

## Pollution Control

---

9.1 *Organization and Responsibility, p.1*

---

9.2 *Definitions, p. 3*

---

9.3 *Pollution Control, p. 3*

---

9.4 *Catastrophe Insurance, p. 5*

---

9.5 *Panama Canal Ship Oil Pollution Emergency Plan (PCSOPEP), p. 6*

---

### 9.1 Organization and Responsibility

**a. Oil and Hazardous Materials Contingency Plan:** The Executive Vice Presidency for Operations pollution control policy is guided by the Panama Canal Authority's Contingency Plan. All efforts to confine, contain and cleanup oil and hazardous materials spills are to be achieved under the response protocols outlined in this plan.

**b. Canal Operations Captain:** The Executive Vice President for Operations or his designee, the Canal Operations Captain (COC), has the overall responsibility of responding to emergency situations aboard vessels in the Canal operation compatibility area and adjacent waters. As such, he acts as incident commander for oil or hazardous materials spills affecting navigation in Canal waters. He makes decisions regarding whether or not a ship should move or continue transiting, taking into account the well-being of human health, the environment, and Canal operations. He also determines at what point a ship no longer represents a hazard to future Canal navigation operations.

**c. Marine Safety:** The Transit Operations Division is responsible for maritime safety aspects of vessels, hazardous cargo, marine environment protection, and industrial

health at the site of spill. The Canal Port Captain's office chemist assists the Canal Operations Captain, as directed, in support of the implementation of the emergency reaction plan. Advises on properties of products and their effects on the water and the atmosphere and prepares incident reports for gaseous and chemical pollution from docking and transiting ships.

**d. *Transit Resources Division:*** Responsible for providing the Canal Operations Captain with floating equipment and personnel support, as directed.

**e. *Prevention and Spill Control Section:*** Responsible for administering, through its Planning and Emergency Response Unit (OPPD-P), the ACP Contingency Plan and providing trajectory models for identification of environmental concerns during pre-planning and actual spills. This section also provides, through its Oil Pollution Control Unit (OPPD-C), the mobilization of resources to mitigate oil spill incidents in land-based or Canal related operations.

**f. *Security and Emergency Response Division:*** Responsible for containing, controlling and extinguishing fires, and assisting in personnel evacuation. In addition, the division, is responsible for:

(1) On-scene response as necessary in the event of oil spills, determine the flammability of the oil product and assist in initiating oil spill mobilization and cleanup if oil spill is in locks area.

(2) The management of the physical response in the event of hazardous materials spill, the on site management/coordination of activities including establishment of hot zones, entry, backup, decontamination and safety responsibilities concerning field operations associated with the division response activities.

(3) The Security and Emergency Response Division Executive Manager acts as incident commander for hazardous materials spills not affecting Canal navigation.

**g. *Industrial Hygiene and Safety Unit (RHSH):*** Responsible for providing assistance with Marine Chemists and Industrial Hygienists, for incident assessment, determining nature and extent of polluted areas and appropriateness of respiratory protection equipment and additional instrumentation.

**h. *Fire Section (OPPB):*** Responsible for providing first-aid treatment to employees exposed to hazardous substances. Occupational illnesses and injuries will be referred to appropriate medical care.

**i. *Vessels in Canal Operation Compatibility Area:*** Responsible for compliance with *ACP Sanitation Regulations, Annex, Article 40*, which establishes that no vessel shall discharge or throw into the water of the Canal operating area any ballast, ashes, cinders, boxes, straw, paper or other solid matter, including garbage; nor discharge heavy slops, engine or fire room bilge water, oil or any other matter that will tend to deface or make the waters of the Canal operation area unsanitary.

**j. Pilot in charge of vessel:** Responsible for reporting to MTC the discharge of oil or any other substance from his or other vessel or any other source, as soon as possible.

## 9.2 Definitions

**a. Spill:** Is a discharge of any kind of oil or any other hazardous substance. Spills are classified as major, medium or minor depending on the volume discharged in a given area.

**b. Discharge:** Includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, or dumping of oil or any other hazardous substances.

**c. Hazardous Material:** Any non-oil element or compound, which because of its quantity, concentration, or physical, chemical, radiological, or infectious characteristics, may cause, or significantly present a potential hazard to public health, wildlife, fish, or the environment when spilled. This also includes hazardous wastes.

**d. Canal Operation Compatibility Area:** Described as a continuous area generally following the course of the Panama Canal, and generally contiguous to it, running from the Atlantic to the Pacific. It includes the Atlantic entrance and its anchorage areas, the port of Cristobal, Gatun Locks, Gatun Dam, Gatun Spillway, Gatun power station, portions of Gatun Lake, Culebra Cut, Pedro Miguel Locks, Miraflores Lake, Miraflores Locks, Miraflores Spillway, Miraflores Filtration Plant, Miraflores power station, the Port of Balboa, the Pacific entrance and its anchorage areas, as well as the land and water areas encompassing them.

## 9.3 Pollution Control

**a. Standard procedure for reporting spills:** The ACP Contingency Plan provides guidance and specifies reporting procedures for most types of marine emergencies, including oil and chemical spills.

