

U.S. COAST GUARD AUXILIARY



Facility Inspector (AUX-EU)

STUDY GUIDE

This Study Guide is only for educational purposes. It is solely meant to be an aid for the Auxiliarist, not intended to replace the required in person Coast Guard training

Table of Contents

Task: AD01	Page 3 – 12
Task: SA01	Page 12 – 15
Task: SA03	Page 15 – 18
Task: SA04	Page 18 – 19
Task: SA05	Page 20 – 24
Task: SA07	Page 24 – 27
Task: SA09	Page 27 – 32
Task: SC01	Page 32 – 37
Task: SC02	Page 37 - 38

AUX-EU-AD01: Facility Compliance Program Overview

AD01-.01: Discuss the legislation that impacts Coast Guard authority and jurisdiction over waterfront facilities.

1. The Magnuson Act. The Espionage Act of 1917 created Captains of the Port (COTPs) and COTP authority and was later amended by the Magnuson Act (46 U.S.C. 70051-70054), which authorizes the safeguarding of U.S. harbors, ports, waters, vessels and waterfront facilities and all territory and water, continental or insular, subject to the jurisdiction of the United States whenever the security of the United States is endangered. The Frank Lobiondo Coast Guard Authorization Act of 2018 (CGAA 18) transferred parts of the Magnuson Act relating to waterfront facilities to 46 U.S.C. 70051. The Magnuson Act is codified in 33 CFR Part 6. Under 33 CFR §6.01-3, a waterfront facility means all piers, wharfs, docks, or similar structures to which vessels may be secured and naval yards, stations, installations, and ranges. It also includes areas of land, water, or land and water under and in immediate proximity to them; buildings on them or contiguous to them and equipment and materials on or in them.
2. Ports and Waterways Safety (PWS). Although the Ports and Waterways Safety Act (PWSA) was repealed by CGAA 18, some of its provisions were re-designated and transferred to 46 U.S.C. Chapter 700. Chapter 700 is Ports and Waterways Safety Authorities, and promotes safety and the environmental quality of ports, harbors, waterfront areas, and navigable waters of the United States. The Coast Guard has been given broad authority to take action to prevent damage to, or the destruction or loss of, any vessel, bridge, or other structure on or in U.S. navigable waters, or any land structure or shore area immediately adjacent to those waters; and to protect the navigable waters and resources therein from environmental harm resulting from vessel or structural damage, destruction, or loss. Under Chapter 700, the COTP may enforce federal waterfront facility safety standards on any structure located in, on, or adjacent to the navigable waters of the United States and any land structure adjacent to the navigable waters of the United States. Areas of land or water in immediate proximity to these structures (piers and wharves), buildings on or contiguous to these structures, and any equipment or materials (including vehicles) on or in these buildings or structures, are also considered part of the facility.
3. Federal Water Pollution Control Act of 1948 (FWPCA). Section 311 of the FWPCA (33 U.S.C. 1251-1388), as amended by the CWA, prohibits discharges of oil or hazardous substances in quantities that may be harmful into or upon the navigable waters of the United States and adjoining shorelines. This section of the FWPCA also prohibits discharge of such quantities of oil or hazardous substances into or upon the waters of the contiguous zone, into waters connected with activities subject to the Outer Continental Shelf Lands Act (OCSLA) or the Deepwater Port Act of 1974 (DPA) or to affect natural resources belonging to, appertaining to, or under the exclusive authority of the United States, including resources under the Fishery Conservation and Management Act of 1976. The FWPCA directed the President to determine those quantities of oil and hazardous substances that, when discharged, may be harmful to the public health, welfare, or environment of the United States. The President was authorized to delegate the administration of the act to those Federal departments and agencies he determined to be appropriate. The President delegated these functions by Executive Order (E.O.) 12777, dated 18 October 1991. A waterfront facility includes any "onshore facility" or "offshore facility" as defined in the FWPCA.
 - An "onshore facility" is any facility of any kind (including, but not limited to, motor vehicles and rolling stock) located in, on, or under any land within the United States other than submerged land.
 - An "offshore facility" is any facility of any kind, other than a vessel, located in, on, or under any of the navigable waters of the United States and any facility of any kind which is subject to the jurisdiction of the United States and is in, on, or under any other waters. The FWPCA excludes offshore facilities regulated by the Secretary of Department of Interior from regulation under 33 CFR Part 154.
4. Hazardous Materials Transportation Act (HMTA). The HMTA (49 U.S.C. §§ 5101–5127) authorizes the Secretary to inspect shipments of hazardous materials to ensure their safe movement in domestic and international transportation. Originally promulgated in 1975, this act was significantly changed by a 1990 amendment. This act and the regulations published in Title 49 CFR under its authority, apply to packaged cargoes (including tank trucks and rail cars) on waterfront facilities but not to the facilities

themselves. This act also provides the statutory authority for the regulations in 46 CFR Part 148, which govern the transportation of bulk solid hazardous materials.

5. E.O. 10173. E.O. 10173, as amended by E.O.s 10277, 10352, 11249, and 13273 and issued pursuant to the Magnuson Act, 46 U.S.C. 70051, prescribed certain port security regulations to be enforced by the Coast Guard to counter subversion, terrorism, or other national emergencies declared by the President. These Coast Guard regulations are in 33 CFR Part 6.
6. E.O. 12777 and E.O. 11735. E.O. 11735 delegated to the Secretary of the Department in which the Coast Guard operates, authority under the FWPCA for "the establishment of procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil and hazardous substances from vessels and transportation related onshore and offshore facilities, and to contain such discharges." Under E.O. 12777, the President delegated his authority to issue orders under § 311(e)(1) of FWPCA for discharges in the coastal zone to the Coast Guard. The regulations for marine oil and hazardous material transfer facilities and oil and hazardous material transfer operations (33 CFR Chapter I, Subchapter O, Parts 154-156) are promulgated, in part, under this authority. The Administrator of the EPA is charged with determining those quantities of oil and hazardous substances that may be harmful and those that are not.
7. Additional Legislation Potentially Impacting Jurisdiction of Facility Compliance Regulations.
 - Deepwater Port Act of 1974 (DPA), 33 U.S.C. § 1501 *et seq.* This law, as amended, establishes a licensing system for ownership, construction, operation, and decommissioning of Deepwater Port structures located beyond the U.S. territorial sea for the import and export of oil and natural gas. The DPA sets out conditions that Deepwater Port license applicants must meet, including minimization of adverse impacts on the marine environment and submission of detailed plans for construction, operation, and decommissioning of Deepwater Ports.
 - Submerged Lands Act of 1953 (SLA), 26 U.S.C. 1301 *et seq.* This law was enacted in response to litigation that effectively transferred ownership of the first three miles of a state's coastal submerged lands to the federal government. In the case *United States v. California* (1947), the United States successfully argued that the three nautical miles seaward of California belonged to the federal government, primarily finding that the federal government's responsibility for the defense of the marginal seas and the conduction of foreign relations outweighed the interests of the individual states. In response, Congress adopted the SLA in 1953, granting title to the natural resources located within three miles of their coastline (three marine leagues for Texas and the Gulf coast of Florida). For purposes of the SLA, the term "natural resources" includes oil, gas, and all other minerals.
 - Outer Continental Shelf Lands Act of 1953 (OCSLA), 43 U.S.C. 1331 *et seq.* This law defines the United States Outer Continental Shelf (OCS) as all submerged lands lying seaward of state submerged lands and waters (as defined in the SLA) which are under U.S. jurisdiction and control. Under the OCSLA, the Secretary of the Interior is responsible for the administration of mineral exploration and the development of the OCS. The Act empowers the Secretary to grant leases to the highest qualified responsible bidder based on sealed competitive bids and to formulate regulations as necessary to carry out the provisions of the Act. It also empowers the Coast Guard to regulate the safety of life and property on OCS installations and devices and their adjacent waters. The Act, as amended, provides guidelines for implementing an OCS oil and gas exploration and development program.

AD01-02: Discuss the types of waterfront facilities & regulations that apply to each.

- Bulk Solid Waterfront Facilities.
 1. A bulk solid waterfront facility is any pier, wharf, dock, or similar structure handling solid hazardous materials, to or from a vessel, in bulk. It also includes vessels at such facilities. Bulk is defined in 33 CFR § 126.3.
 2. The facility also includes areas of land, water, or land and water under and in immediate proximity to the structure, buildings on or contiguous to the structure, and equipment and materials on the structure or in the buildings.
 3. This term does not include facilities directly operated by the Department of Defense

(DoD).

4. Bulk solid hazardous materials are any materials, other than liquids or gases, listed in the 49 CFR § 172.101 table and its appendix when shipped in bulk.
 5. Bulk solid hazardous materials that may be transported by vessels without prior approval from the Commandant are listed in 46 CFR § 148.10.
 6. When a truck or a rail car transfers solid hazardous materials to or from a vessel, the truck or rail car and the structure on which it is located, are considered a designated waterfront facility as defined in 33 CFR §6.01-3 and 33 CFR §126.3 and must comply with the regulations applicable to such facilities.
 7. Jurisdiction on bulk solid facilities includes the entire pier or wharf from which a transfer takes place, all buildings on or contiguous to such structures, and any equipment or materials on the structures or in the buildings.
- Packaged Hazardous Material Waterfront Facilities.
 1. A packaged hazardous material waterfront facility is any pier, wharf, dock, or similar structure handling packaged hazardous materials, to or from a vessel. It also includes vessels at such facilities.
 2. The facility also includes areas of land, water, or land and water under and in immediate proximity to the structure, buildings on or contiguous to the structure, and equipment and materials on the structure or in the buildings.
 3. This term does not include facilities directly operated by the DoD.
 4. Packaged hazardous materials are those materials covered under 49 CFR Parts 171-180 when carried in packages that meet the requirements of those parts, including liquids shipped in transport vehicles (tank trucks, rail cars, etc.) and freight containers.
 5. When a truck or a rail car transfers packaged hazardous materials to or from a vessel, the truck or the railcar, and the structure on which it is located, are considered a designated waterfront facility as defined in 33 CFR §6.01-3 and 33 CFR §126.3 and must comply with the regulations applicable to such facilities.
 6. Jurisdiction on packaged hazardous material facilities includes the entire pier or wharf from which a transfer takes place, all buildings on or contiguous to such structures, and any equipment or materials on the structures or in the buildings.

AD01-03: Discuss hazards CG facility inspectors may encounter on facility compliance activities.

- There are numerous potential hazards associated with facility operations, including physical, chemical, and/or biological hazards. Many of the cargoes or products handled at waterfront facilities are explosive, flammable, or present an inhalation or other health hazard.
- Chemical Health Hazards. Exposure to hazardous materials through contact or inhalation during facility compliance activities can be harmful or fatal.
- Poisonous by Inhalation (PIH) commodities generally have low Immediately Dangerous to Life and Health (IDLH) levels, Threshold Limit Values (TLV), and Short-Term Exposure Limits (STEL). Caution should be exercised around these commodities during facility compliance activities.
- Benzene is a highly volatile, colorless, flammable liquid with a sweet odor. Exposure can occur occupationally and domestically because of the ubiquitous use of benzene-containing petroleum products, including motor fuels and solvents. The most common form of exposure is through inhalation. The Coast Guard medical surveillance criteria are the levels of worker exposure to specific chemicals, particulates, or physical agents at or above which occupational medical surveillance examinations need to be performed. In the case of asbestos, benzene, cadmium, chromium, lead, and noise the Coast Guard medical surveillance criteria reflect exposure levels at which OSHA mandates medical surveillance. The Coast Guard establishes standards for the exposure and medical monitoring of personnel.
- Material Condition. The material condition of all portions of the waterfront facility should be considered as part of the onsite safety risk assessment. Corroded metal, broken gangways and rails, sharp corners, shackles, loose gear, and wet or slippery decks are all items that could

cause potential injury. Caution should be observed whenever these or other slip, trip, and fall hazards are present.

- Confined Spaces. Coast Guard Facility Inspectors normally do not encounter confined spaces during facility compliance activities. However, they must be aware of the three distinct characteristics of a confined space, with those being: (1) it is large enough and so configured that an employee can bodily enter and perform assigned work; (2) it has limited or restricted means for entry or exit; and (3) it is not designed for continuous employee occupancy. In the event entry into a confined space is necessary during a facility compliance activity, Coast Guard Facility Inspectors must follow the procedures.
- Waterfront Facility Hazards. While on facilities, Coast Guard personnel must remain alert for moving vehicles and other facility related activities to avoid injury. Inspectors must comply with all the facilities PPE requirements in addition to Coast Guard requirements.
- Smoking Prohibitions. Given possible interactions with hazardous or explosive materials, Coast Guard personnel are prohibited from smoking while conducting facility compliance activities.

AD01-04: Discuss personal protective equipment (PPE) and safety equipment, and when it must be carried by Coast Guard facility inspectors.

- Personal Protective Equipment (PPE). The Coast Guard requires the use of personal protective clothing and equipment at field units. It is the Commanding Officer's responsibility to ensure their personnel have appropriate PPE for the hazards present.
 - a. When conducting facility compliance activities, basic PPE must include: a hard hat, safety glasses, hearing protection, safety shoes, and leather gloves for abrasion hazards. When practical, long sleeve work attire or coveralls should also be worn to help provide protection from sun exposure, abrasion, cold temperatures and contact with chemical hazards. Noise that exceeds 85 decibels (dB) or has a peak of 140 dB or greater requires hearing protection. A best practice is to wear hearing protection at any location where personnel must raise their voices to communicate.
 - b. A Coast Guard issued; properly calibrated multi-gas meter must be worn by all members of the team. The multi-gas meter must be bump tested prior to use each day and calibrated according to manufacturer requirements. It is also recommended to bump test upon return to the unit after facility compliance activities to verify the meter performed properly during the facility compliance activity.
 - c. Portable communication devices should be used when necessary to ensure reliable access to emergency care during facility compliance activities. Any portable communication device used in potentially explosive atmospheres must be intrinsically safe.
 - d. Facility compliance personnel must abide by the policy found in the USCG Countering WMD Capabilities Manual, COMDTINST M3400.51 (series), which requires "radiation detection capabilities (i.e., as a minimum, Personal Radiation Detectors) must be deployed with, and used by, all Coast Guard Boarding/Inspection teams to include teams visiting facilities and conducting pier-side boardings and during vessel exams to include Port State Control exams, for the dual purpose of protecting Coast Guard and any participating Law Enforcement personnel from exposure and increasing the chances of intercepting illicit rad/nuke material."
 - e. Emergency Escape Breathing Device (EEBD). Facility Inspectors must follow the policy for carrying EEBDs. Additionally, upon entering a facility, it should be noted if a facility has EEBDs and, if so, their location. The EEBD is a form of respiratory protection, to be used exclusively as emergency protection while egressing from a hazardous area. An EEBD must never be used for the purpose of entering confined spaces or hazardous areas. An EEBD is primarily for sudden releases of toxic or explosive vapors/gases or toxic vapors with good warning properties. The required wearing of a gas meter assists with identifying these hazards.

