

PORT WASTE MANAGEMENT PLANNING - A GUIDE TO GOOD PRACTICE (Draft at 2nd July 2003)

INTRODUCTION

Since January 1998 UK legislation has required ports, harbours and some terminals to draw up waste management plans for Maritime and Coastguard Agency (MCA) approval. The UK requirements for Port Waste Management have since been updated with the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003, these transpose the EU Directive 2000/59/EC of the European Parliament and Council on port reception facilities for ship generated waste and cargo residues.

When the original regulations were implemented, the Department of the Environment, Transport and the Regions issued a booklet 'Port waste management planning - How to do it' January 1998. This booklet supersedes the advice given therein.

POLLUTION FROM SHIPPING

The UK Government is committed to reducing the impact of shipping on the environment and works within international fora to achieve consistent standards. The International Convention on the Prevention of Pollution from Ships (often known as MARPOL 73/78) provides an international framework on how pollution from shipping should be regulated. MARPOL 73/78 is implemented in the UK by various Merchant Shipping Regulations. In addition, the European Union (EU) produces Directives and Regulations that are binding on Member States. The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 implement the EU's Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues.

DEVELOPMENT OF PORT WASTE MANAGEMENT PLANNING

MARPOL 73/78 put simply requires States to ensure that the provision of waste reception facilities are "adequate" and do not cause "undue delay" to the ships using them. The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 (from now on referred to as "the Regulations") gives a definition of what adequate means. Regulation 4 states:

"adequate" means capable of receiving the types and quantities of prescribed wastes from ships normally using that harbour or terminal taking into account the operational needs of the users of the harbour or terminal, its size and geographical location, the types of ships calling there and any exemptions provided for"

The Regulations apply to all prescribed wastes which are: cargo residues, noxious liquid substances and ship generated waste.

WHEN MUST A PLAN BE PRODUCED?

The Regulations are applicable to any harbour or terminal within the UK. Every harbour authority and terminal operator shall provide waste reception facilities adequate to meet the needs of ships normally using the harbour or terminal in question without causing undue delay to ships. Many UK ports operate on a landlord basis and in such ports it will normally fall to the terminal operator to produce a port waste management plan and have appropriate reception facilities. Where responsibility is unclear, terminals should clarify the local situation with the Port Authority. We anticipate that in most cases there should be no argument about who should produce the plan but in cases where there is dispute the Secretary of State has the powers to issue direction determining who has to discharge the duties of this legislation.

There is likely to be a duty to produce a plan where there are:

- Coasters loading or discharging cargo;
- Passenger vessel operations;
- Commercial marinas;
- Bases for commercial fishing activities; and
- Fish farm jetties where fish carriers and feed carriers berth;

Marinas and sailing clubs from which yachts may go to sea for more than a day and so are likely to generate waste, and which charge a mooring or berthing fee, should submit a plan.

In assessing the need for a plan these organisations should consider if they are part of a wider Port Authority waste management regime already or if they require an independent waste management plan. If there is some doubt that a plan is required local MCA staff should be consulted.

Generally a plan will not be called for if a facility is only used by:

- Pleasure vessels not usually left on site overnight;
- Day recreational craft which are unlikely to generate waste on board;
- Yacht moorings provided by hotels or sailing clubs outside of harbour authority areas;
- Facilities used only by day fishing vessels; and,
- Fish farms where the majority of waste is generated by onshore facilities.

Locations where fishing vessels are hauled onto beaches are unlikely to need a plan although the controlling authority eg: the local council should be made aware of the need to provide appropriate waste facilities.

CONSULTATION WITH CUSTOMERS

The purpose of consultation is to ensure that port waste reception facilities meet the needs of their users and to involve those who have an interest in the provision of services. All harbour or terminal users, from the largest supertanker to the smallest boats in the leisure sector, have an obligation to land waste for disposal, rather than to dump it at sea, but they have varying requirements and priorities. Time is often very important for a commercial

mariner who may be prepared to pay a premium for facilities that are tailored to the operational needs of the ship. Someone using a boat for leisure may be more concerned with cost than time - if he or she is to be encouraged to dispose of waste lawfully, the facilities need to be accessible and economical.

