

**Guidelines for Ensuring the Adequacy of
PORT WASTE
RECEPTION FACILITIES**

Electronic edition

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Guidelines for Ensuring the Adequacy of
**PORT WASTE
RECEPTION FACILITIES**

Electronic edition



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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.

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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.

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 the 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 publicize 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 trade associations;
- .2 ships' masters, owners and agents;
- .3 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 basis 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 facilities 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 assessment 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 the 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 (irrespective of size or type) within a State's jurisdiction according to systematic criteria that reflect the size of the port, 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 ports, terminals, 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 optimized.

Use of the waste management planning assessment procedures

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

- in 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 to further 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 waste 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 waste 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 shoreside 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 *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 minimized;
- .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.

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 Organization (IMO). 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 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 Parties 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 Parties must [U2]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 IMO

11.1 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 IMO remains of value. 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 MEPC.⁷

⁷ The provisions are contained in Protocol II of MARPOL 73/78 and summarized 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.

11.2 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, 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;
- .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 It is strongly recommendable that ports publish information about the available waste reception facilities and the arrangements for their use.

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 familiarization 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 waste. Trained personnel involved in the collection or handling of noxious and harmful substances may be able to minimize 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 1

MEPC/Circ.349
18 November 1998

REVISED CONSOLIDATED FORMAT FOR REPORTING ALLEGED INADEQUACY OF PORT RECEPTION FACILITIES

1 The ability of ships to comply with MARPOL discharge requirements depends largely upon the availability of adequate port reception facilities, especially within "special areas". The lack of reception facilities in many ports worldwide poses a serious threat of pollution to the marine environment.

2 According to MARPOL, the Government of each Party undertakes to ensure that reception facilities are adequate to meet the needs of the ships using them without causing undue delay to the ships.

3 In order to obtain an overview of the situation with regard to the inadequacy of reception facilities, the Marine Environment Protection Committee (MEPC), at its twenty-sixth session (September 1988), approved the consolidated format for reporting alleged inadequacy of port reception facilities as set out in MEPC/Circ.215.

4 The MEPC, at its forty-second session (November 1998), revised the format in MEPC/Circ.215 to make it more user-friendly and approved the revised format as set out at annex.

5 Flag States are requested to distribute the revised format to ships, and encourage masters to use the format to report alleged inadequacy of port reception facilities to the Administration of the flag State and, preferably, to the authorities of the port State. The flag State is required to notify IMO, in an appropriate format, for transmission to parties concerned, of any case where facilities are alleged to be inadequate.

6 This circular replaces MEPC/Circ.215.

ANNEX

REVISED CONSOLIDATED FORMAT FOR REPORTING ALLEGED INADEQUACY OF PORT RECEPTION FACILITIES*

The master of a ship having encountered difficulties in discharging waste to reception facilities should forward the information below, together with any supporting documentation, to the Administration of the flag State and, preferably, to the competent authorities in the port State. The flag State shall notify the port State of the occurrence.

1. SHIP'S PARTICULARS

Name of ship: _____

Owner or operator: _____

Distinctive number or letters: _____

IMO No: _____

Gross tonnage: _____

Port of registry: _____

Type of ship: oil tanker chemical tanker ferry

cruise ship cargo ship bulk carrier

other (specify) _____

2. PORT PARTICULARS

Country: _____

Name of port or area: _____

Location/Terminal name: _____
(e.g. berth/terminal/jetty)

Name of company operating reception facility (if applicable):

Unloading port Loading port Shipyard

*This format was developed and approved by the forty-second session of the Marine Environment Protection Committee in November 1998.

Date of arrival: _____

Date of occurrence: _____

Date of departure: _____

3. TYPE AND AMOUNT* OF WASTE FOR DISCHARGE TO FACILITY

3.1 Oil (MARPOL Annex I)

Type of oily waste:

Bilge water _____ m³

Sludge from fuel oil purifier _____ m³

Scale and slops from tanker cleaning _____ m³

Dirty ballast water _____ m³

Tank washings _____ m³

Other (specify) _____ m³

Were facilities available? Yes No

Costs involved _____

3.2 Noxious liquid substances (NLS) (MARPOL Annex II)

Type of NLS residue/ water mixture for discharge to facility from tank washings:

Category A substance _____ m³

Category B substance _____ m³

Category C substance _____ m³

Other (specify) _____ m³

Substance is designated as solidifying or

high viscosity

Proper shipping name of the NLS involved:

Were facilities available? Yes No

Costs involved _____

*Estimated amount.

