

Ship to Ship Transfer Operations

Introduction

The United Kingdom Marine Accident Investigation Branch (MAIB) recently published a report on its investigation into a collision between two oil tankers on 10th August 2009, off the south-eastern coast of the UK, following a ship to ship (STS) transfer operation. The collision occurred at very slow speed and the resulting damages were slight, one vessel suffering damages to a lifeboat and davit, the other being undamaged. The crews of both ships were uninjured and there was no pollution.

The number of STS operations in this area (off Southwold) increased considerably in 2009¹ and this incident was the third within six weeks; a further two collisions occurred subsequently. Although STS operations world-wide are reported to have a good safety record, and the accidents off Southwold were relatively minor, their frequency has given cause for concern.

The MAIB report found, in general, that the guidance for qualifications and training of superintendents contained in the ICS/OCIMF² publication "Ship to Ship Transfer Guide (Petroleum) 4th Edition" was ambiguous and open to interpretation by service providers. It also found that the guide did not specify the criteria a master should have met before being considered suitable to control an STS transfer. This was considered significant in view of the training guidance suggested for superintendents, even when they are qualified as Master.

In early 2009, prior to this incident, OCIMF initiated the development of "A Guide to Service Providers and Assessment of Suitability" covering operating standards for STS Service Providers and occupational standards for STS Superintendents. This is due to be published in mid 2010. Also, in co-operation with the ICS, OCIMF intends to revise the current STS Transfer Guide to



provide advice on risk assessments and manpower requirements.

OCIMF also intends to include operations between gas carriers and chemical tankers. It is anticipated that this document will be completed by the end of 2011. In view of these initiatives and the actions taken by the Owners of the ships involved in the collision off Southwold in reviewing and revising their STS operations procedures, the MAIB made no further recommendations in their report.

The international regulations for the "Prevention of Pollution during Transfer of Oil at Sea" will come into force on 1st January 2011, via an amendment to the International Convention for the Prevention of Pollution from Ships (MARPOL), in the form of a new Chapter.

In this issue of Risk Alert, the Managers wish to draw the attention of Members, Masters and Officers to the forthcoming regulatory changes and initiatives concerning STS transfers. In addition, and as an example of forthcoming national legislation, the situation with respect to proposed UK law concerning STS transfer is also summarised.

International Regulations

The ICS/OCIMF "Ship to Ship Transfer Guide (Petroleum) 4th Edition" and its checklists are the main references used by the shipping industry's tanker sector for the conduct of STS operations. This is confirmed by the forthcoming international regulation for the "Prevention of Pollution during Transfer of Oil Cargo between Oil Tankers At Sea" which comes into force on 1st January 2011, via an amendment to the International Convention for the Prevention of Pollution from Ships (MARPOL). This amendment consists of the addition of a new chapter 8 to MARPOL Annex 1 and consequential amendments to the supplement to the IOPP Certificate, Form B. The new Chapter 8 includes three Regulations, namely:

Regulation 40 – Scope of Application,

Regulation 41 – General Rules on Safety and Environmental Protection, and

Regulation 42 – Notification.

Regulation 40 states that the regulations contained in Chapter 8 apply to oil tankers of 150GT and above engaged in STS transfer operations of oil cargoes,

¹ MCA records show that from 2006 – 2008 there were less than 60 applications to complete STS transfers. There were in excess of 200 applications in 2009.

² ICS – International Chamber of Shipping; OCIMF – Oil Companies' International Marine Forum.



conducted on or after 1st April 2012³. The regulations will NOT apply to oil transfer operations associated with fixed and floating platforms (including drilling rigs), FPSOs and FSUs; neither will they apply to bunkering operations, STS operations necessary for the safety of life at sea or safety of a ship, nor STS operations involving military vessels, naval auxiliaries, or other State owned and operated vessels. In the case of the latter, the subject State shall ensure, so far as reasonable and practicable, that such operations are conducted in a manner consistent with the new Chapter 8 of MARPOL.

Regulation 41 requires an oil tanker involved in STS operations to carry an STS Operations Plan prescribing how to carry out such operations. This is to be approved by the Flag State Administration and written in the working language of the ship. The STS Operations Plan is to be placed on board no later than the date of the first annual, intermediate, or renewal survey of the ship carried out on or after 1st January 2011. It should be developed taking into account the IMO's "Manual on Oil Pollution Section I, Prevention", and the ICS / OCIMF's "Ship to Ship Transfer Guide, Petroleum", fourth edition, 2005.

The STS Operations Plan may be incorporated into an existing Safety Management System, if SMS is a requirement for the oil tanker in question.

Any oil tanker subject to this Chapter 8 of MARPOL Annex I and engaged in STS operations shall comply with its STS Operations Plan.

The person in overall advisory control of an STS operation will be qualified to undertake all relevant duties, taking into account the qualifications contained in the best practice guidelines for STS operations as identified by the IMO.⁴

Regulation 42. Each oil tanker planning an STS operation within the territorial sea, or the Exclusive Economic Zone (EEZ), of a State that is a Party to the present

Convention shall notify that Party 48 hours in advance of the planned STS operation. The notification will include at least the following:

- name, flag, call sign, IMO Number, and ETA of the oil tanker involved in the STS operations;
- date, time and geographical location of the planned STS operations;
- whether the STS operations are to be carried out at anchor or underway;
- oil type and quantity;
- planned duration of the STS operations;
- identification of the STS operations service provider, or person in overall advisory control and their contact information; and
- confirmation that the oil tanker has on board an "STS Operations Plan" meeting the requirements of Regulation 41.

If the ETA of the oil tanker at the location or area for the STS operations changes by more than 6 hours, the master, owner or agent of that oil tanker shall provide a revised ETA to the Party mentioned in paragraph 1 of Regulation 42.

Proposed UK Regulations

Historically, STS transfers in United Kingdom territorial waters have been carried out in locations off Southwold, (Suffolk), Lyme Bay (Devon/Dorset), as well as in the Harbour Authority areas of Scapa Flow, Nigg and Sullom Voe. Lyme Bay and Southwold were for some time the preferred areas of transfer, but following several years of environmental lobbying, Southwold is presently the United Kingdom's only STS transfer area. Recent trading patterns in Europe and Russia, particularly the increase in trade through European waters of Russian crude oil and heavy fuel oil, have led to an increase in STS transfers in these waters.

Currently, there is no legislation controlling STS operations inside UK territorial waters. However, non-voluntary arrangements have been established between the Maritime and Coastguard Agency (MCA) and the STS service providers. Under these arrangements offshore STS transfers are only conducted in an identified area spanning both the UK's territorial waters and the Exclusive Economic Zone (EEZ) off Southwold. Service providers must notify the MCA at least 72 hours in advance of the commencement of an intended transfer operation.

The proposed regulations prohibit STS oil cargo transfers in UK territorial waters unless carried out in an area controlled by a Statutory Harbour Authority (SHA). SHA's will be required to operate under licence subject to environmental and habitat assessments, and adequate contingency plans being in place. They must comply with the "International Convention on Oil Pollution Preparedness, Response and Co-operation Convention (OPRC) 1990" and the associated domestic legislation under "The Merchant Shipping (OPRC) Regulations 1998".

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³ STS operations carried out before this date, but after approval by the Administration of the STS Operations Plan required under Regulation 41, shall be in accordance of the STS Operations Plan, as far as possible.

⁴ IMO's "Manual on Oil Pollution, Section I, Prevention" and (presently) ICS/OCIMF's "Ship-to Ship Transfer Guide, Petroleum" fourth edition, 2005.