As each harbour or terminal has its own customers who will have differing priorities, the only way that operators can understand the needs of their users is to consult them. Good facilities, at the right price, can only be provided if there is full and constructive dialogue between the harbour authority, terminal operator and the regular users as to what facilities should be provided to meet their normal needs for disposing of all types and quantities of waste, and for any special requirements. Ports/Terminals should consult with users as part of the triennial review of the waste management plan. Regular review meetings could be held as one way of continuing on-going consultation. At such meetings, the existing waste provision and plan could be discussed, together with suggested changes and improvements. Other methods include newsletters, questionnaires, the use of notice boards, contact with ships' agents and local representative bodies.

The MCA expects that consultation will be undertaken as an integral part of Port Waste Management Planning and there is a requirement for ports/terminals to include information on their consultation process in the port waste management plan laid down in schedule 1 of the regulations. This schedule is reproduced for reference in this guide under "Information to be included in the plan" and should be referred to throughout the preparation and review of plans.

DATA COLLECTION AND ASSESSING THE NEED FOR WASTE RECEPTION FACILITIES

Fully adequate facilities cannot be provided without an accurate assessment of the need for them. Each port/terminal should collate information under three headings:

- the amounts of each type of waste *actually received* in the port or terminal;
- the amounts of each type of waste which *should be received* in the port or terminal (based on notification data);
- the amounts of each type of waste *stored by ships* for reception in other ports/terminals.

Under the Regulations, all ships other than fishing vessels and recreational craft authorised to carry, or designed to carry, no more than 12 passengers, must normally notify a port or terminal of the details of the waste it is carrying, and intends to land, in advance of arriving. This information will aid the collection of waste arising statistics and enable waste management planners to tailor the requirements to ensure sufficient capacity of reception facilities. It will also aid assessment of compliance with MARPOL. Ports/Terminals should keep copies of the notifications for a minimum of six months but data should be kept or collated so that plan holder can produce the information listed above on an annual basis to the MCA. This information will permit review of the waste management plan and changes to the demand for waste reception facilities.

Another feature of the regulations is that ships must dispose of the waste on board before leaving a port or terminal. The only exceptions to this are when a ship has given prior notification that it has sufficient space on board for waste until the next port of call – in which case it must still pay the mandatory charge, or it has applied to MCA for, and received, an exemption from this requirement.

Ports/Terminals will be informed of any exempted vessels by the MCA either in writing or electronically. This information will be provided for both vessels exempted from the requirements at that port/terminal, or calling at that port/terminal and exempted from the regulations at another port/terminal on its route. Please refer to MGN 253 and annexes for further detail on vessel exemptions.

Each port/terminal must continue to complete the Report of Cost Type and Capacity of Port Waste Reception Facilities form (Annex A of this guide) and submit the information to MCA every time the plan is reviewed as the UK has to submit this information to the International Maritime Organization.

INFORMATION TO BE INCLUDED IN THE PLAN

Schedule 1 of the Regulations sets out what information should be included in the plan and MCA staff will check to ensure that this information is included when checking the plan for approval. The Schedule states that:

- “2. *A waste management plan shall address the following elements -*
 - (a) an assessment of the need for waste reception facilities, in the light of the need of the ships normally visiting the harbour or terminal;*
 - (b) a description of the type and capacity of waste reception facilities;*
 - (c) a detailed description of the procedures for the reception and collection of prescribed wastes*
 - (d) a description of the charging system;*
 - (e) procedures for reporting alleged inadequacies of waste reception facilities;*
 - (f) procedures for on-going consultations with persons using the harbour or terminal, waste contractors and other interested parties; and*
 - (g) the type and quantities of prescribed wastes received and handled.”*

- “3. *A waste management plan shall also include -*
 - (a) a summary of relevant legislation and formalities for delivery;*
 - (b) identification of a person or persons to be responsible for the implementation of the waste management plan;*

(c) a description of the pre-treatment equipment and processes in the harbour or terminal, if any;

(d) a description of methods of recording actual use of the waste reception facilities;

(e) a description of methods of recording amounts of prescribed wastes received;

(f) a description of how the prescribed wastes are disposed of."