3.3 Garbage (MARPOL Annex V)

Type of garbage:

1: Plastic _____ m³

2: Floating dunnage, lining, or packing materials
_____ m³

3: Ground paper products, rags, glass, metal, bottles,
crocery, etc. _____ m³

4: Paper products, rags, glass, metal, bottles, crocery, etc.
_____ m³

5: Food waste _____ m³

6: Incinerator, ash _____ m³

Other (specify) _____ m³

Were facilities available? Yes No

Costs involved _____

3.4 Other wastes

4. **WAS ANY WASTE NOT ACCEPTED BY THE FACILITY?**

5. **INADEQUACY OF FACILITIES**

5.1 Remarks on inadequacies

5.2 Location of facilities (close to the vessel, inconvenient location or vessel had to shift berth involving delay)

5.3 If you experienced a problem, with whom did you discuss this problem or report it to?

5.4 Did you give prior notification (in accordance with relevant port requirements) about the vessel's requirements for reception facilities? Yes No

5.5 Did you receive confirmation on the availability of reception facilities on arrival? Yes No

6. ANY ADDITIONAL REMARKS/COMMENTS

7. Master's signature _____ Date _____

APPENDIX 2

SAMPLE ASSESSMENT PROCEDURE FOR PORTS

**Management/Assessment strategy for waste reception facilities
at ports, marinas and boat harbours**

Section A: ASSESSMENT DETAILS

Auditor:	Organization & Address:	Contact details Phone: Fax:	Date:
Name of port and location			
Name and contact details of port representatives			
Name:			
Position:			
Organization:			
Address:			
Telephone/Fax:			
e-mail:			
Name:			
Position:			
Organization:			
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
Oil⁸				
Oily tank washings				
Dirty ballast water				
Oily bilge water				
Oil sludge				
Used lubricating oil				
Noxious Liquid Substances⁹				
Category A				
Category B				
Category C				
Category D				
Sewage				
Garbage¹⁰				
Category 1				
Category 2				
Category 3				
Category 4				
Category 5				
Quarantine wastes				

⁸ Section 7A.1 of the 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 MARPOL 73/78. The other types of ship have been indicatively inserted as their operations may influence the reception facilities required.

Section D: ASSESSMENT OF WASTE RECEPTION FACILITIES

Section D1: Oily wastes

Question	Yes	No
<p>1 How are the oily wastes disposed of? (Please give details on separate sheet, if available.)</p> <p style="padding-left: 40px;">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 style="padding-left: 40px;">Minimum quantity Maximum quantity Discharge rate (m³ /hour) Vessel type Vehicle access to berth Other (specify)</p>		
<p>3 Are oily waste reception facilities available:</p> <p style="padding-left: 40px;">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>4 Is prior notice for receipt of oily wastes required:</p> <p style="padding-left: 40px;">0 hours? 12 hours? 24 hours? 48 hours?</p>		
<p>5 .1 Is the waste reception service available:</p> <p style="padding-left: 40px;">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 style="padding-left: 40px;">reasonable in terms of service? a disincentive? other (specify)?</p> <p>6 Is a waste collection service available:</p> <p style="padding-left: 40px;">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 requirements

Section D2: Noxious liquid substances (NLS)

Question	Yes	No
<p>1 Where is the NLS disposed of? (Please give details if available.)</p> <p style="padding-left: 40px;">Directly from the ship to a mobile facility Ship to a holding tank prior to being pumped out Other (specify)</p>		
<p>2 Are there any restrictions on receipt or collection of NLS wastes by service providers? (Please give details if available.)</p> <p style="padding-left: 40px;">Minimum quantity Maximum quantity Discharge rate (m³ / hour) Vessel type Vehicle access to berth</p>		
<p>3 Are NLS reception facilities available:</p> <p style="padding-left: 40px;">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? Other (specify)?</p>		
<p>4 Is prior notice for receipt of NLS required:</p> <p style="padding-left: 40px;">0 hours? 12 hours? 24 hours? 48 hours?</p>		
<p>5 Is the waste receipt service available:</p> <p style="padding-left: 40px;">at no cost? at a cost incorporated into standing port use charge? at a cost charged in addition to other services?</p>		
<p>6 Is a waste collection service available:</p> <p style="padding-left: 40px;">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 requirements

