

Guidelines for Ensuring the Adequacy of

PORT WASTE RECEPTION FACILITIES



International Maritime Organization Documents



Document Sharing Hub

Guidelines for Ensuring the Adequacy of

PORT WASTE RECEPTION FACILITIES



IMO
London, 2000

Published in 2000 by the
INTERNATIONAL MARITIME ORGANIZATION
4 Albert Embankment, London SE1 7SR

Printed in the United Kingdom by Ashford Open Learning

2 4 6 8 10 9 7 5 3 1

ISBN 92-801-5101-0

IMO PUBLICATION
Sales number IMO-598E

Copyright © IMO 2000

All rights reserved.
No part of this publication may, for sales purposes,
be produced, stored in a retrieval system or transmitted
in any form or by any means, electronic, electrostatic,
magnetic tape, mechanical, photocopying or otherwise,
without prior permission in writing from the
International Maritime Organization.

Foreword

The Marine Environment Protection Committee, at its forty-fourth session (6 to 8, 10 and 13 March 2000), adopted, by resolution MEPC.83(44), Guidelines for ensuring the adequacy of port waste reception facilities.

The intention of these Guidelines is to provide guidance on the determination of adequacy of reception facilities for ship-generated waste as part of the implementation of the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78). Widespread use of the Guidelines will assist States to overcome the problem of determining the need for reception facilities.

These Guidelines are printed with the generous in-kind assistance of INTERTANKO.

Contents

Resolution MEPC.83(44)	Page 1
Guidelines for Ensuring the Adequacy of Port Waste Reception Facilities	
1 Introduction	3
2 Obligations and principles	4
3 How to achieve adequacy	5
4 Operational needs	6
5 Planning a port waste reception facility	7
6 Port waste facilities – assessment strategy	9
7 Type and capacity of waste reception facilities	11
8 Enforcement and compliance	14
9 Role of flag State	15
10 Role of port State	15
11 Role of IMO	15
12 Charging	16
13 Regional co-operation	16
14 Industry co-operation	16
15 Training	17
Appendices	
Appendix 1 – MEPC/Circ.349	18
Appendix 2 – Sample assessment procedure for ports	23
Section A Assessment details	24
Section B Summary of waste reception facilities provided	25
Section C Demand for waste reception facilities	26
Section D Assessment of waste reception facilities	27
D1 Oily wastes	
D2 Noxious liquid substances	
D3 Sewage	
D4 Garbage disposal – on shore	
Garbage disposal – ship-to-shore	
D5 Waste management system	
Section E Assessment of adequacy of service	34

RESOLUTION MEPC.83(44)

Adopted on 13 March 2000

GUIDELINES FOR ENSURING THE ADEQUACY OF PORT WASTE RECEPTION FACILITIES

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING ALSO the objective of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), to achieve the complete elimination of international pollution of the marine environment,

RECALLING FURTHER Assembly resolution A.896(21) on the provision and use of port reception facilities,

DESIRING in this regard to reduce even further operational pollution,

NOTING regulations 12(5) of Annex I, 7(4) of Annex II and 7(2) of Annex V of MARPOL 73/78 which require the Government of each Party to ensure the provision of reception facilities,

RECOGNIZING the urgent need for developing such guidelines in order to ensure uniform application of regulation 12 of Annex I of MARPOL 73/78,

RECOGNIZING ALSO that some Governments may face particular difficulties in meeting their obligations under regulation 12 of Annex I of MARPOL 73/78,

RECOGNIZING FURTHER the importance of effective planning and accurate assessment of the needs of port users for the provision of adequate reception facilities,

HAVING CONSIDERED at its forty-fourth session proposals for the guidelines submitted by Governments,

1. ADOPTS the Guidelines for ensuring the adequacy of port waste reception facilities, the text of which is set out at annex to the present resolution;
2. URGES Governments to meet their obligations to ensure the proper provision of adequate facilities and arrange for effective receipt of ships' wastes in their ports;

3. FURTHER URGES Governments to take necessary steps to ensure that the planning and establishment of new facilities are achieved in accordance with these Guidelines;

4. FURTHER ENCOURAGES Governments to make use of the assessment form appended to the Guidelines to conduct regular assessments of their waste reception facilities in their ports and advise IMO of the outcome of such assessments, including any inadequacies of port reception facilities, as well as any technical co-operation assistance needed to address those inadequacies.

