

## Headlines:

NOAA – HSRP nominations sought;  
NIST – leap second reminder;  
Court – denial of certiorari;  
Court – NPDES permit partially overturned;  
Court – marine salvage claim; and  
Hong Kong – prevention of pollution by garbage.

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# Bryant's Maritime Blog

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*Note: This blog is one section of the [Bryant's Maritime Consulting](#) website. Visit the site for more extensive maritime regulatory information. Individual concerns may be addressed by retaining [Dennis Bryant](#) directly. Much of the highlighted text in this newsletter constitutes links to Internet sites providing more detailed information. Links on this page may be in PDF format, requiring use of Adobe Acrobat Reader. Comments on these postings are encouraged and may be made by clicking the envelope that appears at the end of each posting. Be aware that the daily blog entry is a single posting, even though it contains a number of individual items. Miscellaneous maritime topics are briefly discussed in my [Maritime Musings](#) blog. Those who don't study history may lose the opportunity to make original mistakes.*

## **NOAA – HSRP nominations sought**



The National Oceanic and Atmospheric Administration (NOAA) is soliciting nominations for membership on its Hydrographic Services Review Panel (HSRP). Nominations must be received by 10 August. **80 Fed. Reg. 37236** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-06-30/pdf/2015-16153.pdf>] (6/30/15).

## **NIST – leap second reminder**



The National Institute of Standards and Technology (NIST) issued a **notice** [located at <http://www.nist.gov/pml/div688/grp00/bp-for-leap-second-event.cfm>] reminding stakeholders of the leap second event occurring at 23:59:59 UTC (19:59:59 EDT) on 30 June. Adjust your chronometers accordingly! (6/29/15).

## Court – denial of certiorari



Among the dispositions included in the U.S. Supreme Court **Orders List** for 29 June 2015 [located at [http://www.supremecourt.gov/orders/courtorders/062915zor\\_4g25.pdf](http://www.supremecourt.gov/orders/courtorders/062915zor_4g25.pdf)], are the denials of certiorari in the cases of *Anadarko Petroleum Corporation v. United States*, 14-1167 and *BP Exploration & Production Inc. v. United States*, 14-1217. These orders by the Supreme Court finalize the lower court decisions under the Federal Water Pollution Control Act (commonly known as the Clean Water Act) holding that, for purposes of the civil penalty action, the discharge of oil and gas into the waters of the United States occurred from the Macondo well, which was co-owned the BP and Anadarko, rather than from the MODU Deepwater Horizon. (6/29/15).

## Court – NPDES permit partially overturned



The US Court of Appeals for the Ninth Circuit granted in part and denied in part plaintiff's petition for review challenging the issuance by the Environmental Protection Agency (EPA) of a permit to companies seeking to drill exploratory oil and gas wells on the US outer continental shelf of the Beaufort Sea. The permits, issued under provisions of the National Pollutant Discharge Elimination System (NPDES), authorized the discharge of thirteen waste streams in the marine waters. The court granted plaintiff's petition with regard to the discharge of non-contact cooling water and remanded the record to the EPA for a determination regarding whether such discharge will cause unreasonable degradation of the marine environment because of the effect of such discharge on bowhead whales, including deflection from their migratory paths. The petition was denied in all other respects. *Alaska Eskimo Whaling Commission v. EPA*, No. 13-70633 (9th Cir., June 29, 2015) [located at <http://cdn.ca9.uscourts.gov/datastore/opinions/2015/06/29/13-70633.pdf>].

## Court – marine salvage claim



In an unpublished decision, the US Court of Appeals for the Eleventh Circuit reversed the district court's grant of defendants' motion for summary judgment in a claim for marine salvage. During a marina fire, plaintiff towing and salvage company had, at the request of the responding fire department, towed defendant yacht out of the marina. Defendants contended that the marine salvage claim was improper because there was no marine peril. Plaintiff salvor appealed the court's grant of summary judgment. The appellate court reversed, finding that there was a genuine issue of fact as to whether a marine peril existed, making summary judgment improper. *Biscayne Towing v. M/Y Backstage*, No.

14-12176 (11th Cir., June 29, 2015) [located at <http://media.ca11.uscourts.gov/opinions/unpub/files/201412176.pdf>].

## Hong Kong – prevention of pollution by garbage



The Hong Kong Marine Department issued a notice advising that a new regulation has been adopted giving effect to the latest amendments to MARPOL Annex V – Prevention of Pollution by Garbage from Ships. The new regulation enters into effect on 1 July. **Notice 93-2015** [located at <http://www.mardep.gov.hk/en/notices/pdf/mdn15093.pdf>] (6/29/15).

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