



GALLAGHER MARINE SYSTEMS, LLC



# THE CLIPPER

2009, 2<sup>ND</sup> QUARTER

**We Have Moved!**

Gallagher Marine Systems, LLC moved to a new office on **May 1, 2009**. The new, larger office space is allowing us to meet the needs of our clients more effectively. All of the GMS phone numbers, including the 24-hour QI line, remain the same. Our address has changed slightly. Please note our new address below.

**200 Century Parkway  
Suite D  
Mount Laurel, New Jersey 08054-1150**

Feel free to visit our new office when you are in town!

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**MESSAGE FROM THE PRESIDENT**

I am pleased to present this latest edition of our newsletter, The Clipper. Since our last edition, we have weathered the moving process (albeit only to the adjacent building in our office park) and are now up and running in our new office space. The entire GMS team contributed to its layout and design and we are very pleased with the results. The additional space was needed to accommodate our expanded staff and it afforded the opportunity to create space that would enhance efficiency and allow for projected staff increases over the next five years. We are committed to providing the highest level of service to our clients and are confident that our new office space will only enhance that goal.

In this Clipper we profile three newer members of our skilled and committed team: Plans Coordinators Ms. Lauren McKay and Ms. Andrea Presutti; and our Training and Drills Coordinator Mr. Scott Stein. Featured articles in this Clipper include highlights of a NOAA sponsored event marking the 20<sup>th</sup> anniversary of Exxon Valdez held in Washington D.C. in March; and a brief history of the GMS logo (Baltimore Clipper). We have also provided up-to-date information on the change in USCG policy which has affected tanker VRP approvals for Guam and Western Alaska; requirements for nontank vessels calling or transiting Guam and Alaska Captain of The Port zones, and operational restrictions USCG Sectors have imposed on nontank vessels arriving in the US either with a VRP under review or without a VRP having been filed.

We hope that you find this Clipper to provide timely and helpful information. We welcome any comment that you may have or subjects that you wish to see addressed in a future Clipper.

Sincerely,  
David C. Barry

## **OPA '90 REQUIRED EXERCISES**

The Oil Pollution Act of 1990 includes requirements for pollution exercises. The U.S. Coast Guard, as well as State Authorities, take these exercises very seriously and are checking for documentation of the exercises being conducted.

As a reminder, the following exercises are required for each vessel listed in the Vessel Response Plan:

### **Qualified Individual Notification Exercises**

- Consists of a phone communication exercise between vessel personnel and the Qualified Individual.
- Conducted quarterly while operating in U.S. waters; otherwise, upon entry into U.S. waters.
- Logbook entry of exercise should be made.

### **On Board Emergency Procedures Exercises**

- Exercise of the vessel's emergency procedures to ensure crew knowledge of actions to be taken to mitigate a spill.
- Should involve one or more of the sections of the emergency procedures for spill mitigation.
- Exercise can be combined with other required shipboard emergency exercises.
- Must be conducted quarterly.
- Logbook entry of exercise should be made.

The following drill is also required:

### **Spill Management Team Tabletop Exercise**

- Consists of an exercise involving the Plan Holder's internal Crisis Team as well as the Spill Management Team identified in the Vessel Response Plan.
- Exercises the organization, communication, and decision-making in managing a spill response.
- Fifteen components listed in the National Preparedness for Response Exercise Program (PREP) Guidelines must be exercised during a 3-year cycle.
- Must be conducted annually.
- The Spill Management Team as well as Company Crisis Team should retain documentation of the exercise for 3 years.

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## **FOCUS TRAINING SEMINARS**

To help our non-tank vessel clients meet the TTX requirement in an efficient and inexpensive manner, we offer Focus Training Seminars (FTS) for Non-Tank Vessel Response Plan holders to meet the annual requirements for a Spill Management Team Tabletop Exercise. The FTS also includes a regulatory update and an opportunity to network with other industry members.

Our current schedule of Focus Training Seminars is below.

- New Jersey – 22 July 2009 – Venue has been nominated, details will follow via email.
- Los Angeles – 28 July 2009 - Venue has been nominated, details will follow via email.
- Busan, Hong Kong, Singapore, Taipei, & Tokyo – Late September/Early October
- Greece – November
- London Symposium – 7 December 2009

If you would like to register for a Focus Training Seminar or would like to learn more, please email our general account at [info@chgms.com](mailto:info@chgms.com)

## **SPILL MANAGEMENT TEAM TABLETOP EXERCISE**

Tank Vessel Response Plan holders are encouraged to schedule their Annual Spill Management Team Tabletop Exercise soon as the schedule is beginning to fill up. Please contact Kevin Perry at [kperry@chgms.com](mailto:kperry@chgms.com) for more information.



