

ANNEX 2

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.

ANNEX

**GUIDELINES FOR ENSURING THE ADEQUACY OF PORT WASTE
RECEPTION FACILITIES****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. Ship sourced 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 Organisation (IMO), contain information for the provision and improvement of port waste reception facilities and are designed to complement the IMO Comprehensive Manual on Port Reception Facilities³. 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 The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto.

³ IMO Publication 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 minimise 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 the 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, the 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.

⁴ The 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. Section 15 contains information on the ISM Code.

2.7 In addition to the requirements under UNCLOS, MARPOL 73/78 and SOLAS⁵, 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 The 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 The IMO, through the MEPC, has undertaken work into, and monitored the provision of, port waste reception facilities. It has concluded that, 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. 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 IMO 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."

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

⁶ This was agreed upon at MEPC 43

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 The universal application of a advance notification or similar procedure should ensure that ports receive a regular supply of documented material. They may use this 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 on-going 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 vessels. 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 IMO 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 State Parties will need to consider how they can best promote the port waste management concept. The options are:

- (a) as a statutory obligation in their ports, harbours and marinas; or
- (b) through voluntary industry initiatives.

5.7 The most effective method for ports to provide adequate facilities is through the consultative process. All interested parties, including port authorities, ship operators, agents and waste service providers and various Government agencies (including those with responsibility to ensure the safe and environmental disposal of wastes) have a role in the consultative process. They should all have the opportunity to express their opinion and influence the provision and use of port waste reception facilities.

5.8 Following the initial period of consultation it is important that a process of consultation continues with users. This will ensure that the provision of adequate facilities within the port is consistent and continues to meet users needs, which may vary as the type and volume of traffic change.

5.9 During the process of consultation, the port should give consideration to some common elements. In summary, these might include ensuring that facilities:

- .1 are available during a ship's visit to the port;
- .2 do not cause undue delay to ships;
- .3 are conveniently located and easy to use;

- .4 cater for all types of waste streams usually entering the port; and
- .5 do not cost so much to use as to present a disincentive to users.

5.10 Ports should also carry out a periodic review of the facilities to ensure that they continue to meet the needs of users. Government, maritime and environmental agencies should contribute to this review process, as appropriate. Reference is made to the Sample Assessment Procedure for Ports in Appendix to these Guidelines. It should be emphasized that this merely serves as an example and the procedure should be amended to suit local circumstances and requirements. Periodic assessment with the aim of identifying areas for improvement is also in the commercial interest of the port. Rectifying deficiencies will enhance the quality of services provided and thus the commercial attractiveness of the port.

5.11 Ports should consult their appropriate national authorities, or the appropriate delegated authorities, with regard to the final treatment and disposal of ships' wastes delivered ashore. Those responsible for the collection and treatment of wastes may require licensing arrangements. The appropriate authority responsible for waste disposal should deal with these arrangements.

5.12 While producing a management plan, ports should consider how to inform users of the location, cost and procedures for using the facilities. It will be important for the port to consider how it might best publicise the availability of facilities and provide ships with names, fax, telephone, e-mail and availability details of appropriate contacts ashore.

5.13 Bodies who may provide a useful source of information during the consultation process include:

- .1 trades associations;
- .2 ships' masters, owners and agents;
- .3 the IMO (e.g. for technical advice); and
- .4 the national and local administration, e.g. marine, environment, waste disposal planning and legal departments.

5.14 All States Parties have an obligation to provide reception facilities for all specified MARPOL 73/78 wastes from all ships normally calling at their ports. However, it is recognized that some port authorities may face particular problems meeting this obligation. To identify possible solutions the port waste management planning process is particularly useful.

5.15 Port waste management planning on a regional arrangements can provide a solution when it is undertaken in such a manner as to ensure that vessels do not have an incentive to discharge wastes into the sea. In the development of such regional plans it is imperative that the dedicated waste storage capacity of vessels involved is sufficient to retain their wastes between ports of call. Such planning may require close collaboration between States.

5.16 In judging the adequacy of waste reception facility at individual ports within a regional plan, States Parties to MARPOL 73/78 will need to have particular regard to the ability of all ships to discharge all of their wastes within the region.