**b.** Regardless of the source or size, oil spills shall be reported immediately upon discovery to the Oil Spill Report Center, in the following manner:

(1) During normal working hours (Monday through Friday, 07:00 to 15:30), for non vessel-related oil spills, call the Oil Pollution Control Unit (OPPD-C):

OFFICE SYMBOL & TITLE	PHONE NUMBER	CELULAR NUMBER
Supervisor OPPD-C Oil Spill Response Coordinator (OSRC)	276-2640 276-4638 276-6478	6676-0863
Supervisor OPPD-C Cleanup Coordinator (CC), Central and Southern districts	276-4692 276-4638 276-6478	6676-0867
Cleanup Coordinator (CC), Northern District	443-7643 443-7431	6676-0882
Emergency Control Center Security and Emergency Response Division	119 276-3669	

And for vessel accident-related spills, call the Transit Operations Division (OPT), which is on **24-hour on-call duty** status:

OFFICE SYMBOL & TITLE	PHONE NUMBER	CELULAR NUMBER
OPTN Canal Port Captain on duty	443-2207	6672-4581
OPTS Canal Port Captian on duty	272-4215	6672-4581
Watch Supervisor on duty	272-4201	

(2) During non-working hours, weekends and holidays, for both vessel and non-vessel related oil spills, call the EIDS, shift radio dispatcher (Tel.: 276-6692 and 276-6693), which is on **24-hour on-call duty** status or the Emergency Control Center of the Security and Emergency Response Division 119.

(3) In addition, hazardous materials spills shall be reported to MTC, at 272-4201; or to the Emergency Control Center at 119. All reports shall include:

- Location of the spill;
- Time observed;
- Amount of the spill (minor, medium, major);
- Cause or source; and
- Name of person reporting the spill.

(4) If possible, the person reporting the spill shall notify his immediate supervisor and remains at the scene until the district pollution officer arrives.

Immediately after receiving a report of a spill, the Canal Operations Captain, or his designee, will implement the ACP Contingency Plan and assume command of the incident response.

**c. *Basic Reaction Plan:*** The basic response plan and corrective guidelines to be taken in the event of a spill of oil, chemical, or other hazardous materials is outlined in the ACP Contingency Plan. The following general operational phases have been identified:

- Detection and notification;
- Evaluation and initiation of action;
- Containment and countermeasures;
- Recovery, mitigation, and disposal;
- Cleaning and repositioning equipment; and,
- Documentation and cost recovery.

**d.** Spill phases do not necessarily follow in sequence, but generally do overlap. Control operations can last anywhere from few hours to many weeks.

**e.** Early identification of a spill product is more important for a proper reaction. For personnel safety, it is imperative to know, as soon as possible, what product was spilled and its explosive or toxic properties.

**f.** The specific reaction to spill or releases involving chemical varies on a case-by-case basis. This is because of differences in chemical and physical properties such as flammability, toxicity, density, vapor pressure, and solubility in water of the chemicals.

**g.** Corrective action for most chemical spills or releases aboard a vessel shall be taken almost immediately, after the initial report, to have the release or spill stopped. In many instances, the vessel shall be boarded and the leak source repaired by the ship's crew. A vessel in transit may be stopped until corrective action is completed.

**h.** When a spill occurs in the locks facilities, the primary objective after personnel safety is the protection of the locks. The vessel may be removed from the locks under the direction of the Canal Operations Captain.

## 9.4 Catastrophe Insurance

The Authority has a catastrophe insurance coverage for liabilities and expenses as a result of any accidental seepage, pollution, or contamination incidents. The cleanup costs covered must be related to a specific accident or occurrence that was neither expected nor intended by the Authority such as the collision of vessel or tank trucks, the accidental rupture or explosion of storage tank or fuel line that results in water, land, or air pollution.

Executive Vice Presidency for Operations units involved in cleanup operations shall establish, through the Resource Management and Investment Program Section, a special account to compile all costs associated with the operation. Cost accounting shall be coordinated with the unit's budget officer.

## **9.5 Panama Canal Ship Oil Pollution Emergency Plan (PCSOPEP)**

### **1. Administration of PCSOPEP Requirements**

#### **1.1. Purpose of the PCSOPEP Program**

The Panama Canal Shipboard Oil Pollution Emergency Plan (PCSOPEP) is a program that seeks to implement emergency preparedness strategies for Panama Canal waters. The PCSOPEP aids the Panama Canal Authority (ACP) in minimizing consequences of spills and emergencies by safeguarding life, reducing the impact on the environment, and ensuring the continuous operation of the Canal.

Vessels have the responsibility to comply with the provisions of PCSOPEP and, in the event of a spill, must activate its own plan and notify the ACP, as stated in the Regulation on Navigation in Panama Canal Waters, Chapter IX, Section Four, following the procedures developed herein. However, all efforts must be in accordance with Article 10 of said Regulation.

PCSOPEP requirements were promulgated with Agreement No. 78 of May 27, 2004 of the ACP Board of Directors and became effective on January 1, 2005. It amended Chapter IX, Section Four and Annex, of the Regulation on Navigation in Panama Canal Waters.

#### **1.2. Applicability**

1.2.1. Commercial Vessels: The provisions in this document apply to toll-paying vessels that transit the Panama Canal with a 400 Metric Ton (MT) or more carrying capacity of oil as cargo and/or fuel.