AD01-06: Discuss proper response by Coast Guard personnel to releases/discharges or exposures on facility compliance activities.

Emergency Egress. All personnel must immediately evacuate the exposure area and muster in a safe location upwind. The following factors are indications of possible exposure and require an immediate emergency egress. Indications of exposure are not limited to the factors on this

list:

1. Leaks, odors, or sounds (such as when compressed gas is released).
2. Personal monitor or meter alarms; and/or
3. Feeling dizzy, nauseated, or light-headed.

Actions to be taken after an Emergency Egress.

1. Close off the area by establishing isolation distances to safeguard other personnel from accidental exposure to a hazardous atmosphere or environment.
2. Notify the COTP and institute appropriate operational controls.
3. The National Response Center (NRC), appropriate Oil Spill Removal Organization (OSRO), and facility and vessel personnel who have the capability to resolve the emergency should be notified. Vessels and facilities may have response plans detailing the procedures for resolving oil or hazardous material spills, which include required notifications. This does not prevent the Coast Guard facility compliance teams from making their own notifications in accordance with local procedures.

Acute Exposure of Coast Guard Personnel.

If a Coast Guard member suffers or is suspected of suffering an acute exposure to a known or unknown substance, the member must cease working and follow the procedures immediately, including seeking medical care. Many acute exposures cannot be captured after more than 24 hours have elapsed and proper medical monitoring data cannot be accomplished. In such instances, health related recordkeeping must also be followed.

Emergency Medical Treatment.

- Use of Guides. Safety Data Sheets (SDS), oil and chemical specific emergency response information, such as information found in the Department of Transportation Emergency Response Guide (DOT ERG) Book, the National Institute for Occupational Safety and Health (NIOSH) Pocket Guide to Chemical Hazards, and the American Conference of Governmental Industrial Hygienists (ACGIH) TLVs and BEIs, should be consulted for appropriate initial decontamination. Use of cell phone apps, such as the National Institute of Health (NIH) Wiser app can be used outside of areas that require use of intrinsically safe devices. Coast Guard personnel should be aware of the location and contact information of facility-operated and local fire departments, first aid stations, and oil and chemical decontamination stations.
 1. Medical Facilities. Medical treatment for exposure to hazardous materials requires specialized medical facilities. COTPs must maintain current listings and locations of medical facilities with hazmat teams for hazardous material exposure victims. If such facilities do not exist, personnel should be taken to other appropriate pre-identified medical facilities.
 2. Medical Care. Medical personnel should be provided with all known information including the name and concentration of the hazardous materials, duration of exposure, and most probable route of exposure, e.g., inhalation, absorption, injection, or ingestion. Medical personnel should also be given the 24- hour telephone number to the Agency for Toxic Substances and Disease Registry, which is (770) 488-7100.

AD01-07: Discuss requirements for the Occupational Medical Surveillance and Evaluation Program (OMSEP) and related recordkeeping requirements.

- Generally, all marine safety personnel, including Facility Inspectors, meet the criteria for enrollment in OMSEP's Hazardous Waste Operations and Emergency Response medical surveillance program. While there are numerous requirements for this program, there are specific requirements to follow when Coast Guard personnel are acutely exposed or potentially exposed to hazardous material. In such instances, Coast Guard personnel must complete the Form CG-6000-1 and undergo a medical examination.

AD01-08: Discuss when a MISHAP report must be completed on facility compliance Activities.

- Notify Commandant (CG-FAC-2) of all facility compliance activity related mishaps, high potential mishaps, and "near misses" (Class D HIPO mishap) so lessons learned can be captured and shared with the operational community, by including the Command Email

address [CMD-SMB-COMDT- CG-5P](#) in the e-MISHAP system distribution list.

AD01-09: Discuss the required team composition for facility compliance activities.

- Team composition. All facility compliance activities must have at least two Coast Guard personnel present, with one of them holding the Facility Inspector competency. See Chapter 3.F of this Manual for qualification and recertification procedures. Complex facilities and facilities with an extensive deficiency history may warrant the presence of more experienced personnel on the facility compliance activity.

AD01-10: Identify facility compliance activity interval policy based on facility type.

- Facility Compliance Activity Intervals. The type and frequency of facility compliance activity is determined by the COTP, using risk-based guidance promulgated by Commandant (CG-FAC). Facility safety and security compliance activities, when possible and appropriate, should be completed together to reduce the burden on facility operations.

AD01-11: Discuss types of facility compliance activities.

- Types of Facility Compliance Activities.
 1. Inspections. An inspection is a formal visit, announced or unannounced, to a waterfront facility to ensure its safe operation, and to verify compliance with applicable safety, security, and pollution prevention regulations. Before the inspection, Facility Inspectors should review:
 - *The facility file for previous activities and instances of noncompliance.
 - *Outstanding deficiencies.
 - *Hotwork permits.
 - *Any alternatives, exemptions, or waivers granted.
 - *The facility's latest Facility Security Plan (FSP), Operations Manual, FRP, and Emergency Manual, as applicable.

Facility Inspectors should consider contacting cognizant federal, state, and local authorities (local fire department, state department of environmental protection, etc.) to see if they would like to participate in a joint inspection. Joint inspections promote interagency cooperation and reduce the inspection burden on the facility operator. During the inspection, the applicable Waterfront Facility Inspection Job Aid, available on the Commandant (CG- FAC-2) CGPortal page, should be used as a guide, and the inspection team should be accompanied by a facility representative for the duration of the inspection.

2. Spot Checks. Spot checks are a valuable tool to ensure compliance with applicable regulations and are of a smaller scope than an inspection discussed in Chapter 3.A.3.a of this Manual. A spot check may be planned or conducted when onboard a facility for other purposes. When possible, preparation for spot checks should be like the preparation outlined for inspections. Following each spot check, a Form CG-835F must be issued to the facility.
3. Deficiency Follow up. When a deficiency is issued on a facility compliance activity, the COTP must determine the proper follow up action. In some instances, a physical visit to the facility may be necessary to verify the deficiency has been resolved. In other instances, reviewing documentation submitted by the facility in hard copy or electronic format may be appropriate. Sometimes this documentation will be generated by the facility and other times reports from third parties that conduct testing or certification on facility equipment will be submitted. As appropriate, documentation provided to satisfy deficiencies must be entered into MISLE.
4. Transfer Monitors. This type of compliance activity verifies the operational requirements for transfer are met. When monitoring transfer operations between a vessel and facility, COTP personnel should monitor both facility and vessel operations. Coast Guard policy related to Transfer Monitors can be found in Reference (j).
5. Incident Follow Ups. Following an incident on a facility, such as an oil spill, hazardous material release or incident, near miss, industrial accident, or other type of incident, the COTP must evaluate if a facility compliance inspection or spot check is warranted to

ensure compliance with applicable facility compliance regulations. The scope of such an incident follow-up should be determined by the COTP.

6. Certificate of Adequacy Inspections. Each port and terminal that meets the applicability outlined in 33 CFR § 158.110 must provide reception facilities as required in 33 CFR Part 158. COA inspections are encouraged to be conducted during the same visit when other inspections are conducted.
7. Other Visits. In addition to the visits described above, it may be necessary to visit a waterfront facility for container inspections, investigations, manual reviews, document and certificate checks, firefighting equipment checks, pollution prevention/compliance checks, hotwork permit checks, or response plan drills. If possible, these visits should be conducted in conjunction with vessel inspections or other compliance activities at the facility. Every visit to a waterfront facility for a facility compliance activity must be documented in MISLE.
8. Other Engagements with Facility Representatives:
 - *When a meeting or phone call occurs with a facility representative related to an ongoing activity, log key discussion points from the engagement in a new or existing MISLE activity narrative.
 - *When a meeting or phone call occurs with a facility representative not part of an ongoing activity and the unit desires to maintain a historical record of the discussions, it is appropriate to open an Administrative Activity in MISLE to capture the key discussion points. Facility Inspectors must use their judgment on when to open an Administrative Activity rather than doing so for all engagements with facility representatives.
 - *Making such entries in MISLE builds a complete history for facilities to include decisions made by the Coast Guard and reasons for those decisions. Such entries can also be used as mitigating and aggravating factors in the future if enforcement actions become necessary.

AD01-12: Discuss proper use of the CG-835F.

- Overview. The Form CG-835F must be issued following every facility compliance activity, except transfer monitors where no deficiencies are identified, in which case the Form CG-5562B may be issued as outlined in Reference (j). All deficiency types, including safety and security must be documented on the Form CG-835F. Since the description of specific security deficiencies may be Sensitive Security Information (SSI), it is acceptable to issue a separate Form CG-835F for security deficiencies to the facility. If during an inspection no deficiencies are identified, the Facility Inspector must draw a diagonal line through the form, write "No Deficiencies Identified", and sign along the line.
- Deficiencies. Deficiencies issued on the Form CG-835F must be based on specific requirements contained within the regulations. Requirements issued based upon the discretion of the COTP, where allowed by regulation, are to be clearly worded so the deficiency to be corrected is understood by the facility representative. Requirements that cannot be supported by regulation must not be written.
 1. When issuing requirements that limit normal operations, the Facility Inspector should state as such within the description of the Form CG-835F (e.g., prior to next transfer, prior to use of a particular piece of equipment, etc.).
 2. Deficiencies for items required to be always in place (e.g., access control on a MTSA regulated facility) that are corrected on the spot should be documented on the Form CG-835F and in MISLE as resolved at the time of the facility compliance activity. Discovery of non-compliant items which are only required during future transfer operations (e.g., water in small discharge containment while a transfer is not taking place) can be corrected on the spot and should not be documented as deficiencies on a Form CG-835F or in MISLE.
 3. If the COTP desires to control facility operations when faced with an emergent concern for safety, security, or environmental protection beyond limiting normal operations as

discussed in Chapter 3.B.2.a, a COTP Order is required unless a Suspension Order has been issued as outlined in Chapter 4.B.5 of Reference (j). The deficiency must be noted on the Form CG- 835F, but the form alone must not be used to control facility operations.

- Repairs. The Form CG-835F should not be issued to cover repairs or changes initiated by the facility when such repairs or changes would not have been required by the Facility Inspector.
- Writing Deficiency Requirements. The Form CG-835F must contain clear and concise language of the deficiency, how/why the requirement was not met, and the action(s) necessary to correct the deficiency. Unless a particular sequence or system of actions is required by statute, regulation, or the facilities current plan/manual required by the Coast Guard, the method of correction should be left to the discretion of the facility owner/operator, subject to the Facility Inspector's approval. Additionally, the regulatory cite and due date must be listed in the appropriate columns on the form. In some instances, a requirement such as "prior to next transfer" may be specified rather than a date. In these situations, the requirement may be written in the Description column following the required corrective action.
- Data capture. All deficiencies issued on a Form CG-835F must be entered in MISLE.

AD01-13: Discuss corrective, enforcement, and investigative actions for facility compliance activities.

- Corrective Actions. Effective corrective actions and education are necessary to deter repeat discrepancies that endanger lives, property, and the environment. At a minimum, the discrepancy must be corrected. Additional actions provide a greater incentive for future compliance. Each discrepancy found and each corrective action taken must be documented in MISLE. The COTP must select an appropriate action for each discrepancy depending upon the seriousness of the discrepancy and the facility owner or operator's history of compliance. The goal of the Coast Guard's enforcement program is to compel compliance with the applicable regulations today and in the future. The lowest level of enforcement necessary to compel this compliance should be used. However, in the case of gross and/or willful non-compliance, criminal proceedings may be initiated in accordance with applicable law, and with the assistance of the servicing legal office.
- Additional Guidance. Marine Safety Manual, Volume V, COMDTINST M16000.11 (series) provide additional guidance on selecting appropriate actions. If a Notice of Violation (NOV) is selected, issue a NOV in accordance with the Notice of Violation User's Guide, COMDTINST M5582.1 (series). If a civil penalty is selected, the COTP must recommend an appropriate penalty using the guidance found in Civil Penalty Procedures and Administration, COMDTINST M16200.3 (series). For each discrepancy found, one or more of the following actions may be taken:
 1. On-the-spot correction.
 2. Deficiency requiring correction with no further enforcement action.
 3. Letter of Warning (LOW).
 4. NOV.
 5. Civil Penalty.
 6. COTP Order (to suspend transfer, prohibit vessels from mooring at facility, etc.)
 7. Action against a facility's COA or General Permit.
 8. Referral to a U.S. Attorney for criminal prosecution (in extreme cases).
- Investigative powers. When Facility Inspectors determine or suspect non-compliance but are unable to conduct an appropriate investigation due to non-cooperation by the facility, they should contact the unit's Investigations Division for assistance. 46 U.S.C. § 70035 authorizes the Secretary to investigate any incident, accident, or act involving damage to a waterfront facility, or which affects or may affect the safety or environmental quality of the ports, harbors, or navigable waters of the United States. Additionally, 46 U.S.C. § 70035(b) gives the Secretary the power to issue subpoenas. While the authority to issue subpoenas to waterfront facilities exists, it must only be exercised by Investigating Officers following unit procedures.

AD01-14: Discuss requirements for entering facility compliance activity information in MISLE,

and for closing MISLE activities.