Section D3: Sewage

Question	Yes	No
<p>1 Where is the sewage disposed of? (Please give details if available.)</p> <p style="text-align: center;">Directly to a reticulated sewerage system Directly to a mobile facility Ships to holding tanks then pumped to a mobile facility Ships to on-site treatment facility to sewerage system Other (specify)</p>		
<p>2 Are there any restrictions on receipt or collection of sewage wastes by service providers? (Please give details if available.)</p> <p style="text-align: center;">Minimum quantity Maximum quantity Discharge rate (m³/hour) Vessel type Vehicle access to berth</p>		
<p>3 Are sewage reception facilities available:</p> <p style="text-align: center;">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? Other (specify)?</p>		
<p>4 Is prior notice for receipt of sewage required:</p> <p style="text-align: center;">0 hours? 12 hours? 24 hours? 48 hours?</p>		
<p>5 Is the waste reception service available:</p> <p style="text-align: center;">At no cost? At a cost incorporated into standing port use charge? At a cost charged in addition to other services?</p>		
<p>6 Is a waste collection service available:</p> <p style="text-align: center;">at all berths? at most berths? at only one berth? vessels anchored within the port? 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 requirements

Section D4: 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 Sterilization 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 requirements

Section D5: Waste management system

Question	Yes	No
1 Has a waste management plan (WMP) been developed and implemented for ship wastes?		
2 Is the WMP 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:		
6 <i>Operations:</i> <div style="text-align: right;"> Facility management? Maintenance? Signage? Infrastructure? Contractual arrangements? Emergency response? Seasonal variations? Training and education? Delegation of responsibilities and accountability? Compliance with regulatory conditions, including auditing? </div>		
7 <i>Technical standards:</i> <div style="text-align: right;"> Facility requirements? Incorporation of new technologies? Cleaning requirements? Maintenance of equipment to technical standards? </div>		
8 <i>Environmental considerations:</i> <div style="text-align: right;"> Prevention of pollution to surface waters? Noise emissions? Visual impacts? Odour emissions? Special considerations due to surrounding environment (e.g., proximity to wetland or mangrove areas)? Coastal processes (e.g., extreme tides)? </div>		
9 <i>Plans for future expansion/upgrades:</i> <div style="text-align: right;"> Oily wastes Noxious liquid substances Sewage Garbage Recycling of wastes Quarantine wastes </div>		
10 Are contact details held for all waste service providers?		
11 Are the service providers licensed / approved as required by legislation?		
12 Are copies of the licences on file?		

Question	Yes	No
13 Are copies 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 (e.g. spare drums, waste oil recyclers)?		
16 Is there a procedure for choosing waste disposal service providers (e.g. 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? Spillage of liquid Spillage of solids Leakage of gas Fire or explosion Emergency contacts Other (specify)		
20 Is information recorded on the quantity of each waste stream which is received, date of receipt, disposal contractor and method of disposal or treatment? (Data sighted/ copies attached.) Oily wastes Noxious liquid substances Sewage Garbage Recycling of wastes Quarantine wastes		
21 Are there variations in the quantities of each waste stream received? In any one month (e.g., due to shipping variations) In any one year (e.g., due to seasonal effects) Over a number of years (e.g., due to industry growth) Don't know		
22 Is this information analysed on an ongoing 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 ongoing 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 ongoing process for reviewing existing facilities and determining changes that may be required to meet adequacy, timing or waste generation demands?		
26 Are there provisions for audits against the WMP (at least within 2 years of implementation and thereafter every 3 years)?		

Question	Yes	No
27 Is there provision for periodic review of the WMP?		
28 Do the users of the port generally adhere to the relevant requirements of MARPOL 73/78, UNCLOS and IMO?		
29 Is there information on the state and local regulations regarding (please list legislation if known): Waste management Pollution of water Pollution of air Noise emissions Discharges to sewer Storage of dangerous goods Local government requirements		
30 Is there information on waste minimization hierarchy, i.e. avoid/reduce/reuse/recycle/ reprocess?		
31 Is an open and co-operative relationship maintained between the port authority and the relevant authorities and agents?		
32 Are there channels of communication and consultation with relevant organizations to ensure that particular changes in demand are considered in providing waste reception facilities? (Give examples of consultation methods)		
33 Do training programmes for port employees (both of the port authority and users) include a section on waste management and the facilities provided at the port?		
34 Is there a section in the WMP or a separate document which is included in agreements with port users and specifies requirements for the usage of port waste reception facilities?		
35 Is clear and visible signage for waste reception facilities present and does it include: Advice at initial vessel contact point of waste reception facilities Direction to receptacle or disposal point location? Labelling of all receptacles and disposal points? Contact numbers? Emergency procedures? Translation into other languages as required?		
36 Are there information sheets/leaflets available for each waste reception facility?		
37 How is this information conveyed to ships?		

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 requirements

Section E: ASSESSMENT OF ADEQUACY OF SERVICE

Organization:	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 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 provision of waste reception facilities:

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