1.2.2. PCSOPEP program requirements do not apply to:

- a. Military Vessels
- b. Auxiliary Vessels on government non-commercial service.
- c. Local call vessels not scheduled for transit.

#### **1.3. Plan Elaboration and Requirements**

1.3.1. As a minimum, a PCSOPEP must include the following information:

- Vessel particulars
- Oil pollution prevention measures for Panama Canal waters
- Spill notification procedures in a prioritized sequence
- Spill response procedures
- Crew training program for the reaction to shipboard and shore spill incidents
- Record of exercises
- Identification of the Authorized Person and telephone and facsimile where they can be reached on a 24-hour basis
- PCSOPEP Tier classification.

1.3.2. The PCSOPEP tier classification must follow one of the following categories:

- Tier S for vessels with an oil carrying capacity of 400 MT up to 1,000 MT.
- Tier 1 for vessels with an oil carrying capacity of more than 1,000 MT up to 7,000 MT.
- Tier 2 for vessels with an oil carrying capacity of more than 7,000 MT up to 15,000 MT.
- Tier 3 for vessels with an oil carrying capacity of more than 15,000 MT up to 90,000 MT.
- Tier 4 for vessel with an oil carrying capacity of more than 90,000 MT up to 140,000 MT.
- Tier 5 for vessel with an oil carrying capacity of more than 140,000 MT.

The oil carrying capacity of a vessel is equal to the sum of the maximum capacities of fuel system tanks, oil cargo tanks, lube oil tanks, slop tanks, and any other tanks or compartments used to transport MARPOL 73/78 Annex I products. The total oil carrying capacity must be reported in metric tons. For the purpose of converting volume in cubic meters (m<sup>3</sup>) to metric tons, the following formula applies:

$$\text{Metric Ton} = 0.9442 \times \text{m}^3$$

1.3.3. Vessel with an oil-carrying capacity under, but close to 400 MT, may be required to send the capacity plan in advance of the transit date for verification.

1.3.4. With proper cross-references, the PCSOPEP may be prepared as an appendix to an existing SOPEP or SMPEP. Appendix D provides a guide for this purpose. Nonetheless, neither the SOPEP nor the SMPEP alone may be substitutes for the PCSOPEP.

1.3.5. The Authorized Person must comply with the following:

- Reside in the Republic of Panama
- Be fluent in either English or Spanish
- Understand the vessel's PCSOPEP
- Act as a liaison with the ACP.

In addition, the Authorized Person's duties include arranging for and posting, on behalf of the vessel, a bond acceptable and satisfactory to the ACP for the payment of the costs that the ACP may incur by reason of the oil spill response and cleanup tasks.

Finally, the Authorized Person should have general knowledge and skills or experience in the Incident Command System and emergency preparedness. Knowledge of spill response operations is optional, but certainly in the best interest of the plan holder.

1.3.6. The PCSOPEP may list a company name for the Authorized Person, instead of particular names, provided that it includes a dedicated 24-hour contact number for such role

1.3.7. PCSOPEP plans must be developed by organizations or individuals experienced in pollution prevention and response that comply with the following requirements:

- Provide proof that the organization or individual has experience in the development of plans for marine oil or dangerous substance spills.
- Provide a list of plans for marine oil or dangerous substance spills developed by the organization or individual.
- Provide a training profile or proof of knowledge and skills in this type of work.

The ACP may, at any time, request written proof of these requirements to plan developers or to the vessel's owner or operator holding a PCSOPEP.

## **1.4. Plan Submission and Processing**

1.4.1. Vessels must provide the following documents to the ACP for verification, where applicable:

- Copy of the International Oil Pollution Prevention Certificate (IOPP) or the International Pollution Prevention Certificate (IPP).
- Copy of the Panama Canal Shipboard Oil Pollution Emergency Plan (PCSOPEP), prepared specifically for the vessel.

Additionally, a copy of the Shipboard Oil Pollution Emergency Plan (SOPEP), Annex I, MARPOL, or a copy of the Shipboard Marine Pollution Emergency Plan (SMPEP), Annex II, MARPOL, must be available upon request.

1.4.2. All PCSOPEP submissions are subject to the following requirements:

- Delivery to the ACP, for verification, not less than 96 hours prior to the vessel's arrival at Panama Canal waters. A vessel holding a verified plan does not have to resubmit a PCSOPEP for subsequent transits, unless it is requested by the ACP or it becomes invalidated.
- The delivery must be via electronic mail, at [pcsopep@pancanal.com](mailto:pcsopep@pancanal.com), in portable document format (\*.pdf) or MS Word™ documents; with only one plan per electronic mail.
- The subject line of the electronic mail must indicate the name of the vessel and her International Maritime Organization (IMO) Number or her ACP Ship Identification Number (SIN).

1.4.3. The ACP may only verify PCSOPEP plans and provide feedback to vessels within 10 days of their Estimated Time of Arrival (ETA) to Panama Canal waters. The aforementioned ETA refers to the registered time in the Enhanced Vessel Traffic Management System (EVTMS) of the ACP. Requests for PCSOPEP information outside this timeframe may not be acknowledged.

