

## Summary of the Detention Case 38-04-2020

### I. General

#### Ground for detention

The ship was detained due to the following detainable deficiency:

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:

1. PSC Officer requested to open manhole of sewage plant settlement compartment and discovered on the top the foam after recirculation and identified this foam as "solid";
2. At the time of inspection, the sewage treatment plant found in Auto Mode Operation, without triggered alarms and as per manufacturer operating instructions;
3. The manufacturer confirms that the "evidence and explanation" quoted by PSCO do not give direction that the equipment is defective, or plant operated in a wrong manner; and
4. Both a survey by RO and an inspection by the flag State conducted subsequently confirmed the sewage treatment plant in working order.

Based on the above, the detention was unjustified.

The port State Authority is of the opinion that:

1. The sewage treatment plant was defective since the PSCO found full of solid sediment in the tank during inspection. If the equipment is in good condition/in good order, it would not be found like that. This happens because the sewage treatment plant is not working properly/defective;
2. In accordance with the guidelines for the detention of ships (Appendix 2 to IMO Res. A.1138(31)), failure of sewage treatment plant would be a detainable deficiency;
3. Based on the environmental policy of the port, the defective sewage treatment plant would be a serious issue for detention in order to protect the port from marine pollution; and
4. As conclusion, the vessel is considered lack of ship board operation system, master responsibility and authority, and safety environmental policy under the ISM Code.

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

### II. 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. Based on the objective information available, the sewage treatment plant appeared being operated normally without triggered alarms, with proper aeration pressure and proper recirculation under the Auto Mode Operation at the time of PSC inspection;
2. Without additional objective evidence and further inspection, it would be inappropriate and insufficient to conclude the sewage treatment plant being defective only based on the observation of floating scum/foam or solid in the sewage settlement compartment;
3. Should the PSCO have any doubt about the sewage treatment plant, he/she should carry out further checking, test and sampling so as to determine whether the sewage treatment plant is defective but not to decide detention of the vessel straight away; and
4. There was lack of objective evidence to indicate sewage being discharged overboard directly without proper treatment through the sewage treatment plant.

### **III. 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 reconsider the decision of the detention.