North American Emission Control Area

Electronic Fuel Oil Non-Availability Disclosure Portal (FOND)

Instructions

Air Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency

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On June 26, 2012, the U.S. Environmental Protection Agency (EPA) issued an Interim Guidance on the Non-Availability of Compliant Fuel Oil for the North American Emission Control Area (ECA). The Interim Guidance clarifies how the U.S. Government will implement the fuel oil availability provisions contained in Regulation 18 of the International Convention for the Prevention of Pollution from Ships (MARPOL), Annex VI, and describes how an owner or operator of a vessel who cannot obtain compliant fuel oil can make a fuel oil non-availability claim through submission of a Fuel Oil Non-Availability Report (FONAR). The Interim Guidance also indicated that the EPA was in the process of implementing an electronic system to receive the FONARs. The EPA has now launched this system, the Fuel Oil Non-Availability Disclosure Portal (FOND). Persons wishing to submit FONARs to the EPA must now request an electronic FONAR form through FOND, and must submit completed FONARs through this same electronic portal.

This document provides instruction on how to register with and use the FOND portal for any party wishing to submit a FONAR to disclose potential violations of the North American Emission Control Area under MARPOL Annex VI, Regulation 18.

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Step 1: Central Data Exchange (CDX) Registration

In order to use the FOND, a user must first sign up to use the EPA's Central Data Exchange (CDX) system. Step 1 illustrates how a user first signs up for the CDX system in order to access the electronic FOND portal.

1. Open the CDX webpage.
   A. Open your Internet browser, either Internet Explorer 7.0 and higher or Firefox Mozilla 2.0 and higher (no other browsers are supported), and enter the following URL: http://cdx.epa.gov
2. Log into the CDX.

   A. If you already have a User ID and Password: Enter your User ID and Password, and then click "Log In." Next, skip to 4.
   B. If you do **not** have a User ID or Password: Click "Register with CDX" and proceed to 3.
3. Register with CDX and add FOND to MyCDX.
   A. After clicking "Register with CDX" you will see the "Terms and Conditions" page. Please read all information and if you accept, then click "I Accept" and then "Proceed."
      Note: If you do not accept the Terms and Conditions, you will be unable to use FOND and must submit your FONAR via mail.
   B. Select "FOND: Fuel Oil Non-Availability Disclosure" from the Active Program Services List.
   C. Fill out your User Information and Organization Information, and then click "Submit Request for Access."
   D. Check the e-mail account you provided for the e-mail verification request, with the subject "Core Registration Email Verification Request."
   E. Open the link in that e-mail and enter the User Name and Password you created, and then click "Log In to CDX."

F. You will then see the Paper CDX Electronic Signature Agreement. Read the agreement, and if you agree, click "Sign Paper Form."

G. Print out a copy of the paper form, sign the paper form, and mail the form to:

U.S. Environmental Protection Agency
Office of Civil Enforcement; Air Enforcement Division
Marine ECA - Fuel Oil Non-Availability
1200 Pennsylvania Ave N.W.
Ariel Rios South Building, Mailcode 2242A
Washington, D.C. 20460 (20004 for non-USPS couriers)

Note: If you do not submit this paper form, then your FONAR will not be considered. However, we do allow the FONARs to be submitted while the Electronic Signature Agreement is being delivered and processed by EPA.

H. If you have already sent in the paper form, please select the "Skip and Continue to Program" Button.

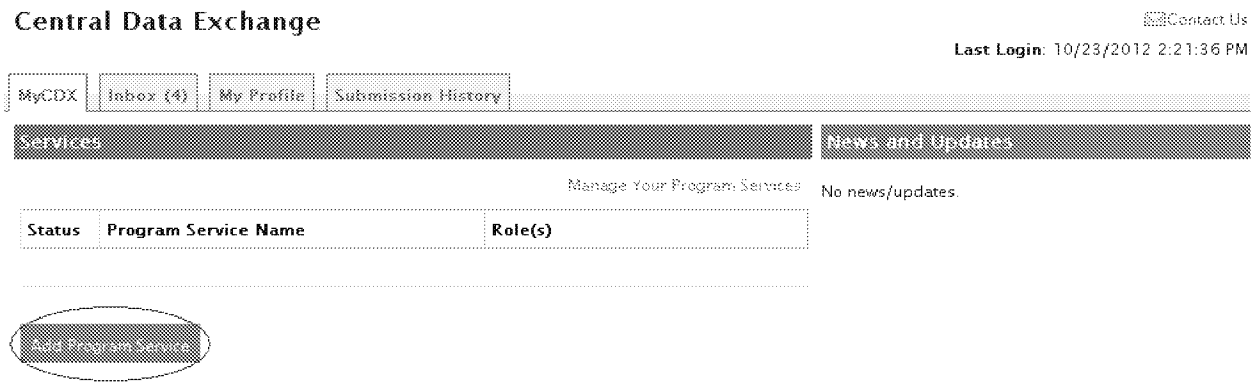
Note: Please allow several weeks for delivery and process of the Electronic Signature Agreement. If you have any questions, please e-mail marine-eca@epa.gov