1.4.4. The ACP will send by email a Notice of Acknowledgement to the plan writer, as per the sample in Appendix A, valid for four years, if the plan fulfills PCSOPEP requirements. The ACP will not sanction any vessel that does not have a written Notice of Acknowledgement onboard.

1.4.5. Failure to comply with the above-mentioned requirements constitutes a violation of Chapter IX, Section Four, of the Regulation on Navigation in Panama Canal Waters; which is subject to sanctions in accordance with Chapter XI – Offenses, Sanctions and Sanctioning Proceedings – of said Regulations. Vessels under such condition will be issued a PCSOPEP Non-Compliance Form and will only be programmed for transit after the shipping agent have paid or provided satisfactory guarantees for the payment of the applicable sanction, which will be set at a minimum of US\$2,500.00. Furthermore, the vessel will be scheduled for transit and assigned Tier as follows:

- Vessels which may fall under Tier S, 1, 2 or 3 will be classified as Tier 3.
- Vessels which may fall under Tier 4 or 5 will be classified as Tier 5.

- Subsequent arrivals to Panama Canal waters under similar non-compliance conditions will generate increased sanctions that may result in denial of transit. Appendix A provides a sample of the PCSOPEP Non-Compliance Form.

1.4.6. Any of the following conditions will invalidate the Notice of Acknowledgment:

- A non-compliance condition found during random inspections by the Panama Canal Authority
- Change of the Authorized Person
- Change in the PCSOPEP Tier classification of the vessel.

1.4.7. Upon expiration or invalidation of the Notice of Acknowledgement, vessels must resubmit the entire updated PCSOPEP and the IOPP or IPP certificates following the same instructions mentioned above (Section 1.4.1). Plan resubmissions must also be sent not less than 96 hours prior to the vessel's arrival at Panama Canal waters.

1.4.8. Questions regarding PCSOPEP must be addressed to [pcsopep@pancanal.com](mailto:pcsopep@pancanal.com) or + (507) 276-4635.

## 1.5. Activation of Plan

1.5.1. The PCSOPEP is activated as soon as initial notification is made to the ACP of an actual or probable oil leak. This notification must be followed with the information listed:

- Name of the vessel
- Country of registry
- IMO number and Panama Canal Ship Identification Number (SIN)
- Incident location
- Date and time of incident
- Planned transit route
- Nature of incident
- Identification of spilled product and any toxic or explosive hazard
- Estimated volume of the spilled product
- Size and appearance of slick
- Weather conditions
- Actions taken or planned by on scene personnel and vessel conditions
- Injuries or deaths
- Any other information as deemed appropriate.

- 1.5.2 The vessel is responsible for notifying its Authorized Person. From the onset of an oil spill, the vessel must contact the Authorized Person; who will, in turn, ensure communication capabilities to interact with the ACP's Incident Command System.
- 1.5.3 Initial spill notification must not be delayed during the process of gathering information.
- 1.5.4 Upon activation of the PCSOPEP, the ACP will respond to the discharge.

## **1.6. Vessel Exercises and Records**

- 1.6.1. Vessels must perform PCSOPEP notification exercises to the Authorized Person at least twice a year, and must document them for verification by the ACP. These exercises may be conducted outside Panama Canal waters.
- 1.6.2. At any time, the ACP may require a vessel to perform a PCSOPEP notification exercise and/or to participate in response drills and exercises with the ACP. The vessel must properly document such drills and exercises. Joint exercises, with the participation of vessels and the ACP, will be timely coordinated and will not delay transits.
- 1.6.3. Vessel exercise records must be kept for at least three years.

## **2. Oil Spill Preparedness Program**

### **2.1. Introduction**

The Panama Canal Authority (ACP) has established a preparedness program for oil spill emergencies in Panama Canal waters. In the response sequence to an oil spill, the activation of the PCSOPEP is the responsibility of the vessel. Besides internal actions taken by the vessel, the ACP will respond in accordance with its contingency plan.

### **2.2. Response Areas**

For the purpose of oil spill response planning, Panama Canal waters have been divided into three main response areas: the Pacific Anchorage and Channel area, the lake areas, and the Atlantic Anchorage and Channel area. Both the Pacific and Atlantic areas are saltwater bodies of the Canal, whereas the lakes are freshwater bodies. As such, the specifications required for equipment and response strategies differ.

## 2.3. Resources for Spill Response

2.3.1. Tier Classification and Criteria: Resources are classified in six tiers or response levels: Tier S (TS), Tier 1 (T1), Tier 2 (T2), Tier 3 (T3), Tier 4 (T4) and Tier 5 (T5) based on resources and response time.

2.3.2. Resources: Resource requirements cover core equipment, support equipment, special equipment, and trained personnel to mobilize, deploy and respond to oil spills. Core equipment includes protection and containment booms, effective daily recovery capacity, and temporary storage capacity. Support equipment includes resources necessary to deploy and operate core equipment, such as: response vessels, road transportation, and other support necessary to complete the clean-up operation. Special equipment comprises resources for techniques where conventional methods for protection and clean-up are shown to be ineffective.

