

**PAME II-2014 Agenda Item 4.6(b)
AMSA II(D)**

**Proposed project for the development of a Regional Reception Facilities Plan (RRFP)
Based on IMO Guidelines**

References and Related documents:

- Resolution MEPC.83(44) *Guidelines for Ensuring the Adequacy of Port Waste Reception Facilities*
- Resolution MEPC.216(63) *Regional arrangements for port reception facilities under MARPOL Annexes I, II, IV, and V, 2 Mar 2012.*
- Resolution MEPC.217(63) *Regional arrangements for port reception facilities under MARPOL Annex VI, 2 Mar 2012.*
- Resolution MEPC.221(63) *2012 Guidelines For The Development Of A Regional Reception Facilities Plan, 2 Mar 2012.*
- PAME (I) 13/4.5/c/ USA/Adequate Port Reception Facilities and IMO and ISO Standards
- PAME (II) 13/4.5/c/USA and Russian Federation/ *MARPOL provision for adequate port reception facilities using the concept of regional arrangements AMSA II(D) Final Report, Specially Designated Marine Areas In The Arctic High Sea, DNV REG NO.: 2013-1442 / 17JTMID-26, REV 2, 11 MAR 2014*
- PAME (I) 14/4.7/b/USA and Russian Federation/*Draft Format and Outline for a Regional Reception Facilities Plan Relevant to the Arctic based on applicable IMO Guidelines*
- MEPC.1/Circ.834, *Consolidated Guidance for Port Reception Facility Providers and Users, 15 April 2014*
- PAME I-2014 final RoDs

Background

The AMSA II(D) report provides PAME member governments with recommendations on measures they might pursue, individually or collectively, and within the scope of the International Maritime Organization (IMO), to enhance environmental protection for areas within the high seas portion of the Central Arctic Ocean taking into consideration current and future shipping activities. Increases in shipping will mean increased risk of pollution, and increased protection may be warranted due to the unique Arctic marine environment which is both environmentally sensitive and remote.

While no special protection for the Arctic Ocean (e.g. MARPOL Special Area, Particularly Sensitive Sea Area designation, mandatory Polar Code) is currently in place, Arctic States party to MARPOL and its Annexes remain obligated to implement certain regulations in the MARPOL Convention Annexes I, II, IV, V and VI for both ships operating in the Arctic Ocean and ports and terminals they may call at. One such provision (in each of the aforementioned MARPOL Annexes) is the requirement for Parties to ensure the provision of adequate port reception

facilities (PRF) for ship's waste, long recognized as a key provision in MARPOL for prevention of pollution from ships.

Additionally, one or more Arctic States may decide to implement stricter measures, (e.g. designate territorial waters as “no discharge zones”) in all or some areas within their own Arctic territorial or EEZ boundary waters to the extent consistent with international law. One or more Arctic States may already have implemented long standing National legislation prohibiting any discharges from ships within their own waters and already have regulations designed to provide reception facilities for ships on domestic voyages to and from the Arctic and ensure ships can retain all wastes while operating in the Arctic. The effectiveness of such measures, essentially creating a regional arrangement within waters under their own jurisdiction, together with existing MARPOL regulations for all sea areas outside of special areas and PSSA's beyond the Arctic, and, if/when adopted, special conditions imposed by the Polar Code, will depend in part on the key provision of adequate reception facilities.

As outlined in previous submissions to PAME, the provision of adequate reception facilities in the Arctic present unique challenges for both ships and ports. One submission (PAME (II) 13/4.5/c/USA and Russian Federation) proposed utilizing the concept of regional arrangements for port reception facilities at ports in the Arctic and near Arctic areas to meet the challenges unique to Arctic shipping and ensure compliance with MARPOL.

