



# **Guidance for Voluntary Best Achievable Protection (VBAP) and Exceptional Compliance Program (ECOPRO) Plans for Tanker, Tank Barges, and Articulated Tank Barges (ATBS)**

---

## **Spill Prevention, Preparedness, and Response Program**

April 2023 (Revised), Publication 08-08-004

## Publication Information

This document is available on the Department of Ecology's website at:

<https://apps.ecology.wa.gov/publications/summarypages/0808004.html>

## ADA Accessibility

The Department of Ecology is committed to providing people with disabilities access to information and services by meeting or exceeding the requirements of the Americans with Disabilities Act (ADA), Section 504 and 508 of the Rehabilitation Act, and Washington State Policy #188.

To request an ADA accommodation, contact Ecology by phone at 360-407-6831 or email at [ecyadacoordinator@ecy.wa.gov](mailto:ecyadacoordinator@ecy.wa.gov). For Washington Relay Service or TTY call 711 or 877-833-6341. Visit Ecology's website for more information.

# Table of Contents

- I. Overview ..... 4**
  - A. Purpose of VBAP and ECOPRO.....4
  - B. Plans and audits.....4
  - C. Benefits and incentives.....4
- II. VBAP/ECOPRO Program Requirements..... 5**
  - A. Washington State laws .....5
  - B. VBAP and ECOPRO standards .....5
- III. VBAP and ECOPRO Plan Approval Process ..... 5**
  - A. Plan submission .....5
  - B. Plan review .....6
  - C. Plan approval .....7
  - D. Annual plan updates.....7
  - E. Plan renewals.....7
- IV. Vessel Audits ..... 7**
  - A. Location .....7
  - B. Checklists .....8
- V. Procedure for Revising VBAP and ECOPRO Standards..... 8**
  - A. Why revisions are needed .....8
  - B. Procedures for revising standards .....8
- VI. Frequently Asked Questions ..... 8**
  - A. Do I have to meet every standard exactly as it is written? Can my company request a waiver for a particular standard. ....8
  - B. What happens if I am involved in an oil spill? .....8
  - C. Are there any fees or registration costs? .....9
- VII. Additional Information ..... 9**
  - A. Participant information .....9
  - B. ECOPRO Award ceremony .....9
  - C. Ecology VBAP/ECOPRO publications.....9

# I. Overview

## A. Purpose of VBAP and ECOPRO

The Washington State Department of Ecology Spills Program maintains a voluntary program for tank vessel operating companies to reduce the risk of oil spills. Participating companies agree to meet Voluntary Best Achievable Protection (VBAP) standards, or even more protective Exceptional Compliance Program (ECOPRO) standards. There are standards for tank ships, and for Articulated Tug Barges and oil barges. The VBAP/ECOPRO program is designed to protect Washington waters and provide incentives for tank vessel operating companies.

The program was developed jointly with industry representatives. The VBAP/ECOPRO standards are higher than those required by law, while being attainable by proactive marine transportation companies.

## B. Plans and audits

Participating companies develop VBAP/ECOPRO plans demonstrating how they meet the standards. Ecology reviews and approves these plans, which are valid for three years. Ecology inspectors conduct ship audits during the three-year cycle to verify vessels continue to meet or exceed program standards. Audits are conducted while vessels are in Washington ports.

## C. Benefits and incentives

Member companies receive many benefits:

- Members are identified on the Spills Program VBAP/ECOPRO web site.
- ECOPRO members receive an award, which can be presented in a ceremony.
- ECOPRO members receive large industrial decals for their participating vessels so they can visibly show their commitment to environmental protection.
- ECOPRO members may receive an Environmental Certification credit in their Emergency Response Towing Vessel rate calculation (see [Emergency Response System & Towing Vessel | Marine Exchange of Puget Sound \(marexps.com\)](#)).
- Some members have reported reduced marine insurance premiums.

