RONA/UNEP

Scientific and Technical Advisory Panel of the Global Environment Facility

MARPOL, Marine Debris and Managing Ship's Waste
US and International Regulatory Schemes

A focus on the Caribbean and
Coast Guard's
Certificate of Adequacy (COA) Program

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Ship's Waste: a complicated issue!

- International Regulations (MARPOL)
- New Regulations, Amendments to the MARPOL Annexes
- IMO/International Guidance for Member States
- Port Reception Facilities and "Adequacy"
- MARPOL and the US Coast Guard
- U.S. Laws and Regulations for PRFs
- Certificate of Adequacy (COA) Program
- COA Applicability
- Enforcement
- MARPOL Inspections
- Record Keeping
- Reporting of Inadequacy Procedures/USCG Policies/NVIC
  - COTP Actions
  - International Reporting

MARPOL

- ✓ **The International Convention for the Prevention of Pollution from Ships (MARPOL) imposes numerous operational and technical requirements on ships.**

- ✓ **MARPOL also imposes important obligations on the Government of each Party, which is to ensure the provision for reception of ship-generated wastes that are prohibited from discharge into the sea.**

- ✓ **Reception facilities must be *adequate* to meet the needs of ships, *without causing undue delay to ships*. The requirements for port reception facilities (PRF) create an incentive for ships to comply with MARPOL and to minimize discharges to sea**

Amendments to MARPOL

- Wider Caribbean Special Area comes into effect – 1 May 2011
- Annex V Discharge Standards for Ship's - As of 1 January 2013, NO garbage into the sea, with very few exceptions.
- Annex VI and Regulation 17: Port Reception Facilities are required for
  - Ozone Depletion Substances (ODS), and;
  - Exhaust Gas Cleaning System (EGCS) Residues

Wider Caribbean Region Special Area (WCR SA)

Thousands of Square Miles of ocean with special protections!

But only possible if Ports are able to do their part !!

Notice of Entry Into Effect of MARPOL Annex V Wider Caribbean Region Special Area

AGENCY: Coast Guard, DHS.
ACTION: Notice.

SUMMARY: The Coast Guard announces the date for the entry into effect of discharge requirements from ships in the Wider Caribbean Region (WCR) special area (SA) as specified in the International Convention for the Prevention of Pollution from Ships

(MARPOL) Annex V, Regulation 5 and Coast Guard regulations. MARPOL Annex V and the U.S. regulations apply to vessel and reception facility activities in the WCR region.
DATES: IMO Resolution MEPC.191(60) established the date of entry for discharge requirements in the WCR SA as May 1, 2011.

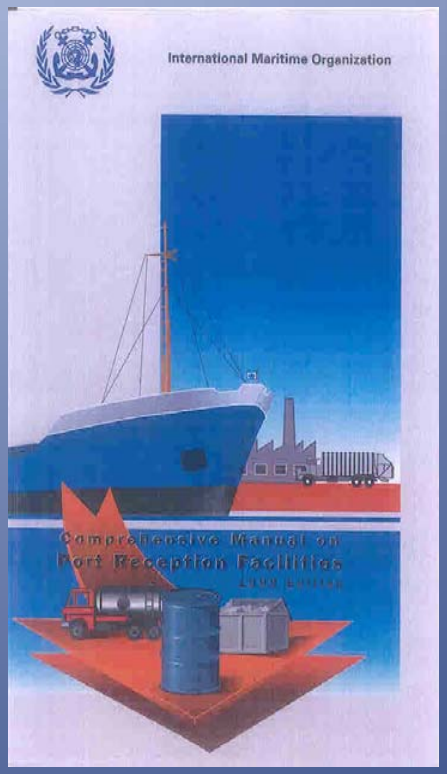
IMO/ISO Guidance to Member States

ISO 21070 (Published 2011 and now being updated to reflect Annex V Amendments)

- **Waste Segregation**
- **Storage**
- **Waste Minimizing**
- **Waste Handling Equipment**
- **Reporting**
- **GISIS Database**

ISO 16304 (Published 2013)

- **Waste Segregation**
- **Storage**
- **Waste Minimizing**
- **Waste Handling Equipment**
- **Recycling**
- **Local and National Regulations**
- **Treatment technologies at the port**



IMO Guidance:
"Port Reception Facilities-How to do it"
Updates to the 1999 Guide soon to be published.