6. PORT WASTE FACILITIES - ASSESSMENT STRATEGY

6.1 An integral element of the planning and ongoing management of port waste reception facilities is the collection and assessment of information regarding port user requirements. Using a waste reception facility auditing or assessment strategy is one of the best methods of achieving this.

6.2 Such a strategy may support the principle of port waste management planning, providing for the evaluation of existing facilities and the assessment and effectiveness of waste management programmes operating within a port. For example, it may be possible to identify a correlation between the adequacy of port waste reception facilities and local levels of marine pollution and debris.

Assessment procedures

6.3 Most importantly, the collection of relevant data should reveal existing weaknesses in port and ship practices and allow for the implementation of improvements. A key component of any assessment strategy is its ability to facilitate the collection and interpretation of all necessary information. An example of such a procedure is set out in the Appendix to these guidelines.

6.4 The procedure annexed to these guidelines provides an example of a detailed audit that might be conducted by a third party, e.g. by a consultant. Many types of assessments will not require such a comprehensive approach. For example, a self-assessment by a port authority would not require the use of the whole of the procedure outlined in Appendix to these guidelines.

6.5 The procedure is primarily aimed at large commercial ports. However, it can readily be adapted to suit smaller harbours and marinas. In its current format, the procedure offers a systematic checklist of questions designed to obtain information about current port facilities, demand, and the type and level of waste service provided.

6.6 In any case, it will be necessary to provide initial training to both private and public sector assessors to ensure that an objective assessment of ports waste facilities is undertaken. When undertaken by government authorities, the assessment procedure should ideally apply to all ports, marinas and harbours within a State's jurisdiction according to systematic criteria that reflect the size of the port or harbour, the types and volumes of traffic that pass through it, and the waste streams regularly delivered ashore by users. It therefore follows that the approaches will differ between commercial ports, marinas and fishing harbours.

6.7 Waste management systems within a port do not exist in isolation from the rest of the port infrastructure, but rather are an integral part of the entire package of facilities and services offered by the port. Assessments and plans for waste reception facilities in a port must be linked to other infrastructure developments within the port complex if their value is to be optimised.

Use of the waste management planning assessment procedures

6.8 The waste management planning assessment procedures may be used as follows:

- in commercial ports, marinas and harbours, as part of an overall strategy demonstrating good waste management practice;
- by regulatory agencies, where there is a need to conform to waste licence or compliance regulations, or to undertake a needs analysis;
- by the managers of waste service providers, to assess performance and by port users; and
- a means by which States Parties to MARPOL might demonstrate their compliance with Article 11 (1) (d) of the 1973 Convention.

Implementation of the assessment procedures

6.9 The assessment could be both an objective and independent exercise from that carried out for port waste management planning purposes.

- Assessors should be able to demonstrate adequate expertise (with the assistance of the assessment protocol and procedure) and experience in the conduct of environmental assessments.
- Most environmental consultants, and many environment, health, and safety experts employed in the waste management industry have the appropriate expertise and experience to carry out such audits.
- All States should consider this option, resources permitting.
- Any assessment forms and procedures developed by States should be shared with reception facility managers in order further to promote industry self-evaluation and improvements in management practices.

7. TYPE AND CAPACITY OF WASTE RECEPTION FACILITIES

7.1 Waste facilities should be available in all ports where there is a need for ships to discharge wastes ashore. They should be easily accessible and equipped to deal with the various waste streams and quantities that users deliver. Reception facilities must be able to deal with the range of wastes that is likely to arise from ships normally using the port. Where appropriate the facilities should be capable of handling:

- Annex I - oily waste, from engine room tanks, slop tanks etc.;
- Annex II - noxious liquid substances e.g. from tank cleaning activities;
- Annex V - garbage;

- Annex IV - sewage (not yet in force); and
- Annex VI - ozone depleting substances and exhaust gas cleaning residues (not yet in force).

7.2 On occasion, this may mean going beyond the strict requirements of the MARPOL Annexes that are in force. Inadequate facilities may encourage a master to discharge wastes at sea or to overload the waste storage capacity on board the ship.

