



GALLAGHER MARINE SYSTEMS, LLC



THE CLIPPER

2009, 3RD QUARTER



NPDES REQUIRED

VESSEL GENERAL PERMITS AND

NOTICES OF INTENT



Under the National Pollutant Discharge Elimination System (NPDES), Vessel General Permit (VGP) was signed by the Environmental Protection Agency (EPA) on December 19, 2008 and became effective on February 6, 2009.

In general, the VGP applies to commercial vessels over 79 feet in length that have discharges incidental to their normal operations. The VGP identifies 26 effluent streams which it regulates. Individual State requirements are also incorporated in the VGP.

The VGP is a general permit for all vessels. However, every vessel calling or trading within U.S. territorial waters (extending to the outer reaches of 3 nautical miles from the baseline) must file a Notice of Intent (NOI) with the EPA. From September 19, 2009 the EPA requires a 30 day notice for the NOI application before a vessel can trade in the VGP zone.

The VGP provides guidelines on vessel inspections, record-keeping, best management practices, and training for vessel crew.

The NPDES regulations are complex and require a significant amount of technical and regulatory

knowledge. Gallagher Marine Systems has been diligently working with our clients to ensure their compliance with these new requirements.

To date, Gallagher Marine Systems has prepared VGP compliance documents and submitted NOIs to the EPA on behalf of approximately 2,500 vessels.

We have also developed a shipboard training program to aid in the implementation of the Vessel General Permit. So far, our staff has conducted over 60 training sessions onboard vessels throughout the U.S. We have also conducted 9 "Train the Trainer" courses in clients' offices. Informational seminars about the VGP are also being provided in conjunction with the Focus Training Seminars (see page 3). We have taken the lead and are working closely with Videotel and the EPA to produce a VGP Crew training module, which is expected to be released soon.

For more information about NPDES, visit http://cfpub.epa.gov/npdes/home.cfm?program_id=350

If you would like more information about the NPDES regulation or GMS services' related to VGPs and NOIs, please call our New Jersey office or email our general account at info@chgms.com

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SALVAGE AND MARINE FIREFIGHTING

Gallagher Marine Systems is working closely with major Salvage and Marine Firefighting providers in response to the up-coming Salvage and Marine Firefighting requirements. Specific requirements are described in 33CFR Part 155 Subpart I – Salvage and Marine Firefighting.



Arlington, Virginia October 6-8, 2009. One of the popular topics of the Conference was the Salvage and Marine Firefighting regulations. GMS will continue coordinating with the Salvage community to ensure proper compliance services to Plan Holders. Changes to the Vessel Response Plans must be submitted to the U.S. Coast Guard by February 22, 2011.

Much of the new information will be required to be added to the Vessel Response Plans (VRP). In anticipation of the up-coming VRP changes, our Plans Manager, Ms. Kate Gribbin, attended and participated in the National Maritime Salvage Conference held in

For more information, refer to <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr;sid=3878ead218d1b4a26197e93a91801433;rgn=div6;view=text;node=33%3A2.0.1.5.24.9;idno=33;c=ecfr>

DRILLS & TRAINING UPDATE

California Regulations: 30-day Advance Notice for Drills

Title 14, section 820.01(d) of the California Code of Regulations requires that all California Contingency Plan holders provide advance notification to the California Office of Spill Prevention and Response (CA OSPR) 30-days prior to any Table Top Exercise (TTX) being conducted. If you currently have a California Oil Spill Contingency Plan and conduct drills with GMS, the GMS Drills & Training team

submits this advance notice on your behalf. To meet this requirement you will need to schedule your annually required TTX at least 30-days in advance in order for GMS to submit the required advance notification form to OSPR. If California OSPR does not receive the advance 30-day notice, the plan holder will not be allowed to receive California credit for their TTX.

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DRILLS & TRAINING UPDATE (CONTINUED)

Focus Training Seminars (FTS)

To help our non-tank vessel clients meet the Table Top Exercise (TTX) requirements 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 for your Federal NTVRP and CA plans. 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.

- **Athens, Greece - 18 November 2009** Ledra Marriot. Presented by GMS's Howard Hile, Thomas Wiker and Scott Stein.
- **London, U.K. – 8 December 2009** Royal Air Force Club. Presented by GMS's David Barry, Thomas Wiker and Kuldeep Singh

Finally, our annual **London Symposium** will take place on Monday the **7th of December 2009** at the Royal Air Force Club.

We are currently finalizing our guest speakers and have received a tentative confirmation from Mr. Marcus Zobrist – Team Leader, Water Quality Permitting Program US EPA Headquarters, Washington D.C. – who will be making a presentation on the Vessel General Permit. We also anticipate speakers from the U.S. Coast Guard, California DFG/OSPR, the salvage community pertaining to the recently published salvage regulations, and several others to round off an informative day. As has been the case in the past, we ask that you please reserve the date and make the necessary arrangements to attend. A formal invitation will follow in the coming weeks once we confirm a final list of presenters.

