

PAME I-2015 Agenda Item 4.6(c)
AMSA II(D)
PAME Correspondence Group
Project Update for the development of a Regional Reception Facilities Plan (RRFP)
Based on IMO Guidelines

References and Related documents:

AMSA II(D) Final Report, Specially Designated Marine Areas In The Arctic High Sea, DNV REG NO.: 2013-1442 / 17JTM1D-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
PAME (II) 14/4.6/b/USA, RU, CA, FI, GL(DK), and NO/Proposed project for the development of a Regional Reception Facilities Plan (RRFP) based on IMO Guidelines
MEPC.1/Circ.834, Consolidated Guidance for Port Reception Facility Providers and Users, 15 April 2014
Resolution MEPC.221(63) 2012 Guidelines for the Development of a Regional Reception Facilities Plan, 2 Mar 2012
PAME II-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 competence 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. Projected increases in Arctic shipping, especially in the tourism, fishing, energy and mining sectors, means that increased quantities of ship-generated waste will be generated and transported onboard ships travelling through the Arctic waters with an attendant increase in risk of pollution and discharges to the marine environment. Increased international protections may be warranted due to the unique Arctic marine environment which is environmentally sensitive and remote; compliance with existing MARPOL requirements may require novel approaches. One such requirement is for Parties to ensure the provision of adequate port reception facilities (PRF) for ship generated waste, long recognized as a key provision in MARPOL for the prevention of pollution from ships.

The provision of adequate reception facilities in the Arctic presents unique challenges for both ships and ports as a result of multiple factors, including the remoteness of the region and the high cost of infrastructure investments. Additionally, MARPOL amendments recently approved at MEPC as part of the Polar Code (and likely to be adopted at MEPC 68 in May 2015 and enter into force in January 2017) includes provisions for zero discharge of oil/oily mixtures in the Arctic. This will place additional burdens on Arctic and near-Arctic Port States to ensure the adequate reception of waste from ships travelling in waters where the Polar Code applies.

Previously, we have discussed utilizing the concept of regional arrangements for port reception facilities at ports in Arctic and near-Arctic areas to meet the challenges unique to Arctic shipping and to promote compliance with MARPOL in the Arctic.

The PAME II-2014 meeting adopted a ROD to continue the work of the correspondence group to develop a draft regional reception facilities plan specific to one or more regions of the Arctic, taking into consideration relevant circumstances based on the Correspondence Group's submission to PAME's fall 2014 meeting (*PAME (II) 14/4.6/b/by USA, RU, CA, FI, GL(DK), and NO*), outlining a project plan to undertake the work and a time line to be included in the PAME 2015-2017 Work Plan.

Correspondence Group Participants, Points of Contact

US: David Condino, Darwin Jensen (david.a.condino@uscg.mil; Darwin.a.Jensen@uscg.mil)
Co-Chair

RU: Natalia Kutaeva (Kutaevang@sm pcsa.ru) Co-Chair

NO: Geir Høvik Hansen (geir.hovikhansen@sjofartsdir.no)

FI: Anita Mäkinen (Anita.Makinen@trafi.fi)

GL(DK): Tina Mønster (tinm@nanoq.gl)

CA: Jeannie Stewart-Smith, Paul Mudroch, Drummond Fraser (jeannie.stewart-smith@tc.gc.ca;
paul.mudroch@tc.gc.ca; Drummond.fraser@tc.gc.ca)

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

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

Friends of the Earth US: John Kaltenstein (JKaltenstein@foe.org)

The Co-chairs are grateful for the input from all Correspondence Group members whose comments and edits are reflected herein.

Objective

The objective of this paper is to provide a report of the work of the Correspondence Group. As noted in the project plan (*PAME (II) 14/4.6/b/*) work on the specific project tasks is to begin as of January 2015, with a completion date by December 2016.

The concept of regional arrangements will allow Arctic ports servicing ships calling at those ports, or departing for or returning from Arctic regions, to provide adequate reception of MARPOL wastes without undue delay to ships. The Correspondence Group will give every consideration to applicable international regulatory schemes with special attention to the Polar Code; other IMO guidance; and ISO standards.

Development of a RRFP (work on TOR/Project Tasks)

Task 1. Identification of the region.