7.3 It is necessary for ports to provide adequate facilities to cater for each type of wastes delivered by ships using the port: both cargo residues and wastes generated on board ships. Following the consultation process the port will be in a better position to tailor the facilities it provides to meet individual circumstances according to the port's normal traffic patterns.

7.4 For various waste streams, where appropriate, port administrations may prefer ship operators, or their agents, to make their own arrangements with waste contractors. However, the port administration must retain responsibility for ensuring that the facilities provided by the contractors are sufficient for the amounts and types of wastes received. It does this by exercising general oversight as part of its waste management plan or waste facility assessment process.

7.5 Ports will wish to consider the potential human and environmental risk associated with combining different waste streams within the same reception facility. Such action may lead to technical problems in the collection, treatment and final disposal of wastes. The waste policy of national authorities should dictate how to handle and contain different waste streams at the port.

7.6 Ships and ports should be encouraged to take appropriate measures to promote the separation of wastes. They could provide for the separate collection of materials such as glass, metal paper packaging and plastics for recycling.

7.7 The inappropriate storage of waste in shore side receptacles may encourage the introduction of vermin. The design and maintenance of receptacles should avoid the spread of infection and disease.

7.8 The use of road tankers and other vehicles for the removal of ships' wastes is common. This method can facilitate the rapid discharge of wastes and minimise undue delay to the ship, provided that it is suitable for the types and volume of wastes on board and the ship's operational needs. Road vehicles will also generally be responsible for the collection and carriage of wastes from the port to the point of final treatment and disposal. Vehicular access to the ship should not therefore be unduly restricted, nor should access to the facilities impede the normal functions of the ship or port. Due regard should, however, be given to ships loading or unloading dangerous cargoes.

7.9 Alternatively it might be appropriate to provide barges to collect wastes from ships without interfering with the operations of the ship while it is loading or unloading, or while ships are at anchor away from the dock side. In particular, this would be appropriate where vehicular access is not practicable.

7.10 The IMO Comprehensive Manual on Port Reception Facilities provides a useful checklist and considers, in summary, that when selecting a site the following considerations should be taken into account:

- .1 other port operations should not be hindered;
- .2 the risk for wastes to enter the water should be minimised;
- .3 the site should be at a convenient place;
- .4 the site should have sufficient lighting allowing for 24 hour use;
- .5 siting of the facilities should be convenient for users, contractors and vehicles;
- .6 reception facilities should be clearly identified;
- .7 the location of facilities should not impact adversely on the local community; and
- .8 the facilities must comply with national, local and other legislation on garbage collection and processing.

Quarantine Waste

7.11 Some States impose specific requirements regarding quarantine waste. The definition of such waste will be a matter for national legislation, and may be based on the protection of specific agricultural products or indigenous wildlife. Quarantine waste may, according to national legislation, require separate receptacles which should be clearly marked and which are sufficiently secure to prevent birds and animals from accessing the facility. The location of such facilities should not present a risk to the human population either at the site or during its transportation, treatment and final disposal.

7.12 Ports should ensure that specific national requirements relating to quarantine wastes are properly notified to ships in order that appropriate steps may be taken to ensure that the storage of such waste will prevent the introduction of disease and vermin. The proper management of waste should provide a means whereby the waste can be delivered ashore without presenting a risk to human health, the local land or marine environment.

8. ENFORCEMENT AND COMPLIANCE

8.1 Flag and port States should be able to demonstrate that they fulfil the requirements of MARPOL 73/78 obligations by ensuring that the obligation to provide adequate port waste reception facility is complied with, maintained and enforced.

8.2 In adopting MEPC/Circ.349 (attached to these Guidelines) for reporting alleged inadequacy of port reception facilities, the MEPC agreed that Parties to MARPOL 73/78 should fulfil their obligations under Regulation 12(5) of Annex I, Regulation 7(4) of Annex II and Regulation 7(2) of Annex V. They can do this by ensuring that whenever shipowners or masters identify an inherent inadequacy of reception facilities a report is made as advised in MEPC/Circ.349. The revised format places an obligation on flag States:

“The flag State shall notify the port State of the occurrence.”