- General. Commandant (CG-FAC) relies on data in MISLE, and data extracted from Coast Guard Business Intelligence (CGBI) for the management of the facility and container inspection programs, completing mandated reports, responding to Congressional inquiries, and for other uses. Commandant (CG-741) relies on this same data to update and generate field level staffing requirements, substantiate resource proposals, and support billet redistribution decisions. As such, accurate and timely MISLE activities, and proper review and closure of those activities at the field level, is vital.
 1. All pertinent documents related to facilities must be loaded into MISLE. As such, units are not required to maintain paper facility files for each facility but may if they desire to. In deciding whether to maintain paper facility files, units must consider what documentation is required for reference on facility compliance activities. Documents uploaded into MISLE meet records retention requirements. Therefore, maintaining hard copies of inspection reports, etc. at the unit is not necessary if they are uploaded into MISLE.
- Facility Applicability. MISLE facility files are also vital in the management of the facility compliance program at the local, District, Area, and Headquarters level. As such, units must ensure the appropriate applicability check boxes are selected for each regulated facility in MISLE, and all applicable facility types are selected. These selections feed into various CGBI reports relied upon for various reasons at all levels of the chain of command.
- Activity Review and Closure. Prior to closure of MISLE activities, a second level review of the activity must be conducted by a Division Supervisor or the designated facility/container inspection Branch Chief or Lead Petty Officer. The person conducting this review and closing the activity must not be the same person who completed the activity. It is recommended this process be documented in the unit's Mission Management System (MMS) procedures. These reviews must ensure the activity is an accurate representation of Coast Guard actions during the facility compliance activity, and the activity complies with the MISLE guides posted on CGPortal.
- MISLE Closure Timelines.
 - *No deficiencies identified.
 - *Activities without deficiencies identified should be entered in MISLE and closed within seven days of completion of a facility compliance activity.
 - Deficiencies identified. Activities with deficiencies identified should be entered in MISLE within seven days of completion of the facility compliance activity. If deficiencies are not resolved within 14 days of the facility compliance activity, the activity should be reviewed and closed, and a new activity opened for the deficiency follow-up when it is conducted.
 - *Ongoing activities. When there are ongoing and frequent changes to an activity (e.g., FRP review, a construction project on a facility where the FSP will change regularly as the construction project progresses, etc.), units may leave that activity open for longer than 14 days to ensure a single historical record of that ongoing activity. This practice should be on a case-by-case basis rather than the status quo.
- Open Activities and Unresolved Deficiencies. Not less than once each quarter, each unit must identify open activities and unresolved deficiencies in MISLE, and, if possible, take proper action to close the activity or resolve the deficiency. Open activities and unresolved deficiencies can be determined by using the MISLE Facility Activities and MISLE Facility Activity Deficiencies Cubes in CGBI.
- User Guides. MISLE policy user guides posted on the Commandant (CG-FAC-2) CGPortal page should be used when completing MISLE activities. There may be unique situations where deviation from the guidelines in these documents is warranted, but those should be the exception rather than the rule. MISLE functional user guides are available on the MISLE Community in CGPortal. The policy user guides outline content to enter in fields throughout MISLE activities, while the functional user guides outline how the system is designed and

operates.

AD01-15: Discuss policy for administrative processing of manuals, alternatives, waivers, and exemptions.

- Manuals. Different Parts of the CFR related to facility compliance require different manuals and plans to be submitted. Upon receipt of manuals or plans, such as Operations Manuals, Emergency Manuals, FRPs, and FSPs, or amendments for these manuals or plans, the unit must notify the submitter of receipt via email and open the appropriate MISLE activity for the review of the manual/plan or amendment. This notification of receipt should be captured in the MISLE narrative, and MISLE narratives must be kept up to date throughout the review process.
- Alternatives, Waivers, and Exemptions. Requests for Alternatives, Waivers, or Exemptions from certain regulations are made by facilities from time to time for various reasons. Upon receipt of such a request, the unit must open the appropriate MISLE activity for review of the request, and MISLE narratives must be kept up to date throughout the review process.

AD01-16: Discuss Government Initiated Unannounced Exercise (GIUE) policy requirements, Average Most Probable Discharge (AMPD) scenario development, team composition, and Marine Transportation Related (MTR) facility selection and frequency.

- GIUEs are a cornerstone of the area oil spill exercise cycle and a key tool for Captains of the Port to evaluate risk and measure oil spill response preparedness. One of the key benefits of the GIUE program is the ability for COTPs to identify risks and apply a structured average most probable discharge (AMPD) exercise to analyze the plan holder's capabilities.
- Requirements for AMPD equipment are defined in 33 C.F.R. § 154.1045(c) and 33 C.F.R. § 155.1050(d). Plan holders do not meet these requirements by merely staging the equipment onsite. One of the exercises that plan holder's receive credit for is an equipment deployment exercise. Therefore, adequate amounts of this equipment should be deployed and observed in an operational state during a GIUE. Containment boom, along with all necessary equipment for proper deployment, are to be in place within one hour and skimming devices, including temporary storage, within two hours. These requirements specify criteria to be used during the planning process and are not performance standards. As such, sometime variance based on actual exercise conditions may be granted.
- Coordinating GIUEs with other agencies benefits both plan holders and governing agencies alike. Joint GIUEs are a success story as they achieve the goals of testing industry, improve interagency relations, and provide training opportunities, while concurrently reducing industry's exercise burden. It is a priority for Coast Guard units to conduct joint exercises with partner federal, state, and local agencies when possible.
- Government Initiated Unannounced Exercises (GIUEs) are essentially no-notice exercises designed to measure a facility plan holder or vessel plan holder's readiness by observing the plan holder's initial response actions to an Average Most Probable Discharge (AMPD) and verify the plan holder can effectively activate its response plan to a simulated discharge scenario. The first and foremost objective and evaluation criteria is safety during the exercise. Response actions shall comply with all company, government, and regulatory standards throughout the entire exercise. Additionally, the ability to properly execute notification procedures in accordance with the applicable response plan and execute spill response actions with appropriate type and amount of equipment suitable for the scenario shall be demonstrated in a timely manner.

SA01: Designated Waterfront Facility Overview

SA01-01: Discuss applicability of 33CFR126 and the requirements a facility must meet; designated waterfront facility & facility of particular hazard.

- Applicability. Waterfront facilities that handle packaged and bulk solid dangerous cargo are regulated under 33 CFR Part 126. Dangerous cargo, for the purpose of this Part, is defined in 33 CFR § 126.3. The regulations in 49 CFR Parts 171-180 also apply to packaged hazardous materials on waterfront facilities.

- 33 CFR § 126.13. Under the provisions of 33 CFR § 126.13, these cargoes can be handled, stored, stowed, loaded, discharged, or transported only at designated waterfront facilities that meet the requirements in 33 CFR § 126.15. The definition of a designated waterfront facility under 33 CFR Part 126 is limited to those waterfront facilities handling commodities subject to specific regulations. If a facility handles any materials that require it to be a designated waterfront facility under 33 CFR Part 126, it must store all hazardous materials in accordance with 33 CFR § 126.15, even if the packages and/or quantities are exempted under 49 CFR Parts 171-180.

SA01-02: Discuss exclusions to applicability of 33 CFR 126.

- In 2010, the Coast Guard published a final rule amending 46 CFR Part 148 (75 FR 64591). The amendments aligned U.S. regulations with Chapters VI and VII of the International Convention for the Safety of Life at Sea (SOLAS) that make the International Maritime Solid Bulk Cargoes (IMSBC) Code mandatory for operations involving handling and carriage of solid bulk cargoes by vessels. The changes also expanded the list of solid hazardous materials authorized for bulk transportation by vessels and allowed the use of the IMSBC Code as an equivalent form of compliance.
- As part of the harmonization with the IMSBC Code, cargoes classified as Material Hazardous only in Bulk (MHB) in the IMSBC Code were added to the tables in 46 CFR Part 148 and classified as Potentially Dangerous Materials (PDM). The hazards and special requirements associated with these cargoes are included in the tables and, when these cargoes are shipped internationally, they must be shipped in compliance with the IMSBC Code.
- 33 CFR Part 126 applies to waterfront facilities handling packaged and bulk-solid dangerous cargo and to vessels at those facilities. Dangerous cargo is defined in 33 CFR § 126.3 and includes “all cargo listed in 46 CFR Part 148.” This includes PDMs now listed in the 46 CFR § 148.10 – Bulk Solid Hazardous Material Table.
- The clear intent of the rulemaking project that added PDMs to 46 CFR Part 148 was to bring 46 CFR Part 148 into alignment with the shipping requirements in SOLAS and the IMSBC Code and was not intended to affect waterfront facilities. Accordingly, COTPs should not enforce the requirements of 33 CFR Part 126 to facilities solely because they handle cargoes designated as PDMs in 46 CFR Part 148.

SA01-03: Discuss factors in determining the extent of the regulated portion of a facility regulated under 33 CFR 126.

- Unlike facilities regulated under 33 CFR Part 127 and 33 CFR Part 154 that have defined limits of the MTA and Coast Guard jurisdictional boundaries the regulations in 33 CFR Part 126 date back to the mid-20th century when facility operations were considerably different than they are today.
- One of the factors that can be used as guidance in the determination of the extent of a waterfront facility regulated under 33 CFR Part 126 is the type of work done at the location "immediately proximate" to the waterfront and that works' relationship with the vessel. The tighter the nexus to portside operations, the stronger the argument that the nearby place that such work is performed is part of the same waterfront facility as the dock, wharf, pier, etc. A tight nexus to portside operations can be made for cargo storage areas for cargo that has been offloaded from a vessel or is awaiting loading onboard a vessel. This will generally be all cargo storage areas within the fence line of the owner or operators'-controlled footprint. However, the COTP must ensure arbitrary fences are not installed at a facility for the purposes of circumventing Coast Guard facility compliance regulations.
- The COTP is the best positioned entity to gauge the real-world facts and to make the determination if storage areas are both immediately proximate, and part of the same waterfront facility as the portside structures under 33 CFR Part 126.
- Taking in the totality of the circumstances, the COTP has wide discretion to make reasonable determinations of the relative proximity of one area to another, and if, as a result, it constitutes part of the same facility. The COTP's abilities to grant waivers and alternatives are powerful

tools that could be circumscribed if Headquarters-level policy sets narrow parameters of “proximity” and the definition of waterfront facility. As such, when the COTP determines a cargo storage area falls within the Coast Guard jurisdictional area of a facility regulated under 33 CFR Part 126 due to the presence of hazardous materials, they must also consider the overall hazards of the material stored there to determine which regulations within 33 CFR Part 126 need not be applied. For example, vehicle storage areas at RO/RO facilities rarely, if ever, warrant the same safety concerns as a container yard with certain dangerous cargos.

SA01-04: Discuss what Incorporated by Reference is, and the edition of the consensus standards that can be used.

- Incorporated by Reference. 33 CFR § 126.5 lists industry consensus standards incorporated by reference. While newer versions of the standards Incorporated by Reference may exist, only the version listed in this section are enforceable. A facility owner or operator can request to comply with a newer version of the listed industry consensus standards, in which case those approved versions become enforceable. In such instances, the request should be reviewed as an alternative under 33 CFR § 126.12. COTPs may contact their District Prevention staff for assistance in reviewing such requests. If necessary, District Prevention staffs will contact Area staffs and Commandant (CG-FAC-2) for assistance.

SA01-05: Discuss what a General Permit is.

- A "general permit" to carry out activities regulated under 33 CFR Part 126 is general permission, granted by 33 CFR § 126.27, to operate a designated waterfront facility to handle, store, stow, load, discharge, or transport a packaged cargo regulated under 49 CFR Parts 171-180 or a bulk cargo regulated under 46 CFR Part 148 (other than division 1.1 and 1.2 explosives) when the conditions detailed in 33 CFR § 126.15 exist at the facility. It is not an actual form.

SA01-06: Discuss the requirements to maintain a General Permit.

- As the general permit is conditioned on compliance with certain requirements, no notice to the Coast Guard is required if an individual decides to operate such a facility unless they are transferring commodities exceeding the limits outlined in 33 CFR § 126.27(b). However, a facility regulated under 33 CFR Part 126 is likely also applicable to the Facility Security regulations outlined in 33 CFR Part 105, which do require submission of certain items to the COTP.

SA01-07: Discuss when and how the COTP may suspend the General Permit.

- Suspension of General Permit. The COTP is authorized in 33 CFR § 126.31 to suspend or terminate the general permit whenever they deem that the security or safety of the port or vessels or waterfront facilities therein so requires. The suspension or termination must be in writing. The general permit may be revived by either the COTP or District Commander upon a finding that the cause of suspension or termination no longer exists.

SA01-08: Discuss when a Designated Dangerous Cargo Permit must be obtained.

- Designated Dangerous Cargo Permit. Under 33 CFR § 126.17, a waterfront facility may only handle, load, discharge, or transport division 1.1 and 1.2 explosives if the COTP issues a permit or waives the requirement for a permit. Additional information on the permit requirements and the Coast Guard’s EHS program can be found in Explosive Handling Supervisor Program, COMDTINST M16600.8 (series).

SA01-09: Discuss requirements for waivers and alternatives issued under 33 CFR 126.

- Waivers and Alternatives. 33 CFR §§ 126.11 and 126.12 discuss waiver authority and requesting to use an alternative method of complying with a requirement of this Part.
 1. Waivers. Unlike the exemption requirements of 33 CFR Part 154, it is not necessary for a facility regulated under 33 CFR Part 126 to demonstrate that a requirement is impracticable, or that no alternative procedures, methods, or equipment standards exist to be granted a waiver. 33 CFR § 126.11 states the Commandant, the District Commander, or the COTP may waive compliance with any provisions contained in 33 CFR §§ [126.15](#) and 126.16. While 33 CFR § 126.11 does not outline a process to request a waiver, a facility owner or operator should normally make a request in writing

to the COTP to waive specific requirements of 33 CFR §§ 126.15 or 126.16. Prior to granting such a waiver, the COTP must determine the requirement(s) found in 33 CFR §§ 126.15 or 126.16:

- *Is not necessary to the safety or security of the port and vessels and waterfront facilities therein; or
 - *Its application is not practical because of local conditions or because the materials or personnel required for compliance are not available; or
 - *The requirements of the national defense justify a departure from such provision.
2. Alternatives. A facility owner or operator may request from the COTP an alternative way of complying with a requirement found in 33 CFR Part 126 when the owner operator establishes, to the COTP's satisfaction:
- *Compliance with the requirement is economically or physically impractical.
 - *The alternative requested provides an equivalent or greater level of safety.
 - *Note: Common alternatives are requests to use a newer version of an industry consensus standard than what is incorporated by reference in 33 CFR Part 126.
- General guidelines for waivers or alternatives are:
 1. Review and approval must be based on material submitted by the facility owner or operator.
 2. When necessary, meetings with the facility owner or operator, or site visits to the facility should be conducted by the Coast Guard to fully understand the request and verify information submitted in the request.
 3. It is expected that facilities will submit complete packages for their request for waivers or alternatives, but if the COTP is considering disapproving the request, the COTP should afford the facility owner or operator an opportunity to submit additional information to support their request prior to disapproving it.
 - Alternatives should not be issued with an expiration date (e.g., after five years) unless warranted by the situation. Rather, the appropriateness of alternatives should be reviewed by Facility Inspectors during each facility compliance activity.
 - Copies of waivers and alternatives must be maintained at the facility.
 - While waivers and alternatives can be approved at the COTP level, units may contact their District Prevention staff if technical assistance is desired in reviewing the request for a waiver or alternative, or if the waiver or alternative would set a national precedent. If necessary, District Prevention staffs will contact Area staffs and Commandant (CG-FAC-2) for higher level review and technical assistance.
 - Upon receipt of a request for a waiver or alternative, a MISLE activity should be created. The MISLE activity should be updated throughout the review process and closed upon completion of the activity with all supporting documentation attached. The COTP must act on requests for alternatives within 30 days of receipt. There is no regulatory language related to timeline for review of waiver requests under 33 CFR Part 126, but COTPs should be timely in reviews and strive to meet the same 30-day standard outlined for requests for alternatives.
 - Upon issuance of a waiver or alternative, a Special Note should be entered in MISLE indicating there is a waiver or alternative in place at the facility.