What is “adequacy of port reception facilities”?

MARPOL does not set any prescriptive standards for port reception facilities, other than requiring that these are “adequate”;

The term “adequate” is defined in a qualitative manner in an MEPC resolution as facilities that:

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

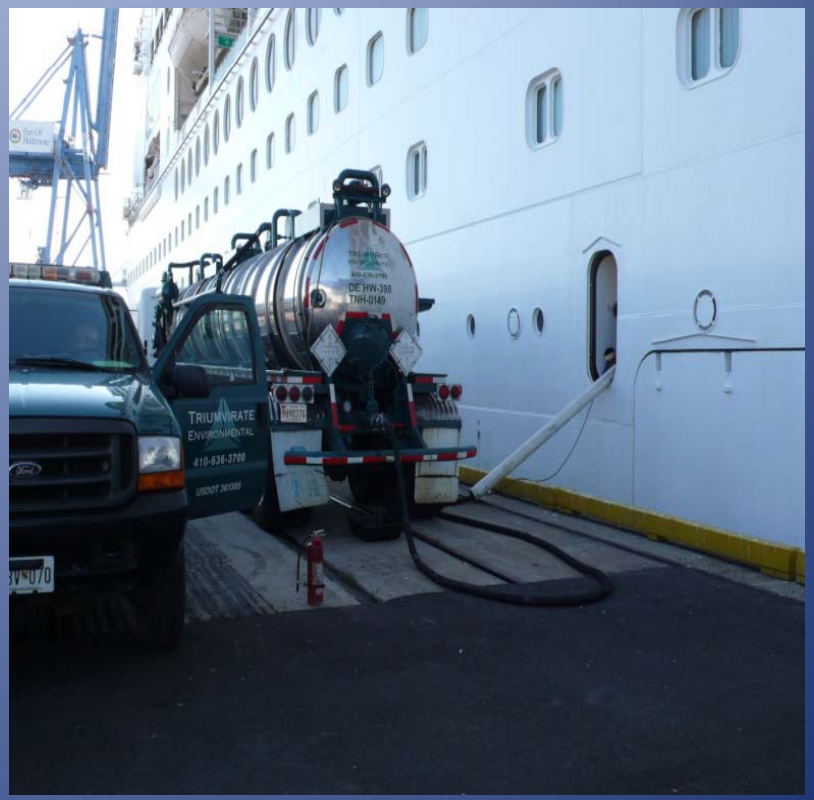
Additionally:

“allow for the ultimate disposal of ships’ wastes to take place in an environmentally appropriate way.”