8.3 In order for the full benefits of the reporting system to be achieved, when using the Alleged Inadequacy Reporting Form, States should take the following steps:

- .1 Where the flag State and port State are different, the flag State shall inform the port State of the alleged inadequacy and also inform the IMO Secretariat. Notification shall be made as soon as possible following completion of the Alleged Inadequacy Reporting Form (MEPC/Circ.349).
- .2 Where the flag State and the port State are the same, the marine administration should take up the matter of the alleged inadequacy directly with the port or terminal concerned.

The flag State is required to notify IMO of any case where facilities are alleged to be inadequate.

9. ROLE OF FLAG STATE

9.1 There are measures that the flag administration should take to ensure that its ships comply with the requirements of MARPOL. For example, the flag State should:

- .1 provide advice to ships flying its flag;
- .2 examine onboard arrangements (safety and counter-pollution) during inspections;
- .3 investigate infringements; and
- .4 prosecute offenders.

9.2 The flag State is in a unique position to provide port States with a regular source of detailed information which accurately lists the inadequacies of ports visited by its ships.

9.3 Should flag States fail to provide accurate records of inadequacies, port States and the IMO may be unable to resolve matters of alleged inadequacy as quickly as necessary.

9.4 The communication process between States Parties must be meaningful for it to provide improvements in the provision of waste reception facilities. It therefore follows that flag States must take responsibility for ensuring that appropriate measures are taken to report matters of inadequacy. Port State administrations will be unable to take action against its ports without the appropriate information to do so.

10. ROLE OF PORT STATE

10.1 Port States will need to ensure that domestic legislation provides suitable powers and infrastructure to implement, administer and enforce MARPOL 73/78. Those who fail to comply with the appropriate domestic legislation implementing MARPOL 73/78 should be open to prosecution by the port State whether they be masters, shipowners, port authorities, or terminal operators.

10.2 Port States must take the ultimate responsibility for ensuring that adequate port waste reception facilities are available to ships calling at ports within the port State's jurisdiction. Port States shall ensure the provision of waste reception facilities that are adequate and capable of handling the discharge of wastes from regular port users.

10.3 Port States should also ensure the provision of proper arrangements to consider and respond appropriately and effectively to reports of inadequacies.

11. ROLE OF THE IMO

11.1 The IMO does not act as an enforcement agency in response to allegations of inadequacy of port waste reception facilities. Nevertheless, the obligation for States to report alleged inadequacies to the IMO remains of value. The IMO is in a unique position to raise matters of concern with national administrations. Under the terms of Protocol II Parties to MARPOL 73/78 may submit their case to an arbitration procedure. Where the matter concerns the interpretation of a regulation, Parties may make submissions to the MEPC⁷.

11.2 The IMO will continue to provide educational, training and technical assistance both to existing States Parties and to States wishing to ratify MARPOL 73/78.

12. CHARGING

12.1 Although no specific or generic system for charging is recommended, the IMO has recently revised its Comprehensive Manual on Port Reception Facilities (chapter 11). This contains a number of options which ports may wish to consider as a means of recovering the cost of providing adequate facilities. However, the cost should not be a disincentive to use of the facilities.

13. REGIONAL CO-OPERATION

13.1 Given the transboundary nature of marine pollution, the requirement for States to ensure the provision of adequate waste reception facilities may be further improved by regional agreements.

13.2 States Parties, by reaching consensus on a regional framework may bring about significant improvements to the region's marine environment. Such arrangements may also provide States with a basis for co-operation on enforcement and charging principles and the exchange of technical information. Examples of such regional arrangements include those either in place or under development between:

- .1 Baltic Sea States;
- .2 Australia and New Zealand;

⁷ The provisions are contained in Protocol II to MARPOL 73/78 and summarised in 'MARPOL - How To Do It'. Providing that States follow the approach to the provision of adequate waste facilities contained in these Guidelines, and that consultation between user and provider is meaningful, invoking the arbitration procedure should not be a necessary course of action other than in the most exceptional circumstances.

- .3 members of the Regional Organisation for the Protection of the Marine Environment (ROPME); and
- .4 Member States of the European Union.