A specified percentage of equipment in each tier classification must be of the type capable to operate in shallow waters. This requirement is intended to reach oil in areas with drafts of less than six feet, particularly in wide shallow shores.

2.3.3. Response Time Planning Standard: The ACP preparedness program establishes an initial response time of six hours, which includes: the time for notification and mobilization of personnel, the time for transportation of personnel and resources to any spill location within the response area, the time for deployment of resources, and the time for start-up of operation.

**TABLE 1:** *Planning Criteria for the Availability of Mechanical Response Equipment*

Criteria	Tier S	Tier 1	Tier 2	Tier 3,4 and 5
a. Resource Location	All resources placed on-site	All resources placed on-site	All resources located nationally	May be located internationally
b. Response Time	Not to exceed 6 hours	Not to exceed 6 hours	Not to exceed 12 hours	Not to exceed 72 hours
c. Protection Boom	3,000 feet	10,000 feet	25,000 feet	30,000 feet
d. Containment Boom	1,000 feet	1,000 feet plus 300 feet per skimming system	1,000 feet plus 300 feet per skimming system	1,000 feet plus 300 feet per skimming system
e. Recovery Capacity (Bbls/day)	2,000	5,000	20,000	50,000
f. Temporary Storage Capacity (Bbls)	4,000	10,000	40,000	100,000
g. Shallow Water Capability	For 25 % of resources	For 25 % of resources	For 25 % of resources	For 25 % of resources

### 3. Fees

**3.1.** A fee is assessed to transiting vessels with carrying capacity of 400 metric tons or more of oil as cargo and/or fuel to cover the cost of keeping the personnel and equipment available to respond to oil spill incidents from ships in transit or awaiting transit of the Panama Canal. The following tariff was established based on the vessel's tier classification and hull construction, and is applicable to each transit:

**TABLE 2: PCSOPEP Tariffs per Transit**

TYPE OF VESSEL	TARIFF PER TRANSIT
Vessels with an oil carrying capacity of 400 MT up to 1,000 MT (TIER S)	\$300
Vessels with an oil carrying capacity of more than 1,000 MT up to 7,000 MT (TIER 1)	\$525
Vessels with an oil carrying capacity of more than 7,000 MT up to 15,000 MT (TIER 2)	\$900
Vessels with an oil carrying capacity of more than 15,000 MT (TIER 3)	\$1,125
Vessels with an oil carrying capacity of more than 90,000 MT up to 140,000 MT ( TIER 4)	\$ 1,800
Vessels with an oil carrying capacity of more than 140,000 MT (TIER 5)	\$ 2,300
Surcharge for vessels carrying oil as cargo and having single side or single bottom	25%
Surcharge for vessels carrying oil as cargo and having single hull	50%

**3.2.** The above-mentioned charges are separate and distinct from those resulting from expenses generated from the actual response to an oil spill. In addition, charges and/or penalties could result from non-compliance with ACP regulations.

**3.3** In case of an oil spill, the ACP will not charge rates for the use of emergency response equipment available under the PCSOPEP program. However, the ACP will assess and charge other expenses of the response and cleanup activities, including items such as the following:

- 3.3.1. The use of equipment with published official tariffs such as tug services, inspection and/or escort services, salvage services, launch services, and any other applicable official tariff published by the ACP.
- 3.3.2 The recovery of the total cost of manpower for the response and cleanup activities, decontamination and cleanup of equipment, and general expense recovery.
- 3.3.3 The recovery of the total cost to replace damaged equipment due to the incident response, expendable equipment, consumable supplies and replacement parts required to return the used equipment to service.

- 3.3.4 The recovery of the total cost related to waste processing and disposal.
- 3.3.5 The recovery of total costs of services from response and cleanup contractors, if necessary, in addition to the planned preparedness established in the PCSOPEP Program.
- 3.3.6. The recovery of any other applicable cost due to the response and cleanup activities not already covered by official tariffs or the PCSOPEP Program.

## APPENDIX A: Sample PCSOPEP Notice of Acknowledgement and PCSOPEP Non-Compliance Forms

 <b>CANAL DE PANAMÁ</b>	
283 (OPPD-P) v. 13-5-2013	
<b>PANAMA CANAL AUTHORITY EXECUTIVE VICE PRESIDENCY FOR OPERATIONS PCSOPEP NOTICE OF ACKNOWLEDGEMENT</b>	
The ACP hereby acknowledges that:	
<b>Ship Name</b>	<b>SIN</b>
Has presented the PCSOPEP documentation required under Section Four of Chapter IX of the Regulation on Navigation in Panama Canal waters.	
Esteban G. Sáenz Executive Vice President for Operations	<b>Date:</b>
This document is valid for four years after its date of issuance. Any change in conditions as set forth in Section Four of Chapter IX of the Regulation on Navigation in Panama Canal waters renders it invalid.	
ACP-NOA-XX-XXXX	



**PANAMA CANAL AUTHORITY  
OPERATIONS DEPARTMENT  
PCSOPEP NON-COMPLIANCE FORM**

<b>To:</b>	<b>Date:</b>
<b>From: OPPD-P (PCSOPEP)</b>	<b>NCF No.:</b>
<b>Ref.:</b>	<b>SIN:</b>
<b>ETA:</b>	<b>Arrival Location:</b>

The referenced vessel arrived at Panama Canal waters on \_\_\_\_\_ having failed to submit its Panama Canal Shipboard Oil Pollution Emergency Plan (PCSOPEP) 96 hours prior to its arrival, as required under Section Four of Chapter IX of the Maritime Regulations for the Operation of the Panama Canal.

