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REPORT OF SUBGROUP C
ON REVIEW OF
THE GREAT LAKES WATER QUALITY AGREEMENT

30 April 1977

Enclosure (2)

Environmental Protection Agency
Region V, Chicago
230 South Dearborn Street
Chicago, Illinois 60604

Report of Subgroup C
on Review of
The Great Lakes Water Quality Agreement

INTRODUCTION

In connection with the Fifth Year Review of the Fifth of the Great Lakes Water Quality Agreement of 1972 (GLWQA), Subgroup C was designated to conduct the review of Article V1. (3)(v) - establish coordinated system of surveillance and Annex 8 (Article V1. (h)) - joint contingency plan. Although two work groups were initially established, the reviews were conducted by a single group.

Two separate two-day meetings were held in Cleveland, Ohio on 3, 4 March 1977 and 25, 26 April 1977. The work group reviewed the "Joint Canadian/United States Coast Guard Report of Progress Towards Achievement of the Goals Established by the Great Lakes Water Quality Agreement of 1972-February 1976." This report, jointly developed by similar joint work groups in Ottawa on 28, 29 January 1976, was used as a ready reference which was revised and updated in light of new or additional information developed during the review sessions.

The discussions of the applicable portions of Article V, GLWQA and Annex 8 which follow lead to the consolidated recommended revisions shown in enclosure (3).

GENERAL CONCLUSIONS

1. Article V1. (e)(v) has been expanded to include aerial surveillance and to more clearly describe the surveillance functions.

2. The Annex 8 recommended revisions include changes to reflect the current title of the Joint Plan and custodians of the Plan, identification of and increased planning for high risk areas and areas of particular concern, and other clarifying changes.

DISCUSSION

1. Coordinated system for surveillance-----Article V1(e)(v)

Subgroups C endorses pages 28 and 29 of the Joint Progress Report of February 1976, attachment (a), which discusses joint activity under this reference. However, the formal surveillance mechanism does not extend to surface as well as aerial surveillance. In making their recommendation, the Subgroup recognized and desired to emphasize, that the intent of Article V1. (e)(v) is to provide for visual observation and prosecution of violators of both countries' water quality statutes and not to provide for actual water quality monitoring as a function of determining the quality of the water. The recommended revision of Article V1(e)(v) has been included in Enclosure (3).

2. Joint Contingency Plan - Annex 8 and Article V1(h).

Subgroup C endorses page 30 of the Joint Progress Report of February 1976, attachment (b), which discusses joint activity under this reference. However, Annex 8 of the Agreement does require revision to provide for:

- a. reflecting the current title of the Joint Plan and custodians of the Plan.
- b. identification of and increased planning for high risk areas and areas of particular concern;

- c. elimination of a misleading term in paragraph 3. (a), i. e. :
"or any other substance" as used within the text of this paragraph is inclusive and when referring to paragraph 4, the inference can be drawn that a Party would bear the cost of operation, no matter what the pollutant. If the term were changed to "or any hazardous polluting substance" it would more clearly conform with the remainder of the Agreement and U. S. Law, i. e. the National Revolving Fund may pay for operations related to hazardous (Polluting) Substance spills at such time as the substances are designated.
- d. elimination of additional misleading terms in paragraph 3(b)(iii). An objective of the Plan is not "to provide adequate equipment to respond to pollution incidents" but to "provide adequate cleanup response" including of course, adequate equipment.

The Subgroup also recommends that the Custodians of the Plan submit a joint semi-annual report to the IJC on Contingency Planning Activities in addition to the current practice of reporting on major pollution incidents. The Subgroup agreed, however, that such reports need not be directed by Annex 8.

The recommended revision of Annex 8 has been included in enclosure (3).

D. Navigational Equipment (Annex 5, paragraphs 1 (a))

Periodic comparisons have been made of the requirements of the several Administrations respecting navigational equipment. It has been established that while variations in specialized equipment fittings are unavoidable, the general equipment requirements are common with the regulations of the U.S.C.G., C.C.G. and S.L.S.A./S.L.S.D.C.

The S.L.S.A./S.L.S.D.C. regulations are the result of a joint agreement between the Administrations of the U.S.A. and Canada, and they reflect compatibility with the intent of the Great Lakes Water Quality Agreement of 1972.

The following list of navigational equipment summarizes the actions taken by each Administration in establishing minimum safe standards.