I. Select your 5 challenge questions and answers to allow you to e-sign the Agreement, then click "Save Answers."

J. Skip to Step 2 of these instructions.

4. Add FOND to an existing CDX account.

A. If you do not see the FOND portal on your MyCDX webpage, click "Add Program Service" on the MyCDX webpage.



B. Select "FOND: Fuel Oil Non-Availability Disclosure" from the Active Program Services List.

C. Provide Organization Information and click "Submit Request for Access."

D. You should now see the "FOND: Fuel Oil Non-Availability Disclosure" portal link on your MyCDX webpage.

Note: You may have zero, one, or many profiles already registered if you are an existing CDX user.

Step 2: Request and Receive an electronic Fuel Oil Non-Availability Report (FONAR) form

This Step illustrates how a user may request and receive a unique electronic Fuel Oil Non-Availability Report (FONAR) form.

1. Log in to CDX.
   A. Open your Internet browser, either Internet Explorer 7.0 and higher or Firefox Mozilla 2.0 and higher (no other browsers are supported) and enter the following URL: http://cdx.epa.gov
   B. Enter your User Name and Password, and then click "Log In."

2. Enter the FOND portal.
   A. Click the link to "Fuel Oil Non-Availability Disclosure" portal under the MyCDX tab.
   B. You may again be directed to the Paper CDX Electronic Signature Agreement; if you have already mailed in the form, click "Skip And Continue to Program."
3. Review all information.
   A. Review all the information on the Request a Fuel Non-Availability Report Form page.
4. Request and receive an electronic FONAR form.
   A. Download the detailed instructions sheet by clicking the link on the page under the Instructions paragraph.
   B. Click "Request a Form" at the bottom of the page.

   C. Open the file and save it to your computer.

Step 3: Complete the FONAR Form and Additional Documents

This step describes how a user completes the electronic FONAR form and additional documents to make up the complete FONAR submission.

1. Fill out the FONAR form according to the detailed instructions.
   A. Using the instructions downloaded in Step 2(4)(a), complete all fields of the electronic FONAR form downloaded in Step 2(4)(c).
2. Save the completed FONAR form.
   A. After you fill out the Excel or CSV file, save the file to a location that you will be able to easily find as you will need to upload this file in Step 4.
3. Collect the additional requested documents.
   A. In addition to the electronic FONAR form (Excel or CSV file), there are other documents required to be submitted to complete your FONAR. A complete FONAR includes all of the following:
      i. Completed ECA100 FONAR form (Excel or CSV format);
      ii. A copy of the vessel's voyage plan (PDF or similar format);
      iii. List the contact information for fuel suppliers referenced in the form (PDF or similar format); and
      iv. **As a Separate Document:** A list of all documents submitted to the EPA and the certification statement (below) with signature (PDF or similar format).
      "I certify under penalty of law that the statements and information made herein are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines and imprisonment pursuant to 18 U.S.C. § 1001."
      [Designated Corporate Official Name]
      [Designated Corporate Official Title]
      [Designated Corporate Official Contact Information]
      [Designated Corporate Official Signature]

   Note: It is highly recommended that you combine all files into a single compressed file.

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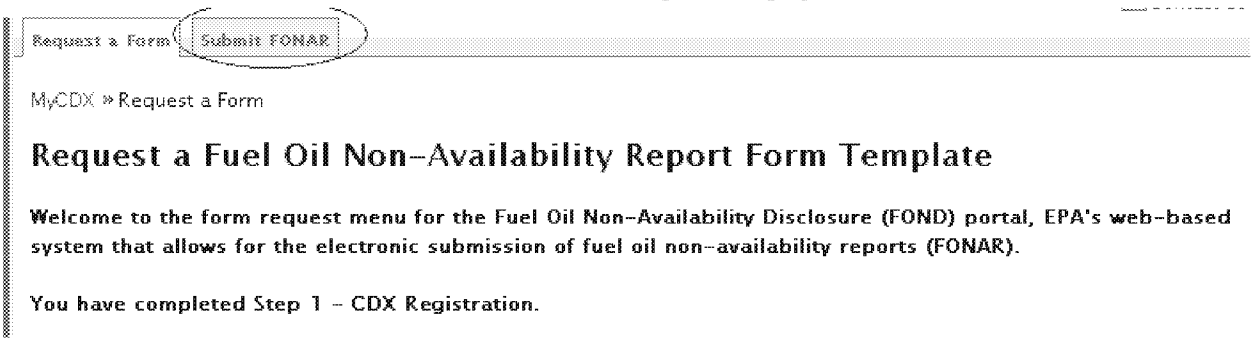
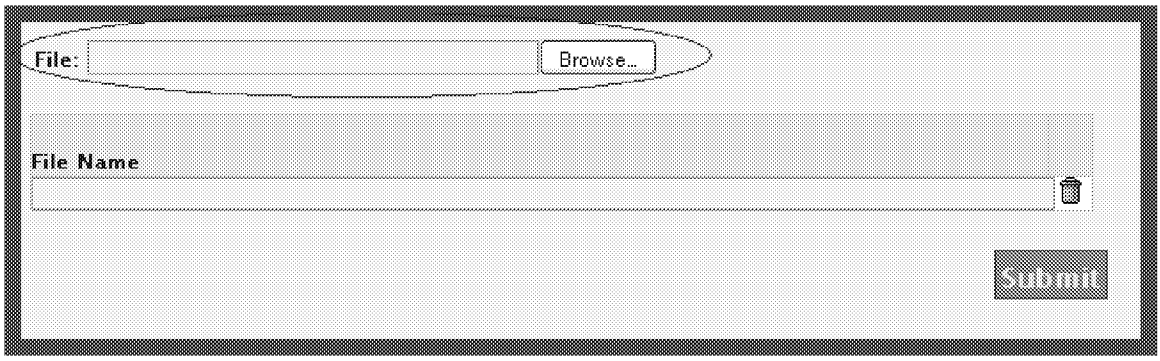
Step 4: Submit the Completed FONAR