Accordingly, a resolution with the corresponding fine will be issued and served by the Panama Canal Authority. Therefore, payment of the fine assessed shall be made no later than 10 working days thereafter. According to Article 128 of the Organic Law, an unpaid fine shall be assessed a surcharge of 1% for every 10 working days of late payment. The Authority may collect the unpaid fine and any accumulated surcharges through an executory proceeding. For payment details, please contact Risk Transfer Section at 272-1028.

Please refer to the marked boxes below for information on actions that will be taken by the Panama Canal Authority (ACP) and responses required from your organization due to this violation.

***Additional actions to be taken by the ACP (applicable boxes appear with X marks)***

- As this is the first offense, the vessel will only be programmed for transit after the shipping agent has provided satisfactory guarantees for the payment of the applicable fine of \$2,500.00, and
- The vessel will be scheduled as Tier 3 and will be charged accordingly, as well as for any additional resources assigned to the vessel, if applicable. Vessels that are to be classified as Tier 4 and Tier 5 not complying with PCSOPEP requirements will be scheduled for transit as Tier 5.
- As this is the second offense, the vessel will be denied transit until both of the following conditions are met:
  1. The vessel submits a PCSOPEP that complies with the requirements, and
  2. The shipping agent provides satisfactory guarantees for the payment of the applicable fine of \$5,000.00,
- The vessel will be scheduled as Tier 3 will be charged accordingly, as well as for any additional resources assigned to the vessel, if applicable. Vessels that are to be classified as Tier 4 and Tier 5 not complying with PCSOPEP requirements will be scheduled for transit as Tier 5.

***Response required from Shipping Agent (applicable boxes appear with X marks)***

First Offense

- Fax copy of the Letter of Guarantee – First Offense (<https://www.pancanal.com/eng/op/forms.html>) to CPC Office at 272-5280 (Pacific) or 443-2213 (Atlantic) and to Vice-presidency for General Counsel at 272-1797, and
- Submit original Letter of Guarantee to the Vice-presidency for General Counsel (located at the Administration Building, Room 338) by the next working day following this notification. This letter should be signed by a representative of the Agency and accompanied with a copy of the personal identification card (cédula) attached.

Second Offense

- Faxed copy of the Letter of Guarantee (<https://www.pancanal.com/eng/op/forms.html>) to CPC Office at 272-5280 (Pacific) or 443-2213 (Atlantic), and to Vice-presidency for General Counsel at 272-1797, and
- Submit original Letter of Guarantee to the Vice-presidency for General Counsel (located at the Administration Building, Room 338) by the next working day following this notification. This letter should be signed by a representative of the Agency and accompanied with a copy of the personal identification card (cédula) attached.

**NOTE:** In accordance with Article 163 of the Regulation on Navigation in Panama Canal Water the offender may expressly accept having committed the offense and agree to abide by the sanction. Such acceptance shall be submitted to the ACP through a Letter of Acceptance of the Sanction, “Carta de Allanamiento”, available at (<https://www.pancanal.com/maritime/forms/pcsopep-allanamiento.doc>), and be accorded to the benefits thereby. In the event that this option is elected, the Ship Agent shall submit an advanced copy of the letter via fax to the Legal Advice Office at 272-1797 and the original version shall be delivered to the Panama Canal Administration Building, Office 338, no later than 10 days from the date the Non-Compliance Form is issued.

\_\_\_\_\_  
Evaluator’s name



**PANAMA CANAL AUTHORITY  
OPERATIONS DEPARTMENT  
PCSOPEP NON-COMPLIANCE FORM**

***INSTRUCTIONS FOR WIRE TRANSFERS***  
*(Bank charges must be paid by the client)*

**TO: Citibank, N. A. - New York (Intermediary Bank)**  
**ABA: 02100089 or**  
**SWIFT: CITIUS33**

**For further credit to: (Beneficiary Bank)**  
**Citibank, N. A. - Panamá**  
**Account No.: 10991266 (DDA) or**  
**SWIFT: CITIPAPA**

**Beneficiary: For further credit to account 0550305054 in name of**  
**AUTORIDAD DEL CANAL DE PANAMÁ**

**Reference: Vessel Name (PSOPEP) Sanction/Shipping Agent**

**If you have any questions regarding payment instructions, please call Citiservice,**  
**for ACP online (507)305-0920**

***INSTRUCTIONS FOR ACH PAYMENT***  
***(LOCAL/PANAMA BANKS ONLY)***

**Beneficiary Name: AUTORIDAD DEL CANAL DE PANAMÁ**  
**Bank Collector: CITIBANK, N. A.**  
**Account number: 0550305054**  
**Account Type: Current account**  
**Route and transit: 003**

**Reference: Vessel Name (PSOPEP) Sanction/Shipping Agent**

**If you have any questions regarding payment instructions, please call Citiservice,**  
**for ACP online (507)305-0920**

