipment and Control of Operational Discharge of Oil

- References:**
- (a) **MARPOL**, *International Convention for the Prevention of Pollution from Ships, Consolidated Edition 2011*, as amended
 - (b) **IMO Resolution [MEPC.266\(68\)](#)**, *Amendments to Regulation 12 of MARPOL Annex I*, adopted 15 May 2015
 - (c) **IMO Circular [MSC-MEPC.4/Circ.3](#)**, *Port State Control-Related Matters - Blanking of bilge discharge piping systems in ports*, issued 19 December 2008
 - (d) **IMO Circular [MEPC.1/Circ.867](#)**, *Unified Interpretations of Regulations 1.24, 12, 27 And 28.3.3 of MARPOL Annex I*, issued 09 December 2016
 - (e) **RMI Maritime Regulations ([MI-108](#))**

PURPOSE

The Purpose of this Notice is to implement the International Convention of the Prevention of Pollution from Ships (MARPOL) Annex I requirements regarding oil filtering equipment (e.g., Oily Water Separators (OWSs)) and bring attention to the potential for criminal prosecution for an unauthorized operational discharge of oil.

This Notice supersedes Rev. 12/10. It reflects amendments to the sludge piping requirements under MARPOL Regulation I/12 which entered into force on 01 January 2017 and recognizes recent Unified Interpretations to MARPOL Annex I, including with respect to sludge tanks.

BACKGROUND

In accordance with MARPOL Annex I and §2.13.2 of the RMI Maritime Regulations (MI-108):

No overboard discharges of oil or oily mixtures in excess of the concentrations specified in MARPOL Annex I are authorized at any time except as permitted therein.

Despite widely publicized prosecutions and convictions, vessels subject to the requirements of Annex I continue to be found and/or detained by Port State Control (PSC) in violation of the convention requirements. Most commonly, OWSs have been found inoperative and/or fitted with bypass piping, directing illegal oily discharges overboard. In many cases, piping modifications were made by the crew without the knowledge of management ashore, indicating potential

International Safety Management (ISM) Code discrepancies. For most cases, where this situation has been found by the United States Coast Guard (USCG), **criminal investigations** along with **criminal prosecutions** have resulted. In the European Union (EU), substantial fines in excess of one half million US dollars per incident have been imposed requiring the posting of a bond before the violating vessel is released. Compliance of operations and associated equipment with the requirements of MARPOL Annex I remain a focus for both the USCG and the Paris Memorandum of Understanding (MoU).

APPLICABILITY

The provisions of MARPOL Annex I are applicable to all vessels registered in the Republic of the Marshall Islands (RMI), except where expressly provided otherwise.

REQUIREMENTS

1.0 General

Every shipowner, operator, Master, surveyor, and inspector of an RMI vessel shall ensure that:

- .1 Any required oily water separation, monitoring, and control equipment on board is operating as required. This includes the proper functioning of three-way or recirculating valves, monitoring and/or recording devices, and alarms and/or automatic shut down features. The results of system tests, repairs, and routine maintenance shall be properly recorded in the relevant maintenance record according to the Ship's Safety Management System (SMS);
- .2 Frequent shipboard checks are made to ensure that no illegal by-pass piping or other arrangements are provided in violation of, or to circumvent, MARPOL;
- .3 Emergency bilge discharge valves and other overboard discharge valves of a similar nature that are normally closed are sealed in the closed position with numbered seals. The SMS should implement a suitable method, either manual or electronic, for recording the changes in the process, including removal and replacement of numbered seal tags, testing of valves, maintenance, and other operational requirements. In accordance with IMO Circular [MSC-MEPC.4/Circ.3](#), the sealing of valves of an emergency nature shall not be construed as a requirement for the valve to be blanked or physically locked. It shall be ensured that such valves remain available for use at all times in case of an emergency situation, and valve sealing may be accomplished through use of a breakable seal, electronic tracking, or similar method;
- .4 Bilge systems are maintained in accordance with the plans approved by the vessel's Classification Society;
- .5 There is no excessive oil in the bilges and that cleaning substances which contain emulsifiers or other substances which may interfere with the proper operation of the monitoring and control systems are not utilized;

- .6 The sludge piping of all vessels of 400 gross tons (GT) and above must be arranged to comply with new MARPOL Regulation I/12.3.3 to prevent oil residues (sludge) from being transferred to the bilge system, oily bilge water holding tank(s), tank top, or OWSs as provided in IMO Resolution [MEPC.266\(68\)](#), *Amendments to Regulation 12 of MARPOL Annex I*.