Given the additional requirements of the Polar Code, which as noted could affect ships' needs for port reception facilities in the region, it may make sense for now to use the same definition of the relevant Arctic waters as does the Polar Code. That definition, from *MSC 94/WP.7 (19 November 2014)* is as follows:

For the purposes of the Polar Code, Arctic waters means those waters which are located north of a line from the latitude 58°00'.0 N and longitude 042°00'.0 W to latitude 64°37'.0 N, longitude 035°27'.0 W and thence by a rhumb line to latitude 67°03'.9 N, longitude 026°33'.4 W and thence by a rhumb line to the latitude 70°49'.56 N and longitude 008°59'.61 W (Sørkapp, Jan Mayen) and by the southern shore of Jan Mayen to 73°31'.6 N and 019°01'.0 E by the Island of Bjørnøya, and thence by a great circle line to the latitude 68°38'.29 N and longitude 043°23'.08 E (Cap Kanin Nos) and hence by the northern shore of the Asian Continent eastward to the Bering Strait and thence from the Bering Strait westward to latitude 60° N as far as Il'pyrskiy and following the 60th North parallel eastward as far as and including Etolin Strait and thence by the northern shore of the North American continent as far south as latitude 60° N and thence eastward along parallel of latitude 60° N, to longitude 056°37'.1 W and thence to the latitude 58°00'.0 N, longitude 042°00'.0 W.

The above definition of “Arctic waters” from MSC 94/WP.7 is a starting point for this project; however, it is recognized that ports that fall outside “Arctic waters” may need to form part of any proposed RRFP, given the unique circumstances in the Arctic listed in Task 2.

Task 2. Identify unique circumstances and challenges that affect the ability of port states in the 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;
- high costs of and difficulty in constructing new infrastructure due to remoteness or geological characteristics of the port;
- some countries have many small settlements spread out over a large geographical area.
- changing ice conditions which would prevent practical use or siting of reception facilities;
- landside environmental concerns regarding waste processing and disposal facilities for ship's waste, due to permafrost, space limitations, community support, the ability of the domestic waste stream to accommodate the additional burden from ships, the availability and capacity of local populations to staff the facilities, and the proximity to environmentally sensitive areas, 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.

Task 3. A forward-looking cost/benefit analysis will be undertaken and documented as part of the need to demonstrate a compelling need for regional arrangements (RA). It may be prohibitively expensive for every Arctic port to receive ships' waste in an environmentally sound manner. Such excessive costs thus increase the cost to ship owners/operators and ultimately, to consumers. Indirect costs such as environmental risks or impacts on coastal communities will also need to be quantified and taken into consideration when assessing the viability of reception facilities. Alternatives should also be explored and

PAME (I)/15/4.6/c/project update on the development of RRFP by USA, RU, CA, FI, GL(DK), and NO assessed in terms of the costs, 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 Arctic areas. Doing so may also create unacceptable risks in ecologically or culturally sensitive areas. In addition, the number of ships calling on Arctic ports will remain relatively low, even with projected increases, which will further increase the cost of reception facilities per transfer of waste.

Task 4. An Arctic regional reception facilities plan (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, even as the extent of sea ice diminishes. Additionally, the Arctic will remain an environmentally sensitive area requiring our collective stewardship to protect marine areas of the Arctic both within and beyond national jurisdiction. For this reason the RRFP will consider both international and domestic shipping needs with respect to waste reception facilities.

Task 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 support vessels for mineral extraction activities support vessels. The RRFP will clearly identify how a regional waste management strategy will support ships' compliance with MARPOL and the anticipated mandatory Polar Code. IMO's *Guidelines for the Development of a RRFP* identifies ship types including oil and chemical tankers, oil tankers of less than 150 gross tonnage, fishing vessels, passenger vessels, recreational vessels. The list might also include dry bulk cargo ships and oil and gas industry support vessels and drill ships. ISO standards may be consulted to calculate the amounts of waste generated aboard each type of ship.

Task 6. An Arctic RRFP will identify the route(s) and ports of call for ships in the region (see Fig. 1).

The RRFP should identify not only the commonly used ports of call (inside and outside the Arctic), but also the number of ships calling at, or projected to call at, each port in a calendar year and the number of requests for port reception facilities as mentioned in the *Guidelines for the Development of a RRFP*.

Task 7. An Arctic RRFP will identify stakeholders and include consultations with them. Each country to provide a list of stakeholders and a short description of their potential interest or involvement in an RRFP.