When ports/terminals submit their plan to MCA, they should include information explaining the method of charging and providing examples of the charges levied.

INFORMATION TO BE MADE AVAILABLE TO ALL HARBOUR OR TERMINAL USERS AND INCORPORATED IN THE PLAN

Schedule 1 of the Regulations also sets out information that must be made available to persons using the harbour or terminal, this information and a description of the methods used to promulgate it must be incorporated into the waste management plan.

"(a) brief reference to fundamental importance of proper delivery of prescribed wastes;

(b) the location of waste reception facilities applicable to each berth, with a diagram or map;

(c) list of prescribed wastes normally dealt with;

(d) list of contact points, the operators and the services offered;

(e) description of procedures for delivery;

(f) description of charging system; and

(g) procedures for reporting alleged inadequacies of waste reception facilities."

While the Regulations set out what information should be made available to port users, it does not set out how this should be done. Each port/terminal must consider the most effective way of disseminating the information. This could include use of the internet, for example by putting the information on a web page. Leaflets could summarise the concepts behind waste management planning and detail the types and locations of waste facilities. They could be circulated via ships' agents or placed directly on ships by the harbour pilot as the ship docks. Part of the information could be put on a flyer listing facilities and showing their locations on a map. Where there are many overseas visitors, leaflets and signs should ideally be in commonly used languages or in pictorial form. Notice boards, fax or e-mails to Masters and Agents could also be used.

There should also be a well-publicised complaints procedure to enable difficulties to be resolved locally, this mechanism should allow problems to be raised as they occur rather than after the event. Ships retain the right to put in a formal report to MCA if they do not consider that their complaints have not been dealt with adequately.

PLAN REVIEW

There should be an ongoing process to assess the effectiveness of the plan's operation. Any comments or complaints should be fully considered and any necessary remedial action taken. The plan should be kept up to date. Under the Regulations, there must be a formal reassessment of waste management planning every **three years** and the revised plan must be submitted to MCA for approval. This will include, or be accompanied by, a report covering the method of charging.

In addition, if there is a significant change to the operation of the port/terminal then a revised plan must be submitted within nine months of the change. The plan review conducted by the MCA will be a desktop exercise with plans reviewed on paper and will be supported by possible inspections. The plans should be sent to the nearest MCA Marine Office, where they are re-approved and sent back to the port or terminal.

CONSIDERING LOCATION AND EASE OF USE

In light of the requirements for vessels to offload all prescribed waste before leaving a port/terminal the location and ease of use of facilities are important issues for port waste management, and this is an area where advice from ship-operators and agents is vital. Port and terminal operators must consider the relative merits of different locations for fixed facilities and the use of mobile facilities such as barges, road tankers and wheelie-bins. Operators will need to consider the cost-effectiveness of different options, recognising that the ship operators preferred solutions might be more expensive.

When selecting a site for facilities the following considerations should be taken into account: their siting should be convenient for users, contractors and vehicles but should not hinder other port/terminal operations or impact adversely on the local community; there should be a minimal risk of wastes entering the water; and they should be clearly identified and well-lit.

In addition to the other methods of publicising the waste reception facilities available at the port/terminal there should be clear signs pointing to where the facilities are and showing what waste can be put in which facility. Cartoon signs that avoid the need for translation are ideal. If the facilities are mobile, the signs should be too.

COST OF FACILITIES

Under the 'polluter pays' principle, ships should bear the cost of providing reception, treatment and disposal of the waste, but the cost of using port waste reception facilities should not be so high that it encourages disposal of waste at sea.

All ships, apart from fishing vessels and recreational craft authorised to carry no more than, or designed to carry, 12 passengers, must contribute significantly to the cost of reception facilities, irrespective of the actual use of the facilities. The charges may take into account the type, size and category of the ship and whether the ship produces reduced quantities of ship-generated waste because of its environmental management, design, equipment or operation.