## VESSEL GENERAL PERMIT SHIPBOARD TRAINING



Gallagher Marine Systems has been busy preparing Vessel General Permit compliance systems for vessels to meet the requirements of the Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES).

The requirements of the Environmental Protection Agency's (EPA) Vessel General Permit (VGP) are complex and seemingly overwhelming to vessel officers and crewmembers. The VGP requirements are in force and it is expected that the EPA or their agents (likely the USCG) will start enforcing the requirements actively. Therefore, it is important to ensure that seafarers understand and implement the protocol in compliance with the VGP prior to their next U.S. port call. Seafarer acceptance and implementation of the VGP is the greatest challenge in ensuring compliance. Accordingly, GMS has developed an *NPDES/VGP Shipboard Training* program which we are prepared to deliver to your vessels upon their next U.S. port call. GMS will perform onboard training divided into two categories: **VGP Familiarization** and **VGP Daily & Weekly Inspection Deck Walk**.

We have already performed this training to the satisfaction of shipboard personnel. Although the VGP has not been widely accepted onboard, seafarers have indicated that GMS' *NPDES/Shipboard Training* does achieve a better understanding of the program and, consequently, efficient implementation.

Additionally, we are in direct contact with the EPA Managers for the VGP program. We have been working with those personnel to clarify some of the requirements of the new regulations.

If you are interested in GMS performing this onboard training, or would like more information, please contact us via our general email address: [info@chgms.com](mailto:info@chgms.com) using the subject header: *NPDES/Shipboard Training*



### PROPOSED CHANGES TO CALIFORNIA EXERCISE REQUIREMENTS



A proposed amendment to the existing oil spill drill requirements in the State of California has garnered much interest within the industry. We have been active in communicating our views to members of California's Department of Oil Spill Prevention and Response. It is our intention to advocate the best solution for both California plan holders and the State of California while seeking to improve readiness and oil spill prevention.

Topics of discussion include:

1. Requiring an Independent Drill Monitor (IDM) for out-of-state Spill Management Team Tabletop Exercises (SMT TTXs). Associated topics include qualifications for IDMs and the number of IDMs that would be required to attend a SMT TTX.
2. Requiring 60 days advance notice and invitation to the State of California for SMT TTXs instead of the 30 days currently in the regulations.
3. A limit to the number of PREP Objectives that could be achieved through an out-of-state SMT TTX, even with a California scenario.

We will continue to be involved in this process and will submit updates in this newsletter as they become available.

## **TANKER VRP APPROVALS – GUAM AND WESTERN ALASKA**

The USCG Headquarters Vessel Response Plan office (HQVRP) stopped issuing tanker VRP endorsements for Guam and Western Alaska (excepting vessels on Trans-Alaska Pipeline trade or those calling Cook Inlet with a CISPRI contract) on or about August 2008. These remote areas lack sufficient OSRO resources to meet the requirements of OPA '90. The tanker regulations require OSRO resources to meet the USCG planning standards for all COTP zones that a vessel transits or calls. In the past, the USCG understood that this standard could not be met in remote areas such as Guam and Western Alaska. The USCG opted not to enforce this requirement, and provided a practical option for tank vessels calling these areas. Prior to this change from HQVRP, vessels calling Guam or Western Alaska would receive OSRO coverage from the receiving terminal and VRP endorsements were issued subject to this coverage. The new position from HQVRP is that VRP approvals can only be achieved through "Alternative Compliance" (AC). Alternative Compliance is a 90 day formal review process by USCG, with no guarantee of success. However, the USCG COTP zones at issue have also not established guidance or criteria to enable a VRP endorsement to be obtained. AC requests submitted over 6 months ago have still not been approved. In fact, to our knowledge, none have been approved to date. We are aware that USCG is internally evaluating AC criteria. We continue to be advised that AC criteria, once approved, will be made available to industry in order to allow a VRP endorsement to be obtained. At present, the only means of entry for a tanker calling the Guam or Alaska COTP zones is on a One-Time-Waiver (OTW) basis. Entry via the OTW waiver process is not guaranteed and is subject to the approval of the Sector Commander.

The same situation applies to tank vessels transiting these zones enroute to or from a US port. A USCG VRP endorsement is required but OSRO capability **does not exist** in these remote areas for nearshore or offshore response. Consequently, tank vessels transiting these areas (within 200 nm of shore) must now do so at their own peril, at least until the USCG establishes AC criteria or some other means of compliance.