## APPENDIX B: ACRONYMS

<b>Bbls</b>	Barrels
<b>ETA</b>	Estimated Time of Arrival to Panama Canal waters
<b>EVTMS</b>	Enhanced Vessel Traffic Management System of the ACP
<b>MT</b>	Metric Ton
<b>PCSOPEP</b>	Panama Canal Shipboard Oil Pollution Emergency Plan
<b>SIN</b>	Ship Identification Number of the ACP
<b>TS</b>	TIER S
<b>T1</b>	TIER 1
<b>T2</b>	TIER 2
<b>T3</b>	TIER 3
<b>T4</b>	TIER 4
<b>T5</b>	TIER 5

## Appendix C: Glossary

<b>Atlantic Anchorage and Channel Area</b>	Response area that includes the anchorages at the Atlantic Entrance and channel Area, Limon Bay, and the approach channel to Gatun Locks.
<b>Authorized Person</b>	The person who acts as a liaison between the vessel and the Authority to obtain and consign, on behalf of the vessel, acceptable guarantees, to the satisfaction of the Authority, to cover the costs of the response and cleanup of oil spills in Canal waters. The Authorized Person must reside in the Republic of Panama.
<b>Incident Command System</b>	The organizational structure adopted by the ACP to administer emergencies whereby individual roles and responsibilities, lines of communications, and span of control are pre-established.
<b>Lake Areas</b>	Response area that includes freshwater bodies confined within the Gatun Lake, Culebra Cut, Miraflores Lake, and within the Locks.
<b>Oil</b>	All substances listed in Appendix I of Annex I of MARPOL.
<b>Pacific Anchorage and Channel Area</b>	Response area that includes the anchorages at the Pacific Entrance and Channel Area, Balboa Basin, and the approach channel to the Miraflores Locks.
<b>Panama Canal Waters</b>	Refers to all waters within the Canal Operation Compatibility Area, defined in item <b>a.</b> of the Annex of the Regulation for Navigation in Panama Canal Waters as the geographic area, including its lands and waters, where only activities compatible with the operation of the Canal may be carried out. (Item <b>a.</b> of the Annex reads as follows: <i>Canal Operation Compatibility Area. Described as a continuous area generally following the course of the Panama Canal, and generally contiguous to it, running from the Atlantic Ocean to the Pacific Ocean. It includes the Atlantic entrance and its anchorage areas, the Port of Cristobal, Gatun Locks, Gatun Dam, Gatun Spillway, Gatun Power Station, Portions of Gatun Lake, Culebra Cut, Pedro Miguel Locks, Miraflores Lake, Miraflores Locks, Miraflores Spillway, Miraflores Filtration Plant, Miraflores Power Station, the Port of Balboa, the Pacific entrance and its anchorage areas, as well as the land and water areas encompassing them.</i> )

<b>Resources Placed On-Site</b>	Resources located as close as possible to the scene of a spill to meet the response time requirements of Tier S and Tier 1.
<b>Tier S, 1, 2, 3, 4 and 5.</b>	The combination of response resources and times within which the resources must be capable of arriving on-scene to meet Panama Canal requirements.

## **Appendix D: PCSOPEP Preparation Guide**

The following document is provided as a guideline for the preparation of a PCSOPEP as an appendix to an existing SOPEP or SMPEP, and its use should not be construed as a guarantee that the plan holder will be granted a Notice of Acknowledgement as set forth herein.

Accordingly, the ACP does not accept any liability and/or responsibility whatsoever for the content of this guide and/or its efficacy.

## Guide for the preparation of a Panama Canal Shipboard Oil Pollution Emergency Plan (PCSOPEP) as an Appendix to a SOPEP or SMPEP

### Contents

1. Introduction
2. Spill Notification Procedures
3. Spill Response Procedures
4. Oil Pollution Prevention Measures Specific for Panama Canal Waters
5. Crew Training Program
6. Authorized Person
7. Classification Criteria
8. Record of Exercises

### **1. Introduction**

The Panama Canal Shipboard Oil Pollution Emergency Plan (PCSOPEP) may be an Annex to the MARPOL–Annex I SOPEP or SMPEP. It implements emergency preparedness strategies for Panama Canal waters according to Section Four of Chapter IX of the Regulation on Navigation in Panama Canal Waters.

Section Four of the regulation is implemented through the procedures of the *PCSOPEP Requirements*.

The PCSOPEP assists vessels to prepare for emergencies in the Panama Canal by: identifying the resources provided by the Panama Canal Authority (ACP) under the PCSOPEP Program to respond to an oil spill emergency; identifying an Authorized Person that represents the vessel in case of an emergency; and indicating other activities required by regulation, such as training, record keeping and exercising.

### **2. Spill Notification Procedures**

The vessel activates its PCSOPEP with the notification process.

In the event of an emergency in Panama Canal waters, the vessel must notify the ACP through the Panama Canal pilot onboard or, in the event that a Panama Canal pilot is not onboard, notification must be made to ACP via **VHF radio Channels 12 or 16**, as

described in the Regulation for Navigation in Canal Waters (Agreement No. 13), Article 29 of the ANNEX.

