

Port Waste Management Planning

a guide for marina operators and coastal clubs



The 2003 Regulations

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INTRODUCTION

This booklet provides guidance on waste management planning at marinas and coastal clubs. It explains the impact of the European Union Directive¹ on port reception facilities for ship-generated waste and cargo residues transposed in the UK by the Merchant shipping (Port Waste Reception Facilities) regulations 2003 which came into force July 2003 and revokes the Merchant Shipping (Port Waste Reception Facilities) 1997² to prevent waste produced on board ships from getting into the sea.

As well as summarising the main requirements of the legislation, we suggest a procedure for producing a waste management plan for your facilities as well as revising an existing plan.

This booklet updates the original RYA and BMF guidance produced in 1998 based on the 1997 regulations³. The guidance given here has been written with the co-operation of the Maritime and Coastguard Agency.

These Regulations make port waste management planning a legal requirement.

The RYA and BMF, representing recreational boat users and the leisure boating industries, want to see the marine environment protected for the enjoyment of all. We support these port waste management regulations, whose aim is to make sure there can never be any justification for dumping boat waste overboard.

The basic idea is a simple one:

Those who operate shore-side facilities have an obligation to provide facilities to enable vessels to land waste for disposal and to avoid dumping of waste at sea.

The Regulations refer to:

- *ships* meaning vessels of all kinds - including recreational boats.
- *ports* meaning any kind of landing place from the sea where a boat user can reasonably expect to find a waste reception facility.

Throughout the leaflet we refer to *landing places*, meaning any facility that permits recreational boat users to come ashore in a navigable vessel.

There are three significant changes/new requirements under the new Regulations:

- 1 Ships (excluding fishing vessels and recreational craft authorised to carry, or designed to carry, no more than 12 passengers) must provide notification of waste to be discharged, before entry into a port or terminal, including information on types and quantities.
- 2 Ships must deliver their waste to port reception facilities before leaving the port or

terminal, unless they have sufficient dedicated storage capacity to hold the waste until the next port of call and providing they have followed the required notification procedure.

- 3 Ships (excluding fishing vessels and recreational craft authorised to carry, or designed to carry, no more than 12 passengers) must pay a mandatory charge to make a significant contribution to the cost of port reception facilities for ship generated waste, whether they use them or not.

Existing plans must be revised and any new plans resubmitted to the MCA for approval by 31 December 2003.

Marinas and clubs with existing waste management plans will only need to review the parts of the plan that refer to the above three changes. Alternatively, you can also produce an Addendum to your plan based on a proforma developed by the MCA (see Step 8: Reviewing an existing plan on page 12). This information should then be incorporated into the plan, which should take place three years after the original plan approval.



¹ EU Directive 2000/59/EC of the European Parliament and Council on port reception facilities for ship generated waste and cargo residues.

² The Merchant Shipping (Port Waste Reception Facilities) Regulations 2003 - in force July 2003 and summarised in Marine Guidance Note (MGN) 253.

³ The Merchant Shipping (Port Waste Reception Facilities) Regulations 1997 - in force January 1998 and summarised in Merchant Shipping Notice (MSN)1709.

WHO SHOULD PRODUCE A WASTE MANAGEMENT PLAN?

Marinas and clubs, with landing facilities and from which vessels may go to sea for more than a day and so, which are likely to generate waste and which charge a mooring or berthing fee have an individual legal responsibility to comply with the Regulations and prepare a waste management plan and submit it to the MCA for approval.

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

- Pleasure craft⁴ 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;
- Fish farms where the majority of waste is generated by onshore facilities.

If you are within a harbour authority area, then the primary responsibility falls on the harbour authority itself. But as an individual operator you will be expected to co-operate with the authority in the production of a plan for the entire harbour.

⁴ 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 club's general funds.



WHAT DO THE REGULATIONS REQUIRE?

It is for you to determine what kinds of waste management facilities need to be provided at your landing place. Waste management planning does not attempt to force uniform solutions on all ports. Start by thinking what kind of waste facilities will be needed by those who use your landing place.

A skipper of an incoming boat will want to dispose of waste produced during even the shortest voyage, such as a few hours sailing with a picnic on board. If your landing place caters mainly for dinghy sailors, windsurfers or canoeists, you need only provide facilities to meet the needs of those users. You would not be required to cope with the needs of large yachts. The key is to tailor the plan to the requirements of users.