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## **NON TANK VRP APPROVALS – GUAM AND ALASKA**

At the beginning of 2008, the USCG began issuing Interim Operating Authorization (IOA) letters for nontank vessels which indicated that the vessels were NOT approved for several zones including Western Alaska, Guam and several Pacific Islands. Any planholder requiring an endorsement for these zones (i.e. calling or transiting these locations) must demonstrate to the USCG (HQ VRP Group) that they have OSRO coverage available through "contract or approved means" which meet the USCG requirements.

Nontank vessels (NT) enroute to or from a US port and transiting these zones, must obtain "acceptable" OSRO coverage. Proof of coverage must be submitted to the USCG before the vessel will receive an endorsement to call the zone. Vessels transiting the Western AK zone (Unimak Pass) must enter into an agreement with the Western Alaska OSRO, Alaska Chadux. Once the payment (\$850 per vessel, per year) has been received by Alaska Chadux and coverage is in place, proof of coverage must be provided USCG Headquarters. USCG HQ will then issue a new Interim Operating Authorization (IOA) letter including the Western Alaska endorsement. Several operators have recently signed with Alaska Chadux for transit coverage and have received IOA letters with a Western Alaska endorsement for transit only.

To date, we are not aware of enforcement by the USCG for vessels in transit without the Western Alaska endorsement on their IOA letter. If there is a casualty involving a vessel in transit without an IOA letter endorsement for the zone, the consequences could be severe including loss of limit of liability. This would be the case for particular locations such as Unimak Pass where the USCG is focusing much of their attention.

It is worth noting that Alaska Chadux has no OSRO rating for offshore response we are aware of. The USCG is hopeful that Alaska Chadux will develop a capability using transit coverage fees received.

The same situation applies in Guam where vessels must enroll with Guam Response Services Ltd. (GRSL) to obtain a Guam endorsement on the IOA letter. GRSL also has no offshore response capability.

Guam &  
The Northern  
Marianas Islands



Unimak Pass

## Nontank Vessels with Plans under Review

### (i.e. Interim Operating Authorization (IOA Letter) has not been issued)

Recent USCG guidance to all Sectors issued by the Headquarters VRP office (HQVRP) has recommended that operational controls be placed on any nontank vessel whose plan is under review (i.e. IOA letter not yet issued) or those without a NTVRP submitted.

This “guidance” has resulted in two Sectors issuing COTP orders to any vessels arriving without an IOA letter issued by HQVRP. The Operational Control (OC) measures recommended by HQVRP and that we have observed being imposed via COTP order are:

1. Daylight transit only;
2. Minimum 12 nm visibility for transit; and
3. Tug escort in/out.

Thus far, such actions have been imposed routinely in Sectors St. Petersburg (OC measures 1, 2 and 3) and Los Angeles/Long Beach (OC measure 3). We believe strongly that such restrictions are unreasonable for vessels with a NTVRP under review (a 30 day process<sup>1</sup>) and are in discussions with the USCG in an effort to change this “policy”.

<sup>1</sup>The USCG specifies a 30 day period for vessel additions. The actual timeframe can be as long as 40 days due to recently changes in USCG security screening of packages. The 30 day review period begins only when the security screening process is completed.

FROM : GCR : US CGPST BUFRD CG-5431      FAX NO. : 2023721521      May. 26 2009 11:02AM 1/1

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



Commandant  
United States Coast Guard

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23/05778

MAY 26 2009

C/O: GALLAGHER MARINE SYSTEMS  
ATTN: JOHN J. GALLAGHER  
100 CENTURY PARKWAY, SUITE 130  
MOUNT LAUREL, NJ 08054

We have conducted a preliminary review of the subject nontank vessel response plan (VRP control # [REDACTED], submitted to meet the requirements of Title 33, United States Code, Section 1321 (I)(5) as amended by the Coast Guard and Maritime Transportation Act of 2004.

Based upon our preliminary review, your vessel may continue to operate until February 2, 2011 or until the Final Rule for Nontank Vessel Response Plans is promulgated, whichever comes first. This interim operating authorization is based on your certification that you have identified and/or ensured the availability of, through contract or other approved means, the necessary private response resources to respond, to the maximum extent practicable, to a worst case discharge or substantial threat of such a discharge from your vessel.

