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Our Reference: 5199

12.12.2014

Konu
Subject :

Amerika Deniz Ticaret Odası Kasım Ayı Raporu Hk.

Sirküler No: 845/ 2014

Sayın Üyemiz,

İlgi: Uluslararası Deniz Ticaret Odası'ndan (ICS) alınan 09.12.2014 tarih ve ICS(14)48 sayılı yazı ve Eki.

İlgi yazıda, ICS Üyeleri, Amerika Deniz Ticaret Odası'ndan (Chamber of Shipping of America - CSA) alınan, yazı Ekindeki raporu dikkate almaya ve Kaliforniya Eyaletinin biyolojik kirlilik üzerine hazırladığı taslak hakkında görüş bildirmeye davet edilmektedirler.

Amerika Deniz Ticaret Odası'nın en son aylık raporu ekte sunulmaktadır. Rapor aşağıdaki hususları içermektedir:

1. ABD Sahil Güvenlik Komutanlığı (US Coast Guard – USCG) ve ABD Çevre Koruma Dairesi (Environmental Protection Agency – EPA) arasındaki Mutabakat Anlaşması gereğince kabul edildiği şekilde, Emisyon Kontrol Bölgelerinde (Emissions Control Areas – ECAs) % 0.1'den düşük kükürt içeren gemi yakıtı kullanılmasına yönelik yeni bir denetim ve uygulama protokolüne <http://www2.epa.gov/enforcement/epa-coast-guard-protocol> internet adresinden erişilebilmektedir.
2. EPA, % 0.1 kükürt içeren yakıtın mevcut olmaması durumunda yapılması gerekenlere ilişkin sorulan bir soruya, söz konusu durumda aşırı-düşük kükürtlü yakıtların (% 0.1 gerekliliğinden daha düşük) kullanımının zorunlu olacağı şeklinde yanıt vermiştir.
3. EPA Sular Dairesi (Office of Water), Gemi Genel İzni (Vessel General Permit – VGP) gereğince istenen yıllık rapor hakkında bir hatırlatma yapmıştır. 2014 işletme yılı yıllık raporu 28 Şubat 2015 tarihine kadar çıkarılacaktır.
4. Kaliforniya Eyaleti Toprakları Komisyonu (California State Lands Commission – CSLC), Kaliforniya limanlarına uğrayan gemilerdeki biyolojik kirlilik yönetimine ilişkin taslak düzenlemesinin önerilen yeni versiyonunu yayınlamıştır. CSA, süre sonu olan 31 Aralık 2014 tarihine kadar yorumları teslim edecektir. (Çevre Alt Komitesinin en sonuncu toplantısı, Avustralya için geçerli mevcut gerekliliklere ilaveten, Yeni Zelanda sularında biyolojik kirlilik yönetimi için bir sistemin uygulanacağını bildirmiştir. Anılan Kaliforniya düzenlemesine ilişkin bahse konu öneri hakkında görüşleri olan Üyeler, görüşlerini alistair.hull@ics-shipping.org adresine e-posta aracılığıyla bildirebilirler.)

Bilgilerinizi arz ve rica ederiz.

Saygılarımızla,

Murat TUNCER

Genel Sekreter

EKLER:

Ek-1: İlgi yazı ve Eki



İstanbul :

Sayı
Our Reference :Konu
Subject :**DAĞITIM:****Gereği:**

- Tüm Üyelerimiz (Web Sayfasında)
- Türk Armatörler Birliği
- S/S Gemi Armatörleri Motorlu Taş. Koop.
- Vapur Donatanları ve Acenteleri Derneği
- İMEAK DTO Şubeleri
- Türk Uzakyol Gemi Kaptanları Derneği
- Gemi Sahibi Firmalar

Bilgi:

- Ulaştırma, Denizcilik ve Haberleşme Bakanlığı
Deniz ve İçsular Düzenleme Genel Müdürlüğü
- Sn. Sefer KALKAVAN
TOBB DTO'ları Konsey Başkanı
- Meclis Başkanlık Divanı
- Yönetim Kurulu Başkanı ve Üyeleri
- Sn. Erol YÜCEL
TOBB Türkiye Denizcilik Meclisi Bşk.
- İMEAK DTO Şube Y.K. Bşk.