SA03: Liquefied Gas Facility Overview

SA03-01: Discuss applicability of 33 CFR 127 and the requirements a facility must meet for Liquefied Natural Gas (LNG), Liquefied Hazardous Gas (LHG) & Small-scale facilities, to include handling LNG or LHG from trucks and rail cars.

- Applicability. 33 CFR § 127.001 discusses applicability of this Part. Subpart A includes requirements that apply to both types of facilities, while Subpart B applies to LNG facilities and Subpart C to LHG facilities. The regulations in 33 CFR Part 154 (bulk oil and liquid hazmat) do not apply to LNG or LHG facilities, nor do the transfer requirements in 33 CFR Part 156. There

is no capacity threshold for facilities regulated under 33 CFR Part 127, and the requirements apply equally to LNG and LHG facilities that load those commodities in bulk of any volume. Unlike 33 CFR Part 154, there are no separate regulations for “mobile” LNG or LHG facilities; any pier, wharf, or area of land from which a mobile facility transfers LNG or LHG must meet the same requirements of a fixed facility or obtain an alternative from the COTP showing they meet an equivalent level of safety.

- Requirements: (in Letter of Intent)
 1. Physical location of facility.
 2. Description of facility.
 3. The LHG or LNG vessels’ characteristics and frequency of LHG or LNG shipments to or from the facility.
 4. Charts showing waterway channels and identifying commercial, industrial, environmentally sensitive, and residential areas in and adjacent to waterway used by LHG or LNG vessels en route to the facility, within 25 kilometers (15.5 miles) of the facility.

**SA03-02: Discuss the Marine Transfer Area for:
Liquefied Natural Gas
Liquefied Hazardous Gas**

- Marine transfer area for Liquefied Natural Gas means that part of the waterfront facility handling LNG between the vessel, or where the vessel moors, and the last manifold or valve immediately before the receiving tanks.
- Marine transfer area for Liquefied Hazardous Gas means the part of a waterfront facility handling LHG between the vessel, or where the vessel moors, and the last shutoff valve on the pipeline immediately inland of the terminal manifold or loading arm, including the entire part of a pier or wharf used to serve LHG vessels.

SA03-03: Discuss the difference between a “new” facility and an “existing” facility.

- “New” facility: a facility handling LNG constructed or being constructed under a contract awarded on or before June 2, 1988, or a facility handling LHG constructed or being constructed under a contract awarded on or before January 30, 1996.
- “Existing facility”: a facility handling LNG constructed or being constructed under a contract awarded before June 2, 1988, or a facility handling LHG constructed or being constructed under a contract awarded before January 30, 1996.

SA03-04: Discuss the requirements for an inactive facility.

- When determining if a facility is an inactive 33 CFR Part 127 facility, as opposed to a facility no longer regulated under 33 CFR Part 127, the COTP must review all facts of the situation to determine the status of the facility. Generally, if the marine transfer piping is gas freed and blanked off, and the facility requests to cease to be a facility under 33 CFR Part 127, the COTP should determine they are no longer applicable to any portion of 33 CFR Part 127 rather than being regulated as an inactive 33 CFR Part 127 facility.

SA03-05: Discuss what Incorporated by Reference is, and the edition of the consensus standards that can be used.

- Incorporated by Reference. 33 CFR § 127.003 lists industry consensus standards incorporated by reference. While newer versions of the standards Incorporated by Reference may exist, only the version listed in this section are enforceable. A facility owner or operator can request to comply with a newer version of the listed industry consensus standards, in which case those approved versions become enforceable. In such instances, the request should be reviewed as an alternative under 33 CFR § 127.017. COTPs may contact their District Prevention staff for assistance in reviewing such requests. If necessary, District Prevention staffs will contact Area staffs and Commandant (CG-FAC-2) for assistance. Additional information on alternatives for facilities regulated under 33 CFR Part 127.

SA03-06: Discuss the purpose and requirements for a facility to submit a Letter of Intent.

- Each letter of Intent must contain:

1. The name, address, and telephone number of the owner and operator.
2. The name, address, and telephone number of the facility.
3. The physical location of the facility.
4. A description of the facility.
5. The LHG or LNG vessels' characteristics and the frequency of LHG or LNG shipments to or from the facility.
6. Charts showing waterway channels and identifying commercial, industrial, environmentally sensitive, and residential areas in and adjacent to the waterway used by the LHG or LNG vessels en route to the facility, within 25 kilometers (15.5 miles) of the facility.
7. The owner or operator who submits a letter of intent shall notify the COTP in writing 15 days if:

*There is any change in the information submitted.

*No LHG or LNG transfer operations are scheduled within the next 12 months.

SA03-07: Discuss the Waterways Suitability Assessment and Letter or Recommendation Process.

- 33 CFR § 127.007 discusses the Letter of Intent (LOI) and WSA process. While the WSA process is outlined in the facility regulations of 33 CFR Part 127, the COTP may elect to have the Facility Inspections Branch, Waterways Management Division, or another branch or division lead the WSA process, with other personnel assisting, as necessary. Some requirements of this section mirror the FERC application process for FERC jurisdictional LNG facilities, but the WSA requirements apply to all facilities regulated under 33 CFR Part 127. Small scale and novel facilities regulated under 33 CFR Part 127 are becoming more prevalent, and in some instance could come online quicker than the timelines outlined in 33 CFR § 127.007. The timelines listed in 33 CFR § 127.007 are a maximum amount of time the COTP must review the submissions and may be shortened if the COTP can ensure the safety and security of the proposed facility and suitability of the waterway in a shorter timeframe.
- Letter of Recommendation (LOR). 33 CFR § 127.009 discusses the LOR process. Upon review and validation of the WSA, the COTP issues a LOR and Letter of Recommendation Analysis (LORA) to the agency having jurisdiction to permit the facility.
 1. Just as the WSA process outlined in Reference (I) can be followed for all facilities, not just FERC jurisdictional LNG facilities, the COTP can use the process outlined in Reference (I) for the LOR process, including, review and validation of the WSA, and completion of the LOR and LORA.
 2. In the rare instance where there is no permitting agency, the COTP is still responsible for the safety and security of the port. As such, the COTP should complete the review and validation of the WSA and write a letter to file outlining their conclusions of the review and validation of the WSA, like what would have been in the LOR, and how they came to those conclusions, like what would have been in the LORA. Any such documents must be included in the facility file in MISLE.

SA03-08: Discuss when the COTP may suspend transfer operations and the appeal Process.

- The COTP may issue an order to the operator to suspend LHG or LNG transfer operations if the COTP finds any condition requiring immediate action to:
 1. Prevent damage to, or the destruction of any bridge or other structure on or in the navigable waterways of the United States, or any land structure or shore area immediately adjacent to such waters.
 2. Protect the navigable waters and the resources herein from harm resulting from vessel or structure damage, destruction, or loss.

SA03-09: Discuss the requirements for an alternative to be issued for a facility regulated under 33 CFR 127.

- The COTP may allow alternative procedures, methods, or equipment standards to be used by an operator if:
 1. The operator submits a written request for the alternative at least 30 days before facility

operations under the alternative would begin, unless the COTP authorizes a shorter time.

2. The alternative provides at least the same degree of safety.
- Unlike the requirements of 33 CFR Part 126 and 33 CFR Part 154, for a LNG or LHG facility to receive an alternative they do not need to demonstrate that the requirement is economically or physically impracticable. Rather, they simply need to demonstrate the alternative provides at least the same degree of safety provided by the regulations in 33 CFR Part 127.
 1. Review and approval must be based on material submitted by the facility owner or operator.
 2. When necessary, meetings with the facility owner or operator, or site visits to the facility should be conducted by the Coast Guard to fully understand the request and verify information submitted in the request.
 3. It is expected that facilities will submit complete packages for their request for alternatives, but if the COTP is considering disapproving the request, the COTP should afford the facility owner or operator an opportunity to submit additional information to support their request prior to disapproving it.
 - *Alternative procedures approved by the COTP should be described in the facility's Operations Manual, and the approval of the alternative maintained by the facility.
 - *Alternatives should not be issued with an expiration date (e.g., after five years) unless warranted by the situation. Rather, the appropriateness of alternatives should be reviewed by Facility Inspectors during each facility compliance activity.
 - *While alternatives can be approved at the COTP level, units may contact their District Prevention staff if technical assistance is desired in reviewing a request or an alternative, or if the alternative would set a national precedent. If necessary, District Prevention staffs will contact Area staffs and Commandant (CG-FAC-2) for higher level review and technical assistance.
 - *Upon receipt of a request for an alternative, a MISLE activity should be created. The MISLE activity should be updated throughout the review process and closed upon completion of the activity with all supporting documentation attached. The COTP must act on requests for alternatives within 30 days of receipt.
 - *Upon issuance of an alternative, a Special Note should be entered in MISLE indicating there is an alternative in place at the facility.
 - *There are no provisions for waivers in 33 CFR Part 127.

SA03-10: Discuss the requirements for Operations Manuals and Emergency Manuals.

- Operations Manual and Emergency Manual: Procedures for Examination. 33 CFR § 127.019 discusses Operations Manuals and Emergency Manuals. The requirements in this section state the Operations Manuals and Emergency Manuals must be reviewed within 30 days of receipt.
 1. Upon receipt, units must open the appropriate MISLE activity for the review of the manual, and MISLE narratives must be kept up to date throughout the review process. While there are no specific requirements for amendments to Operations Manuals or Emergency Manuals in 33 CFR Part 127, similar procedures and review timelines should be followed for amendments to such manuals.
 2. Review of manuals must be completed to ensure they meet the requirements outlined in 33 CFR §§ 127.305, 127.1305, 127.307, or 127.1307, as appropriate.
 3. If the COTP finds the Operations Manual or Emergency Manual does not meet the requirements of 33 CFR Part 127, the COTP may correspond with the submitter via email or phone to explain the issues and for the submitter to clarify and rectify issues.

SA04: Liquefied Gas Facility Inspection

SA04-06: Discuss requirements for hot work and hot work permits under 33 CFR 127.

- Hotwork. Hotwork is any welding, burning, cutting, or similar operation that generates heat or sparks that could ignite a flammable material. Prior approval of the COTP is required for such operations under 33 CFR § 126.30. The regulations of 33 CFR Part 126 apply not only to the waterfront facility but, per 33 CFR § 126.1, also to vessels at such facilities. As such, any vessel at a facility regulated under 33 CFR Part 126 must also request a Hotwork Permit under 33 CFR §126.30 prior to conducting any hotwork.
 1. Hotwork permits for vessels carrying explosives or other packaged hazardous materials moored at a facility are issued to the vessel under 49 CFR § 176.54. Hotwork on other vessels moored to a packaged or bulk solid waterfront facility are issued to the facility under 33 CFR § 126.30.
 2. The COTP should use Form CG-4201, Welding and Hotwork permit to approve hotwork. Approvals must be issued to the facility person in charge or the vessel's master or chief mate, not to the contractor who will be performing the work, as the owner/operator is responsible for compliance. It is the responsibility of the permittee to ensure that the requirements on the permit are complied with by contracted workers.
 3. Holding a Coast Guard hotwork permit does not constitute final authority to conduct hotwork; the vessel or facility must also comply with other applicable state and local laws and regulations.
 4. In some cases, local or unusual conditions may make these requirements unnecessary or not feasible. In these instances, the COTP may use the waiver authority provided by 33 CFR § 126.11.
 5. In other cases, local or unusual conditions may make these requirements inadequate and additional conditions should be added to the permit. Any additional conditions specified by the COTP should be based upon sound safety standards, such as NFPA or American National Standards Institute (ANSI) standards.
 6. 33 CFR Part 126 currently incorporates by reference NFPA 51B (1994) for procedures to follow for hotwork. In this standard it recommends fire watches be maintained for 30 minutes after hotwork is completed. However, more recent editions of NFPA 51B recommend fire watches be maintained for 60 minutes after the hotwork is completed. The Coast Guard cannot require fire watches for 60 minutes, but it is recommended Facility Inspectors advise facilities requesting hotwork permits of the differences between standards incorporated by reference in 33 CFR Part 126 and current standards.
 7. The intent of this requirement is to prohibit indiscriminate hotwork that could cause a fire or explosion by providing the COTP with authority to regulate such an operation. The prime consideration in evaluating hotwork requests must be safety. If the degree of safety is questionable, a permit should not be issued. Liaison with local fire authorities is encouraged when evaluating unusual permit requests.
 8. Extent and Duration of Permits. Permits may be issued for a single day/event or up to a maximum of one year to cover continuous operations at a facility subject to the discretion of the COTP.
 - *For a continuing permit, the COTP may require notice from the permittee whenever hotwork is scheduled. Rather than being notified of every instance when hotwork is to be conducted, the COTP may specify on the permit what conditions and criteria require notification by the permittee. Notification may include such information as the start date and time, duration of the operation, and the proximity of any dangerous cargoes to the site of the operation. For facilities holding a continuing permit, conditions should be checked to ensure the validity of the permit during normal and random facility compliance activities.