The harbour authority or terminal may apply the charges through a consolidated or separate charge but in all cases must fulfil the requirement for transparency in charging. The fees and how they have been calculated must be made clear to port/terminal users to show that they are fair, transparent and non-discriminatory and reflect the costs of the facilities and services provided.

The UK Government will not be giving direct guidance on the level of the significant contribution and will certainly not be prescriptive. However it is expected that ports/terminals will set fees at around 30% of the costs of all port waste reception facilities as suggested by the EU Commission's interpretation of "significant", bearing in mind that not all vessels will be utilising the facilities provided. This 30% can incorporate the costs associated with planning and provision of port waste facilities, the costs of disposal of all wastes and the costs associated with the administration of the notification and charging regime.

INSPECTIONS BY MCA STAFF

MCA staff will inspect a number of ports/terminals each year. The inspections will include discussions with the port or terminal operator and their users, checking records, walking the site to check the position of facilities and gain an overall impression of the effectiveness of waste provision. They will check the accuracy of the approved plan and whether current practice complies with the plan.

REDUCING, REUSING AND RECYCLING WASTE

When assessing the best practical environmental option for dealing with waste the approach should be to encourage reducing the amount of waste generated, its reuse (either for the same or a different purpose), to recover value from the waste through recycling, composting or energy recovery and only dispose of waste if none of these can be applied. The most obvious application for ports/terminals is to provide facilities for recycling. While the amounts of recyclable waste from ships alone may not make it economic to provide special facilities, they may become viable if they are part of a co-ordinated system with the local community ashore. Factories, workshops, terminals, offices, food outlets and tourists in port/terminal areas all produce waste that must be disposed of.

WASTE HANDLING IN PORTS/TERMINALS

A number of government organisations have responsibilities for waste coming into ports/terminals, and should be consulted on the port waste management plan to ensure all legislation is being met. Ports/Terminals should confirm that their waste handling practices

comply with these requirements, including letters of confirmation when submitting the plan to MCA for approval. Time should be allowed for this when drawing up and reviewing plans.

The Environment Agency (EA) in England and Wales, the Scottish Environment Protection Agency (SEPA) in Scotland, and the Environment and Heritage Service in Northern Ireland licence waste contractors and police the 'duty of care' and proper handling and disposal under the Environmental Protection Act 1990, or Article 5 of the Waste and Contaminated Land (NI) Order 1997 for Northern Ireland. They will also enforce the Hazardous Waste Regulations which are expected to come into force in the second half of 2003. The Department for Environment, Food and Rural Affairs (DEFRA) are responsible for animal wastes.

It is also recommended that ports/terminals consult the local offices of the environmental regulator, DEFRA and their Port Health Authority, amongst others, about the waste it receives, when developing and implementing their port waste management plans.

Hazardous Waste

Hazardous wastes are subject to the requirements of the EC's Hazardous Waste Directive (91/689/EEC). The Directive is currently transposed in Great Britain by the Special Waste Regulations 1996 (as amended) and in Northern Ireland by the Special Waste Regulations (Northern Ireland) 1998. Ship sourced Special Waste is covered by these regulations which are enforced by the Environment Agency in England and Wales, the Scottish Environment Protection Agency in Scotland and by the Environment and Heritage Service in Northern Ireland.

Essentially ship generated Special Waste can be described as any controlled waste displaying the hazardous properties listed in the Special Waste Regulations, plus prescription only medicines. The hazardous properties listed in the regulations include: explosive, flammable, oxidising, irritant, harmful, toxic, carcinogenic and corrosive properties.

In preparing a port waste management plan provision should be made for the removal and disposal of these special wastes through the arrangements with waste contractors and the provision of suitable facilities as required by the users of the port/terminal. Further information can be provided by the competent UK agencies – for England and Wales the Environment Agency, For Scotland the Scottish Environment Protection Agency and for Northern Ireland the Environment and Heritage service. Please see Annex B for contact information.