## II. VBAP/ECOPRO Program Requirements

### A. Washington State laws

As a condition of VBAP or ECOPRO membership, a vessel owner must meet all Washington State laws (Revised Code of Washington) regarding oil spill prevention, preparedness, and response. The applicable rules implementing the laws, known as the Washington Administrative Code (WAC), include:

WAC 173-180	<a href="#">Facility Oil Handling Standards</a>
WAC 173-182	<a href="#">Oil Spill Contingency Plan</a>
WAC 173-183	<a href="#">Oil Spill Natural Resource Damage Assessment</a>
WAC 173-184	<a href="#">Vessel Oil Transfer Advance Notice and Containment Requirements</a>
WAC 173-228	<a href="#">Vessel Sewage No Discharge Zones</a>
WAC 317-40	<a href="#">Bunkering Operations</a>

### B. VBAP and ECOPRO standards

In addition to complying with applicable state, federal and international standards, the owner or operator of a tank vessel operating in Washington State waters must meet the VBAP or ECOPRO standards that apply to their vessels. These are available on the VBAP/ECOPRO program website, and also in “Washington State’s Voluntary Program Standards for Tankers” (Ecology Publication 00-08-020) or “Washington State’s Voluntary Program Standards for Tank Barges/ATBs” (Ecology Publication 00-08-021).

To qualify for ECOPRO membership the company’s vessels must meet both the VBAP and the higher level ECOPRO standards. The standards address operating procedures, personnel policies, management practices, event reporting, and oil spill prevention, preparedness, and response.

## III. VBAP and ECOPRO Plan Approval Process

### A. Plan submission

Your VBAP or ECOPRO Plan demonstrates your compliance with each of the standards.

We accept an electronic or hard copy plan, however, an electronic version is preferred. Electronic plans can be submitted by email or through a Managed File Transfer (MFT) site provided by Washington State.

The plan must include the following items in a standard format with a title page, a table of contents, and a record of changes. Ecology can provide a sample model plan and a sample submittal letter.

- Title Page
- Table of Contents
- Submittal Agreement Letter
- For Tankers, list of tankers covered by plan with IMO numbers and deadweight tonnages
- For Tank barges/ATBs, list of tank barges/ATBs with IMO numbers or official numbers
- For Tank barges/ATBs, list of tow vessels with IMO numbers or official numbers
- For tankers, Body of the plan – the 32 VBAP/ECOPRO standards with applicable excerpts from your SMS showing how you meet or exceed the standards.
- For Tank barges/ATBs, Body of the plan – the 31 standards with applicable excerpts from your SMS showing how you meet or exceed the standards.
- The following documentation for each ship, tug, tank barge, and ATB covered by the plan (as applicable):
  - Vessel particulars
  - Diagram of tank layout (for each tank ship or tank barge/ATB)
  - Certificate of inspection (for each tank ship or tank barge/ATB) (U.S. flag only)
  - Certificate of Class (for each tank ship or tank barge/ATB) (non-U.S. Flag only)
  - Safe Manning Certificate (for non-U.S. flag tankers)
  - USCG Certificate of Financial Responsibility (COFR)
  - Evidence of at least USD one billion oil pollution liability (P&I docs or California COFR) (for each tank ship or tank barge/ATB)
  - Safety Management Certificate (for each tank ship or tank barge/ATB)
  - Document of Compliance for company for Company ISM Safety Management System
- Drug Testing results for all personnel on covered vessels
- Event Reports for previous five years.

## B. Plan review

Ecology will review your plan for conformity with the VBAP or ECOPRO standards using a plan review form (Ecology form ECY 070-331 for tankers or ECY 070-332 for tank barges/ATBs) within 60 days of receiving your plan. We will determine if you meet the standards and if you do not, we will provide the reason for our determination. If additional information is needed, you will receive a letter or email and review checklist with our comments and you may make changes and resubmit your plan.

## C. Plan approval

Once your plan is approved, you will be granted Associate Membership.

Full membership status will be granted after our vessel inspectors conduct an audit(s) on your enrolled vessels that call on Washington waters to verify implementation of the policies and procedures in your plan.

If the audit identifies areas that require correction, a copy of the checklist will be provided to the operating company and a deadline for completion will be set by Ecology.

Once the items are corrected, a second audit on another ship will be conducted to verify the VBAP or ECOPRO standards are met.

## D. Annual plan updates

The plan is updated every year to ensure it reflects changes to the company's management system. Annual updates are due by March 31 of each year.