SA05: Regulated Bulk Liquid Facility Overview

SA05-01: Discuss applicability of 33 CFR 154 and the requirements a facility must meet:

- General. The regulations for the prevention of water pollution are authorized by Section 311 j(1)(C) and (D) of the FWPCA, as amended (33 U.S.C. §§ 1251-1388). Revised regulations, 33 CFR Parts 154 to 156, became effective on March 3, 1980. The regulations were revised to better address routine operations, such as cargo tank cleaning, bilge pumping, ballasting, equipment failure, and human error, which are frequent causes of oil and hazardous material spills. These operational spills can be prevented by maintenance and testing of equipment, personnel awareness, and proper procedural requirements.
- 33 CFR Part 154 applies to all facilities capable of transferring oil or hazardous material, in bulk, to or from a vessel, where the vessel has a total capacity, from a combination of all products carried, of 250 barrels (39.75 cubic meters) or more.
- The amount of oil or hazardous material a facility can handle based on tank size, or the amount of oil or hazardous material being transferred, has no bearing on the applicability of this Part. For example, a mobile facility cannot hold 250 barrels of a product, but if they transfer to or from a vessel with a total capacity, from a combination of all products carried, of 250 barrels or more, the mobile facility is applicable to 33 CFR Part 154.
- The COTP is authorized to apply, on a case-by-case basis, all, or a portion of 33 CFR § 154.735 to facilities that only transfer to or from vessels of less than 250 barrels if necessary for their safety, the safety of their personnel, the safety of the public, or the safety of the environment. In deciding, the COTP must consider such factors as the frequency of transfers conducted at the facility or the facility's spill history. 33 CFR § 154.100(b) requires written notice to the facility operator of a decision to apply any or all requirements of 33 CFR § 154.735 safety requirements to such a facility.
- Mobile facility means any facility that can readily change location, such as a tank truck or tank car, other than a vessel or public vessel (33 CFR 154.105). Per Reference (d), Chapter 2.A, the Coast Guard interprets this to mean a tank truck or tank car designed and intended for the transportation of oil or regulated hazardous materials and can readily change location, with the capability to move whether it is loaded or empty.
- Mobile facilities must meet certain requirements of 33 CFR Part 154 as outlined in 33 CFR § 154.100(d).
- This does not apply to public facilities, including DoD facilities.
- Floating Structures. PMCs are considered part of facilities regulated under this Part if they transfer oil or hazardous material in bulk, to or from vessels with a capacity of 250 barrels or more. It must be noted that a "floating structure" that was previously classified as a vessel or looks like a "vessel" might not, as a matter of law, be considered a vessel.

SA05-02: Discuss what the term "capable of transfer" means, and how it applies to the requirements of 33 CFR 154.

- The term "capable of transferring" is used in lieu of the term "transferring" due to the requirements of operationally ready facilities having to meet the requirements of 33 CFR § 154.735 (safety requirements) and 33 CFR § 154.740 (records) always, not just when conducting a transfer. Facilities not in an operationally ready status (facilities in caretaker status and facilities that have permanently ceased regulated transfers) are never considered as being "capable of transferring."

SA05-03: Discuss the Marine Transfer Area.

- Marine Transfer Area means that part of a waterfront facility handling oil or hazardous materials in bulk between the vessel, or where the vessel moors, and the first manifold or shutoff valve on the pipeline encountered after the pipeline enters the secondary containment required under 40 CFR 112.7 or 49 CFR 195.264 inland of the terminal manifold or loading arm, or, in the absence of secondary containment, to the valve or manifold adjacent to the bulk storage tank, including the entire pier or wharf to which a vessel transferring oil or hazardous

materials are moored.

SA05-04: Discuss the term “caretaker status” and the requirements a facility must meet to go into caretaker status.

- Caretaker status denotes a facility where all piping, hoses, loading arms, storage tanks, and related equipment in the marine transfer area are completely free of oil or hazardous materials, where these components have been certified as being gas free, where piping, hoses, and loading arms terminating near any body of water have been blanked, and where the facility operator has notified the COTP that the facility will be in caretaker status.

SA05-05: Discuss the policy regarding Coast Guard oversight of mobile facilities.

- **Defining Mobile Facilities.** A mobile facility means any facility that can readily change location, such as a tank truck or tank car, other than a vessel or public vessel. The Coast Guard interprets this to mean a tank truck or tank car that is designed and intended for the transportation of oil or regulated hazardous materials and can readily change location, with the capability to move whether it is loaded or empty. A temporary storage facility that is not designed to be moved while loaded with regulated materials is not considered able to readily change location. Temporary storage containers such as “frac” tanks, are not considered mobile facilities and are subject to all regulations pertaining to fixed waterfront facilities. A tank or container that is not authorized by the Department of Transportation to be moved while loaded is not considered to be able to readily change location. COTPs should seek guidance from their servicing District legal office through the District Prevention (dpi) office if there is a specific question as to the applicability of mobile and fixed waterfront facility regulations.
- **COTP Jurisdiction.** Regulating mobile facilities presents a unique challenge in identifying COTP jurisdictional authority in that they may operate across multiple COTP zones, which gives multiple COTPs jurisdictional authority. Under Reference (a), mobile facilities are subject to the authority of each COTP zone within which they conduct regulated transfers. Because there is no prescribed inspection schedule for mobile facilities in regulation, the Coast Guard determines the appropriate inspection schedule. This has led to situations where mobile facility operators are subject to compliance inspections by multiple COTPs each year which may be redundant for both mobile facility operators and Coast Guard resources. To address this redundancy, Coast Guard units must designate a primary COTP and subsidiary COTP(s) for each mobile facility that conducts transfers regulated under Reference (a) in their Area of Responsibility (AOR). Routine regulatory inspections should be conducted only by the primary COTP to minimize duplicate inspection activities for Coast Guard inspectors. This will also assist the Coast Guard with maintaining a consistent and accurate inspection history for each mobile facility operator. This inspection regime does not impact the ability for any COTP to conduct transfer monitors when the mobile facility is operating in their zone.
- **Primary COTP.** The primary COTP for each mobile facility that operates in multiple COTP zones must be agreed upon by all COTP zones in which the mobile facility operates. This discussion will normally occur among facility inspection personnel and concurrence will be obtained within each command, as necessary. The primary COTP should be based on the location of the primary office or staging area of the mobile facility operator, and the primary COTP should be the only entity conducting or coordinating routine pollution prevention inspections on mobile facilities (for example: anything other than transfer monitors or incident response).
- **Subsidiary COTP.** Any COTP zone where a mobile facility conducts operations regulated under Reference (a) and not designated as the primary COTP is considered a subsidiary COTP. A subsidiary COTP must receive notification (letter of intent), as required by 33 C.F.R. § 154.110, from a mobile facility operator of the company’s intention to operate within that COTP zone. The subsidiary COTP should not conduct any pollution prevention compliance exams unless coordination has occurred with the primary COTP.

SA05-06: Discuss what Incorporated by Reference is, and the edition of the consensus standards that can be used.

- Incorporated by Reference. 33 CFR § 154.106 lists industry consensus standards incorporated by reference. While newer versions of the standards Incorporated by Reference may exist, only the version listed in this section are enforceable. A facility owner or operator can request to comply with a newer version of the listed industry consensus standards, in which case those approved versions become enforceable. In such instances, the request should be reviewed as an alternative under 33 CFR § 154.107. COTPs may contact their District Prevention staff for assistance in reviewing such requests. If necessary, District Prevention staffs will contact Area staffs, Commandant (CG-FAC-2), and Commandant (CG-OES-2) for higher level review.

SA05-07: Discuss the requirements for an alternative to be issued to a facility regulated under 33 CFR 154.

- Alternatives. Under 33 CFR § 154.107, the COTP may approve alternative procedures, methods, or equipment standards in lieu of any requirements in this Part if the stipulations of the section are met.
- There are three requirements listed within this section for alternatives, and all three of these requirements must be met for the COTP to approve an alternative.
 1. Review and approval must be based on material submitted by the facility owner or operator.
 2. When necessary, meetings with the facility owner or operator, or site visits to the facility should be conducted by the Coast Guard to fully understand the request and verify information submitted in the request.
 3. It is expected that facilities will submit complete packages for their request for alternatives, but if the COTP is considering disapproving the request, the COTP should afford the facility owner or operator an opportunity to submit additional information to support their request prior to disapproving it.
- Alternative procedures approved by the COTP should be described in the facility's Operations Manual, and the approval of the alternative maintained by the facility.
- Alternatives should not be issued with an expiration date (e.g., after five years) unless warranted by the situation. Rather, the appropriateness of alternatives should be reviewed by Facility Inspectors during each facility compliance activity.
- While alternatives can be approved at the COTP level, units may contact their District Prevention staff if technical assistance is desired in reviewing the request for an alternative, or if the alternative would set a national precedent. If necessary, District Prevention staffs will contact Area staffs and Commandant (CG-FAC-2) for higher level review and technical assistance.
- Upon receipt of a request for an alternative, a MISLE activity should be created. The MISLE activity should be updated throughout the review process and closed upon completion of the activity with all supporting documentation attached. The COTP must act on requests for alternatives within 30 days of receipt.
- Upon issuance of an alternative, a Special Note should be entered in MISLE indicating there is an alternative in place at the facility.

SA05-08: Discuss the requirements for an exemption to be issued to a facility regulated under 33 CFR 154.

- Exemptions. Under 33 CFR § 154.108, the Assistant Commandant for Prevention Policy, acting for the Commandant, may grant an exemption or partial exemption from compliance with this Part.
- Requests for exemptions must be submitted to the COTP. Upon receipt of an exemption request, the COTP must:
 1. Create a MISLE activity for the exemption request. The MISLE activity should be updated throughout the review process and closed upon completion of the activity with

all supporting documentation attached.

2. Review the exemption request to determine if the request is for an exemption or if an alternative would be more appropriate. As necessary, the COTP should confer with District, Area, and Commandant (CG-FAC-2) in determining if the request should be processed as an exemption or alternative. If an alternative would be more appropriate, notify the submitter and follow the procedures outlined in Chapter 6.A.5 of this Manual.
3. When necessary, meet with the facility owner or operator, or conduct a site visit to the facility to fully understand the request and verify information submitted in the request.
4. Request any additional information necessary to properly evaluate the request; and
5. Submit a memo to Commandant (CG-FAC), through the applicable District and Area, which recommends approval or disapproval of the exemption request, with all known facts of the request, amplifying information not in the request letter, and the MISLE activity identification number where supporting documentation can be found. By including supporting documentation in MISLE, a historical record is maintained and there is no need to forward those documents up the chain of command with the endorsement memo.

*Exemption requests must be well justified and clearly outline how all stipulations outlined in 33 CFR § 154.108(a)(2) are met.

*Upon issuance of an exemption, a Special Note should be entered in MISLE indicating there is an exemption in place at the facility.

SA05-09: Discuss the purpose and requirements for a facility to submit a Letter of Intent.

- Letter of Intent. The facility operator must submit a LOI with the information outlined in 33 CFR § 154.110 to the COTP not less than 60 days before the intended operations unless a shorter period is authorized by the COTP. Whether or not the 60-day threshold must be met is the prerogative of the COTP based on workforce constraints and the complexity of the facility.
- The LOI must be updated within five days in the event of a change to the information required in 33 CFR § 154.110.
- The information in the LOI is of great assistance in determining and locating the responsible party during a spill or other emergency. As such, it is vital the LOI be updated, and the COTP should take appropriate actions to compel compliance in the event a facility operator does not update their LOI as required.

SA05-10: Discuss the requirements for an Operations Manual and Facility Response Plan.

- Each facility must have an Operations Manual sufficient to guide a person generally qualified in oil or hazardous material transfer operations in performing their duties in an environmentally safe manner. General requirements for Operations Manuals can be found at 33 CFR § 154.300.
- These manuals are intended to be working documents for the benefit of personnel involved in oil or hazardous material transfer operations.
- At a minimum, the Operations Manual must:
 1. Be understood by all who are designated as a PIC; and
 2. Serve as the single source for learning standard operations as well as emergency procedures at a facility.
- The requirement to send a copy of the Operations Manual with the LOI enables the COTP to verify that the owner/operator has established procedures for the facility to operate in an environmentally sound and safe manner.
- In determining whether the Operations Manual meets the requirements of 33 CFR Parts 154 and 156, the COTP must consider the size, complexity, and capability of the facility. Small facilities typically have more simple manuals, while larger, multi-product facilities normally require more comprehensive manuals. Regardless of the size of the facility, all Operations Manuals must meet the requirements outlined in 33 CFR Part 154 Subpart B.
- The contents of certain manuals may be proprietary in nature. Therefore, the contents of Operations Manuals normally must not be released to others unless authorized in writing by

the facility owner/operator. Seek legal advice if requests for information contained in Operations Manuals is received.

SA07: MARPOL Reception Facilities Overview

SA07-01: Discuss applicability of 33 CFR 158.

- Subparts B, C, and E apply to each port and each terminal located in the United States or subject to the jurisdiction of the United States that is:
 1. Used by oceangoing tankers, or any other oceangoing ships of 400 gross tons or more, carrying oily mixtures, or by oceangoing ships to transfer NLSs, except those ports and terminals that are used by:
 - *Tank barges that are not configured and are not equipped to ballast or wash cargo tanks while proceeding enroute.
 - *Ships carrying NLS operating under waivers under 46 CFR 153.491(b)
 2. A ship repair yard that services oceangoing ships carrying oil or NLS residue.
- Subpart D applies to each port and terminal located in the United States or subject to the jurisdiction of the United States.

SA07-02: Discuss the difference between a Port and Terminal under 33 CFR 158.

- “Port” means:
 1. A group of terminals that combines to act as a unit and be considered a port for the purposes of this part.
 2. A port authority or other organization that chooses to be considered a port for the purposes of this part.
 3. A place or facility that has been specifically designated as a port by the COTP.
- “Terminal” means an onshore facility, or an offshore structure located in the navigable waters of the United States or subject to the jurisdiction of the United States and used, or intended to be used, as a port or facility for the transfer or other handling of a harmful substance.

SA07-03: Discuss the roles and responsibilities of the port/terminal, ship, agent, and third-party providers as they relate to Port Reception Facilities.

- The person in charge of a port or terminal shall ensure that each port or terminal’s reception facility:
 1. Is capable after August 28, 1989, of receiving APHIS regulated garbage at a port or terminal no later than 24 hours after notice is given to the port or terminal, unless it only receives ships that:
 - *Operate exclusively within the navigable waters of United States
 - *Operate exclusively between ports or terminals in the continental United States
 - *Operate exclusively between continental United States ports or terminals and Canadian ports or terminals
 2. Is capable of receiving medical wastes or hazardous wastes defined in 40 CFR 261.3 unless the port or terminal operator can provide to the master, operator, or person in charge of a ship, a list of persons authorized by federal, state, or local law or regulation to transport and treat such wastes.
 3. Is arranged so that it does not interfere with port or terminal operations.
 4. Is conveniently located so that mariners unfamiliar with the port or terminal can find it easily and so that it’s use will not be discouraged.
 5. Is situated so that garbage from ships which has been placed in it cannot readily enter the water.
 6. Holds each federal, state, and local permit or license required by environmental and public health laws and regulations concerning garbage handling.
- Each day a port or terminal is in operation, the person in charge of a port or terminal must provide, or ensure the availability of a reception facility that is capable of receiving all garbage that the master or person who is in charge of a ship desires to discharge, except:
 1. Large quantities of spoiled or damaged cargoes not usually discharged by a ship.