Food Waste

The segregation of ship produced food waste, depending on country of origin, is very difficult. Therefore it is being recommended by the EU that all food waste be treated in the same way with respect to the requirements of the Animal Health Order, as if it was from outside the UK and the EU. DEFRA have confirmed that international catering waste is a category one waste (highly hazardous waste) under the Animal By-Products Regulation

EC/1774/2002 and must be collected, stored and transported in an approved sealed container and disposed of at an appropriate licensed waste disposal facility.

Ports/Terminals should advertise the proper provision for food waste and make sure it is included in any contracts with waste contractors. They should consult the local DEFRA (animal health) office to ensure their Port Waste Reception Facilities are adequate with respect to this waste. Additionally they should seek written approval of the arrangements for dealing with food waste from their local Divisional Veterinary Manager.

Disposal of Dunnage

There is a risk that imported wooded packing material and loose dunnage could be the means of introducing a wide range of pests and diseases. The Plant Health Service of the Forestry Commission has prohibited the use of solid wood dunnage within terminals unless it has been completely stripped of bark. Plywood and other processed or reconstituted wood products are not included and may be used freely. The Plant Health (Forestry)(Great Britain) Order 1993, amended in 1998 lays down the minimum facilities which must be provided by port/terminal authorities to meet the requirement of the Order and allow Plant Health Inspectors to carry out their responsibilities.

SUGGESTED READING

Comprehensive Manual on Port Reception Facilities, IMO Publication 1999, ISBN 92-801-6094-X

Guidelines for Ensuring the Adequacy of Port Waste Reception Facilities, IMO Publication 2000, ISBN 92-801-5101-0

EU Directive 2000/59/EC of the European Parliament and Council on port reception facilities for ship generated waste and cargo residues.

The Merchant Shipping and Vessels (Port Waste Reception Facilities) Regulations 2003

Marine Guidance Note 253 – Port Waste Reception Facilities Regulations 2003

Worked Examples of Implementation of these Regulations in UK Ports/Terminals.

[There is an intention to include five anonymous worked examples from UK ports/terminals, these will be incorporated at a later date.]

Frequently Asked Questions

How will the organisation be informed of exemptions to vessels calling at the Port/Terminal?

The MCA will be processing exemption requests from vessels and will inform the Port or Terminal operators in writing of any vessels that have received an exemption.

There are a number of terminals within the Port that operate their own Port Waste Management Plans – does the Port Authority have to oversee the notifications from vessels to these terminals?

No, vessels should provide notification direct to the terminal, however it is recommended that the ports and terminals have a system in place to transfer information in the event that vessels inform the incorrect body.

Our waste management plan is completely contractor operated, does the Port/terminal need to keep waste reception and notification records as well?

Yes, the Plan Holder is responsible for the storage of information and must maintain records as required in the regulations, external waste contractors cannot be the sole repositories of this information.

How long will approval/re-approval of plans take?

The MCA intends to approve submitted Port Waste Management Plans within four weeks of receipt in line with the standards laid down in the Citizens Charter.

Can a vessel with an exemption still choose to offload waste?

Exempted vessels may still opt to offload waste after notifying the port authority/terminal in the manner described for non-exempt vessels and upon payment of the ports/terminals waste related charges.

Do small marinas and moorings (outside of a larger port waste management plan) have to supply facilities to larger vessels that only visit once or twice a year?

No, a marina which very rarely receives visits from larger vessels should identify a point of contact within their organisation for notification and maintain a list of contractors who can handle the wastes - the vessel should do business directly with the contractor (including the payment of any costs incurred). However if the regularity of visits increases then the provision of port waste management facilities may have to be reviewed.

Do small marinas and moorings (outside of a larger port waste management plan) which only handle UK and occasional EU traffic have to fulfil the requirements on food waste and treat it as Category 1 international catering waste?

No, DEFRA consider international catering waste as being that which is sourced outside of the EU, while the EU recommends treating all food waste as if it was from outside the EU there is a recognition that this would be costly and impractical for small marinas. These marinas should provide facilities for disposal of food wastes through their general handling of garbage.

What are "Pleasure Craft" for the purposes of assessing the need for a waste management plan?