Any significant changes must be included in the updated plan. These include:

- Changes to the fleet of covered vessels;
- An increase or decrease in manning levels;
- Changes to crew training and/or qualifications requirements;
- Changes to configuration of navigation systems and/or emergency towing systems;
- Changes of classification society;
- Changes to vessel's flag of registry; and/or
- Change of owner or company name; and
- Annual drug and alcohol testing summary for the previous calendar year. Only aggregate numbers are required, not the individual names of persons tested.

## E. Plan renewals

Approved plans are in effect for three years. At the end of the three-year period, a new plan must be submitted and reviewed. The plan will be approved for renewal if it continues to meet existing standards. Vessel audits will be conducted as schedules allow, to verify that the vessels enrolled in the plan are following the standards contained in the approved plan.

# IV. Vessel Audits

## A. Location

Vessel audits are carried out by our vessel inspectors when the vessels are in Washington State waters. Our goal is to conduct one audit on each vessel calling on a Washington port during each three-year cycle. When you apply for VBAP/ECOPRO membership, your company will be placed in an Associate Membership status until one or more of your vessels call in Washington

State and our inspectors board and verify that the vessels are being operated in accordance with the elements described in your plan.

## **B. Checklists**

Ecology uses checklists for VBAP and ECOPRO ship audits (Ecology Form ECY 050-35 for tankers or ECY 050-36 for tank barges/ATBs). The checklists include a review of certificates, personnel policies, management practices, operating procedures, emergency procedures, engineering watch practices, bunkering procedures, and the planned maintenance system. Inspectors will look at machinery spaces, deck and mooring stations, and the bridge. Inspectors will also review the oil record book, garbage log, and deck log.

## **V. Procedure for Revising VBAP and ECOPRO Standards**

### **A. Why revisions are needed**

International conventions, regulations, and industry practices change over time. New technology and initiatives may also impact the VBAP and ECOPRO standards. Ecology will work with member companies to revise the standards when needed.

### **B. Procedures for revising standards**

When Ecology determines a need to revise the VBAP or ECOPRO standards, we will provide the proposed changes to members for their review. Ecology and members will meet virtually or in person to discuss the proposed standards and collaboratively agree upon the changes. Ecology will publish the revised standards and provide them to members. Members must incorporate the new standards into their plan before their current plan expires.

## **VI. Frequently Asked Questions**

### **A. Do I have to meet every standard exactly as it is written? Can my company request a waiver for a particular standard.**

Ecology will accept alternatives that meet the intent of the standard as long as the alternative standard provides an equal or greater level of protection. If you can meet the spirit of the standard in a different way or cannot comply with a standard for a reason beyond your control, you may be eligible for a waiver.

### **B. What happens if I am involved in an oil spill?**

If one of your vessels is involved in an oil spill in Washington, Ecology may conduct an investigation. Based on the investigation, or available information, your VBAP/ECOPRO status may be suspended for three years.



For spills outside of Washington, Ecology will request you provide a copy of your investigation and any changes made to prevent a reoccurrence.

### C. Are there any fees or registration costs?

No.

## VII. Additional Information

### A. Participant information

Ecology's Spills Program VBAP and ECOPRO participant member lists are located on the Program's web site: <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Voluntary-certification-program-spills-prevention>.

### B. ECOPRO Award ceremony

An ECOPRO award ceremony may be arranged for companies achieving full ECOPRO status to recognize their commitment to excellence in safe marine transportation and environmental stewardship. An award ceremony may also be held for companies achieving significant milestones, such as being a VBAP or ECOPRO member for Twenty Years.

### C. Ecology VBAP/ECOPRO publications

The following documents are located at Ecology's Publications and Forms webpage, <http://www.ecy.wa.gov/pubs.shtm>

Publication 00-08-020	VBAP and ECOPRO <a href="#">Standards</a> for Tankers
Publication 00-08-021	VBAP and ECOPRO Standards for Tank <a href="#">Barges</a> and ATBs
Form ECY 050-35	VBAP and ECOPRO <a href="#">Inspection</a> Checklist for Tankers
Form ECY 050-36	VBAP and ECOPRO Inspection <a href="#">Checklist</a> for Tank Barges and ATBs
Form ECY 070-331	VBAP and ECOPRO Plan <a href="#">Review</a> Checklist for Tankers
Form ECY 070-332	VBAP and <a href="#">ECOPRO</a> Plan Review Checklist for Tank Barges and ATBs