

Summary of the Detention Case 36-02-2020

I. General

Ground for detention

The ship was detained due to the following detainable deficiencies:

11113 Launching arrangements for rescue boats - RESCUE BOAT DAVIT STORAGE POWER DEFECTIVE;
14402 Sewage treatment plant - SEWAGE TREATMENT PLANT DEFECTIVE.

Dispute

The flag State did not agree with the detention by the port State Authority and expressed views that:

Detainable deficiency No.1: Rescue Boat Davit Storage Power Defective

1. The rescue boat davit can operate in 3 modes (i.e. electric pump motor, stored power and manual). The davit was in working order in both electric pump motor and stored power modes. In the third mode the PSC officer questioned why the davit is slow moving. In manual mode the davit will respond slowly because it was in manual mode and it depend on how fast and stronger the person doing the manual pumping, the davit movement will respond accordingly. Chief Officer explained to PSC officer and took a video and show to them;

2. There are no specific requirements under LSA and SOLAS at what speed shall the davit swing in manual operation;

3. The rescue boat is required to be lowered in a safety speed as required at 6.1.2.10 of LSA Code, because it is dangerous for crew if the rescue boat is lowered at excessive speed.

Detainable deficiency No.2: Sewage Treatment Plant Defective

4. The sewage treatment plant was not defective. The PSCO requested the vessel to carry out the high level alarm of the sewage treatment plant and it worked without failure. He asked again to carry out the high level alarm by the actual flushing of the upper deck toilet and checked personally the flow in the aeration chamber and it worked without failure again. He saw personally the auto start and the auto stop of the discharge pump. He also checked if the aeration blower is working. Then he checked also the chlorination chamber and saw the chloride tablet was not in the bottom part of the tube. The crew informed the PSCO that there is a chloride tablet in the tube and crew pushed the tablet downward and took a picture and show to them. Then he said he did not see the flow in one of the 2 overflow hose, he said he saw only one. Chief engineer told him there is flow both to the overflow hose. However, the PSCO considered as a detainable deficiency.

Based on the above, the flag State is of the opinion that the two detainable deficiencies are unjustified and, therefore, the decision of detention should be reconsidered.

The port State Authority is of the opinion that:

Detainable deficiency No.1: Rescue Boat Davit Storage Power Defective

1. Mechanical storage accumulator power for rescue boat davit was defective by evidence that davit was unable to operate by back-up power when inspected, route cause was low level hydraulic oil and equipment system very rusty;

2. In accordance with SOLAS Ch.III Reg.48, storage mechanical power which is independent of the ship's power supply to launch rescue boat should be provided;
3. In accordance with SOLAS Ch.III Reg.14, rescue boat should be readily available for launching in not more than 5 minutes;

Detainable deficiency No.2: Sewage Treatment Plant Defective

4. Two discharge valves were found open, it means that the integrated water was discharged to overboard when discharge pump auto running (all chamber levels to become lower);
5. Aeration lifting back lines were not working in order; and
6. The chlorination compartment was not working in order, because the chlorination tablet stuck on the top of the tube and was not dropped down into water level of the chlorination compartment. In addition, the below surface of the tube were dirty and found black water in the chlorination compartment.

In summary, the inspection/detention was in compliance with the PSC procedures as provided in IMO Res. A.1138(31). Furthermore, the master of the vessel understood and accepted the deficiencies by signing the result of the PSC Inspection and Notification Detention of the ship. This means that in this case the ship's master consciously recognized the deficiencies of the ship without coercion.

Based on the above, the detention was appropriate and correct.

II. Opinions of the panel

Opinions in favour of the detention

Seven panel members considered the detention justified with the opinion that:

Detainable deficiency No.1: Rescue Boat Davit Storage Power Defective

1. The port State advises that during the inspection, the rescue boat davit was tested using accumulator stored power and it was found that the equipment could not be operated due to low hydraulic oil level. The port State indicates that the unit was not in compliance with SOLAS Ch.III/Reg.14 as the rescue boat could not be launched within 5 minutes;
2. Although the company, supported by the flag State, expressed that the equipment is able to operate in 3 modes, specifically under power, by stored power or by manual (hand) operation and complained that this detainable deficiency was because the PSCO was unsatisfied with the speed of manual operation, which is dependent on how fast the operator is able to manually crank or pump and further stated that there are no requirements for the time in which a davit should swing in manual operation, no objective evidences are provided for confirming the launching of rescue boat within 5 minutes;
3. Since the date of keel laid of the vessel is 21/08/2008, SOLAS Ch.III/Reg14.1, referring to rescue boats shall be in a state of continuous readiness for launching in not more than 5 minutes (become effective on 01/01/2008), is, therefore, applicable. As there is no further specification given on the mode of operation, i.e. manual or powered, it may conclude that in all modes of operation, the rescue boat must be able to be launched within 5 minutes and if this was not possible by either hand power or stored power (accumulator) then safety may have been compromised;

4. Based on the above, the detainable deficiency is justified in accordance with guidelines for the detention of ships (Appendix 2 to IMO Res. A.1138 (31));

Detainable deficiency No.2: Sewage Treatment Plant Defective

5. Having reviewed information and materials provided by the port State, it noted that the return pipe with no movement in it, the water level in the chlorination compartment going down with clear acknowledgement by another party in the video that the aeration compartment level was simultaneously dropping. In addition, pictures provided showing the chlorination tubes with black water residue around their bottom and the discharge valves of the sewage treatment plant showing 2 of 3 valves in what appears to be an open position. Port State also stated that the third valve was defective and was also in an open position;

6. Taking the explanation and supporting information provided by the port State into account, there showed strong evidence suggesting that the sewage plant was in fact discharging untreated black water into the marine environment; therefore, in accordance with guidelines for the detention of ships (Appendix 2 to IMO Res. A.1138 (31)), the deficiency is considered detainable from a technical perspective.

Taking the above into account, the detention is justified.

Opinions not in favour of the detention

Two panel members were of the view that, although the detainable deficiency itself would be justified, the detention would need to be reconsidered based on the following:

Detainable deficiency No.1: Rescue Boat Davit Storage Power Defective

1. It is understood that SOLAS Ch.III/Reg14 is applied for this deficiency; however, the aforementioned requirement is not relevant to the speed of davit operates;

2. There are no specific requirements under LSA and SOLAS on what speed shall the davit in manual mode operates. The rescue boat davit, which can operate in 3 modes, is considered in compliance with the launching arrangement under 6.1.1.3 of LSA Code;

3. It is considered that the matter of the rescue boat davit pointed out by the PSCO would be a "clear ground" for detailed inspection but would not be an immediate ground to warrant the detention of the ship in accordance with IMO Res. A.1138 (31);

Detainable deficiency No.2: Sewage Treatment Plant Defective

4. Although the chlorination compartment was not working in order, based on the observations that the chlorination tablet stuck on the top of the tube and was not dropped down into water level of chlorination compartment, the issue could be rectified easily by crew hands. Actually, the vessel was released from detention on the same day without any repairs by technician. Hence this situation can be judged not enough to warrant the detention on the mechanical aspect;

5. Taking the above into account, more thorough inspection would be required prior to determine the detention; and

6. If the high level alarm for the sewage treatment plant is working and running, this detainable deficiency would be in doubt.

Based on the above, the detention needs to be reconsidered.

Additional comments/observations by panel members

Apart from the above, following observation and comments are made by several panel members:

1. there are misunderstanding and confusion between the vessel and the PSCO, i.e. regarding the deficiency of rescue boat davit, the appeal by the vessel/flag is about the speed of manual operation but the PSCO/port State Authority refers the deficiency to rescue boat davit stored power;
2. one panel member considers the deficiency on rescue boat davit unjustified but the detention is justified in principle because the deficiency on sewage treatment plant is considered reasonable;
3. port State/PSCO misunderstood that the signature by the master on item 15 of Form A means the acceptance of deficiencies recorded/pointed out by PSCO;
4. clear and precise description about the deficiencies and the related convention reference as required by procedures for PSC were not provided for the both detainable deficiencies in question.

III. Conclusion

The majority of the panel members (7 of 9) are of the opinion that the decision of detention was justified. Therefore, the port State Authority would not be asked to reconsider the decision of the detention. The port State Authority should note the additional comments/observations by panel members, especially 1, 3 & 4 above.