1 INTRODUCTION

1.1 States Parties have obligations under UNCLOS¹ and MARPOL 73/78² to tackle the problems associated with the illegal discharge of ship-generated wastes from all types and sizes of ships, including sailing boats. Marine pollution is indiscriminate. By its nature it is transboundary. Its effects have repercussions on a global scale. The illegal discharge of oil has a detrimental effect on the marine and coastal environment. Oil may wash ashore as tar balls far away from its point of discharge. Persistent pollution such as plastic is capable of remaining in the marine environment for hundreds of years.

1.2 These Guidelines, prepared by the Marine Environment Protection Committee (MEPC) of the International Maritime Organization (IMO), contain information for the provision and improvement of port waste reception facilities and are designed to complement IMO's *Comprehensive Manual on Port Reception Facilities*.³ The Guidelines provide, in summary, information relating to the ongoing management of existing facilities, as well as for the planning and establishment of new facilities. The Guidelines are also intended to encourage States to provide adequate port waste reception facilities and ships to make more effective use of these facilities. This will make a substantial contribution to the ultimate aim of MARPOL 73/78 to achieve the complete elimination of intentional pollution of the marine environment.

1.3 The main objective of the Guidelines is to remind States that wastes arise from all maritime activities – commercial, fishing and recreational – and that each activity requires specific attention. In particular, the Guidelines are intended to:

- .1 assist States in planning and providing adequate port waste reception facilities; and
- .2 encourage States to develop environmentally appropriate methods of disposing of ships' wastes ashore.

1.4 These Guidelines are designed to address Member Governments, port States and port authorities for their activities aimed at provision of adequate port waste reception facilities required under the provisions of MARPOL 73/78.

¹ United Nations Convention on the Law of the Sea, 1982.

² International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto.

³ IMO publication IMO-597E.

2 OBLIGATIONS AND PRINCIPLES

2.1 UNCLOS provides that:

- .1 States have a general obligation to protect and preserve the marine environment (Article 192);
- .2 States have a duty to take measures, using the best practicable means at their disposal and in accordance with their capabilities, to minimize to the fullest possible extent pollution from ships, in particular measures for preventing intentional and unintentional discharges (Article 194); and
- .3 flag States have a duty to adopt laws and regulations which have at least the same effect as that of generally accepted international rules and standards established through IMO (Article 211(2)).

2.2 UNCLOS and MARPOL establish a framework of rights and duties. Coastal States have the right to prohibit polluting discharges from foreign and domestic shipping in their coastal zones. If they exercise this right, they have a duty to ensure the provision of adequate reception facilities for ships' wastes in their ports. This duty is explicit in MARPOL. It is implicit in UNCLOS that each right also entails a duty.

2.3 States Parties to MARPOL 73/78 have specifically undertaken to ensure the provision of adequate waste reception facilities in their ports. Most States have delegated this duty to their ports industry or to other public or private bodies, but States retain the ultimate responsibility for ensuring that their undertaking is fulfilled.

2.4 The global provision of adequate port waste reception facilities will help pave the way to the elimination of intentional pollution of the marine environment from maritime activities as envisaged in the preamble to MARPOL 73/78. To succeed in this objective mariners must be provided with the means to dispose of ships' wastes ashore. The conditions of use of such facilities must not deter mariners from using them, either for practical or economic reasons.

2.5 States Parties failing to provide adequate reception facilities will be in breach of their MARPOL 73/78 obligations, and make it harder to enforce measures to combat illegal discharges at sea from shipping.

2.6 These Guidelines concentrate on the need for adequate port reception facilities, rather than on the enforcement of international obligations. There is international recognition of the need for the proper management to achieve and maintain high standards of

environmental protection by all those involved in the operation of ships. To address this need, IMO has adopted the International Safety Management (ISM) Code⁴ to develop a safety and environmental culture both ashore and on board ship. It places a responsibility on the flag State to confirm, by means of auditing, that both the shore-side management systems and operational standards on board ships comply with the ISM Code.

2.7 In addition to the requirements under UNCLOS, MARPOL 73/78 and SOLAS,⁵ the ISM Code provides a link between the need for compliance with international treaty obligations and the associated responsibilities of the maritime industry. This dual approach – by Administrations and industry – to the provision of adequate facilities should complement other measures taken by the IMO to protect the marine environment.

3 HOW TO ACHIEVE ADEQUACY

3.1 IMO has agreed that:

*"To achieve adequacy the port should have regard to the operational needs of users and provide reception facilities for the types and quantities of wastes from ships normally using the port."*⁶

3.2 Notwithstanding 3.1 above, adequate facilities can be defined as those which:

- .1 mariners use;
- .2 fully meet the needs of the ships regularly using them;
- .3 do not provide mariners with a disincentive to use them; and
- .4 contribute to the improvement of the marine environment.