STEPS IN DEVELOPING A PORT WASTE MANAGEMENT PLAN

Developing a Port Waste Management Plan need not be difficult. There are nine simple steps in developing your plan. Marinas and clubs that already have a Port Waste Management Plan will only need to revise the parts that are affected by the 2003 Regulations or complete the proforma explained in *Step 8: Reviewing an existing plan* (see page 12).

STEP 1

Consultation

The purpose of consultation is to ensure the waste reception facilities meet the users' needs and to involve those who have an interest in the provision of services. All users have an obligation to land waste for disposal rather than dump it at sea. For a commercial mariner, time may be of the essence whereas a small yacht skipper may be more concerned with the cost, in which case, facilities need to be accessible and economical.

Good facilities at the right price can only be provided if there is full constructive dialogue between the service providers and the users. Consultation should be ongoing and carried as part of the triennial review of the waste management plan. Details of the consultation procedure must be incorporated in the Plan. You should keep records of your consultation methods and the responses you receive.

Consulting with the users

Clubs and berth-holder associations are a useful means of reaching local users. This could take the format of a questionnaire, through meetings, by letter, or through a berth-holders'

EXAMPLE QUESTIONNAIRE

PORT WASTE MANAGEMENT: YOUR VIEWS

The Merchant Shipping (Port Waste Reception Facilities) Regulations were updated in July 2003. To comply with the Regulations, we are producing a waste management plan. To this end, we would appreciate a few minutes of your time in giving us your views.

1. What kind of boat do you use?
2. How often do you use your boat?
3. Typically, what kind of trip do you make? (e.g. coastal cruise, day trip, etc.)
4. What kind of waste do you produce at sea? (e.g. garbage, oily bilge water, etc.)
5. Approximately how much waste per trip? (e.g. [x] carrier bags)
6. What types of waste receptacle do you require?
 - mixed garbage
 - food from non-EU sources
 - oily wastes
 - chemical toilet
 - sewage pump-out
 - other (please state)
7. How adequate are the present waste facilities?
8. Any other comments?

Please complete and return to [name, address]
Thank you for your time

association newsletter. A questionnaire should be succinct and easy to complete, to encourage your users to give their views.

Consultations with visitors (including those from abroad) may not be so straightforward. Methods could include handing out postcard questionnaires when visitors pay a mooring fee, or posting notices at the landing place.

You may find it useful to ask users' views at a meeting of club members or berth-holders.

EXAMPLE POSTCARD QUESTIONNAIRE

1. What kind of boat do you use?
2. How often do you use your boat?
3. Typically, what kind of trip do you make? (e.g. coastal cruise, day trip, etc.)
4. What kind of waste do you produce at sea? (e.g. garbage, oily bilge water, etc.)
5. Approximately how much waste per trip?
6. What types of waste receptacle do you require?
 - mixed garbage
 - food from non-EU sources
 - oily wastes
 - chemical toilet
 - sewage pump-out
 - other (please state)
7. How adequate are the present waste facilities?
8. Any other comments?

Consulting with the regulators

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. These organisations are:

- Local offices of the environmental regulator:

The Environment Agency (EA) in England and Wales, the Scottish Environment Protection Agency (SEPA) in Scotland, and the Environment and Heritage Services in Northern Ireland are responsible for issuing waste management licences to recycling and waste handling facilities and their regulation. Port Waste Management Planners should ensure that their facilities and/or contractors fulfil the requirements of these licences and any other requirements under current UK law.

- DEFRA and the Port Health Authority:

The Department for Environment, Food and Rural Affairs (DEFRA) are responsible for animal wastes.

You should confirm that your waste handling practices comply with these requirements and include a letter of confirmation from the above authorities when submitting the plan to MCA for approval. Time should be allowed for this when drawing up and reviewing plans. Contact details can be found in Annex A (see page 13).

If you are working to a tight schedule, say so. If your plan includes new provision for disposal of special wastes (e.g. oils, toxic substances), the MCA will expect liaison with the waste disposal regulators to have been completed before your plan is approved. If you are working with a harbour authority in producing your plan, the harbour authority will probably take responsibility for liaison with the waste regulators, but you should confirm this with your Harbour Master.