The concept of regional arrangements for port reception facilities was recognized by IMO as early as 2006 (MEPC.83(44)). Amendments to each of the MARPOL Annexes were adopted in 2012 by IMO Resolution (MEPC.216(63) and MEPC.217(63)). Regional Arrangements were originally adopted as the only practical means that would allow for Small Island Developing States (SIDS) meeting criteria outlined in the guidelines, and because of their unique circumstances, to meet their MARPOL reception facility obligations. MARPOL Parties participating in a regional arrangement for port reception facilities are required to develop a Regional Reception Facilities Plan, taking into account the guidelines developed by IMO and adopted by Resolution MEPC.221(62) *Guidelines for the Development of a Regional Reception Facilities Plan* (the “Guidelines”). The document PAME (I) 14/4.7/b/USA and Russian Federation, outlines a regional reception facilities plan relevant to the Arctic and based on IMO guidelines and adopted for the unique circumstances in the Arctic.

The PAME I-2014 meeting adopted a ROD inviting Russia and the United States to co-lead a correspondence group (CG) to prepare a work plan/project plan to be submitted to PAME II-2014, for developing a draft regional reception facilities plan specific to one or more regions of the Arctic taking into consideration relevant circumstances.

Correspondence Group Participants, Points of Contact

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Additionally, the following NGO representatives/observers have expressed interest in participating:

Circumpolar Conservation Union: Buck Parker (bparker@earthjustice.org)

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Project plan for development of an Arctic regional reception facilities plan (RRFP)

Objectives

The objective of this paper is to provide a project plan and outline the specific project tasks for the development of appropriate and effective regional port reception facilities arrangements (RA) to ensure that ships transiting Arctic regions can comply with all applicable provisions of MARPOL. In this way ports servicing ships calling at Arctic ports, or departing for or returning from Arctic regions, will be able to provide adequate MARPOL reception facilities without undue delay to ships. Consideration should be given to applicable international regulatory schemes with special attention to the Polar Code, when it comes into force; other IMO Guidance; ISO Standards; and National, state, and local regulations.

Project Tasks for the development of a RRFP

Specific project tasks for the development of an Arctic RRFP will include the following:

- 1. Identification of the region.** The Arctic region should be defined as in the Polar Code, when it is adopted. However, both Arctic ports and near Arctic ports and adjacent seas and land areas should be included/identified if such ports or areas of ocean are determined to be necessary and appropriate for an effective RA. Ports beyond the Arctic and near Arctic may also need to be included/identified if such ports are regularly the last port of call prior to ship entering the Arctic region or the first port of call for a ship leaving the Arctic region. A map should be provided, showing clearly the region and any adjacent areas to be included. Fig (1) shows the Arctic Ocean, the geopolitical boundaries of Arctic Council countries, and several existing Arctic and near Arctic ports. The north polar projection map extends south to 60 degrees north latitude. The Arctic Circle (not shown) is 66.5622 degrees north latitude.



Fig 1. Arctic Regions showing the Arctic Circle, Geo-boundaries , and some Arctic Ports north of 60 degrees north latitude.

2. Identification of the nature of the unique practical circumstances and challenges that affect the ability of port states in the defined area to provide adequate port reception facilities. While the conditions may differ somewhat from one Arctic country to another, examples of common circumstances that may affect Arctic port states include:

- poor access due to insufficient or uncharted depths in channels from sea to ports or inadequate piers/terminals within a port or no port infrastructure to receive ships or wastes from ships at anchor;
- difficulty in constructing new infrastructure due to remoteness or geological characteristics of the port;
- changing ice conditions which would prevent practical use or siting of reception facilities;
- landside environmental concerns regarding waste processing and disposal facilities sited in Arctic ports located adjacent to environmentally sensitive areas, and protected habitats, designated refuges, or culturally sensitive areas; and

- PRFs in logistically challenging remote areas (seasonally or year round) or complete inability to operate at some PRFs during winter months due to seasonal ice conditions.