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



STX POS Ship Management Co. participate in Annual SMT Table Top Exercise. In foreground, Captain U. Choe (left) and Captain S.S. Bag (right)



Hyundai Merchant Marine Co., Ltd.'s Emergency Response Team respond to a simulated vessel emergency. Captain J.C. Choi (head of table)

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ALTERNATE PLANNING CRITERIA &

INTERIM OPERATING AUTHORITY

A tank vessel engaged in a voyage that takes it to or from a port or place subject to the jurisdiction of the United States is required to have an approved Tank Vessel Response Plan (TVRP). That tank vessel is also required to have an approved Geographic Specific Appendix (GSA) in the plan for each COTP zone where it intends to handle, store or transport oil. Tank vessels that are merely engaged in transit passage or “innocent passage” while bound to and from somewhere outside the United States are not subject to TVRP regulations (in other words, the vessel’s voyage cannot begin, or end, in a U.S. port to qualify for innocent passage). Several areas under U.S. jurisdiction do not have sufficient resources to meet the national planning criteria provided for in your response plan. In remote areas, where response resources are not available (e.g., Alaska, Guam, and Pacific Islands under the jurisdiction of the U.S.)—or the available commercial resources do not meet the national planning criteria—the Coast Guard may still allow the vessel to operate in the affected zones. Coast Guard Headquarters can approve VRP’s for vessels operating in zones where response resources do not adequately meet national planning standards. In order to obtain such an approval, vessel owners/operators are required to submit an Alternative Planning Criteria (APC) plan to the appropriate Sector Commander/COTP at least 90 days before the vessel intends to operate under that proposed APC plan.

If there is insufficient time for the Coast Guard to review an APC request prior to the vessel conducting operations in a COTP Zone, the vessel owner/operator may then request that the Coast Guard issue an Interim Operating Authorization (IOA). The Coast Guard may issue a temporary IOA as long as the vessel owner/operator has submitted an APC request to the appropriate COTP. The APC request must detail all the response plan elements where deviations from the requirements are proposed or cannot be met, e.g., if the planning standard is to have 1,000 feet of boom deployed within two hours and the local OSRO is only

able to provide 500 feet of boom in two hours, a request for a deviation to the 1,000 ft. requirement would need to be submitted.

The request to use alternate planning criteria should contain at a minimum:

- (1) The reason and supporting information for the APC request;
- (2) Identification of specific regulations from which the owner/operator seeks an exemption and which APC would apply (this would be a regulation citation such as 33CFR Part 157);
- (3) Proposals for alternative procedures, methods, or equipment standards, where applicable, to provide for an equivalent level of planning, response, and pollution mitigation strategies (the above fictitious boom length variation is an example of what is being asked to exempt from the planning standards);
- (4) Prevention and mitigation strategies that ensure low risk of spills and adequate response measures as a result of the APC;
- (5) Consideration of special measures to the environmentally sensitive areas listed in the respective area contingency plans; and
- (6) Economic impact (how much the APC costs the owner/operator to implement).

Should you have a vessel that would require an APC, our Plans Department stands ready to assist you. To the greatest extent possible, please contact us about 100 days before intending to operate in those minimally resourced areas so that we can get the necessary information to request an APC on or before the required 90 days before operation Coast Guard submittal.

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FLU AND H1N1 INFORMATION

The U.S. Coast Guard has provided the following information regarding Seasonal Flu and H1N1.

Vessels, in accordance with 42 CFR 71.21 and 71.35, are required to comply with the Center for Disease Control (CDC) reporting requirements. Vessel owners/ operators/ and agents can VOLUNTARILY supply this information (via eNOA/D or other means) to the Coast Guard if they choose, but this does not relieve them of their reporting requirement to CDC.

According to 33 CFR 160.215, vessels are required to notify the Coast Guard of an illness if it affects the safety or safe navigation of the vessel; as this would constitute a hazardous condition requiring immediate reporting. However, the hazardous condition is dependent on the safe operation of the vessel and the impact on the port (an example could be where half the crew was unable to conduct vessel work because they were too ill to stand their watches). Absent further guidance from CDC, a crew member suspected of having H1N1 does not automatically make it a hazardous condition.