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9 December 2014

ICS(14)48

TO: ALL FULL MEMBERS AND ASSOCIATE MEMBERS

**Copy to: Shipping Policy Committee
Marine Committee
Construction & Equipment Sub-Committee**

US DEVELOPMENTS – NOVEMBER 2014

Action required: To note the attached report from the Chamber of Shipping of America (CSA), and to comment, as appropriate, on the Californian draft regulation on bio-fouling.

Attached at Annex A please find the latest monthly report from CSA. The report contains:

1. A link to the new inspection and enforcement protocol for the 0.1% sulphur in fuel limit within Emissions Control Areas (ECA), as agreed under the Memorandum of Understanding between the US Coast Guard (USCG) and the Environmental Protection Agency (EPA). CSA analysis includes advice that the EPA is likely to play a more active role in the vessel inspection process during Port State Control.
2. An EPA response to a question concerning steps to be taken when 0.1% sulphur fuel is not available. The EPA response appears to mandate the use of ultra-low sulphur fuels (even lower than the 0.1% requirement) if 0.1% sulphur fuel is not available.
3. News that the EPA Office of Water has recently distributed a reminder about the annual report required under the Vessel General Permit (VGP). The annual report for operating year 2014 is due by 28 February 2015. CSA provides guidance on the use of the eNOI system for the purpose of submitting the report.
4. News that the California State Lands Commission (CSLC) has released a new proposed version of its draft regulation for bio-fouling management on board vessels calling in Californian ports. CSA will be submitting comments by the deadline of 31 December 2014. (ICS members will recall that the recent meeting of the Environment Sub-Committee noted the introduction of a system for bio-fouling management in New Zealand waters in addition to the existing requirements for Australia. Members with specific comments on the proposed Californian regulation should provide these to the alistair.hull@ics-shipping.org).

Joe Francombe
Policy Officer

CHAMBER OF SHIPPING OF AMERICA

MONTHLY REPORT FOR THE INTERNATIONAL CHAMBER OF SHIPPING

FOR NOVEMBER 2014

NOTE TO THE READER: References to the Federal Register may be found at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>. Please note new address and format for Federal Register retrieval due to upgrade in US government website.

References to legislation may be found at <http://thomas.loc.gov/> by entering the bill number (HR 802, S 2841) in the "search bill text" block found at the center of the page.

US Coast Guard (USCG)/Environmental Protection Agency (EPA) Joint Enforcement Program for ECA Fuel Requirements

Since the implementation of the North American Emissions Control Area (ECA), the USCG and EPA have been operating under a Memorandum of Understanding (MOU) where USCG inspects for MARPOL Annex VI/ECA compliance as part of its comprehensive port state control program. With the coming implementation date of 1 January 2015 at which time 0.1% sulfur fuel will be required in the ECA, USCG and EPA have again reiterated their collaborative agreement as contained in the MOU as regards ECA enforcement inspections and enforcement policies. A copy of their inspection and enforcement protocol may be viewed at <http://www2.epa.gov/enforcement/epa-coast-guard-protocol>.

While the protocol itself represents no significant changes in the inspection and enforcement processes which have been in place over the past several years, recent discussions with USCG and EPA suggest that EPA will be playing a more active role in the vessel inspection process including accompanying USCG port state control boarding parties on a random basis. This increased activity level is a result of the EPA's fundamental belief that the low sulfur fuel requirements must be robustly enforced to avoid the situation where non-compliant vessels would receive a significant competitive advantage if they had not purchased compliant fuel. This is especially true with the 1 January 2015 requirement for the use of 0.1% sulfur fuel where the price differential between compliant fuel and higher sulfur fuel is expected to be even more significant than is the case with the current 1% sulfur fuel requirement. Industry in general is supportive of this fundamental concept and CSA has conveyed this message to both USCG and EPA. However, CSA has also indicated to EPA that within the context of the fuel non-availability reporting requirements, there is likely to be an increase in non-compliance events at least in the early stages of the 0.1% sulfur fuel implementation due to non-availability scenarios outside the US where vessels inbound to a US port are unable to purchase the compliant fuel or cases where the bunker delivery note indicates compliant fuel but post load tests indicate the fuel is in excess of the sulfur limits. It is expected that a sufficient supply of 0.1% fuel will be available in US ports thus

vessel owners may need to consider purchase of compliant fuel in the US if compliant fuel is not available in other ports of call on their route prior to entry into US waters.

As noted above, there are no changes in the enforcement protocol or the reporting processes for vessels inbound with non-compliant fuel but with the increased involvement of EPA at the vessel level, it is expected that non-compliance events will be even more closely scrutinized than is currently the case.