3.3 The facilities provided by the port must:

- .1 meet the needs of the ships normally using the port; and
- .2 allow for the ultimate disposal of ships' wastes to take place in an environmentally appropriate way.

⁴ IMO adopted the ISM Code in November 1993 through resolution A.741(18). As from 1 July 1998 compliance with the requirements of the ISM Code is mandatory under the provisions of chapter IX of SOLAS.

⁵ International Convention for the Safety of Life at Sea, 1974 (as amended).

⁶ This was agreed upon at MEPC 43.

4 OPERATIONAL NEEDS

4.1 In relation to operational needs, the key concern of the master, shipowner and ship's agent is likely to be to avoid the ship incurring undue delay. The *Comprehensive Manual on Port Reception Facilities* provides a definition:

"The time of transfer (of waste) should be mutually agreed upon and transfer of waste should take place during the cargo-handling working hours of the port unless the ship's normal call at the port is not at a time within this period."

4.2 It is unlikely that a ship would enter port solely to discharge wastes. Nevertheless, ports should make every effort to meet the needs of ships and not create obstacles to ships using reception facilities.

4.3 For logistical reasons, the providers of waste reception facilities may require advance notification of the intention to use facilities, particularly if independent waste contractors provide some or all of the port's waste collection services. Providing advance notification of the type and quantity of wastes on board for delivery to a reception facility should minimise the risk of undue delay to the ship. Once alerted to the volumes and types of wastes expected, the waste facility provider will be better able to meet the needs of the ship at a mutually acceptable time.

4.4 Some States have, either on a national or regional basis, developed legislation regulating the provision of port waste reception facilities. One legislative aim is to ensure that ports receive advance notification of ships' waste discharge intentions.

4.5 A requirement for ships to give advance notification of their intentions as regards waste discharge in ports – or similar procedure – should ensure that ports can prepare for reception of waste in an adequate manner. They may also use this information to monitor the provision and adequacy of their facilities, which will greatly assist the port waste management planning and review process. The principle of advance notification is complementary to, and consistent with, best practice of port waste management planning. States may wish to consider the positive merits of introducing into their domestic regimes an obligation for ships to submit a waste discharge form prior to entry into port.

4.6 In any case, to maintain and improve the adequacy of its facilities the port administration, working with port waste facility providers, should ensure that an effective advance notification and monitoring arrangement is in place. Such arrangements need to be communicated clearly and concisely to all ships (and their agents) prior to port entry. For the arrangements to be effective, ships' masters should provide the port with their waste discharge requirements at least 24 hours in advance of arrival, or for passages of shorter duration, as soon as is practicable.

5 PLANNING A PORT WASTE RECEPTION FACILITY

5.1 MARPOL 73/78 provides that States Parties have an ongoing obligation to ensure the provision of adequate waste reception facilities in their ports. States intending to become Parties to this Convention will also be bound by the same obligations in accordance with the requirements of:

- .1 regulation 12 of Annex I;
- .2 regulation 7 of Annex II;
- .3 regulation 7 of Annex V;
- .4 regulation 10 of Annex IV (when it enters into force); and
- .5 regulation 17 of Annex VI (when it enters into force).

5.2 The mere provision of facilities, which are then not fully utilised, does not necessarily mean they are adequate. Poor location, complicated procedures, restricted availability and unreasonably high costs for the service provided, are all factors which may deter the use of reception facilities.

5.3 The obligation to provide adequate facilities covers all ports, terminals, harbours and marinas visited by commercial shipping and other types of vessel. The effort made by the port to ensure the provision of adequate facilities should be commensurate with the quantities and variety of wastes to be delivered ashore.

5.4 Ports cannot provide adequate facilities for users without an accurate assessment of their needs. The *Comprehensive Manual on Port Reception Facilities* provides extensive guidance on this issue. The development of a port waste assessment procedure, or management plan is vital. This need not be an onerous task and the concept behind such a plan is simple. Ships are customers of the port, and meeting the needs of the ships while they are in port is simple 'customer care'.

5.5 Port waste management planning is intended to identify a number of common elements which all ports should consider when planning waste management facilities; regardless of the size and type of the port or the types of wastes received. These common elements are embodied in a framework which can be applied flexibly to any port.

5.6 States Parties will need to consider how they can best promote the port waste management concept. The options are:

- .1 as a statutory obligation in their ports, harbours and marinas; or
- .2 through voluntary industry initiatives.