STEP 2

Analyse the need for waste reception facilities

Adequate facilities cannot be provided unless you know what you expect to receive.

The regulations expect you to collect the following information:

- Amounts of each type of waste actually received;
- Amounts of each type of waste which should be received – based on notification data;
- Amounts and types of waste stored by ships for reception in other landing places.

Assessing waste received

It is likely to be quite hard for managers of recreational landing places to accurately gauge the quantities and types of waste, as small amounts may be produced from a relatively large number of craft. In addition, accurate numbers boats may not be available and passages vary producing different quantities of waste. However, the MCA will expect recreational landing places to do the best they can to make this assessment.

A best estimate can be based on the number of permanent and visitor berths and moorings you manage and an estimate of numbers of boat movements. It is then the task of the MCA, when considering a waste plan for approval, to assess whether the facilities you propose are likely to be adequate to deal with the wastes produced from this level of use.

EXAMPLE FORM FOR ASSESSING WASTE RECEIVED

Vessel Type	Number using the facility	Waste received* (mass in kg or volume in m ³)				
		Garbage	Food from non-EU sources	Oily wastes	Sewage	Chemically treated sewage

* Figures can be based on the capacity of your bins/ collection vessels and frequency of collection

Prior notification

Under the Regulations all ships other than fishing vessels and recreational craft authorized to carry, or designed to carry not 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. You need to keep any notifications for a period of six months and the information should be collated into an annual report which can be used in reviewing your plan.

Storing waste aboard

Another feature of the Regulations is that craft leaving a landing place must dispose of their waste prior to departure or have sufficient storage aboard until their next port of call. They must still pay the mandatory charge unless they have an exemption from the MCA, in which case the landing place will be advised of this by the MCA.

STEP 3

Consider the type and capacity of waste reception facilities

The Regulations only require you to deal with on-board wastes produced by your users at sea.

It is up to you, as the landing place operator, to decide what waste facilities are needed. You may not be able to provide everything that your users ask for, but the MCA, when looking at your plan (either submitted directly or as part of a package of plans submitted through the harbour authority) will expect you to have taken into account your users' reasonable requirements.

A marina or club that very rarely receives visits from larger vessels is not expected to provide facilities for larger vessels that only visit once or twice a year. However, you 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, the provision of port waste management facilities may have to be reviewed. These arrangements should be reported in your plan.

Reducing, reusing and recycling waste

Your waste management should only dispose of waste if none of the following can be applied:

- Reducing the amount of waste generated;
- Reuse, either for the same or a different purpose;
- Recycling, which may have possibilities to recover some of the value;
- Composting.

There may be opportunities to co-ordinate recycling 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.

Food waste

The segregation of ship-produced food waste, depending on country of origin, is very difficult. Small marinas and moorings (outside of a larger port waste management plan) which only handle UK and occasional EU traffic do not have to fulfil the requirements on food waste that treat it as Category 1 international catering waste.

DEFRA considers 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 and clubs. These landing places should provide facilities for disposal of food wastes through their general handling of garbage.

Larger facilities must treat all food waste 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.

STEP 4

Consider the 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.

The 2003 Regulations state that 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 services. The charges may take into account the type, size and category of the ship and whether it produces reduced quantities of ship-generated waste because of its environmental management, design, equipment or operation.

The fees and how they have been calculated must be made clear to the users to show that they are fair, transparent and non-discriminatory, and reflect the costs of the facilities and services provided.

The MCA expects the fees to be set at around 30% of the total cost of port waste reception facilities, 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.

STEP 5

Consider the location and ease of use of facilities

Boats calling at your landing place should be encouraged to use the waste reception facilities by their convenient location and ease of use.

You may already have experience of providing waste reception; however, making a formal plan or revising an existing plan provides an opportunity to rethink the key requirements of convenient location and ease of use from the user's perspective.

There may be several options available from fixed to mobile facilities such as floating barges, pontoons or wheelie-bins. Such solutions may well emerge from a co-operative effort between the harbour authority and the managers of several local landing places.

In addition, the location of the facilities should ensure there is minimal risk of waste entering the water. They should also be clearly identified and well lit.