3. A forward looking cost/benefit analysis will be undertaken and documented as part of the need to demonstrate a compelling need for RA. While present needs of ships making voyages in the Arctic are being met, an analysis and assessment of the environmental risks should be included in any cost/benefit analysis of the alternatives described in the RA for managing ship's waste as Arctic shipping increases in the coming decades. It may be prohibitively expensive for ports to receive ship's waste in an environmentally sound manner at every Arctic port. Such excessive costs thus increase the cost to ship owners/operators and ultimately, to consumers. Alternatives should be explored and assessed in terms of the environmental impacts and risks associated with collecting, storing, transporting and disposing of ship generated wastes and cargo residues discharged to a port reception facility. While equipment and technologies may generally exist for ultimate disposal of ships' wastes, it may be cost prohibitive to install such equipment and technologies in remote areas. Doing so may also create unacceptable risks in ecologically or culturally sensitive areas.

4. An Arctic RRFP will be prepared as a long range solution to meeting the challenges facing the expected increases in shipping for the foreseeable future. While conditions that will change the nature of Arctic shipping are already evident and improvements in Arctic port infrastructure will follow as shipping increases, challenges will persist far into the future in the Polar Regions, even as the extent of sea ice diminishes. Additionally, the Arctic will remain an environmentally sensitive area requiring our collective stewardship to protect both the high seas and sovereign areas of the Arctic. For this reason the RRFP will address both international and domestic shipping needs. A RA may be suitable for domestic routes within any given Arctic country and where national or regional legislation provides for more stringent regulation of discharges from ship.

5. An Arctic RRFP will list all types of ships and the needs of each type of ship. For example, cruise ships will have very different waste management needs than container or dry bulk cargo ships and will differ from tankers. Fishing vessels will have unique reception facility needs differing from mineral extraction activities support vessels. The RRFP will clearly identify how a regional waste management strategy will ensure that all ships will be able to comply with MARPOL and the anticipated mandatory Polar Code. IMO guidance provides more detail on the types of ships to be identified along with the likely types of waste generated. ISO Standards should be consulted to calculate the amounts of waste generated aboard ship.

6. An Arctic RRFP will identify the route(s) and ports of call for ships in the region (see Fig. 2). Several PAME reports, such as the PAME HFO report and the AMSA II(D) reports, have studied ship traffic patterns in the Arctic to date, and some projections for increasing traffic, by ship type, have been made. An Arctic RRFP will need to list the actual type and volume of ship traffic, route(s), and ports of call including port of origin (within or outside of the Arctic) and the destination and if such voyages will be transiting a Special Area or PSSA prior to entering or upon departing the Arctic Ocean. The Arctic RRFP should also include anchorages and time to be spent in port for ships on routes in the Arctic to ensure that ships can retain wastes on board safely until they have the opportunity to discharge wastes at a regional ships waste

reception center (RSWRC) identified as part of the RRF. Specific data on what types of waste and capacity for receiving such wastes should be provided for all ports included in a RRF.

7. An Arctic RRF will identify stakeholders and include consultations with them. Each country participating in a RRF will collect such information to be incorporated into the RRF. Stakeholders will include Government officials and maritime authorities in each country party to the RRF; the port users including ship masters and ships agents and waste service providers.