MARPOL does not set any certification requirements for port reception facilities

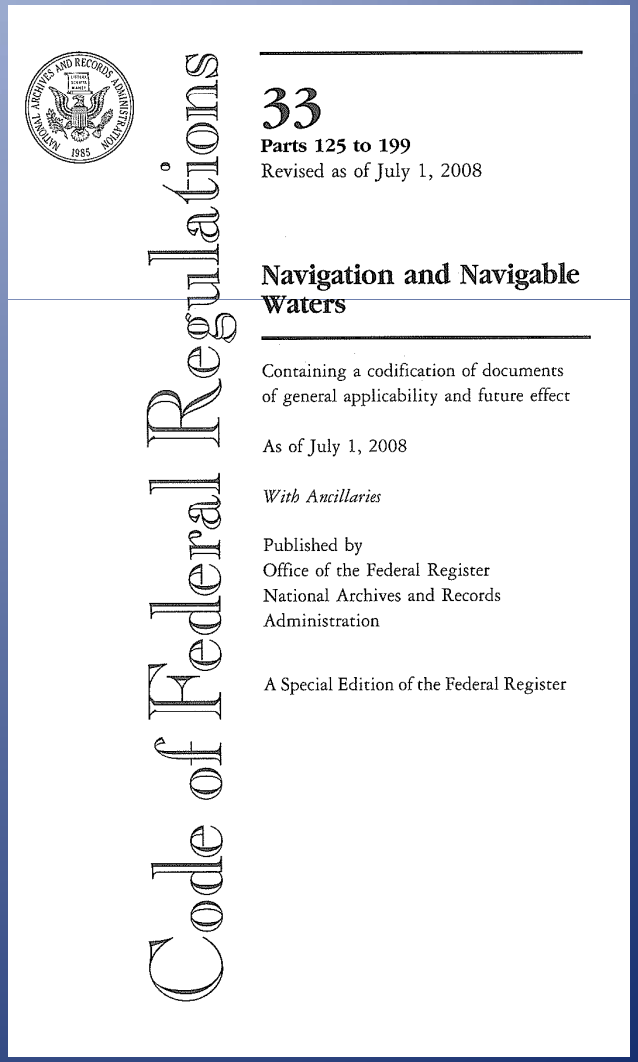
Adequacy of PRFs: meeting the needs of the ships normally using the port

- Should Conform with national and local permitting schemes or licensing required by environmental and public health laws concerning waste handling
- Must be arranged so as not to interfere with port or terminal operations
- Must be conveniently located so it can be easily found and use is not discouraged
- Must be situated so that wastes and residues removed from ships cannot readily enter the water



MARPOL Regulations for Port Reception Facilities (PRFs)

- US implements MARPOL PRF regulations in the Act to Prevent Pollution from Ships (APPS) 33 U.S.C. 1901 et.seq., as Codified in 33 CFR 158 (the Regulations)



Certificate of Adequacy (COA) Program: (33 CFR 158)

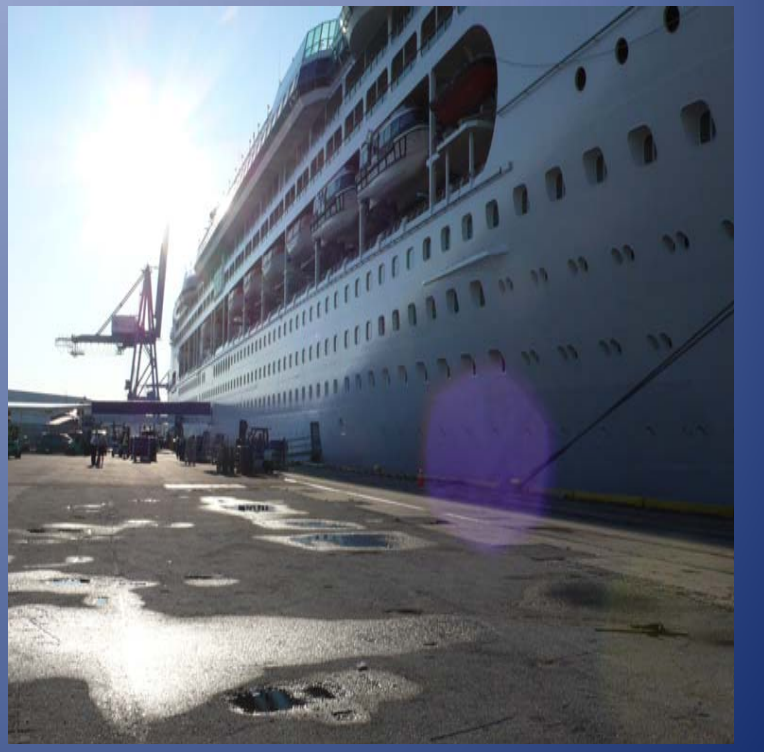
- **The Coast Guard must conduct an inspection of the port or terminal reception facility before issuing a COA.**
- **Consultation with regional EPA office.**
- **USCG must publish a list of reception facilities at US ports/terminals: (http://cgmix.uscg.mil/MARPOL/Default.aspx)**
- **5 year expiration (must reapply and re-inspect)**

33 CFR 158.135:

"To continue to receive ships, a port or terminal must hold one or more Certificates of Adequacy"

33 CFR 158.140:

"To continue to receive ships at a port or terminal required by 158.135 . . . the person in charge must apply to the Coast Guard . ."