STEP 6

Informing users

All your users should be told where your waste reception facilities are, how to use them and, when applicable, how any additional charges are levied.

Schedule 1 of the Regulations sets out information (see below) that must be made available to persons using the landing place. 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;*

(g) *Procedures for reporting alleged inadequacies of waste reception facilities.*

While the Regulations set out what information should be made available for use of the facility, it does not set out how this should be done.

You must consider the most effective way of disseminating the information for your marina or club. There are a number of fairly obvious ways in which this can be done, e.g.

- Some kind of notice board at the facilities themselves;
- Directions to enable users to find the facilities, if this is not obvious at the point where they come ashore;
- Information leaflets.

If your landing place regularly attracts visitors from overseas, it would be helpful to give this information in the relevant European languages. Cartoon signs that avoid the need for translation are ideal.

If the facilities are mobile, the signs should be too.

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. Complaints can be taken to the MCA if the user does not feel their concerns have been dealt with adequately.

STEP 7

Writing your plan

If your landing place is situated *within* the jurisdiction of a harbour authority, we suggest you ask the authority at an early stage how it wants you to co-operate in the production of the plan.

If you are located *outside* a harbour authority area, you will have to write your own plan and submit it to the MCA yourself for approval.

Schedule 1 of the Regulations sets out what should be included in the plan:

1. *An assessment of the need for waste reception facilities, in the light of the requirements of the ships normally visiting the harbour or terminal;*
2. *A description of the type and capacity of waste reception facilities;*
3. *A detailed description of the procedures for the reception and collection of prescribed wastes;*
4. *A description of the charging system;*
5. *Procedures for reporting alleged inadequacies of waste reception facilities;*
6. *Procedures for on-going consultations with persons using the harbour or terminal, waste contractors and other interested parties;*
7. *The type and quantities of prescribed wastes received and handled.*
8. *A summary of relevant legislation and formalities for delivery;*
9. *Identification of a person or persons to be responsible for the implementation of the waste management plan;*
10. *A description of the pre-treatment equipment and processes in the harbour or terminal, if any;*

ANNEX A CONTACT DETAILS

11. A description of methods of recording actual use of the waste reception facilities;
12. A description of methods of recording amounts of prescribed wastes received;
13. Description of how the prescribed wastes are disposed of.

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

STEP 8

Reviewing an existing plan

Although the new regulations are an opportunity to review and rewrite an existing plan, you may not have time by December 2003. If you already have a Port Waste Management Plan you can complete the proforma developed by the MCA (see Annex C) to fulfil the requirements in the 2003 Regulations. However, we suggest you read through the nine steps described here carefully to ensure your plan is comprehensive.

There should be an on-going process to assess the effectiveness of the plan and any comments or complaints should be fully considered and remedial action taken. If the proforma is used for review of an existing plan by December 2003, the information should be incorporated into the plan during the formal review, which under the 2003 Regulations should be **every three years** from the original approval date.

Reporting procedures

The MCA ask that waste management planners complete and return the *Report of cost type and capacity of port waste reception facilities form annually as a record (see Annex B)*. This should be submitted to the MCA every time the plan is reviewed, as the UK has to submit this to the International Maritime Organisation. As the plan holder you are responsible for maintaining records of waste landed, you should not rely on external contractors to keep this information.

Changing requirements for waste reception facilities

The requirement for waste reception facilities at your landing place may change over a period of time. You may increase the size of your facility, or there may be changes in regulations affecting waste disposal. Any significant change affecting the plan will require a review and fresh approval by the MCA within nine months of the change.

Continuing the consultation process, which you started when drawing it up, will ease the task of reviewing your plan. This will generally be a desktop exercise by MCA although there may be inspections.

STEP 9

Submitting your plan

Two copies of the completed waste management plan should be submitted to your local office of the Maritime and Coastguard Agency. The local MCA office will charge at a rate of £76 an hour for work done to approve plans, so your plan should be as concise as possible. Plan re-approval is expected to take around an hour for clubs and marinas, this may be longer for submission of new plans, and will be carried out within four weeks of submitting it to the MCA. After approval, the MCA will stamp and return one copy to you and retain the other. Details of the MCA's regional structure and the address of your local office are given in Annex A.

Remember, if your landing place is situated within the jurisdiction of an overall harbour authority, you should submit your plan through the Harbour Master.