14. INDUSTRY CO-OPERATION

14.1 In ensuring the provision of adequate facilities, the ports and shipping industries, together with the waste disposal industry should consider methods for revising and upgrading existing discharge, transportation and final disposal methods. The involvement of all parties concerned should make it easier to find innovative approaches to overcome practical problems.

14.2 There are currently a number of associations that provide the shipping industry with details of reception facilities at many ports throughout the world. Port administrations should ensure that these data bases include information on the facilities available in their ports. The details of these organisations are readily available through the IMO.

15. TRAINING

At sea

15.1 Whilst the onus is on port States to ensure the provision of adequate facilities, the role of the mariner is also essential. The requirements of MARPOL 73/78 and of the ISM Code are clearly defined. The implementation of the ISM Code in compliance with international and flag State legislation provides for the safe operation of ships, the safety of their crews and assists in the protection of the marine environment. The ISM Code provides, *inter alia*, that every Company should:

- .1 develop a safety and environmental protection policy;
- .2 provide instructions and procedures to ensure safe operation of ships and protection of the environment in compliance with relevant international and flag State legislation; and
- .3 ensure that all personnel on assignments related to safety and protection of the environment are given proper familiarisation with their duties.

On shore

15.2 All personnel involved in the collection, handling and disposal of ships' wastes need to be aware of the State's national legislation and waste management policies. Personnel should be given appropriate training.

15.3 States may wish to consider the human implications of handling certain types of wastes. Trained personnel involved in the collection or handling of noxious and harmful substances may be able to minimise the threat of accidental injury or the potential spread of disease, purely by being aware of the potential risk that they and the local environment face. Such measures may already be a requirement of the national environmental or waste management policies.

APPENDIX

**Sample Assessment
Procedure for Ports**

**Management/Assessment Strategy for Waste Reception Facilities
at Ports, Marinas and Boat Harbours
Assessment Procedure - Ports**

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Section A Assessment Details

Auditor:	Organisation & Address:	Contact Details Phone: Fax:	Date
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Name of Port and Location

Name and Contact Details of Port Representatives

Name:
Position:
Organisation:
Address:
Telephone/Fax:
e-mail:

Name:
Position:
Organisation:
Address:
Telephone/Fax:
e-mail:

Name:
Position:
Organisation:
Address:
Telephone/Fax:
e-mail:

Section B Summary of Waste Reception Facilities Provided

Type of Waste	Can Waste be Received (Y or N)	Type of Reception Facility (Fixed, Road Tanker or Barge)	Any Limitations in Capacity (m ³)	Service Provider (Port, Private Contractor, State Authority or Other) Indicate the number of service providers
Oily ⁸				
Oily tank washings				
Dirty ballast water				
Oily bilge water				
Oil Sludges				
Used lubricating oil				
Noxious Liquid Substances ⁹				
Category A				
Category B				
Category C				
Category D				
Sewage				
Garbage ¹⁰				
Category 1				
Category 2				
Category 3				
Category 4				
Category 5				
Quarantine Wastes				

⁸ Section 7A.1 of the IMO Comprehensive Manual on Port Reception Facilities

⁹ Regulation 3(1) of Annex II of MARPOL 73/78

¹⁰ Section 3 of the Appendix to Annex V of MARPOL 73/78

Section C Demand for Waste Reception Facilities

Ship Type*	No of ship visits during the period of review	Average Range of dead weight (Tonnes)	Average No. of Persons on Board	Number of Requests for Waste Collection				
				Oily Wastes	Noxious Liquid Substances	Sewage	Garbage	Quarantine Wastes
Oil Tankers*								
Crude oil tankers*								
Combination carriers*								
Chemical Tankers*								
General Cargo								
Container Carriers								
Bulk Carriers								
Passenger Ships								
Livestock Carriers								
Fishing Vessels								
Recreational Crafts								
Other								

The ship types marked with an asterisk() are defined in the Annexes to MARPOL73/78. The other types of ships have been indicatively inserted as their operations may influence the reception facilities required.