COA Applicability

Port/Terminal Operators must apply for a COA under the following circumstances:

- Annex I - Receives ships 400 GT or more w/ oily mixtures
- Annex II - Receives ships carrying NLSs
- Annex V - Receives Annex I or II ships or fishing vessels which offload 500K lbs/year of fisheries product. In the US All terminals must provide MARPOL V reception facilities including small recreational marinas not requiring certification
- Annex VI – Receives ships needing to discharge Stack Scrubber (Exhaust Gas Cleaning System or EGCS)Residues or Ozone Depletion Substances (ODS)

Enforcement

- **If facility determined to be inadequate, corrective actions may include:**
  - ✓ **Letter of warning**
  - ✓ **May include recommendations to correct inadequacy**
  - ✓ **Revocation of Certificate of Adequacy**
  - ✓ **Denial of vessel entries to port**

  Additionally:
  - ✓ **Legal action by USCG/Justice Dept./EPA**
  - ✓ **Fines (up to $40K/day) and Criminal Prosecution (jail time)**

Record Keeping/Notice of Arrival/Waste Delivery Receipt

- MARPOL Annexes Require Ship Masters to keep Oil, Cargo and Garbage Record Books (Logs) to document all discharges (to the sea and to port reception Facilities.
- Ships on International Voyages may use IMO forms for Advance Notice of Waste Discharge to PRF upon arrival at port.*
- Port/Terminal PRF operators may use IMO Waste Delivery Receipt form.*
- *Both IMO ANF and WDR Forms can be downloaded from IMO's GISIS PRFD Website: www.GISIS.IMO.ORG (also available on CG-FAC-2 Portal site)

Inadequacy Reporting: USCG Regulations, Policy and Procedures

- **COTP – 33 CFR 158.167 "Any person may report to the local Coast Guard COTP that reception facilities required by these regulations or MARPOL are inadequate. Reports of inadequate reception facilities may be made orally, in writing or by telephone."**
- **COTP may take action as deemed appropriate to correct inadequacy and enforce 33 CFR 158 regulations for reception facilities.**
- **International Reports of Inadequacy by Foreign Flag ships calling at US ports/terminals: May follow International Procedures outlined in IMO guidance downloadable on IMO's GISIS PRFD website: www.GISIS.IMO.ORG**

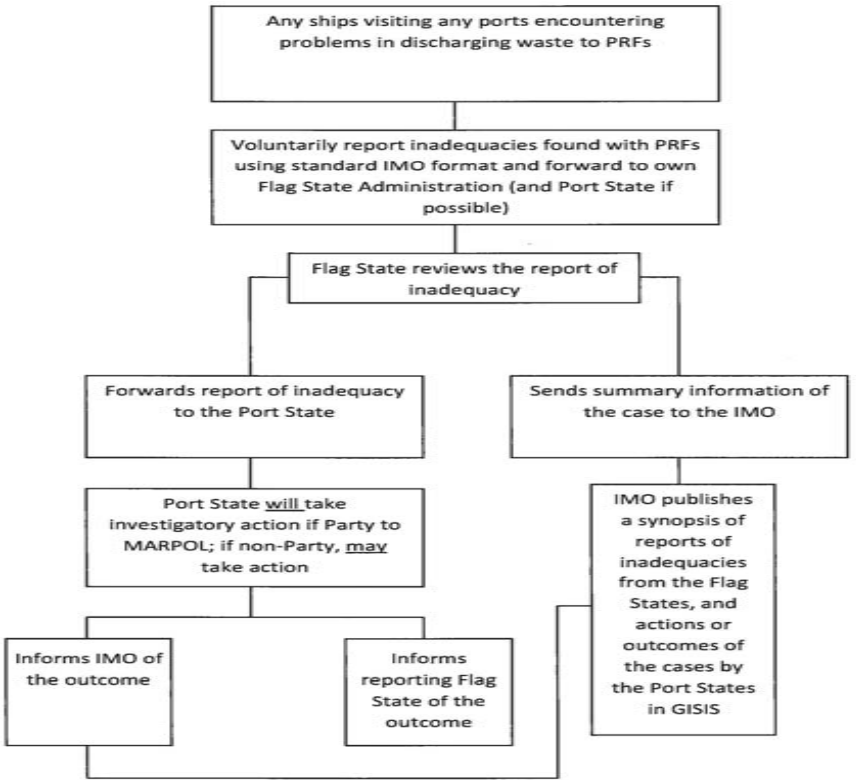
Reporting of Inadequate Reception Facilities

