



16711/DECK TANKS
14 October 1999

From: Commander, Eighth Coast Guard District
To: Distribution

Subj: OVERFILL PROTECTION REQUIREMENTS FOR DECK MOUNTED TANKS

Ref: (a) 33 CFR 155.480
(b) Interim Final Rule, Federal Register 53286 dated 21 Oct 94, Overfill Devices

1. PURPOSE: This letter distributes policy regarding the enforcement of regulations in reference (a) which require overfill protection for all cargo tanks and will ensure that all Officers In Charge, Marine Inspection (OCMIs) will consistently enforce these requirements. In particular, this policy letter focuses on the enforcement of these regulations for deck mounted tanks, often found on those tank barges performing midstream fueling operations.

2. DISCUSSION:

a. During a recent appeal, it became apparent that within the Eighth District there is inconsistent enforcement of overfill protection requirements set forth in reference (a) as they apply to deck mounted tanks carrying oil residues as cargo. Some zones require the tanks to have overfill protection while others do not. Those zones which do not require overfill protection for these types of tanks take this position primarily based on the wording in the preamble in reference (b) which states the following:

"Two comments asked that the regulations not apply to deck tanks used to store barge generator and pump fuel, or oil slops. The regulations only require installation of overfill devices on cargo tanks. Deck tanks used for slops and barge generator and pump fuel are not covered by the regulations."

b. Oil, for the application of 33 CFR 155.480, is defined by 33 CFR 151.05 as "petroleum in any form including crude oil, fuel oil, sludge, oil refuse, and refined products." Additionally, 33 CFR 155.480(b) states that each tank vessel with a cargo capacity of 1,000 or more cubic meters (approximately 6290 barrels) of loading oil or **oil residue** must have one overfill device that is permanently installed on each cargo tank.

c. The tanks that are the primary focus of this policy letter are used to transport lube oil to, and bilge slops (oil residue) from, their customers' vessels. The primary function of these tanks is to transport oil in bulk; these tanks are therefore considered cargo tanks for the intents and purposes of applying overfill protection requirements of reference (a).

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d. Despite the apparent conflict between the preamble text in reference (b) and the regulation as it applies to oil slops carried in a deck tank on a barge, the preamble does state that overfill devices are required for **cargo** tanks. If oil or oil residue, such as bilge slops, are carried as cargo in these tanks, overfill protection would be required by the regulations in reference (a) and supported by the preamble in reference (b).

3. ACTION:

a. All OCMI's are to consider deck tanks to be cargo tanks if they are used to carry oil or oil residue as cargo. The oil slops which originate from the bilges of **other** vessels and are being transported via barge in integral, independent, or deck mounted tanks as part of a barge's commercial service, are considered bulk oil cargo.

b. All OCMI's are to require overfill protection for deck mounted cargo tanks in accordance with the regulations in 33 CFR 155.480 if the tank barge cargo capacity, inclusive of any deck mounted cargo tanks, is 1000 cubic meters or more (approximately 6290 barrels).

c. In lieu of installing overfill devices in the deck tanks as required by 33 CFR 155.480, OCMI's may accept alternatives which provide an equivalent level of safety and protection. Before granting equivalencies to required overfill devices, OCMI's should conduct a vessel by vessel risk assessment which considers, as a minimum, the following issues:

(1) Written transfer procedures which outline filling and discharge procedures for deck tanks;

(2) Location of shutdown for system being used to fill deck tanks relative to the location of the PIC/tankerman when filling deck tanks;

(3) Fill rate for deck tank filling operations, piping configurations, tank gauging procedures and arrangements, manifold locations; and

(4) Spill containment around deck tanks or around vents/filling openings for the deck tanks.

d. If an OCMI finds that a vessel owner/operator has adequately addressed the above issues and has procedures and systems in place which, in combination, can be considered to be equivalent to the overfill devices required in 33 CFR 155.480, the company should be notified in writing and an inspection note should be entered in MSIS.

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e. An equivalency permitted by one OCMI is to be accepted by all other OCMI's in the Eighth District. In cases where an OCMI has found just cause to question the continued validity of the equivalency due to obvious changes to systems or non-adherence to procedures, the OCMI should issue a CG-835 for the company to have the equivalency reassessed or to install the required overfill devices.



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By direction

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