2. Garbage from ships not having commercial transactions with that port or terminal.

SA07-04: Discuss the requirements of, and which ports and terminals must provide reception facilities for:

- Oily mixtures: Be capable of:
 1. Receiving oily mixtures from oceangoing ships within 24 hours after notice by that ship.
 2. Completing the reception of ballast water containing oily mixtures from ship in less than 10 hours after waste transfer operations begin.
 3. Completing the reception of other oily mixtures in less than 4 hours after transfer operations begins.
- Noxious Liquid Substances: Be capable of:
 1. Receiving NLS residue from oceangoing ship within 24 hours after notice by that ship of the need for reception facilities.
 2. Completing the transfer of NLS residue within 10 hours after transfer of NLS residue begins.
 3. Exhaust Gas Cleaning Residue and Ozone Depleting Substances
- Garbage: Be capable of:
 1. Receiving APHIS regulated garbage at a port or terminal no later than 24 hours notice.
 2. Receiving medical wastes or hazardous wastes defined in 40 CFR 261.3, unless the port or terminal operator can provide to the master, operator, or person in charge of a ship, a list of persons authorized by federal, state, or local law or regulation to transport and treat such wastes.
 3. Is arranged so that it does not interfere with port or terminal operations.
 4. Is conveniently located so that mariners unfamiliar with port or terminal can find it easily and so that it's use will not be discouraged.
 5. Is situated so that that garbage from ships which has been placed in it cannot readily enter the water.
 6. Holds each federal, state, and local permit or license required by environmental and public health laws and regulations concerning garbage handling.

SA07-05: Discuss which ports and terminals must have a Certificate of Adequacy.

- To continue to receive ships, a port or terminal must hold one or more Certificates of Adequacy to show compliance with:
 1. Receiving oceangoing tankers or any other oceangoing ship of 400 gross tons or more, carrying oily mixtures.
 2. Receiving oceangoing ships carrying NLSs.
 3. Receiving fishing vessels which offload more than 500,00 pounds of commercial fishery products from all ships during a calendar year.

SA07-06: Discuss the application procedures for a Certificate of Adequacy.

- Applicants for a Certificate of Adequacy must apply to the COTP of the Zone in which the port or terminal is located using Form A (Oily Mixtures) or Form B (NLS), respectively.
- An applicant for a Certificate of Adequacy must apply on Form C (Garbage) to the COTP of the Zone in which the port or terminal is located.
- Forms A, B or C may be obtained from the local Coast Guard COTP.

SA07-07: Discuss the requirements for waivers and alternatives to be issued to a facility regulated under 33 CFR 158.

- If a person in charge believes that a requirement is unreasonable or impracticable for the port's or terminal's operations, the person in charge may submit a request for a waiver to the COTP. This application must:
 1. Be in writing
 2. Include:
 - *Reasons why the requirement is unreasonable or impracticable.
 - *Proposed alternatives that meet MARPOL 73/78
 - Additional information requested by COTP

- If the COTP allows the alternative proposed, the waiver
 1. Is in writing
 2. States each alternative that applies and the requirement for which the alternative is substituted.
- The person in charge shall ensure that each waiver issued is attached to the Certificate of Adequacy issued for the port or terminal.

SA07-08: Discuss the requirements for issuance of a Certificate of Adequacy.

- When the application is made the COTP conducts inspections.
- After inspections conducted, and after consulting the Administrator of the Environmental Protection Agency (EPA) or designee, the COTP issues the Certificate of Adequacy or denies it.
- Oily mixtures: Be capable of:
 - Receiving oily mixtures from oceangoing ships within 24 hours after notice by that ship.
 - Completing the reception of ballast water containing oily mixtures from ship in less than 10 hours after waste transfer operations begin.
 - Completing the reception of other oily mixtures in less than 4 hours after transfer operations begins.
- Noxious Liquid Substances: Be capable of:
 - Receiving NLS residue from oceangoing ship within 24 hours after notice by that ship of the need for reception facilities.
 - Completing the transfer of NLS residue within 10 hours after transfer of NLS residue begins.
- Garbage: Be capable of:
 - Receiving APHIS regulated garbage at a port or terminal no later than 24 hours' notice.
 - Receiving medical wastes or hazardous wastes defined in 40 CFR 261.3, unless the port or terminal operator can provide to the master, operator, or person in charge of a ship, a list of persons authorized by federal, state, or local law or regulation to transport and treat such wastes.
 - Is arranged so that it does not interfere with port or terminal operations.
 - Is conveniently located so that mariners unfamiliar with port or terminal can find it easily and so that it's use will not be discouraged.
 - Is situated so that that garbage from ships which has been placed in it cannot readily enter the water.
 - Holds each federal, state, and local permit or license required by environmental and public health laws and regulations concerning garbage handling.

SA07-09: Discuss when a Certificate of Adequacy must be updated.

- The person in charge must notify the COTP in writing within 10 days after any information in Section 2, 3A, 3G or 3H of Form A or Section 2, 5A, or 5C of Form B changes.
- The person in charge must notify the COTP in writing within 30 days after any information in the following has changed:
 1. Form A, sections 1, 3B, 3C, 3E, 3F, 3I, or 3J.
 2. Form B, sections 1, 3, 4, 5B, 5D, 5E, 5F or 5G.
 3. Form C, sections A1, B1, B2, or D4.

SA07-10: Discuss the possible sources (from vessel, agent, flag state, IMO, etc.) of reports of inadequacy of a reception facility, and actions to take upon receipt of a report of inadequacy.

- Any person may report to the local Coast Guard COTP that reception facilities are inadequate. Reports may be made orally, in writing or by telephone.
- The COTP may suspend a Certificate of Adequacy if:
 1. Deficiencies recur or significantly affect the adequacy of the reception facility.
 2. Continued operations will result in undue delay to ships calling at the port or terminal.
 3. There is a failure to accept NLS residue from a ship after its cargo tanks are prewashed in accordance with 46 CFR 153.1120.

4. There is a substantial threat of discharge of oil or NLS into or upon navigable waters of the United States or adjoining shorelines.

SA07-12: Discuss the International Maritime Organization's (IMO) Global Integrated Shipping Information System (GISIS) and the significance of the reports of alleged inadequacies.

- The Internet-based [Port Reception Facility Database \(PRFD\)](#) went live on 1 March 2006, as a module of the [IMO Global Integrated Shipping Information System \(GISIS\)](#). The database provides data on facilities for the reception of all categories of ship-generated waste.
- Anyone can check a particular reception facility for any inadequacies.

SA07-13: Discuss the procedures to take upon receipt of a report of inadequacy of a reception facility.

- The report of inadequacy is investigated.
- If the COTP has grounds for an immediate suspension of or is considering suspending a Certificate of Adequacy, the COTP notifies the person in charge of the intended action.
- If no evidence or arguments are submitted in response to a notification of a suspension order, the COTP considers the evidence or arguments and notifies the person in charge of any action taken including:
 1. The grounds for the suspension.
 2. The date when the suspension becomes effective.
 3. Information on how the suspension may be withdrawn, including all corrective actions required.
 4. If the suspension order is made orally, the COTP issues a suspension order in writing within 5 days after initial notification.

SA09: Bulk Liquid Transfer Monitor

SA09-01: Discuss requirements for transfer:

- Liquefied Gas facilities regulated under 33 CFR 127
 1. The marine transfer area is under supervision of a person in charge, who has no other assigned duties during the transfer.
 2. Personnel transferring fuel or oily waste are not involved in the transfer.
 3. No vessels are moored outboard of the transferring vessel without permission of the COTP.
 4. The person in charge of shoreside transfer operations shall:
 - *Ensure that an inspection of the transfer piping and equipment for leaks, frost, defects, and other symptoms of safety and operational problems is conducted at least once every transfer.
 - *Be in continuous communication with person in charge of transfer operations on the vessel.
 - *Ensure that transfer operations are discontinued before electrical storms or uncontrolled fires are adjacent to marine transfer area and as soon as a fire is detected.
 - *Ensure that the lighting systems are turned on between sunset and sunrise.
- Bulk liquid facilities regulated under 33 CFR 154
 1. These will be in the Operations Manual for the facility. 33 CFR 154.310.

SA09-02: Discuss transfer monitor performance goals.

- Performance Goals for Transfer Monitors:
- Performance Goal. Each field unit's annual transfer monitor performance goal is set as the number equal to 20% of the total number of facilities regulated under 33 CFR 127 and 33 CFR 154 in that unit's Area of Responsibility. Selecting the proper applicability for each regulated facility in MISLE will ensure all levels of the chain of command can easily determine what each unit's goal is each year.

- In Reference (c), Commandant (DCO) directed Commandant (CG-FAC) to establish transfer monitor activity related targets and allowances for risk-based assessments. Commandant (CG-FAC) acknowledges competing demands and finite resources in Coast Guard Prevention Departments; so, rather than creating a requirement, a performance goal has been created. When a unit meets this performance goal while focusing on the highest risk facilities, the COTP should generally have a high level of confidence in the return on investment in carrying out their transfer monitor program.
- If risk analysis dictates and operations allow, units may exceed this performance goal to effectively influence compliance with federal pollution prevention standards in their area of responsibility. There may be times when a unit will not be able to meet the performance goal. Captains of the Port should evaluate many factors, such as risk assessment based on area of responsibility knowledge and the risk matrix discussed in Chapter 2.C of this Manual, surge operations, regulatory requirements, and incident response demands when determining whether to do more or fewer transfer monitors than the 20% performance goal.

SA09-03: Discuss paperwork to be issued at the conclusion of a transfer monitor and when each type may be used.

- Pollution Prevention Compliance Report, Form (CG-5562B). Inspectors must use the Pollution Prevention Compliance Report, Form (CG-5562B) to document transfer monitor activities, which can be obtained by submitting a milstrip requirement to the Surface Forces Logistics Command (SFLC) stock number (SN): 7530-01-GF3-2720. This form is a legal document and therefore must be filled out legibly and correctly during transfer monitor inspections. Additionally, it must be scanned and saved in the MISLE transfer monitor activity under documentation. The report serves as:
 1. Official notice of deficiency to the shipper, carrier, or facility representative.
 2. A notification of a suspension order.
 3. A form to capture data for entry into MISLE.
 4. Documentation for record keeping.
- No Deficiencies Noted. If no deficiencies are identified, the inspector should write “no deficiencies found” across the bottom of the Pollution Prevention Compliance Report, Form (CG-5562B) and sign the form. A copy should be given to the facility and vessel representative, and a copy kept for record keeping. Follow-on MISLE casework must also indicate that no deficiencies were found in the narrative block.
- Deficiencies Noted. The Vessel/Facility Inspection Requirements, Form (CG-835) must be used by inspectors to document transfer monitor deficiencies on regulated facilities and vessels. A description of the deficiency, the appropriate regulatory citation, corrective action if required, and a due date for that corrective action must be written out. When qualified vessel inspectors are not part of the transfer monitor team, predetermined local procedures should be followed when issuing deficiencies to vessels as part of a transfer monitor activity. A copy of the Vessel/Facility Inspection Requirements, Form (CG-835) should be given to the facility and/or vessel representative, as appropriate, and a copy kept for record keeping. Follow-on MISLE casework must outline the deficiencies that were identified in the narrative block and inspection results screen.

SA09-04: Discuss operational shutdowns and suspension orders, and the appropriate time to use each.

- Operational Shut Down. When an actual or potential safety issue is identified, an inspector may temporarily halt the transfer to address the issue. If the issue is resolved, the transfer should be allowed to resume. If the issue cannot be quickly resolved, the transfer should not be permitted to resume, and the inspector should contact the COTP for authorization to give a verbal order to formally suspend the transfer operation. The verbal suspension order must be followed up with a written order as soon as possible. The inspector should keep the unit apprised of the situation in accordance with unit policy. COTP’s and inspectors must be mindful of the time a transfer is shut down to facilitate maritime commerce while ensuring safety and regulatory compliance.

- “A COTP Order is one of several tools available to Sector Commanders, and Commanders of MSUs with delegated COTP authority, and used to impose operational controls over a vessel, facility, or person, when an emergent situation develops.” In the event a deficiency is severe enough to require an operational control such as shutting down transfer operations on a terminal, a COTP Order or Suspension Order is required in addition to notification on the Pollution Prevention Compliance Report, Form (CG- 5562B) or Vessel/Facility Inspection Requirements, Form (CG-835). The deficiency must be noted on the Pollution Prevention Compliance Report, Form (CG-5562B) or Vessel/Facility Inspection Requirements, Form (CG- 835) but the form alone must not be used to shut down facility operations. Administrative Orders issued under 40 CFR 300 may likewise be used to shut down a transfer operation; however, its use is limited to directing oil or hazardous material response actions to the responsible party during a release or threat of a release. Inspectors must review and be familiar with current unit procedures for terminating facility operations should a safety or security concern warrant it. References (b) and (h) are the best source of information regarding authority, jurisdiction, and procedures for issuing COTP Orders. Suspension order information may be found in 33 CFR 156.112.

SA09-05: Determine facilities to target to conduct transfer monitors on based on risk matrix or AOR knowledge.