The approved COTP zones of operation are:

Baltimore	Boston	Buffalo	Cape Fear River
Charleston	Cape Cod	Delaware Bay	Detroit
Duluth	Chesapeake Roads	*Honolulu	Houston/Galveston
Jacksonville	Key West	Lake Michigan	Luna Island Sound
Los Angeles/Long Beach	Miami	Mobile	Morgan City
New Orleans	New York	North Carolina	Northern New England
Port Arthur	Portland	Puget Sound	San Diego
San Francisco	San Juan	St. Louis	Seavanh
Southeastern New England	St. Petersburg		

\* Not authorized for operations in the American Samoa, Johnston Atoll, Palmyra Atoll, Kingman Reef, Wake Island, Jarvis Island, Howland and Baker Islands, and Midway Island areas.

This letter or a notarized copy of this letter should be maintained aboard this vessel.

Sincerely,

X. L. CASTANEDA  
Lieutenant, U.S. Coast Guard  
Assistant Team Leader, Vessel Response Plan Program  
By direction

Copy: Fax: (856) 642-3945

This letter has been thoroughly reviewed by the USCG, and determined to be categorically excluded under certain USCG criteria from further environmental consideration, in accordance with Section 2.15.2, and Parts 21 of the National Environmental Policy Act Implementing Procedures and Policy for Categorizing Environmental Impacts. COMDTINST M16473.1A, as authorized by DHS M16473.1A.

*Example Interim Operating Authorization Letter*

## NOAA MARKS 20TH ANNIVERSARY OF EXXON VALDEZ WITH CONGRESSIONAL PANEL ON ADVANCES IN SPILL RESPONSE

The U.S. Government's National Oceanic and Atmospheric Administration (NOAA) organized a special meeting on March 13, 2009 at the Senate Committee on Commerce, Science and Transportation's Hearing Room in Washington DC to commemorate the 20<sup>th</sup> anniversary of the EXXON VALDEZ spill in 1989. Participants at the gathering discussed progress made since that time in oil spill preparedness, response and restoration was reviewed and future challenges posed by climate change and energy exploration.

Among other topics, the Wreck Oil Removal Program (WORP) was discussed. This program would be tasked with removing the oil from around 1,300 sunken non-tank vessels in United States waters. Those wrecks are thought to be holding an estimated 180 million gallons of oil. (*ISCO Newsletter 172*)

Lessons Learned from the Exxon Valdez disaster were cited as important changes made in the industry. The double hull requirement of the Oil Pollution Act of 1990 has prevented numerous accidents from becoming catastrophic. Preparedness has also improved greatly since Exxon Valdez.

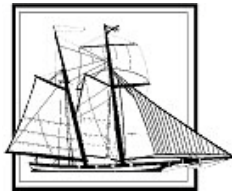


In the photo – Left to right: Anthony Lloyd, USCG; **Dave Kennedy**, NOAA; Nancy Kinner, University of New Hampshire; **Jack Gallagher**, Gallagher Marine Systems, LLC; **Dave Usher**, ISCO; DeeAnn McMillan, T&T Bisso; Dave Westerholm, NOAA; Rich Habib, Resolve Marine; Dick Fredricks, ASA. The individuals whose names are shown in bold print participated in the actual response to the EXXON VALDEZ casualty.

GMS' Jack Gallagher and his son Michael, both of whom monitored the EXXON VALDEZ spill response at Valdez on behalf of the P&I Clubs IDIA and Britannia, renewed friendships with others at the commemoration.

There was also an opportunity to meet with Rear Admiral Mary Landry, also in attendance at the commemoration. While Captain of the Port at Providence, Rhode Island in 2004, Admiral Landry served as the Federal on-Scene Coordinator during GMS' response to the major Bouchard Barge B-120 spill at Buzzards Bay, Massachusetts. We were able recall events in that response with the Admiral and congratulated her on the advances she has accomplished in her career since that time.

## HISTORY OF THE GMS LOGO



The original artwork was created by John Gallagher when he was an independent consultant in the late 1970's.

The logo is based on a "Baltimore Clipper" schooner built and named by the State of Maryland to commemorate the 1815 clipper brig *Chasseur* (Captain Thomas Boyle). Nicknamed at the time, the "*Pride of Baltimore*", she sailed out of Baltimore during the War of 1812 as a Letter-of-Marque or Privateer.

Captain Boyle was a renowned privateer skipper, not only capturing a remarkable number of valuable merchant prizes during the war but also capturing a British warship, His Britannic Majesty's *Schooner St. Lawrence*. Captain Boyle had mistakenly engaged her, believing her to be a merchantman or privateer until after they were fully engaged.