This Step describes how a user submits a completed FONAR.

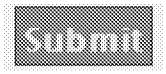
1. Enter the Submit Form Application.
   A. Log in to CDX.
   B. Enter the FOND portal by clicking on the "FOND: Fuel Oil Non-Availability Disclosure" link on your MyCDX page.
      i. You may again be directed to the Paper CDX Electronic Signature Agreement; if so, click "Skip And Continue to Program."
   C. Click the "Submit FONAR" tab at the top of the page.



2. Review all information.
   A. Review all information on the "Submit FONAR" page.
   B. Click "Browse" to select the files to upload.
      Note: Do **Not** click "Submit" until all files have been selected. However, we highly recommend compressing all files into a single file.
   C. Select files one at a time using the "Browse" button until all required files are included in the submission.



3. Submit the completed FONAR.
   A. Review all files displayed on the page to be uploaded.
   B. If all proper files have been included, click "Submit" at the bottom of the page.



   C. When the system prompts you, review the information you have submitted.

D. If you accept the information you have submitted, click "Accept."

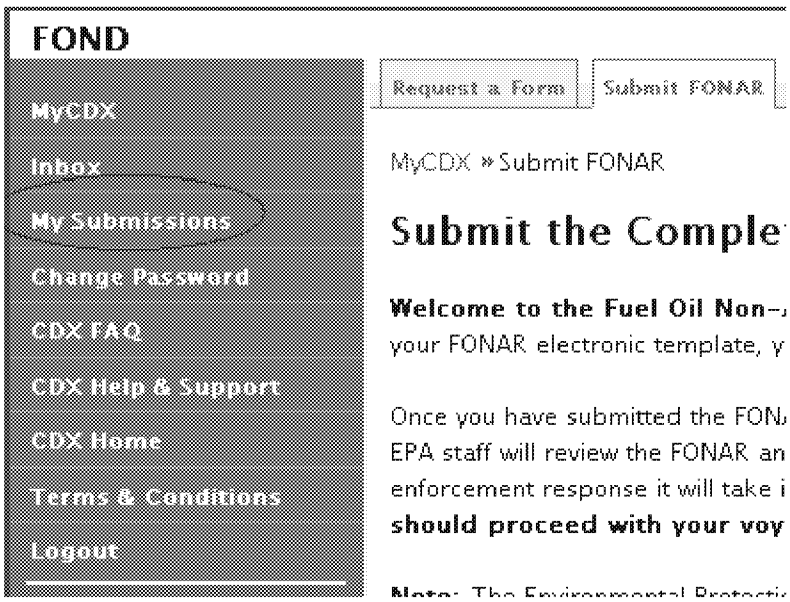
E. Re-enter your CDX Password and click "Next."

F. Answer the security question provided in the prompt and click "Next."
Note: You will have chosen and answered this question when you originally signed up for access to the FOND portal.

G. If your files uploaded correctly, you should see the message "Submission was successful."

4. Review your submission.

A. You may review past submissions at any time by clicking the "My Submissions" link in the left sidebar at any time.



Additional Comments

Once the FONAR has been submitted, the vessel should proceed in its normal course and does not need to wait for further confirmation from EPA prior to entering the North American ECA.

In due course, the EPA will review the complete FONAR submitted by the user and will decide on the appropriate action to take, including taking no action.

The EPA may contact the submitter (and/or ship owner or operator) in the event of an incomplete submission, a request for additional information, or to pursue an enforcement action such as a Notice of Violation.

The ship owner or operator is required to maintain records of this submission for a period no less than 5 years from the occurrence of the violation.

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