	<u>U.S.C.G.</u>	<u>S.L.S.A./S.L.S.D.C.</u>	<u>C.C.G.</u>
Magnetic Compass	Required	Required	Required
Gyro Compass	Required	Required	Required
Sounding Equipment	Required	Required	Required
Radar	Required	Required	Required
Internal Communications	Required	Required	Required
VHF Radio	Required	Required	Required
Radio Direction Finder	Not Mandatory	Required	Required
Charts	Required	Required	Required

List of navigational equipment (CONTINUED)

	<u>U.S.C.G.</u>	<u>S.L.S.A./S.L.S.D.C.</u>	<u>C.C.G.</u>
Course Recorder	Not required	Not Required	Required
Maneuvering System Indicators and Appliances	Required	Required	Required

This equipment must be maintained in operating condition and periodically tested.

All mariners are required by the ordinary practice of seamen to make proper use of all navigational equipment. Failure to do so may result in proceedings directed toward revocation or suspension of the mariner's license or certificate.

Consideration is being given to and a Notice of Proposed Rule Making has been published reflecting the possible requirement for all vessels of 1600 GT or more to be fitted with LORAN C receiving equipment. This equipment will facilitate vessel navigation during both normal and ice operations.

E. Manning of Vessels

(reference Annex 5, subparagraph 1 (d))

A review of the United States Coast Guard Rules and Regulations for the licensing and certificating of Merchant Marine personnel and the Canadian Coast Guard standards under the Canada Shipping Act, including the Ship's Deck Watch Regulations, shows a similarity of ship-organization for larger vessels trading in Great Lakes waters. In U. S. and Canadian vessels, all officers in charge of a watch must possess a certificate of competency. It is also considered that the existing manning requirements provide an acceptable minimum standard with regard to towing vessels and to all other vessels navigating in high traffic density and in ice or in any adverse weather condition.

The training and examination systems administered in the U.S.A. and in Canada reflect the intent of the agreement and both exceed acceptable minimum standards. Both countries are revising their examinations from the subjective type to the objective or multiple-choice answer form which will serve to modernize the licensing programs. The standardization of the licensing exam is considered to be a great step forward. Throughout the U. S. every applicant for the same grade of Great Lakes engineer's license receives the same examination which is administered on the same days at a predesignated schedule. The examinations are then graded at a central control area. Although the Great Lakes Masters and Pilots objective type examination has not been fully developed, as yet, an effort is currently underway addressing this area. Questions on tankship safety, pollution control, and engineering safety are provided for in the new examinations and the system permits continual updating as new areas of concern or unsafe conditions are identified through studies or casualty evaluations.

Although the written examination is a necessary tool for determining basic skill qualification, greater emphasis is being placed on the methods of training and retraining for shipboard personnel, particularly in the critical skill areas such as the knowledge and comprehension to load and discharge oil tankers, liquefied gas carriers and hazardous chemical carriers, radar piloting, ship maneuvering and firefighting. Simulator type proficiency Testing and training facilities for radar observer, sponsored by both government and private interests are presently available on all four coasts of the U. S. for use in testing all applicants for original and renewals of deck officer licenses.

Although not specifically required by regulation encouragement has been given and labor/management sponsored facilities providing automated engine room console simulator training and automated cargo control simulator training have been established. In addition, government and private sponsored firefighting schools have been established. In this area the Maritime Administration with the cooperation of the Coast Guard is developing a firefight hand book and standard classroom curriculum. The government sponsored firefighting field exercise training facilities will be expanded in FY 78 with new facilities being constructed one each in the Gulf of Mexico and Great Lakes areas.

A study of casualties involving towing vessels led to the enactment of the Uninspected Towing Vessel Licensing Act in 1972. This act and subsequent regulations have established a minimum requirement for licensed operators on all towing vessels of 26 feet or more in length engaged in the service of towing.

In regard to foreign vessel competency standards, the Coast Guard is active internationally, participating on the IMCO Sub-committee on Standards of Training and Watchkeeping in an effort to establish the highest international standard of qualifications and training for all maritime personnel. A conference to consider the subcommittees draft convention and recommendations is scheduled for the autumn of 1978. These efforts will be reflected in regulatory action which will impact on the crews of foreign vessels navigating the Great Lakes and will meet the objectives of this agreement.