Section D Assessment of Waste Reception Facilities

Section D 1 Oily Wastes

Question	Yes	No
<p>1 How are the oily wastes disposed of? (Please give details, on separate sheet, if available)</p> <p>separation of oil and water then recycling land disposal recycled incineration other (specify)</p>		
<p>2 Are there any restrictions on receipt or collection of oily wastes by service providers? (Please give details if available)</p> <p>Minimum quantity Maximum quantity Discharge rate (m³/hour) Vessel type Vehicle Access to Berth other (specify)</p>		
<p>4 Are oily waste reception facilities available -</p> <p>24 hours a day, 7 days per week 24 hours a day, 5 days per week Business hours only, 7 days per week Business hours only, 5 days per week</p>		
<p>5 Is prior notice for receipt of oily wastes required -</p> <p>0 hours 12 hours 24 hours 48 hours</p>		
<p>6 .1 Is the waste receipt service available:</p> <p>at no cost at a cost incorporated into standing port use charge at a cost charged in addition to other services</p> <p>.2 Is the cost:</p> <p>reasonable in terms of service a disincentive other (specify)</p>		
<p>7 Is a waste collection service available:</p> <p>at all berths at most berths at only one berth to vessels anchored within the port to vessels anchored outside the port other (specify)</p>		

Comments:

Based on the above, please provide an assessment of the provision of waste reception facilities:

- 1 - Less than satisfactory
 2 - Satisfactory
 3 - Fully meets the requirements

Section D 4 Garbage Disposal – On Shore

Question	Yes	No
<p>1 Where is the garbage disposed of? (Please give details if available)</p> <p style="text-align: right;">Local Government dump/landfill Private dump/landfill Transfer Station Materials Recycling Facility Don't know</p>		
<p>2 Where are quarantine wastes disposed of? (Please give details if available)</p> <p style="text-align: right;">incinerator sterilisation deep burial normal landfill</p>		

Garbage Disposal – Ship to Shore

<p>3 Are there any restrictions on receipt or collection of garbage wastes? (Please give details if available)</p> <p style="text-align: right;">Minimum quantity Maximum quantity Vessel type Vehicle Access to Berths</p>		
<p>4 Are garbage waste reception facilities available -</p> <p style="text-align: right;">24 hours a day, 7 days per week 24 hours a day, 5 days per week Business hours only, 7 days per week Business hours only, 5 days per week</p>		
<p>5 Is prior notice for receipt of waste required -</p> <p style="text-align: right;">0 hours 12 hours 24 hours 48 hours</p>		
<p>6 Is the waste receipt service available:</p> <p style="text-align: right;">at no cost at a cost incorporated into standing port use charge at a cost charged in addition to other services</p>		
<p>7 Is a waste collection service available :</p> <p style="text-align: right;">at all berths at most berths at only one berth to vessels anchored within the port to vessels anchored outside the port</p>		

Comments:

Based on the above, please provide an assessment of the provision of waste reception facilities:

-
- 1 - Less than satisfactory 2 - Satisfactory 3 - Fully meets the requirements

Section D 5 Waste Management System

Question	Yes	No
1 Has a Waste Management Plan (WMP) been developed and implemented for ship wastes?		
2 Is the Waste Management Plan part of an overall Environmental Management System (EMS) for the port?		
3 Are marinas and fishing harbours covered by the port EMS or required to develop their own EMS?		
4 Does the WMP provide a brief summary of the types of wastes received and the collection and disposal facilities/services?		
5 Does the WMP address and provide management objectives for:		
<p data-bbox="268 651 472 680">6 <i>Operations:</i></p> <ul style="list-style-type: none"> <li data-bbox="1007 696 1265 725">Facility Management <li data-bbox="1107 741 1265 770">Maintenance <li data-bbox="1166 786 1265 815">Signage <li data-bbox="1098 831 1265 860">Infrastructure <li data-bbox="956 875 1265 904">Contractual arrangements <li data-bbox="1007 920 1265 949">Emergency Response <li data-bbox="1023 965 1265 994">Seasonal Variations <li data-bbox="983 1010 1265 1039">Training and Education <li data-bbox="671 1055 1265 1084">Delegation of Responsibilities and Accountability <li data-bbox="568 1099 1265 1128">Compliance with regulatory conditions, including auditing 		
<p data-bbox="268 1137 580 1167">7 <i>Technical Standards:</i></p> <ul style="list-style-type: none"> <li data-bbox="999 1182 1265 1211">Facility Requirements <li data-bbox="855 1227 1265 1256">Incorporation of new technologies <li data-bbox="991 1272 1265 1301">Cleaning requirements <li data-bbox="679 1317 1265 1346">Maintenance of equipment to technical standards 		
<p data-bbox="268 1361 703 1391">8 <i>Environmental Considerations:</i></p> <ul style="list-style-type: none"> <li data-bbox="778 1406 1265 1435">Prevention of pollution to surface waters <li data-bbox="1062 1451 1265 1480">Noise Emissions <li data-bbox="1082 1496 1265 1525">Visual Impacts <li data-bbox="1054 1541 1265 1570">Odour Emissions <li data-bbox="403 1563 1265 1621">Special considerations due to surrounding environment (eg. proximity to wetland or mangrove areas) <li data-bbox="823 1637 1265 1666">Coastal Processes (eg. extreme tides) 		
<p data-bbox="268 1668 788 1697">9 <i>Plans for future expansion / upgrades:</i></p> <ul style="list-style-type: none"> <li data-bbox="1118 1713 1265 1742">Oily Wastes <li data-bbox="938 1758 1265 1787">Noxious Liquid Substances <li data-bbox="1169 1803 1265 1832">Sewage <li data-bbox="1161 1848 1265 1877">Garbage <li data-bbox="1026 1892 1265 1921">Recycling of wastes <li data-bbox="1046 1937 1265 1966">Quarantine wastes 		
10 Are contact details held for all waste service providers?		

Question	Yes	No
11 Are the service providers licensed/approved as required by legislation?		
12 Are a copy of the licences on file?		
13 Are a copy of the licences for the waste disposal facilities used by the service providers held on file?		
14 Have receipts for waste disposal been sighted / copies held on file?		
15 Are alternative waste service providers or disposal facilities available (eg spare drums, waste oil recyclers)?		
16 Is there a procedure for choosing waste disposal service providers (eg list of preferred contractors)?		
17 Are the details of back-up facilities available on file?		
18 Does the WMP include an emergency response plan?		
19 Is the plan adequate in that it addresses at least the following issues? <div style="text-align: right; padding-right: 20px;"> spillage of liquid spillage of solids leakage of gas fire or explosion emergency contacts other (specify) </div>		
20 Is information recorded on the quantities of each waste stream which are received, date of receipt, disposal contractor and method of disposal or treatment? (Data sighted/copies attached) <div style="text-align: right; padding-right: 20px;"> Oily wastes Noxious Liquid Substances Sewage Garbage Recycling of wastes Quarantine wastes </div>		
21 Are there variations in the quantities of each waste stream received?: <div style="text-align: right; padding-right: 20px;"> in any one month (eg due to shipping variations) in any one year (eg due to seasonal effects) over a number of years(eg due to industry growth) don't know </div>		
22 Is this information analysed on an on-going basis to detect changes in usage (both short term season variations and long term growth or reductions) and assist in formulating future plans? (Graphs sighted)		
23 Is on-going consideration given to changes in demand for waste reception facilities ?		
24 Do plans exist for future upgrades, extensions or reductions to the waste reception facilities?		
25 Is there an on-going process for reviewing existing facilities and determining changes that may be required to meet adequacy, timing or waste generation demands?		

Section E Assessment of Adequacy of Service

Organisation:	Representative Interviewed:	Contact Details Address: Phone: Fax	Interview Date:
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In the view of the representative interviewed what overall rating would be given for the waste reception service:

- 1 - Less than satisfactory 2 - Satisfactory 3 - Fully meets the requirements

Please provide details of the good aspects of the waste reception services:

Please provide details of the deficiencies of the waste reception services:

Based on the above, please provide an assessment of the adequacy of waste reception service:

- 1 - Less than satisfactory 2 - Satisfactory 3 - Fully meets the requirements