Revised plans or an addendum proforma under the new Regulation should be submitted to the MCA by 31 December 2003.

The Maritime and Coastguard Agency

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 Fax: 0131 554 7689

The Design Centre
 39 Corporation Street
 Belfast BT1 3BA
 Tel: 01232 234466
 Fax: 01224 571920

The Port Administration Building
 Sella Ness
 Graven
 Mossbank
 Shetland ZE2 9QR
 Tel: 01806 242090
 Fax: 01806 242520

UK Environment Agencies

England and Wales

Environment Agency
 Rio House
 Waterside Drive
 Aztec West
 Almondsbury
 Bristol BS12 4UD
 Tel: 01454 624400
 Fax: 01454 624409
<http://www.environment-agency.gov.uk>

Scotland

Scottish Environmental Protection Agency
 Erskine Court
 The Castle Business Park
 Stirling FK9 4TR
 Tel: 01786 457700
 Fax: 01786 446885
<http://www.sepa.org.uk>

Northern Ireland

Environment and Heritage Services
 Department of the Environment Northern Ireland
 Calvert House
 23 Castle Place
 Belfast BT1 1FY
 Tel: 01232 235000
 Fax: 01232 254700
<http://www.doeni.gov.uk>

British Marine Federation

Marine House, Thorpe Lea Road,
 Egham Surrey TW20 8BF
 Contact: environment@britishmarine.co.uk

Royal Yachting Association

RYA House, Ensign Way,
 Hamble, Southampton,
 Hampshire SO31 4YA
 Contact: environment@rya.org.uk



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

	Oil						Sludge from purification of fuel oil	Noxious Liquid Substances Categories A, B or C	Sewage	Garbage
	Dirty ballast water	Tank washings (slops)	Oily mixtures containing chemicals	Sludge from tank cleaning operations	Oily bilge water	Scale and sludge from operations				
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 the MCA with the port waste management plan who will collate the information and submit it to the International Maritime Organization. Ports that cannot receive tankers or other vessels over 400 gross tonnes do not have to provide full oil information. Information on cost is only needed where there is a charge for using facilities. Annual capacity should be given in kg or tonnes. The MARPOL regulations on sewage are not yet in force, but ports should provide sewage disposal facilities when required by port users.

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

ANNEX C

ADDENDUM TO EXISTING PORT WASTE MANAGEMENT PLAN

These questions should be addressed in the Addendum submitted to the MCA in response to the new Port Waste Reception Facilities Regulations 2003.

1) Notification by ships of the waste they are carrying and wish to discharge to the port/terminal

- How will the port/terminal notify vessels utilising their port, and the Agents representing these vessels, of the local implementation of these new regulations?
- What procedures have been put in place to allow ships to notify the port/terminal of the waste they wish to discharge? (ie notification through Agent, electronically by fax or e-mail)
- How will waste discharge notification forms be received by the port?
- How will notification forms be processed in the port/terminal?
- Will requests for the provision of waste facilities other than that for garbage be handled differently than that laid out in the existing Waste Management Plan? If so how?
- How long will the port/terminal keep notifications from vessels?
- How will the data on notification forms be stored, analysed and reported annually to the MCA?

2) Landing of waste

- What new procedures are being put in place by the port/terminal to monitor the waste being landed?
- How will the port/terminal process vessels who want to keep their waste on board until their next port of call?
- The port/terminal have been instructed to contact the local MCA Marine Office if they believe that vessels are not landing enough waste, who do not land the amount of notified waste or who they believe may pollute when they leave the port? How is this call triggered?
- What arrangements have been put in place to accept waste from workboats, pilot boats, Class IV, V and VI vessels operating within Category C and D waters and other similar vessels that operate principally within a harbour authority area that fall outside the scope of the requirement?

3) Fee Charging

- How is the port/terminal's mandatory charge levied?
- What does this charge cover and how is it calculated?
- Approximately what percentage of the total costs for providing waste reception facilities will be raised through the mandatory fee?
- Has the terminal accounted for exempt vessels in its charge calculation and levy?

4) Other Issues

- What arrangements has the port/terminal put in place to accept and investigate complaints from vessels with respect to the procedures put in place with respect to these new regulations?

Prepared by the RYA and BMF



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