The vessel must also contact its PCSOPEP Authorized Person at the following 24-hour contact information:

<b>Authorized Person:</b>	<b>Telephone:</b>	<b>Fax:</b>
_____	_____	_____

Upon activation of the plan, the vessel's Authorized Person may establish and maintain communication with the Maritime Traffic Control Unit at (+507) 272 4201 or (+507) 272 4202. The Panama Canal may request the Authorized Person to report to an Emergency Operations Center.

Notification begins as soon as an actual or probable oil leak is detected and must not be delayed during the process of gathering information.

The vessel may use or reference SOPEP or SMPEP specific forms for initial notification, observing that such forms include all information required in Part 1.5 of the *PCSOPEP Requirements*.

### 3. Spill Response Procedures

The vessel may make reference to specific parts of their SOPEP covering spill response procedures and mitigation activities of the ship and ship to shore interface.

The Panama Canal Authority will perform spill response and clean-up operations at the expense of the vessel that generated the spill.

### 4. Oil Pollution Prevention Measures Specific for Panama Canal Waters

The master must review the PCSOPEP and perform exercises to comply with Part 1.6 of the *PCSOPEP Requirements*, as necessary.

This section should incorporate or reference specific measures stated in the Regulation on Navigation in Panama Canal Waters and other measures communicated by the Panama Canal Authority, derived from planning activities and exercises.

**4.1. Prevention Measures:** During a transit, vessels accomplish most of their navigation through fresh water bodies used for human consumption, and through environmentally sensitive areas, which are also important to tourism. These areas are accessed via confined navigation channels and Locks structures. Prior to transit, the

master must verify compliance with all applicable ACP regulations to include prevention of incidents in the Panama Canal, specifically noting that:

- The vessel must not perform any activity that implies a risk of, or results in, pollution of waters within the Area of Compatibility with Canal Operations.
- The vessel must not conduct any repairs, cleaning, or other activities, which may cause pollution.
- The vessel must not discharge or throw into Panama Canal waters any ballast, ashes, boxes, barrels, straw, paper, or other solid matter; nor discharge heavy slops, engine or fire room bilge water, sewage water, oil, radioactive substances, or any other contaminating substances.
- The master and crew must review activities, including drills or exercises and response procedures, and increase alertness and readiness to react to any incident, taking into account specific considerations of the environment.
- The master must incorporate information published in Advisories to Shipping into the PCSOPEP, as necessary.
- The master must verify compliance with ACP regulations regarding specific provisions for navigation in the Panama Canal and for the prevention of collisions.
- The master must ascertain that all required measures are in place in order to comply with these preventive requirements.

When preparing a response plan for Panama Canal waters, special attention must be given to the fact that vessels in Canal waters transit through confined navigational channels and locks structures which require specific attention in the way a response is performed. For instance, a vessel that reports a spill in a lock chamber must consider that releases may affect lock operations and personnel, as well as other vessels or assisting tugs and launches that may be in the same lock chamber.

**4.2. In Case of an Incident:** Primary shipboard oil pollution response activities must be conducted in compliance with ACP regulations and the PCSOPEP of the vessel. The master must make all efforts to coordinate activities with the ACP, as soon as practicable, in order to minimize impact to the Panama Canal.

## 5. Crew Training Program

Describe the vessel's crew-training program used to comply with the responsibilities stated in the SOPEP and PCSOPEP. The vessel may make reference to the specific training sections of its SOPEP and incorporate the requirements of Part 1.6 of the *PCSOPEP Requirements*. This part emphasizes the importance of crew reaction drills and other exercises.

## 6. Authorized Person

The following Authorized Person resides in the Republic of Panama and will serve as a liaison between this vessel and the Incident Command System of the Panama Canal Authority to procure and consign, on behalf of the vessel, acceptable warranties to cover the costs of the response and cleanup of oil spills:

Authorized Person:	<i>First Name</i> <i>(or company name)</i>	<i>Last Name</i>
--------------------	---	------------------

## 7. Classification Criteria

State the criteria applicable to the vessel under Parts 1.2, 2.2 and 2.3 of the *PCSOPEP Requirements* and the applicable tier compliance. For example:

<i>Total Capacity HFO:</i>	<i>1000 MT</i>
<i>Total Capacity MDO:</i>	<i>200 MT</i>
<i>Total Capacity Hydraulic Oil:</i>	<i>100 MT</i>
<i>Total Capacity Lub Oil:</i>	<i>100 MT</i>
<i>Gas Oil Tanks:</i>	<i>200 MT</i>
<i>Slop Tanks:</i>	<i>100 MT</i>
<i>Residues Tank:</i>	<i>100 MT</i>
<i>Oil cargo Tanks:</i>	<i>0 MT</i>
<i>Overflow Tanks:</i>	<i><u>100 MT</u></i>
<b><i>Total:</i></b>	<b><i>1,900 MT</i></b>

According to this calculation, the criterion that applies to the vessel is **Tier 1: carrying capacity of more than 1000 MT up to 7000 MT.**

## 8. Record of Exercises

Indicate how the vessel maintains records of exercises in order to comply with the PCSOPEP.

The vessel may make reference to its existing SOPEP records, provided that they comply with the PCSOPEP requirements. These records may also be kept as an Annex.