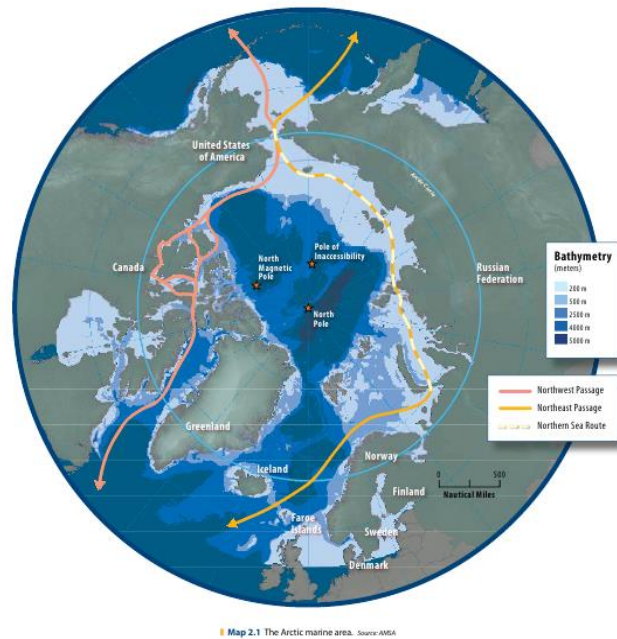


Figure 1. Map of the Arctic showing the established routes possibly available for limited summer navigation. A RRFP will provide a much more detailed map and description of the route and ports of call that will be part of the plan, including locations of Regional Ships' Waste Reception Centers (RSWRC). The Polar Code is expected to include additional ships' waste discharge restrictions beyond those currently in place on these routes for transiting ships within Arctic waters. Other working groups within PAME have identified sources for determining ship traffic patterns such as AIS-data for Arctic shipping based on types of ships and port calls.

Communication of Information to IMO

MEPC.221(63) 2012 RRFP Guidelines, Part 3, Paragraph 26-27, provide details on the requirements for providing IMO with a copy of the RRFP for dissemination to all MARPOL parties with full details of the RRFP. All countries participating in a RRFP should ensure that all relevant information on port reception facilities in their countries and details of RSWRCs are included with all relevant information on location, availability, and capacity to receive and manage ships waste. As reported previously to PAME, Arctic States presently utilize the IMO's GISIS Database and have already included details on existing Arctic ports and available port reception facilities.

Role of Arctic Council Countries and consultation with MEPC

MEPC.221(63) 2012 RRFP Guidelines, Part 2, Paragraph 23.1 through 23.7, provides an outline for the RRFP submittal to MEPC. While it is likely that action on a RRFP would require a submission by Arctic States, PAME's Correspondence Group of Experts on Reception Facilities agreed that further discussion will be necessary concerning what the recommended next steps would be for Arctic States with respect to consultation with MEPC.

Reporting of Inadequate Reception Facilities to IMO

MEPC.221(63) 2012 RRFP Guidelines, Part 4, Paragraph 28 discusses alleged inadequate port reception facilities and regional arrangements. MARPOL requires the reporting of

PAME (I)/15/4.6/c/project update on the development of RRFP by USA, RU, CA, FI, GL(DK), and NO 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.

Project Plan/Timeline

As approved at PAME-II 2014, the project will start in the beginning of 2015 (already started) and it should be finalized by the end of 2016.

The proposed deliverable is a draft Arctic RRFP which could be used as a planning aid for developing appropriate and effective regional port reception facilities arrangements through IMO to facilitate Arctic State compliance with MARPOL provisions.

Conclusions

An RRFP outlining the concept of and ultimate utilization of regional arrangements for management of ships' waste will contribute to the environmentally sound management of this waste in order to enhance, where applicable, compliance with MARPOL in the Arctic. It is important to meet the needs of ships operating in the Arctic, without undue delay, and without the disincentives of inadequate reception facilities. A regional arrangement is one potential way to achieve this objective and to protect the Arctic marine environment, the important marine and landside habitat, and its indigenous peoples and local communities.

At MEPC 67 the environmental part of the Polar Code (Part II) was approved. Part II of the Code and the associated MARPOL amendments are expected to be adopted at MEPC 68 in May 2015. The safety part of the Code was adopted at MSC 94 and the Code is expected to enter into force 1 January 2017. Because of the additional restrictions on discharges from ships required by the Polar Code amendments to MARPOL, the provision of adequate reception facilities at ports used by ships operating in the Arctic regions is even more important.

Recommendations to the PAME Secretariat

The co-sponsors of this paper recommend that PAME I-2015:

- continue the work of the RRFP Experts Correspondence Group and request that it provide a status report on its progress at PAME-II 2015; and
- encourage input from all Arctic States, Permanent Participants and Observers into the work of the RRFP Experts Correspondence Group.