- Transfer Monitor Risk Matrix. – This tool should be used by units to assist in targeting the highest risk bulk liquid transfer operations for monitoring by Coast Guard enforcement personnel. The following is a step-by-step guide for using the Transfer Monitor Risk Matrix:
 1. Download a copy of the Transfer Monitor Risk Matrix from CGPortal. The term “Transfer Monitor Risk Matrix” will be referred to as “Matrix” from this point onward. <https://cg.portal.uscg.mil/units/cgfac2/SitePages/TransferMonitorRiskMatrix.aspx>
 *Open the file. (Link can only be accessed when working at a local Sector/MSU when authorized)
 *Should the Server Workbook prompt appear, select edit workbook.
 *Should the Security Warning prompt appear that reads “Some active content has been disabled,” follow these steps to enable the Visual Basic for Applications (VBA) computer programming code present in the Matrix:
 *Select Options.
 *From the Microsoft Office Security Options window, select Enable this content.
 *Select OK.
 2. To the right of the Matrix under the Reference header in the Day Length column, set the hour and minute for both sunrise and sunset. Be sure to keep this reasonably up to date as this determines whether a transfer operation occurred during the light of day or not. The sunrise and sunset hyperlink leads to a solar website that is solely provided as a convenience. If another site is preferred, feel free to modify this hyperlink. Beneath the hyperlink to the solar website is the MISLE hyperlink, which is also provided as a convenience.
 3. In the Source block, enter the source’s name.
 *Without a source’s name, both the raw risk assessment and the final risk assessment will display “Source Name?”
 *The letter (S) encased in parenthesis denotes the source, and the letter (R) encased in parenthesis denotes the recipient.
 *The following blocks are optional and exist for the informational benefit of the user: Activity Date, Recipient (R), MISLE ID No. (S), MISLE ID No. (R), and MISLE ACTIVITY No.
 4. From the drop-down for Cargo Hazard, select the appropriate product.
 *Enter the time and date for “Connect” and “Disconnect” to activate the “Connection” and “Day of the Week” calculations. If the disconnect time is unknown check “Not Applicable.”
 5. The date in this Matrix can be entered either by manipulating the pop-up calendar or typing the date directly in the box where the date is visible. The calendar is displayed

numerically, and its order is “mm/dd/yyyy.” In the calendar form, both the month and year can be easily changed by placing the mouse pointer over either category and left clicking to the appropriate month or year.

6. For a time, entry to be recognized by this Matrix, separate the hour and minute portions with a colon.
7. Whether the date of connection or disconnection falls on a particular holiday is governed by the “Holiday” tab and may be modified as needed. In the date column, enter the appropriate date. In the holiday column, enter the name of the holiday.
*In the “Date Last Monitored” block, enter the date of the last occurrence for each party. If a transfer party has never been monitored before, check “Never.”
*In the “Date Last Enforcement Activity” block, enter the date of the last occurrence for each party. If a transfer party has never had an enforcement activity placed against them, check “Never.”
*In the “Date Last Spill” block, enter the date of the last occurrence for (S) or (R). If a transfer party has never had a spill before, check “Never.” If “Never” is checked, this is a risk reduction factor that when applied to the raw risk assessment, forms the finalized assessed risk. The term “finalized assessed risk” is referred to as “final risk” from this point onward.
8. The final risk is reduced by one risk level when both of the parties involved never had a spill or the last occurrence of a spill was 12 months or more ago. A good example would be a transfer operation whose raw risk is considered “High but with the application of the risk reduction factor, its final risk becomes “Medium.” Likewise, if the raw risk was “Medium,” the final risk would be “Low” when the risk reduction factor is applied.
9. The final risk is the same as the raw risk when at least one of the parties involved had a spill less than 12 months ago.
*From the drop-down for “Multiple Spill History < 12M,” select the number of spills that occurred within the past 12 months.
*From the drop-down for “PPR Deficiencies at Last Exam,” select the number of deficiencies that were issued at the last examination for each party.
*From the drop-down for “Transfer Type,” select the most fitting relationship between the two transfer parties.
*From the drop-down for “Proximity (Sensitive Environment),” select “yes” or “no.” Local units should reasonably define the environmentally sensitive areas for their AOR. These areas are typically listed in the applicable Area Contingency Plan (ACP)
*From the drop-down for “Adverse Environmental Conditions,” select “yes” or “no.”
*Once all the inputs are entered into the Matrix, the level of risk for both the raw risk and the final risk are independently displayed as High, Medium, or Low. The final risk assessment will inform the decision by the unit whether to target a particular oil or hazardous material operation for inspection or monitoring. The raw risk assessment is informative and reveals what the risk is before the risk reduction factor is taken into account.

SA09-06: Discuss safety hazards and concerns during transfer monitor operations.

- Safety Overview. There are numerous potential hazards associated with oil or hazardous material transfer monitors. Many of these hazards are consistent with the physical hazards typically found at a waterfront facility or aboard a vessel during inspections or Port State Control examinations. Additionally, many of the cargoes or products handled during these operations are explosive, flammable, or present an inhalation or other health hazard. This Chapter provides an overview of standard safe work practices while conducting transfer monitors.
- Chemical Health Hazards. Exposure to hazardous materials through contact or inhalation during transfer monitors can be harmful or fatal. Of note, Poisonous by Inhalation (PIH) commodities generally have a low Immediately Dangerous to Life and Health (IDLH) level,

Threshold Limit Values (TLV), and Short-Term Exposure Limits (STEL). Caution should be exercised around these commodities during transfer operations.

- Vessel Materiel Condition. The materiel condition of a vessel should be considered as part of the onsite safety risk assessment. Corroded metal, broken gangways and rails, sharp corners, shackles, loose gear and wet or slippery decks are all items that could cause potential injury. Caution should be observed whenever these or other slip, trip, and fall hazards are present.
- Waterfront Facility Hazards. While on facilities, Coast Guard personnel must remain alert for moving vehicles and other facility related activities to avoid injury. Inspectors will comply with all the facility's personal protection requirements in addition to Coast Guard requirements.
- Smoking Prohibitions. Given possible interactions with hazardous or explosive materials, Coast Guard personnel are prohibited from smoking while conducting oil or hazardous material transfer monitors.

SA09-07: Observe completion of a Declaration of Inspection at the beginning of transfer Operations.

- Declaration of Inspection. 33 CFR § 156.150 discusses the DOI. A transfer is deemed to begin when the facility PIC and vessel PIC meet to begin completing the DOI. The facility PIC is not required to inspect the requirements of the vessel before completing the DOI, but rather may accept the signature of the vessel PIC as satisfactory evidence of the acceptable condition of the vessel requirements.
- When, during a transfer operation, PICs are changed out, the new PIC must review the requirements on the DOI with the PIC on the other asset (e.g., when the facility PIC switches out, they must review the DOI with the PIC on the vessel). After this review, the new PIC signs the DOI and becomes responsible for their aspect of the transfer operation.
- Facility Inspectors should verify these records are kept for one month from the date of signature in accordance with 33 CFR § 156.150(f) during routine compliance activities, except for during transfer monitors as these record checks could take the PIC away from their duties as the PIC.

SA09-08: Verify compliance with regulations while conducting a regulated bulk liquid transfer monitor on a facility regulated under 33 CFR 127 or 33 CFR 154.

- The Form CG-835F must be issued following every facility compliance activity, except transfer monitors where no deficiencies are identified, in which case the Form CG-5562B may be issued.

SA09-10: Discuss examples of noncompliance and discuss the appropriate actions to Take.

- Deficiencies. Deficiencies issued on the Form CG-835F must be based on specific requirements contained within the regulations. Requirements issued based upon the discretion of the COTP, where allowed by regulation, are to be clearly worded so the deficiency to be corrected is understood by the facility representative. Requirements that cannot be supported by regulation must not be written.

*When issuing requirements that limit normal operations, the Facility Inspector should state as such within the description of the Form CG-835F (e.g., prior to next transfer, prior to use of a particular piece of equipment, etc.).

*Deficiencies for items required to be always in place (e.g., access control on a MTSA regulated facility) that are corrected on the spot should be documented on the Form CG-835F and in MISLE as resolved at the time of the facility compliance activity. Discovery of non-compliant items which are only required during future transfer operations (e.g., water in small discharge containment while a transfer is not taking place) can be corrected on the spot and should not be documented as deficiencies on a Form CG-835F or in MISLE.

*If the COTP desires to control facility operations when faced with an emergent concern for safety, security, or environmental protection beyond limiting normal operations as discussed in Chapter 3.B.2.a, a COTP Order is required unless a Suspension Order has been issued. The deficiency must be noted on the Form CG-835F, but the form alone must not be used to control facility operations.

- Repairs. The Form CG-835F should not be issued to cover repairs or changes initiated by the facility when such repairs or changes would not have been required by the Facility Inspector.
- Writing Deficiency Requirements. The Form CG-835F must contain clear and concise language of the deficiency, how/why the requirement was not met, and the action(s) necessary to correct the deficiency. Unless a particular sequence or system of actions is required by statute, regulation, or the facilities current plan/manual required by the Coast Guard, the method of correction should be left to the discretion of the facility owner/operator, subject to the Facility Inspector's approval. Additionally, the regulatory cite and due date must be listed in the appropriate columns on the form. In some instances, a requirement such as "prior to next transfer" may be specified rather than a date. In these situations, the requirement may be written in the Description column following the required corrective action.
- Data capture. All deficiencies issued on a Form CG-835F must be entered in MISLE.
- Corrective Actions. Effective corrective actions and education are necessary to deter repeat discrepancies that endanger lives, property, and the environment. At a minimum, the discrepancy must be corrected. Additional actions provide a greater incentive for future compliance. Each discrepancy found and each corrective action taken must be documented in MISLE. The COTP must select an appropriate action for each discrepancy depending upon the seriousness of the discrepancy and the facility owner or operator's history of compliance. The goal of the Coast Guard's enforcement program is to compel compliance with the applicable regulations today and in the future. The lowest level of enforcement necessary to compel this compliance should be used. However, in the case of gross and/or willful non-compliance, criminal proceedings may be initiated in accordance with applicable law, and with the assistance of the servicing legal office.
- Additional Guidance. Reference (f) and Marine Safety Manual, Volume V, COMDTINST M16000.11 (series) provide additional guidance on selecting appropriate actions. If a Notice of Violation (NOV) is selected, issue a NOV in accordance with the Notice of Violation User's Guide, COMDTINST M5582.1 (series). If a civil penalty is selected, the COTP must recommend an appropriate penalty using the guidance found in Civil Penalty Procedures and Administration, COMDTINST M16200.3 (series). For each discrepancy found, one or more of the following actions may be taken:
 1. On-the-spot correction.
 2. Deficiency requiring correction with no further enforcement action.
 3. Letter of Warning (LOW).
 4. Notice of Violation (NOV).
 5. Civil Penalty.
 6. COTP Order (to suspend transfer, prohibit vessels from mooring at facility, etc.).
 7. Action against a facility's COA or General Permit.
 8. Referral to a U.S. Attorney for criminal prosecution (in extreme cases).
- Investigative powers. When Facility Inspectors determine or suspect non-compliance but are unable to conduct an appropriate investigation due to non-cooperation by the facility, they should contact the unit's Investigations Division for assistance. 46 U.S.C. § 70035 authorizes the Secretary to investigate any incident, accident, or act involving damage to a waterfront facility, or which affects or may affect the safety or environmental quality of the ports, harbors, or navigable waters of the United States. Additionally, 46 U.S.C. § 70035(b) gives the Secretary the power to issue subpoenas. While the authority to issue subpoenas to waterfront facilities exists, it must only be exercised by Investigating Officers following unit procedures.

SC01: Facility Security Overview

SC01-01: Discuss the applicability of 33 CFR part 105 to waterfront facilities.

- Apply to the owner or operator of any U.S.:
 1. Facility subject to 33 CFR parts 126, 127 or 154.
 2. Facility that receives vessels certified to carry more than 150 passengers, except those vessels not carrying and not embarking or disembarking passengers at the facility.

3. Facility that receives subject to the international Convention for Safety of Life at Sea, 1974, Chapter XI.
4. Facility that receives foreign cargo vessels greater than 100 gross tons.
5. Facility that receives US cargo vessels, greater than 100 gross tons, subject to 46 CFR Chapter I, subchapter I, except for those facilities that receive only commercial fishing vessels inspected under 46 CFR part 105.
6. Barge fleeting facility that receives barges carrying, in bulk, cargoes regulated by 46 CFR chapter I, subchapters D or O, or Certain Dangerous Cargoes.

SC01-02: Discuss applicability of Maritime Transportation Security Act (MTSA) to facilities that are not required to comply with 33 CFR 105.

- Determined by MTSA to be low risk:
 1. A facility owned or operated by the US that is used primarily for military purposes.
 2. An oil and natural gas production, exploration or development facility regulated by 33 CFR parts 126 or 154 if:
 - *The facility is engaged solely in the exploration, development or production of oil and natural gas.
 - *The facility does not meet or exceed the operating conditions in 33 CFR 106.105.
 3. A facility that supports the production, exploration or development of oil and natural gas regulated by 33 CFR 126 or 154 if:
 - *The facility is engaged solely in the support of exploration, development or production of oil and natural gas and transports or stores quantities of hazardous materials that do not meet or exceed those specified in 49 CFR 172.800(b)(1) through (b)(6).
 - *The facility stores less than 42,000 gallons of cargo regulated by 33 CFR 154.
 4. A mobile facility regulated by 33 CFR 154.
 5. An isolated facility that receives materials regulated by 33 CFR 126 or 154 by vessel due to the lack of road access to the facility and does not distribute the material through secondary marine transfers.

SC01-03: Discuss Public Access Area (PAA) and requirements for security measures for access control.

- Public Access Area is a defined space within a facility that is open to all persons and provides pedestrian access through the facility from public thoroughfares to the vessel.
- Security measures for access control:
 1. Deter the unauthorized introduction of dangerous substances and devices, including any device intended to damage or destroy persons, vessels, facilities, or ports.
 2. Secure dangerous substances and devices that are authorized by the owner or operator to be on the facility.
 3. Control access to the facility.
 4. Prevent an unescorted individual from entering an area of the facility that is designated as a secure area unless the individual holds a duly issued TWIC and is authorized to be in the area.

SC01-04: Discuss Public Access Facilities (PAF) and requirements for PAF's.

- Public Access Facility means a facility:
 1. That is used by the public primarily for purposes such as recreation, entertainment, retail, or tourism, and not receiving vessels subject to 33 CFR 104.
 2. That has minimal infrastructure for servicing vessels subject to 33 CFR 104.
 3. That receives only:
 - *Vessels not subject to 33 CFR 104
 - *Passenger vessels, except:
 - +Ferries certificated to carry vehicles
 - +Cruise ships
 - +Passenger vessels subject to SOLAS Chapter XI-1 or SOLAS Chapter XI-2.

SC01-06: Discuss the purpose, process, and requirements for a facility to be exempted from certain parts of 33 CFR part 105.

- An owner or operator of any barge fleeting facility subject to 33 CFR 105 is exempt from complying with 33 CFR 105.265, Security measures for handling cargo and 33 CFR 105.270, Security measures for delivery of vessel stores and bunkers.
- A public access area designated under 33 CFR 105.106 is exempt from the requirements for screening of persons, baggage and personal effects and identification of persons in 33 CFR 105.255(c), (e)(1), (e)(3), (f)(1), and (g)(1) and 33 CFR 105.285(a)(1).
- An owner or operator of any general shipyard facility as defined in 33 CFR 101.105 is exempt from requirements unless:
 1. Is subject to parts 126, 127 or 154.
 2. Provides any other service to vessels subject to part 104 not related to construction, repair, rehabilitation, refurbishment, or rebuilding.