Coincidentally, *St. Lawrence*, a topsail schooner, was also a Chesapeake Bay built Baltimore Clipper. She had been captured by British vessels and enlisted in the royal Navy, an occurrence that was not unusual in that time.

*Chasseur* was described by a contemporary as "indeed a fine specimen of naval architecture; and perhaps the most beautiful vessel that ever floated on the ocean." He said that "She sat as light and buoyant on the water as a graceful swan, and it required but very little help of the imagination to feel that she was about to leave her watery element and fly into the clear, blue sky."

It may be of interest to underwriters that CAPT Boyle, irritated by publication of a "Notice of a Blockade" on American ports (seriously inflating insurance premiums for vessels in the American trade) had a similar notice respecting British ports posted on the doors of Lloyds in London. He felt that the ability to effectively blockade all American ports was about as meaningful as was his to blockade British ports.



The battle depicted above is from an 1856 book *American Privateers* by a contemporary privateer master (CAPT. George Coggeshall).

An interesting document resulting from the victory of *Chasseur* over *St. Lawrence* was the following certificate.

In the event of Captain Boyle's becoming a prisoner of war to any British cruiser, I consider it a tribute justly due to his humane and generous treatment of myself, the surviving officers and crew of His Majesty's late schooner *St. Lawrence*, to state that his obliging attention and watchful solicitude to preserve our effects, and render us comfortable, during the short time we were in his possession, were such as justly entitle him to the indulgence and respect of every British subject.

I also certify that his endeavors to render us comfortable, and to secure our property, were carefully seconded by all his officers, who did the utmost to that effect.

J. C. GORDON  
Lieut. and Com. of His Majesty's late Schooner *St. Lawrence*.

"Britannia needs no bulwark,  
No towers along the steep;  
Her march is o'er the mountain waves,  
Her home is on the deep."

COPY OF A CERTIFICATE TO CAPT THOMAS BOYLE FROM THE COMMANDER OF HIS BRITANNIC MAJESTY'S SCHOONER *ST. LAWRENCE*; DATE AT SEA, FEBRUARY 27<sup>th</sup> 1815, ON BOARD THE UNITED STATES PRIVATE ARMED BRIG *CHASSEUR*.

## *GMS Staff Spotlight*

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### ***Lauren McKay***

Ms. Lauren McKay joined the Gallagher Marine Systems Plans Department in May of 2007. As a Plans Coordinator, Ms. McKay works closely with vessel operators and managers to develop Vessel Response Plans for tank vessels as well as non-tank vessels. She also coordinates with the U.S. Coast Guard to obtain one-time waivers, when necessary. Ms McKay particularly enjoys overcoming the challenges that sometimes present themselves in gaining U.S. Coast Guard approval for waivers and Integrated Contingency Plans.

Ms. McKay holds an Associate's Degree in Social Sciences from Morrisville State College and a Bachelor's Degree in Psychology from Mansfield University. As a student, Ms. McKay was on the Dean's List, a Resident Assistant and involved in peer advocacy. She loves outdoor activities and is excited about her upcoming wedding in May.

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### ***Andrea Presutti***

Ms. Andrea Presutti began her career as a Plan Coordinator with Gallagher Marine Systems in February 2008. Ms. Presutti maintains and prepares Contingency Plans for tank and non-tank vessels. She is also integral to the development of the Vessel General Permits and Compliance Systems for clients meeting the EPA requirements through the National Pollutant Discharge Elimination System. Ms. Presutti is fascinated by the specialized nature of our industry and is looking forward to learning more.

Ms. Presutti graduated from Rutgers University, School of Business with a degree in Hospitality Management. She enjoys singing, hanging out with friends, and spending time on the New Jersey beaches as well as other outdoor activities, like Ultimate Frisbee.

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### ***Scott Stein***

Mr. Scott Stein started at Gallagher Marine Systems as a Drills & Training Coordinator in October 2008. He enjoys every aspect of his job, especially creating a meaningful training opportunity for clients through the annually required Table Top Exercises. In addition to his daily duties, Mr. Stein is also one of the GMS Qualified Individuals, already responding to several incidents and many State-initiated unannounced drills.

Mr. Stein was in the U.S. Coast Guard for nine years and served in various capacities. He handled Public Affairs and Government Relations at the USCG Recruit Training Center. He also managed a Training and Development program within the 5<sup>th</sup> Coast Guard District relating to leadership and management, personnel qualifications, policy development and the Incident Command System.

Mr. Stein is a devoted Chicago Cubs fan. He is also married with two children; Olivia (5) and Tyler (2).

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