Tips to Avoid Getting Sick

- **Cover your nose and mouth** with a tissue when you cough or sneeze. Throw the tissue in the trash after use.
- **Wash your hands often** with soap and water, especially after you cough or sneeze. Alcohol-based hand cleaners are also effective.
- **Avoid touching your eyes, nose or mouth.** Germs spread this way.
- **Try to avoid close contact with sick people.**
- **Stay home if you are sick until at least 24 hours after you no longer have a fever (100°F or 37.8°C) or signs of a fever (without the use of a fever-reducing medicine, such as Tylenol®).**
- **Follow label instructions carefully when using disinfectants and cleaners*.**
 - Pay attention to any hazard warnings and instructions on the labels for using personal protective items (such as protective gloves).
 - Do not mix disinfectants and cleaners unless the labels indicate it is safe to do so. Combining certain products (such as chlorine bleach and ammonia cleaners) can be harmful, resulting in serious injury or death.
- **Keep hard surfaces like kitchen countertops, tabletops, desktops, and bathroom surfaces clean and disinfected.**
 - Clean the surface with a commercial product that is both a detergent (cleans) and a disinfectant (kills germs). These products can be used when surfaces are not visibly dirty.
 - Another way to do this is to wash the surface with a general household cleaner (soap or detergent), rinse with water, and follow with a disinfectant. This method should be used for visibly dirty surfaces.
 - Use disinfectants on surfaces that are touched often. Clean the surface as explained above before using disinfectants.
 - If disinfectants are not available, use a chlorine bleach solution made by adding 1 tablespoon of bleach to a quart (4 cups) of water; use a cloth to apply this to surfaces and let stand for 3 – 5 minutes before rinsing with clean water. (For a larger supply of disinfectant, add ¼ cup of bleach to a gallon [16 cups] of water.)
 - Wear gloves to protect your hands when working with strong bleach solutions.
- **Keep surfaces touched by more than one person clean and disinfected. Examples of these surfaces include doorknobs, refrigerator door handles, and microwaves.**
 - Clean with a combination detergent and disinfectant product. Or use a cleaner first, rinse the surface thoroughly, and then follow with a disinfectant.
 - Use sanitizer cloths to wipe electronic items that are touched often, such as phones, computers, remote controls, and hand-held games.
 - Use sanitizer cloths to wipe car door handles, the steering wheel, and the gear shift.”



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NEW MARINE DIESEL STANDARDS FOR U.S. FLAGGED VESSELS

EPA has developed emission standards for new marine diesel engines with per cylinder displacement at or above 30 liters (called Category 3 marine diesel engines) installed on U.S. vessels, under section 213 of the Clean Air Act (CAA or “the Act”). The engine standards are equivalent to the nitrogen oxides (NOx) limits recently adopted in the amendments to Annex VI to the International Convention for the Prevention of Pollution from Ships (MARPOL Annex VI). The regulations implementing this CAA amendment begin in 40 CFR Part 80 and end about 160 pages later. The regulations effective date is 1 August 2009; however, the near-term standards for newly built engines would apply beginning in 2011. Long-term standards would begin in 2016.



The EPA has changed the U.S. diesel fuel program so that it would forbid the production and sale of marine fuel oil with more than 1,000 ppm sulfur for use in the waters within the proposed U.S. ECA (Emission Control Area—inside 200 nm of the U.S. coastline) and internal U.S. waters; however, it would allow for the production and sale of fuel with up to 1,000 ppm sulfur for use in Category 3 marine vessels. Any residual fuels in stock that has more than 1000 ppm sulfur may still be sold; however, it may not be used in the U.S. waters described above. As engines on foreign vessels already subject to the same NOx limits through MARPOL Annex VI, foreign vessels will not need to comply with this Clean Air Act program.

GMS STAFF SPOTLIGHT

BILL CARLIN – ACCOUNTING MANAGER

Mr. Bill Carlin has been with Gallagher Marine Systems since December of 2005 and was promoted to Accounting Manager in August 2009. He has the responsibility of managing a staff of 3 personnel in the Admin/Finance Department while also fulfilling his accounting responsibilities. In addition to his daily duties, Mr. Carlin is providing the financial auditing and management support for on-going operations related to past spill responses, one in 2004 and one in 2008. It is understandable that Mr. Carlin recently stated “My favorite part of my work at GMS is the diverse duties that fill my day. Every day brings something new and different.”



Prior to coming to GMS, Mr. Carlin worked for Philadelphia Coca-Cola. He has a BS in Accounting from Strayer University and graduated Summa Cum Laude. Mr. Carlin has been married to his wife Amy for 4 years. They have two wonderful daughters; Allsun (14) and Christina (2). Both girls keep Bill and Amy very busy. In his spare time, Mr. Carlin enjoys collecting NASCAR and Coca-Cola memorabilia as well as cheering for the Philadelphia Flyers hockey team. He and his family are also animal lovers, with 5 cats, 1 dog, 2 hermit crabs, and assorted fish!

“CLIPPER COMMENTS”

We would like to provide information in “The Clipper” that is useful for our readers. Please let us know if there are any specific topics that you would like to see included, or any other comments. Emails regarding this newsletter can be sent to info@chgms.com, attention Erin Weber.

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