- U.S. ship calling at a U.S. port or terminal: Report Inadequacy to the COTP
- U.S. ship calling at a foreign port or terminal:
  - -Attempt to resolve the issue with the local port authorities
  - -Use the international reporting procedures
- Foreign Flag ship calling at a U.S. port or terminal:
  - -Attempt to resolve the issue with the local COTP
  - -Use the international reporting procedures to report through their own Flag State Authority to CG-FAC (US Port State Contact Point) with a copy to IMO
- CG-FAC will initiate investigation and follow-up with response to the Flag State and IMO.

International Reporting Procedures

Enclosure (1)

INTERNATIONAL MARITIME ORGANIZATION (IMO) PROCESS FOR REPORTING AND TAKING ACTION ON ALLEGED INADEQUACIES OF PORT RECEPTION FACILITIES (PRFs)



Summarizing

- ✓ **Provision of MARPOL Annex V Port Reception Facilities is a key factor in preventing discharge of waste from ships which can and does cause Marine Debris.**
- ✓ **IMO's MEPC and its Subcommittees have taken steps to ensure adequacy of port reception facilities at ports of all Member States including Developed, Developing and SIDS.**
- ✓ **IMO Correspondence Groups consider input from Member States and Industry Groups and NGOs with observer status, as well as Governmental Organizations.**
- ✓ **Outcomes of the work of IMO's MEPC have included guidelines which consider life cycle approaches to management of ships waste as well as practical guidance and information for users and providers of PRFs.**
- ✓ **MARPOL provides a global framework to encourage uniform enforcement by Member States and the usefulness of regional arrangements for meeting obligations under MARPOL.**
- ✓ **Updated IMO and ISO guidance embraces the concept of Reduce before Reuse before Recycle before disposal.**

Parting Thoughts

What happens in the Caribbean DOES NOT stay in the Caribbean!!

Microbeads found in FAR NORTH

A 2014 study in the Arctic showed that microbeads have traveled into the farthest reaches of the Polar regions.

The authors, from Dartmouth College and the University of Plymouth (England): “Our findings indicate that microplastics have accumulated far from population centers and that Polar sea ice represents a major historic global sink of man-made particulates. The potential for substantial quantities of legacy microplastic contamination to be released to the ocean as the ice melts therefore needs to be evaluated.”

REFERENCES

- **References:**

  * The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating there to, as amended (MARPOL)

  *International Maritime Organization (IMO) Resolution MEPC.199(62), "2011 Guidelines for Reception Facilities under MARPOL Annex VI", 15 July 2011

  *MEPC.1/Circ.834 , "Consolidated Guidance for Port Reception Facility Providers and Users " Note: this Circular was approved by MEPC 66 and is scheduled to be published soon. Includes all reporting and notification circulars.

  *Title 33 Code of Federal Regulations, Part 151

  *Title 33 Code of Federal Regulations, Part 158