

Summary of the Detention Case 21-03-2014

General

Ground for detention

The vessel was detained due to the following detainable deficiency:

14608-Incinerator incl. operations and operating manual - INCENERATOR COMBUSTION CHAMBER, DEFECTIVE

Dispute

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

1. The PSC officer considered that the incinerator was defective because the combustion chamber could not reach 600°C within 5 minutes after start-up, which are the requirements of MARPOL Annex VI for batch-loaded incinerators. However, the incinerator of the vessel is continuous-feed type rather than batch-loaded type, which has different requirements;

2. According to paragraph 4.1 of MEPC.76(40) and R16.9 of MARPOL Annex VI, there are no preheating requirements for batch-loaded incinerators but the incinerators should be designed that the temperature in the actual combustion space reaches 600°C within 5 minutes after start-up and thereafter stabilizes at a temperature not less than 850°C. For continuous-feed incinerators, there is no restriction of heating time after start-up, and the waste shall not be fed into the incinerator when the combustion chamber gas outlet temperature is below 850°C; and

3. As requested by the company, the RO conducted an onboard survey of the incinerator at another port after the detention. The RO confirmed that the incinerator was continuous-feed type and in compliance with MEPC.76(40) and the relevant MARPOL regulations.

Based on the above, the flag State Authority is of the opinion that the detention was not justified.

The port State Authority is of the opinion that:

1. The Incinerator Combustion Chamber did not reach 650°C as per MARPOL Annex VI and MEPC.76(40).4 Operating Requirements;

2. It was observed that the incinerator was not used on board as per MARPOL Annex VI from 19 May to 7 August 2014;

3. During the period of detention (i.e. from 1000hrs 5 September to 1430hrs 6 September 2014), the incinerator still could not reach temperature as per MEPC.76(40) requirement; and

4. The agent of the vessel provided an e-form exemption for the incinerator with conditions, issued by the flag Authority. The agent promised to provide the hard copy of the exemption. As such, the vessel was released on 6 September 2014. However, the hard copy of the exemption was not received till now.

Based on the above, the detention was correct.

Opinions of the panel

The panel members reviewed the relevant information and materials received. As the result of evaluation, panel members reached general opinions as follows:

1. It is confirmed by the flag State Authority with the relevant documentation and material that the incinerator in question is continuous-feed type rather than batch-loaded type. For batch-loaded incinerators, it is required to reach 600°C in 5 minutes after start-up but, for non-batch-loaded/continuous-feed incinerators, there is no explicit time restriction on pre-heating temperature 650°C;
2. The RO carried out a survey of the incinerator and confirmed it in compliance with the standards in MEPC.76(40) and the relevant MARPOL regulations;
3. The PSC officer/port State Authority did not provide sufficient and objective evidences showing the incinerator could not reach the pre-heating temperature at 650°C and the minimum operating temperature at 850°C;
4. Although the fact that the incinerator was not used during period of 19 May – 7 August 2014 based on the Garbage Record Book as observed by the PSC officer may require further examination, itself should not be considered as the evidence of failure of the incinerator or the basis for detention directly; and
5. It is clear that the exemption issued by the flag State Authority in this case was only to resolve the detention situation but not for confirmation of the deficiency.

Conclusion

The panel members are of the unanimous opinion that the decision of detention was not justified. Therefore, the port State Authority would be asked to re-consider the decision of the detention.