For the purposes of this guidance "Pleasure Craft" can be considered to be vessels that are used for sport or recreation purposes only, do not operate for any financial gain to the owner and are only authorised to carry, or designed to carry no more than twelve passengers. This would include small vessels owned by sailing clubs and organisations where they are used by members and membership/hire charges are paid into the clubs general funds.

How can I obtain information on waste contractors?

The Environmental Services Association can provide information about responsible local waste contractors. They can be contacted at: 154 Buckingham Palace Road, London, SW1W9TR, their website address is: www.esauk.org Telephone: 020 7824 8882 Fax: 020 7824 8753

Must I comply with all requests made during the Port Waste Management Plan consultation process?

No, there is no compulsion to comply with all requests as some suggestions may be impractical or unhelpful. However each port/terminal is responsible for giving due consideration to the comments, suggestions and requests received from consultees. The report should give explanations of any requests which are not accepted.

What can be done if a harbour authority or terminal operator fails to consult its users?

In extreme cases the MCA could refuse approval or re-approval for a plan where there is no evidence of consultation with users.

Will the Regulations make UK ports and industry less competitive?

The measures should have no effect on international competitiveness. In particular, it is important to note that all the UK's neighbours – the other EC Member States and Norway – are also implementing the EC Directive.

Does the definition of “fishing vessel” include factory ships?

No, because factory ships are not “ships equipped or used commercially for catching fish or other living resources of the sea”. The catching is done by trawlers on their behalf. Factory ships will be required to fulfil the full requirements of this directive.

Where a terminal operator prepares a plan for a terminal within a harbour, is the harbour authority required to prepare a plan covering that terminal as well?

No, the harbour authority’s plan need not cover the area which has been covered in the plan prepared by the terminal operator.

Why has the period between review of plans between extended from two years (as it was in the UK’s 1997 Regulations) to three years?

The EC Directive allows a period of three years. Although in the 1997 Regulations we opted for a two year period, our experience of the first review cycle was that, in many cases, there was little or no change over two years. Consequently, three years seems a more suitable review period.

Are harbour authorities or terminal operators required to carry out special checks to find out whether ships have the amount of waste on board which they claim to, or that they deliver the waste which they say they will deliver?

No, harbour authorities and terminal operators are not required to carry out checks to ensure compliance with the Regulations. But if they should obtain information which led them to believe that a breach of the Regulations had occurred, they should notify the Maritime and Coastguard Agency without delay.

REPORT OF COST, TYPE AND CAPACITY OF PORT WASTE RECEPTION FACILITIES

Name of port.....

Estimate of total number of vessels calling at port (per year).....

	Oil						Noxious Liquid Substances	Sewage
	Dirty ballast water	Tank washings (slops)	Oily mixtures containing chemicals	Scale and sludge from tank cleaning operations	Oily bilge water	Sludge from purification of fuel oil	Categories A, B or C	
Type and size of facility								
Method of use (where applicable)								
Is notice required? (If yes, give number of hours)								
Frequency of emptying								
Annual Capacity								
Amount of waste which should be received								
Amount of waste actually received.								

Amount of waste stored by ships for reception in other ports							
Cost of use							

Note: this form should be completed and submitted to MCA with the port waste management plan who will collate the information and submit to the Maritime Organization. Ports that cannot receive tankers or other vessels over 400 gross tonnes do not have to provide full 'oil' information, only needed where there is a charge for using facilities. Annual capacity should be given in kg or tonnes. The MARPOL regulations on sewage : ports should provide sewage disposal facilities when required by port users.

Annex B

For further information on the provision of hazardous/special waste handling please contact the following bodies:

For England and Wales:

Environment Agency
PO Box 263
Peterborough
PE2 8YE
Tel: 08457 00 11 66
Fax: 01733 358 172

For Scotland:

Scottish Environment Protection Agency
Corporate Office
Erskine Court
Castle Business Park
Stirling
FK9 4TR

Tel: 01786 457700
01786 448040

For Northern Ireland:

Environment and Heritage Service
Special Waste section
Commonwealth House
35 Castle Street
Belfast
BT1 1GU

Tel: 028 90 546462
Fax: 028 90 546404