Sludge may be disposed of directly from the oil residue (sludge) tank(s) to reception facilities through the standard discharge connection referred to in MARPOL Regulation I/13, or to any other approved means of disposal of oil residue (sludge), such as an incinerator, an auxiliary boiler suitable for burning oil residues (sludge), or any other acceptable means, each of which shall be annotated in item 3.2 of the Supplement to the International Oil Pollution Prevention (IOPP) Certificate Form A or B.

For vessels constructed before 01 January 2017, sludge piping must be arranged to comply with the requirements of the revised MARPOL Regulation I/12 not later than the first renewal survey on or after 01 January 2017. Due to the revision of MARPOL Regulation I/12, a Unified Interpretation for the prevention of sludge being transferred or discharged per the provisions of new Regulation I/12.3.3 is contained in IMO Circular [MEPC.1/Circ.867](#). This provides as acceptable the use of a screw-down non-return valve in lines connecting to common piping leading to the standard discharge connection required by MARPOL Regulation I/13, for the prevention of sludge being transferred or discharged to the bilge system, oily bilge water holding tank(s), tank top, or OWSs;

- .7 Receipts are requested for all shoreside discharges of oil and oily wastes, including sludge, which account for the amount and type of waste discharged as well as the date and place of discharge; and
- .8 The Oil Record Book is properly maintained and that it is checked for consistency with other shipboard log books.

2.0 Malfunctioning Equipment

Any malfunctioning Oily Water Monitoring and Control Systems and Oil Filtering Equipment must be promptly repaired. In the event that the necessary parts are not readily available, the RMI Maritime Administrator (the “Administrator”) shall be notified at technical@register-iri.com in writing of the situation and of the place and date where the required parts and/or service can be obtained. Where available, the Recognized Organization (RO) shall also be notified to attend and issue a short term IOPP Certificate for the duration until repairs can be completed. Otherwise, a Dispensation Letter/Letter of Acknowledgement, as appropriate, may be issued to allow the vessel to operate during the interim period. In general, the conditions for issuance of the short term IOPP Certificate and/or Dispensation Letter/Letter of Acknowledgement are:

- .1 No overboard discharges of oil and oily wastes, including sludge, will be permitted during the interim period. All material of this type must be retained aboard for discharge to a shoreside facility;

- .2 Overboard discharge valves associated with the inoperative equipment must be sealed with numbered seals in the closed position and signs or notices prohibiting the use of the valves, except for emergency conditions, must be posted;
- .3 The crewmembers must be made aware that the equipment in question does not function properly and that it cannot be used;
- .4 The Oil Record Book and other applicable logs must document the inoperative equipment and the numbered sealing of the overboard discharge valves;
- .5 The appropriate coastal State authorities are notified, as required, of the defective equipment prior to arrival in port;
- .6 The Administrator is notified in writing when the defective equipment has been repaired and is properly operating;
- .7 The Master and Chief Engineer are held ultimately responsible for ensuring that no discharges are made using the defective equipment or otherwise in contravention of MARPOL.

3.0 Consequences of Non-Compliance

3.1 By PSC

Vessels that are not in compliance with MARPOL above may be subject to PSC actions, including detention, heavy fines, and often civil and/or criminal actions from the coastal State. Inoperative OWSs have been a continuing cause of PSC detentions.

3.2 By the Administrator

Article 4 of MARPOL specifies the imposition of penalties that are sufficient in severity to discourage violations of the Convention. The RMI, as a signatory, is bound to assess appropriate penalties for the contravention of Convention requirements, such as:

- .1 Immediate flag State detention of the vessel;
- .2 Assessment of substantial fines and penalties by the Administrator;
- .3 Withdrawal of the vessel's Certificate of Registry; and
- .4 Fines, suspensions, or revocations of ship's officers' Certificates of Competency.

3.3 The only true acceptable course of action is vigilance and compliance.