SC01-07: Discuss the purpose, process, and requirements for a facility to be granted a waiver from any requirement in 33 CFR part 105.

- Any facility owner or operator may apply for a waiver of any requirement that the owner or operator considers unnecessary considering the nature or operating conditions of the facility, prior to operating. A request for a waiver must be submitted in writing.
- The Commandant may require the facility owner or operator to provide data for use in determining the validity of the requested waiver.
- The Commandant may grant in writing a waiver with or without conditions only if the waiver will not reduce the overall security of the facility, its employees, visiting vessels or ports.

SC01-08: Discuss the difference between an exemption and a waiver.

- Exemption: An exemption is the process of freeing or state of being free from an obligation or liability imposed on others.
- Waiver: A waiver is a legally binding provision where either party in a contract agrees to voluntarily forfeit a claim without the other party being liable.

SC01-09: Discuss the purpose, process, and requirements for a facility to be authorized to operate under an equivalent security measure for any requirement of 33 CFR parts 104, 105 or 106.

- For any measure required by 33 CFR 104, 105, or 106, the owner or operator may substitute an equivalent security measure that has been approved by the Commandant. The Commandant may require that the owner or operator provide data for use in assessing the effectiveness of the proposed equivalent security measure.
- Requests for approval of equivalent security measures should be made to the appropriate plan approval authority under 33 CFR 104, 105 or 106.

SC01-10: Discuss the difference between a Facility Security Plan (FSP) and Alternative Security Program (ASP), and the approval authorities for each.

- Facility Security Plan means the plan developed to ensure the application of security measures designed to protect the facility and its servicing vessels or those vessels interfacing with the facility, their cargoes, and persons on board at the respective MARSEC Levels.
- Alternative Security Program means a third-party or industry organization developed standard that the Commandant has determined provides an equivalent level of security to that established in 33 CFR 101.

SC01-11: Discuss procedures to follow upon receipt of a FSP, including making proper notification of receipt to submitter.

- The owner or operator of each facility currently in operation must either:
 1. Submit 1 copy of their FSP for review and approval to the COTP and a letter certifying that the FSP meets applicable requirements.
 2. If intending to operate under an Approved Security Program, a letter signed by the facility owner or operator stating which approved Alternative Security Program the owner or operator intends to use.

- Owners or operators of facilities not in service on or before December 31, 2003, must comply with requirements 60 days prior to beginning operations or by December 31, 2003, whichever is later.
- The COTP will examine each submission for compliance and either:
 1. Approve it and specify any conditions of approval, returning to the submitter a letter stating acceptance and any conditions.
 2. Return it for revision, returning a copy to the submitter with brief descriptions of the required revisions.
 3. Disapprove it, returning a copy to the submitter with a brief statement of reasons for disapproval.
- An FSP may be submitted and approved to cover more than 1 facility where they share similarities in design and operations, if authorized and approved by each COTP.
- Each facility owner or operator that submits 1 FSP to cover 2 or more facilities of similar design and operation must address facility-specific information that includes the design and operational characteristics of each facility and must complete a separate Facility Vulnerability and Security Measures Summary (Form CG-6025) for each facility covered by the plan.
- A FSP that is approved by the COTP is valid for 5 years from date of approval.

SC01-13: Review and process FSP amendments.

- Amendments to a FSP that is approved by the COTP may be initiated by:
 1. The facility owner or operator.
 2. The COTP upon a determination that an amendment is needed to maintain the facility's security. The COTP, who will give the facility owner or operator written notice and request that the facility owner or operator propose amendments addressing any matters specified in the notice. The facility owner or operator will have at least 60 days to submit its proposed amendments. Until amendments are approved, the facility owner or operator shall ensure temporary security measures are implemented to the satisfaction of the COTP.
 3. Proposed amendments must be submitted to the COTP. If initiated by the facility owner or operator, the proposed amendment must be submitted at least 30 days before amendment is to take place unless COTP allows a shorter period.

SC01-14: Discuss how an ASP is approved by the Commandant and verified for implementation by the COTP.

- The ASP must be submitted to the Commandant for review and approval. The following information to assess the adequacy of the proposed ASP:
 1. A list of the vessel and facility type that the ASP is intended to apply.
 2. A security assessment for the vessel or facility type.
 3. Explanation of how the ASP addresses the requirements of 33 CFR 104, 105, or 106, as applicable.
 4. Explanation of how owners and operators must implement the ASP in its entirety, including performing an operational and vessel or facility specific assessment and verification of implementation.
- An ASP approved is valid for 5 years from date of approval.

SC01-15: Discuss the purpose, requirements, and use of a Declaration of Security (DoS).

- Declaration of Security means an agreement executed between the responsible Vessel and Facility Security Officer (FSO), or between Vessel Security officers (VSO) in the case of a vessel-to-vessel activity, that provides a means for ensuring that all shared security concerns are properly addressed, and security will remain in place throughout the time a vessel is moored to the facility or the duration of the vessel-to-vessel activity. The facility owner or operator must ensure that there are measures for interfacing with vessels at all MARSEC Levels with the DoS.
- At MARSEC Level 1, a facility receiving a cruise ship or manned vessel carrying Certain Dangerous Cargo, in bulk, must comply with the following:

1. Prior to the arrival of a vessel to the facility, the Facility Security Officer and Master, Vessel Security Officer, or their designated representatives must coordinate security needs and procedures and agree upon the contents of the DoS for the period of time the vessel is at the facility.
 2. Upon arrival of the vessel at the facility all must sign the written DoS. Neither the facility nor the vessel may embark or disembark passengers nor transfer cargo or vessel stores until the DoS is signed.
- At MARSEC Levels 2 and 3, the FSOs, or their designated representatives, of facilities interfacing with manned vessels subject to 33 CFR 104 must sign and implement DoSs.
 - At MARSEC Levels 1 and 2, FSOs of facilities that frequently interface with the same vessel may implement a continuing DoS for multiple visits provided that:
 1. The DoS is valid for a specific MARSEC Level.
 2. The effective period at MARSEC Level 1 does not exceed 90 days.
 3. The effective period at MARSEC Level 2 does not exceed 30 days.
 - When the MARSEC Level increases beyond that contained in the DoS, the continuing DoS is void and a new DoS must be executed.
 - A copy of all currently valid continuing DoSs must be kept with the FSP.
 - The COTP may require, at any time, at any MARSEC Level, any facility to implement a DoS with the VSO prior to any vessel-to-facility interface when deems necessary.

SC01-16: Discuss the purpose of the Transportation Worker Identification Credential (TWIC).

- The TWIC program means those procedures and systems that a vessel, facility, or outer continental shelf facility (OSC) must implement in order to assess and validate TWICs when maintain access control.
- **Discuss the required actions by an owner/operator upon discovering a possible invalid/fraudulent TWIC card.**
 1. Detain individual.
 2. Contact USCG.
- **Discuss the Coast Guard investigation procedures following a discovery of a suspected invalid/fraudulent TWIC.**
 1. The CG will advise the owner/operator of the vessel/facility whether an inspector will arrive to investigate the TWIC.
 2. CG may attempt to verify TWIC using a handheld reader.
 3. CG may take custody of suspect.

SC01-17: Discuss Maritime Security (MARSEC) levels and requirements at each MARSEC level.

- MARSEC Levels advise the maritime community and the public of the level of risk to maritime elements of the national transportation system. Ports, under the direction of the local COTP, will respond to changes in the MARSEC Level by implementing the measures specified in the AMS Plan. Similarly, vessels and facilities shall implement measures specified in their security plans for the applicable MARSEC Level.
- MARSEC Level 1 means the level for minimum appropriate protective security measures shall be always maintained.
- MARSEC Level 2 means the level for which appropriate additional protective security measures shall be maintained for a period because of heightened risk of a transportation security incident.
- MARSEC Level 3 means the level for which further specific protective security measures shall be maintained for a limited period of time when a transportation security incident is probable or imminent, although it may not be possible to identify the specific target.

SC01-18: Discuss MARSEC directive(s) that have been issued for the port.

- MARSEC Security Directive means an instruction issued by the Commandant, or delegee, mandating specific security measures for vessels and facilities that may be involved in a transportation security incident.

SC01-20: Discuss the control and compliance measures a COTP may impose for facilities not in compliance.

- The COTP may exercise authority pursuant to 33 CFR parts 6, 160 and 165, as appropriate, to rectify non-compliance. COTPs or their designees are the officers duly authorized to exercise control and compliance measures.
- Control and compliance measures for facilities not in compliance may include, but are not limited to, one or more of the following:
 1. Restrictions on facility access.
 2. Conditions on facility operations.
 3. Suspension of facility operations.
 4. Lesser administrative and corrective measures.
 5. Suspension or revocation of security plan approval, thereby making that facility ineligible to operate in, on, under or adjacent waters subject to the jurisdiction to US.

SC01-21: Discuss the four levels of enforcement governing the rules and regulations in Reference (a).

- The 4 levels of enforcement are the CG-835F, the Letter or Warning or LOW, The notice of violation or NOV, and a Civil Penalty.

SC02: Facility Security Inspection

SC02-12: Discuss procedures to follow for a report of Suspicious Activity (SA).

- Determining and Conducting Response to BoS and SA reports.
- A prompt and focused preliminary assessment is necessary for all reports of BoS or SA. The preliminary assessment shall be conducted by a Coast Guard Inspector and should attempt to determine the intent, the actual threat, and the adequacy of the prevention and response measures taken by the facility/vessel. The results of the preliminary assessment will determine the appropriate Coast Guard response actions.
- A qualified Coast Guard Facility Inspector should investigate and document a report of BoS or SA at a waterfront facility. Any investigative efforts by Coast Guard Intelligence personnel should be coordinated with a qualified Coast Guard Facility or Vessel Inspector who understands Coast Guard MTSA authority. Consult a Coast Guard Marine Inspector (MI) if a foreign or domestic vessel is involved with the reported facility BoS or SA. A qualified Vessel Inspector should investigate and document a report of BoS or SA onboard a foreign or domestic vessel. Consult an Investigating Officer (IO) if a credentialed mariner is involved. Port Security Specialists may also provide technical assistance as appropriate.
- **Notification of suspicious activities.** An [owner or operator](#) required to have a security plan under part 104, 105, or 106 of this subchapter shall, without delay, report activities that may result in a [transportation security incident](#) to the National Response Center at the following toll free telephone: 1-800-424-8802, direct telephone 202-267-2675, or TDD 202-267-4477. Any other person or entity is also encouraged to report activities that may result in a [transportation security incident](#) to the National Response Center.
- Sector Command Center will receive initial report from NRC.
- Create a MISLE Notification for each report of a BoS or SA (facility or vessel) as soon as possible after it is reported from the NRC, (this shall be completed by the SCC).
- Enter SA reports as a Suspicious Activity under Incident Management/Security to capture post follow-up information.
- Document a verified BoS in MISLE as a Security Breach under Incident Management/Security.
- d. If the Coast Guard determines no BoS has occurred, no additional MISLE documentation is necessary, and the inspector may close the incident. If the reported BoS is actually SA, enter it in MISLE as a Suspicious Activity under Incident Management/Security.
- For follow up and documentation, categorize a BoS as “intentional” or “unintentional” in the Facility/Vessel Inspection, Security Breach narrative.

SC02-13: Discuss procedures to follow for a report of a Breach of Security (BoS).

- Breach of Security means an incident that has not resulted in a transportation security incident, in which security measures have been circumvented, eluded, or violated.
- *Notification of breaches of security.* An [owner or operator](#) required to have a security plan under parts 104, 105, or 106 of this subchapter shall, without delay, report breaches of security to the National Response Center via one of the means listed above.
- Determining and Conducting Response to BoS and SA reports.
- A prompt and focused preliminary assessment is necessary for all reports of BoS or SA. The preliminary assessment shall be conducted by a Coast Guard Inspector and should attempt to determine the intent, the actual threat, and the adequacy of the prevention and response measures taken by the facility/vessel. The results of the preliminary assessment will determine the appropriate Coast Guard response actions.
- A qualified Coast Guard Facility Inspector should investigate and document a report of BoS or SA at a waterfront facility. Any investigative efforts by Coast Guard Intelligence personnel should be coordinated with a qualified Coast Guard Facility or Vessel Inspector who understands Coast Guard MTSA authority. Consult a Coast Guard Marine Inspector (MI) if a foreign or domestic vessel is involved with the reported facility BoS or SA. A qualified Vessel Inspector should investigate and document a report of BoS or SA onboard a foreign or domestic vessel. Consult an Investigating Officer (IO) if a credentialed mariner is involved. Port Security Specialists may also provide technical assistance as appropriate.
- Report to the NRC.
- Sector Command Center will receive initial report from NRC.
- Create a MISLE Notification for each report of a BoS or SA (facility or vessel) as soon as possible after it is reported from the NRC, (this shall be completed by the SCC).
- Enter SA reports as a Suspicious Activity under Incident Management/Security to capture post follow-up information.
- Document a verified BoS in MISLE as a Security Breach under Incident Management/Security.
- d. If the Coast Guard determines no BoS has occurred, no additional MISLE documentation is necessary, and the inspector may close the incident. If the reported BoS is actually SA, enter it in MISLE as a Suspicious Activity under Incident Management/Security.
- For follow up and documentation, categorize a BoS as “intentional” or “unintentional” in the Facility/Vessel Inspection, Security Breach narrative.

SC02-14: Discuss procedures to follow for a report of a Transportation Security Incident (TSI).

- Transportation Security Incident (TSI) means a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area.
- *Notification of transportation security incident (TSI).*
 - (1) Any [owner or operator](#) required to have a security plan under part 104 or 105 of this subchapter shall, without delay, report a [TSI](#) to their local [COTP](#) and immediately thereafter begin following the procedures set out in their security plan, which may include contacting the National Response Center via one of the means listed in [paragraph \(a\)](#) of this section.
 - (2) Any [owner or operator](#) required to have a security plan under [part 106](#) of this subchapter shall, without delay, report a [TSI](#) to their cognizant [District Commander](#) and immediately thereafter begin following the procedures set out in their security plan, which may include contacting the National Response Center via one of the means listed above.
- Follow up procedures for a report of a TSI: If a TSI has occurred then the commandant will raise the MARSEC levels.
- At this point, it is going to be Facilities job to ensure all of the facilities in the sectors AOR are all operating in accordance with the corresponding MARSEC level.
- This will all be documented in MISLE.