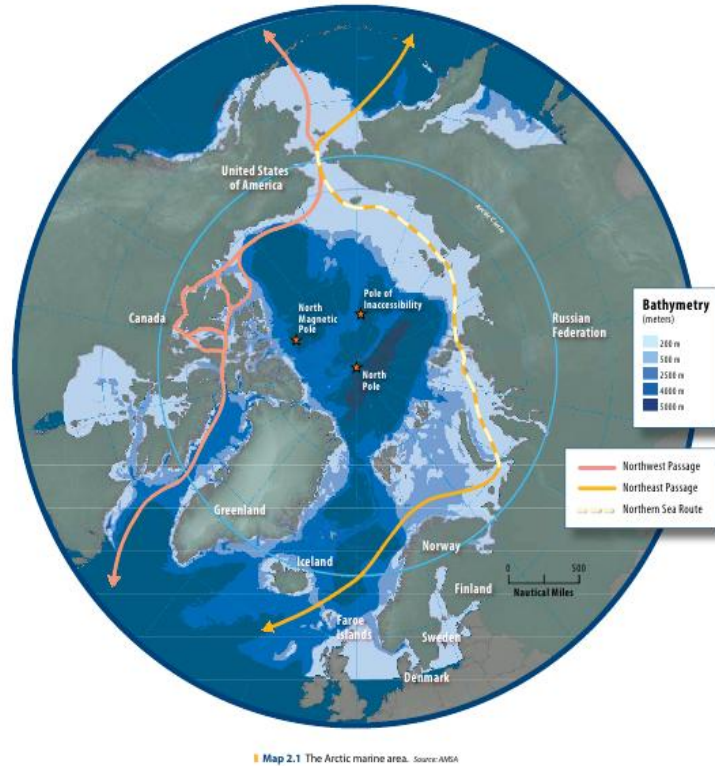


Figure 2. Map of the Arctic showing the established routes possibly available for limited summer navigation. A RRF will provide a much more detailed map and description of the route and ports of call that will be part of the plan, including locations of RSWRCs. Subject to adoption of the mandatory Polar Code, ships waste discharge restrictions might apply on these routes for transiting ships within the defined Arctic ocean area and possibly specified adjacent ocean areas.

Role of Arctic Council Countries and consultation with MEPC

1. IMO’s MEPC would necessarily need to adopt a resolution (and MARPOL would likely need to be amended) to allow for application of RA to the Arctic and such an initiative should be submitted to IMO by a joint submission of all Arctic Council states. An Arctic RRF could be submitted to MEPC by the countries participating in a RRF simultaneously with the support of all Arctic Council countries and those countries that may be party to an identified RA in a RRF. This will provide an opportunity for all IMO Members to comment and adopt the RRF by resolution or other appropriate means.

2. MEPC.221(63) *2012 RRF Guidelines*, Part 2, Paragraph 23.1 through 23.7, provides an outline for the RRF submittal to MEPC.

Communication of Information to IMO

MEPC.221(63) *2012 RRF Guidelines*, Part 3, Paragraph 26-26, provide details on the requirements for providing IMO with a copy of the RRF for dissemination to all MARPOL parties with full details of the RRF. All countries participating in a RRF will ensure that all information on reception facilities in their countries and details of RSWRCs are included with all information on location, availability, and capacity to receive and manage ships waste.

Reporting of Inadequate Reception Facilities to IMO

MARPOL requires that Parties report inadequacies at port reception facilities to IMO using established procedures. Those procedures can be found, along with other useful information, in MEPC.1/Circ.834, Consolidated Guidance for Port Reception Facility Providers and Users.

Suggested Project Plan/Timeline

If adopted at PAME II 2014, the project will start in the beginning of 2015 and it should be finalized by the end of 2016.

Conclusions

The development of a RRF is a proposal that would allow for the environmentally sound management of ship's waste and ensure that ships can comply with MARPOL in the Arctic. The needs of ships operating in the Arctic will be met, without undue delay, and without the disincentives of inadequate reception facility. A RA is very likely the only way to achieve this and to protect the fragile Arctic marine environment, the important marine and landside habitat, and its indigenous peoples.

While the important work of the Polar Code and other bodies continues, this proposal does not attempt to circumvent any other work and is in keeping with established principles and existing IMO/MARPOL guidance. This proposal is meant to compliment any work being undertaken by IMO or other bodies.

Recommendations to the PAME II-2014 Meeting

PAME should consider continuing the work of the Correspondence Group based on the above and with due consideration of the work of PAME member's own delegations to MEPC and the work of MEPC on development of the Polar Code.