The Ports and Waterways Safety Act of 1972 and implementing regulations have provided the Coast Guard additional authority to control vessels in U. S. waters which includes control of vessels that do not meet the minimum standards considered necessary for the existing circumstances. Under this authority, Navigation Safety Regulations (33 CFR 164) have been promulgated which will become effective 1 June 1977. These regulations impose standards of Performance for the Navigation Watch and require specific navigational equipment to be in operating condition, tested and aboard all vessels entering U. S. navigable waters. The required navigational procedures cover vessel operations underway general, in confined or congested waters and at anchor and are considered substantially compatible with the Canadian Coast Guard Code of Navigating Practices and Procedures (1972 edition).

The vessels navigating the Great Lakes are subject to compulsory pilotage regulations administered under the terms of a separate joint agreement. These regulations are the subject of continuing review to ensure, among other things, their compatibility with the objectives of the Water Quality Agreement. The issuance of "Navigation Certificates ("B" Certificates) by the Canadian Coast Guard has generated concern with respect to whether

or not this practice meets the objective of this agreement. Basically these certificate provide or permits Master of Foreign flag vessels to be their own pilot while transiting the Great Lakes. This issuance of such certificates should be reviewed.

In a continuing effort to keep abreast of rapid changes in technology, numerous studies have been initiated that address the man/machine interface and standards of Qualifications of Personnel responsible for the security and transfer of LNG and Hazardous and Noxious cargoes. Undoubtedly as more knowledge is acquired in the human factors area, additional regulatory efforts to improve safety aboard vessels will be initiated.

Report of Work Group 5

Coordinated System for Surveillance and Enforcement

(reference Article V 1(e) (v))

In July 1975, representatives of the Canadian Coast Guard and United States Coast Guard signed a Memorandum of Understanding Concerning Aerial Surveillance Pursuant to the Great Lakes Water Quality Agreement. This Memorandum of Understanding established a coordinated Canadian/U.S. system for the aerial surveillance of Great Lakes Waters the purpose of which is to abate and control pollution from shipping activities. Pollution noted from other sources is not, of course, exempt from the Agreement.

Under this programme of aerial surveillance the waters of all five Great Lakes and their connecting waterways are patrolled, on a regular basis throughout the shipping season, by aircraft of the Canadian or United States Coast Guard which are manned by persons experienced in the identification of pollution from shipping activities.

Included in the Agreement is a mechanism for the expedient notification of cognizant enforcement officials, whether Canadian or U.S., which is compatible with the rapid alerting system established in the Joint Canada/U.S. Marine Pollution Contingency Plan.

Both the Canadian and U.S. Coast Guard have pre-designated specific officials, called Pollution Prevention Officers and Captains of the Ports respectively, who are strategically located throughout the Great Lakes. These officials are charged with enforcement of pollution prevention regulations, investigation of and removal action on all pollution incidents reported from any source and the initiation of legal action for contravention of pertinent legislation or regulations. A close liaison and

exchange of information is maintained between the Canadian and United States Coast Guard toward effective investigative and enforcement activities.

The Agreement has been formally presented to the International Joint Commission. Copies of applicable legislation and regulations have also been deposited with the Commission.

While not included in the formal Agreement, incidents of pollution observed by Canadian and U.S. Coast Guard surface vessels are also reported in consonance with the Agreement.

Report of Work Group 6

Contingency Plan

(reference Article V 1(h) and Annex 8)

The Joint Canada - United States Marine Pollution Contingency Plan, signed 20 June, 1974, provides for coordinated and integrated response to pollution incidents by federal, state, provincial and regional contingents of both Parties. The Plan provides for pre-designated On-Scene-Commanders and Deputy On-Scene-Commanders who coordinate the response activities to spills and for a Joint Response Team to provide advice and assistance to the On-Scene-Commanders. It establishes alerting and notification procedures, command structure, post clean-up requirements and arrangements for assuming the responsibility for the cost of operations. The Plan replaced the 1971 Joint U.S./Canadian Oil and Hazardous Materials Pollution Contingency Plan for the Great Lakes Region.

It is the view of both the Canadian and U.S. Coast Guard that emergencies in recent years, for which provisions of the Plan were invoked and the Joint Resource Team activated, resulted in prompt, direct and decisive action by all concerned. The Canadian Coast Guard Emergency Office in the Central Region and the Marine Environmental Protection Branch in the office of Commander, Ninth U.S. Coast Guard District enjoy a close and harmonious relationship which has resulted not only in prompt invocation of the Plan but frequent reviews and recommendations for change, communication exercises and a frequently updated directory of cognizant personnel.

A copy of the Plan has been deposited with the International Joint Commission.

Environment Canada
Region V, 100
200 South Dearborn Street
Chicago, Illinois 60604