EPA Guidance on Use of Distillate Fuel for North American ECA Compliance

Following from the above discussion, EPA has published a response to a question that has been forwarded to them numerous times in the past several months relative to the definition of "available" fuels, essentially mandating the use of ultra-low sulfur fuels (even lower than the 0.1% sulfur requirement) if 0.1% sulfur fuel is not available. The question and response are as follows.

Question: Does the U.S. Government require the use of lower sulfur distillate (such as 15 ppm distillate fuel) for compliance with the 0.10% m/m ECA fuel sulfur standard, which begins 1 January 2015, if no other compliant fuel is available?

Answer: Yes. Beginning 1 January 2015, under Annex VI, the North American and United States Caribbean Sea ECAs require that the sulfur content of the fuel oil used onboard ships operating in these areas may not exceed 0.10% m/m. The United States expects that a ship will use any compliant fuel that is available containing no more than 0.10% m/m sulfur content, including using distillate fuel or marine gas oil with a much lower sulfur content, even at or below 15 ppm sulfur. In the instance that engine operating requirements, or fuel parameters such as flashpoint or viscosity, are a concern with the use of a lower sulfur marine distillate, please see EPA's Fuel Oil Non-Availability Report guidance. Fuel oil that complies with the 0.10%

m/m sulfur standard is expected to be available for ships that plan to operate in the North American and United States Caribbean Sea ECAs.

Procedure for Filing VGP Annual Report Due February 28, 2015

The EPA Office of Water has recently distributed widely a reminder about the annual report which is required under Part 4.4.1 of the VGP. The reminder notes that the electronic annual reporting feature of the eNOI system is now operational and must be used in preparing and submitting the required annual report unless a waiver is requested and granted to submit the annual report in hard copy format. The annual report for operating year 2014 is due by February 28, 2015.

The Annual Reporting feature is a component of the existing eNOI system and uses the same login and similar technologies and practices. Users will be able to prepare and submit annual reports either one at a time for individual vessels or in a batch for multiple vessels (e.g., a combined annual report). Any users required to monitor their graywater, bilgewater, ballast water, or exhaust gas scrubber

wastewater and report the results of that monitoring as part of their annual report will be able to do so using the new "Batch Annual Report Spreadsheet with Discharge Monitoring Reports (DMRs)" feature of the system. To assist users, the Annual Reporting feature includes three example spreadsheets showing different hypothetical scenarios and how users can prepare and submit annual reports for multiple vessels in a single spreadsheet.

If you previously registered to use the system to submit NOIs, you do not have to re-register although you may be asked to update your password. To register to use the eNOI system, or to update your password, you must first log into EPA's Central Data Exchange (CDX) system (<https://cdx.epa.gov>). Once registered in CDX for the 2013 Vessel General Permit, you can access the eNOI system at: <https://ofmpub.epa.gov/apex/vgpenoi/f?p=vgp> to begin preparing and submitting annual reports.

California Proposed Biofouling Regulations

The California State Lands Commissions (CSLC) has released a new proposed version of their draft regulatory language for biofouling management aboard vessels calling in California ports and is soliciting "informal" comments on the proposal. It may be recalled that CSLC had proposed several iterations of proposed regulatory text over the past several years and on a positive note, the current proposed text includes some accommodation of previously raised concerns identified by the industry. In particular, a finding of excessive biofouling will result in a warning instead of issuance of a violation if the vessel will be in California waters for 48 hours or less but the vessel must correct the excessive biofouling condition prior to its next call in a California port. Industry still has justifiable concerns relative to management of biofouling in specific niche areas e.g. bow/stern thrusters, sea chests, stabilizers, since there are no recognized safe methods to clean these areas while the vessel is in the water.

The DC based industry coalition composed of a number of trade associations has met with the goal that individual association comments will be consistent and focus on the highest priority concerns. CSA will be submitting comments by the deadline of December 31, 2014. It is expected that the formal rulemaking process e.g. issuance of proposed regulations will be initiated in the first quarter of 2015 after the comments from this current "informal" comment period are reviewed.

A copy of the draft regulations may be viewed at:

www.slc.ca.gov/Division_Pages/MFD/Proposed_Regulatory_Actions/Informal%20Comment%20Period/DRAFT%20-%20ARTICLE%204.8.pdf

Comments should be submitted to:

CSLC.MFDRegulations@slc.ca.gov