

# OPA 90 ISSUES

The following questions and answers deal with recent interpretations and policy decisions regarding OPA 90.

1. **Question:** Can a single hull tank vessel reduce its gross tonnage in order to gain additional operational life under OPA 90 ?

**Answer:** No. OPA 90 has been modified by the Freylinghuysen Amendment which states that a tank vessel's gross tonnage as of July 1, 1997 is to be the gross tonnage of the vessel for the remainder of its operational life for the purpose of applying OPA 90. A tank vessel may reduce its gross tonnage for other reasons (taxes, port fees, etc.) but these reductions will have no impact on the vessel's OPA 90 phase out date unless the tonnage reductions are part of a hull configuration change resulting in a double hulled vessel that meets the requirements of OPA 90 in all respects.

2. **Question:** Can a single hull tank vessel add only a double bottom or double sides and have this new hull configuration count for additional years of operational life under OPA 90 ?

**Answer:** It depends on the resulting hull configuration. If a vessel owner adds double sides or a double bottom to an existing single hull tank vessel and the resulting hull configuration falls short of a full double hull, this new hull configuration will not be considered toward its OPA 90 phase out date. Its phase out date as a single hull tank vessel would still apply. However, if a vessel owner adds double sides or a double bottom to an existing tank vessel and the new hull configuration meets OPA 90 double hull requirements in all respects (e.g. a tank vessel with an existing double bottom adds double sides and the double hull requirements of OPA 90 are met in all respects) then the vessel would be considered to be a double hull vessel. This policy was published by the Coast Guard in the Federal Register on April 21, 1999.

3. **Question:** May I convert my crude or product carrier to a chemical carrier and continue to operate in U.S. waters ?

**Answer:** Yes. The converted vessel must meet all of the hull, venting, tank coating, piping, fire fighting, cargo segregation, etc. requirements of chemical carrier. The vessel must be surveyed and its documents (e.g., IOPP Certificate) changed to reflect its new service.

4. **Question:** Can a double bottomed chemical carrier take its side tanks out of service and carry OPA 90 regulated cargoes in its center tanks ?

**Answer:** Yes. The Coast Guard has determined that a chemical carrier that has a full double bottom, and when its side tanks are empty, clean and gas free meets the OPA 90 double hull criteria in all respects, may carry OPA 90 regulated cargoes in its center tanks. Any vessel owner considering doing this should contact the Officer-in-Charge, Marine Inspection (OCMI) at the port they intend on doing this and discuss the operational measures to be implemented.

5. **Question:** What products are considered oils for OPA 90?

**Answer:** For OPA 90, the Federal Water Pollution Control Act serves as the defining reference for oils. The most common oils are the various petroleum oils, but OPA 90 regulated oils also include non-petroleum oils such as turpentine and various animal and vegetable oils when carried in bulk by tank vessels. Follow this link to the current list of products considered oil by OPA 90:

*<http://www.uscg.mil/orp/oil.htm>*

6. **Question:** Where can I find the OPA 90 phase out schedule for single hull tank vessels ?

**Answer:** Guidance on the phase out schedule for existing single hull tank vessels carrying oil in bulk is available at:

*[http://www.uscg.mil/hq/g-m/nvic/10\\_94/n10-94.htm](http://www.uscg.mil/hq/g-m/nvic/10_94/n10-94.htm)*

7. **Question:** Can operational measures, such as those in MARPOL Annex I, Regulation 13G, be taken by a tank vessel owner in lieu of converting the vessel to double hull ?

**Answer:** No. The U.S. does not agree that MARPOL Annex I, Regulation 13G s operational measures to reduce the outflow of oil that results from a grounding or collision are equivalent to a double hull.

8. **Question:** May a tank vessel that is past its OPA 90 phase out date still lighter at a designated lightering zone within the U.S. Exclusive Economic Zone (EEZ) in the Gulf of Mexico, or discharge at a licensed deepwater port (e.g., the LOOP) ?

**Answer:** A tank vessel may continue to conduct lightering operations in designated lightering zones, or discharge at a licensed deepwater port beyond the vessel s OPA 90 phase out date until January 1, 2015. Other than a foreign vessel on innocent passage on the navigable waters of the U.S., a tank vessel may not carry oil in U.S. waters for any other reason, if it is beyond its OPA 90 phase out date.

9. **Question:** Are there special requirements (e.g., hydrostatically balanced loading (HBL)) for a single hulled tanker to lighter in the U.S. EEZ ?

**Answer:** No.

10. **Question:** Does a foreign flag tank vessel need a Tank Vessel Exam Letter (TVEL) or a Letter of Compliance (LOC) to lighter within the U.S. Exclusive Economic Zone (EEZ), or discharge at a licensed deepwater port (e.g., the LOOP) ?

**Answer:** Yes.

11. **Question:** Can a foreign flag tank vessel be examined for a TVEL or LOC in a foreign port.

**Answer:** Yes. A recent change in Coast Guard policy allows a foreign flag tank vessel owner to request a TVEL or an LOC at a location in the area of responsibility of U.S. Coast Guard Activities, Europe (ACTEUR) or U.S. Coast Guard Far East Asia, Activities (FEACT) - this covers most of Europe, Asia and Africa. The tank vessel s management company must request the examination directly from either of these offices. There are three fees associated with the examination of a foreign flag tank vessel in a foreign port - the user fee, the overseas examination fee, and the reimbursable travel costs for the Coast Guard inspector(s). These examinations will be conducted, work load permitting, after the tank vessel s management company has presented reasonable proof to ACTEUR or FEACT of past or future cargo operations in U.S. waters.

12. **Question:** Where can I find more information about Vessel Response Plans (VRP)?

**Answer:** Follow this link to the VRP Frequently Asked Questions (FAQ) page:

*<http://www.uscg.mil/vrp/faq.htm>*

13. **Question:** 33 CFR 155.205 requires certain oil spill removal equipment on board tankships. Is there a list of approved equipment? Can a rubberizer product be considered a sorbent and emulsifier?

**Answer:** There is no list of approved spill removal equipment for use on board tankships. Rubberizers or coagulants are acceptable, among many other products, for use on deck spills. However, rubberizers or coagulants may not be used on spilled oil that is in the water, nor should any of these products be used on oil that is likely to enter the water.