# OVAM RESPONSE TO THE COMMENTS ON THE ASSESSMENT ON HOW FAR THE CURRENT BASEL CONVENTION TECHNICAL GUIDELINES COVER WASTES COVERED BY THE MARPOL CONVENTION

**Comment 1:** In section 2.2.1 fourth paragraph, insert “Annex VI” after “Regulation 16 of MARPOL” for clarification.

*Response*: Done

**Comment 2:** With respect to MARPOL Annex I the report concludes that there is a difference between Basel and MARPOL on incineration and recommends that further work is done to investigate to what extent the MARPOL provisions for the incineration on board are comparable with the strict(er) requirements for land based incineration plants. However, in Section 2.4.2, 4th paragraph, the report makes assumptions on incinerators on ships without commenting on the strict type approval conditions to which these incinerators are subject to before they can be used, which gives an incorrect impression of the strict controls on incineration at sea. The report therefore needs to be supplemented with this additional information and the conclusions should be adjusted if appropriate.

*Response*: The OVAM has rephrased the paragraph on incineration and moved it to the chapter of the conclusions. In order to provide more clarity, the requirements have been listed.

The main issue however will most likely still stand: Basel clearly discourages the direct incineration (without the use of e.g. exhaust gas cleaning systems)  in land based facilities, while MARPOL does not require the use of EGCS when incinerating waste (oils) on board ships (MARPOL Annex VI only requires the use of EGCS in order to meet the sulphur emission requirements when burning residual marine fuel). This is as such noted in the assessment.

**Comment 3**: Part 2 (Legal framework used to undertake the assessment) includes text in the second paragraph of section 2.2.6.1 which relates to wash water from scrubbers. While the Basel Convention is relevant for the environmentally sound management of waste streams (such as operational ship-generated wastes) after they have been offloaded to shore, it is inappropriate to apply this to wastes which are not discharged onshore and therefore are never managed by any other actor. The relevant international legislation (i.e. MARPOL) allows the disposal to sea of wash water from scrubbers. Accordingly, wash water should be regarded as outside the scope of the initiative contained in Decision BC-11/17.

*Response*: This issue has been discussed bilaterally between OVAM – UK, and the comment has been clarified by the UK administration. OVAM has added an additional sentence to the initial paragraph in the assessment report, in order to respond to the UK’s concern.

**Comment 4:** As regards table 2 in section 2.4.1, we think it may be checked if the Guidance paper on hazardous characteristic H6.2 (infectious substances) has some relevance in the light of contents of section 2.2.5 on food waste.

*Response*: The Guideline has been taken into account because of possible relevance for medical waste from ships (MARPOL Annex V).

**Comment 5:** As regards section 2.4.5 second paragraph (and section 4 under MARPOL Annex IV), it should be taken into account that MARPOL Annex IV covers sewage, not sewage sludge. In addition, it may be addressed that the treatment of sewage from ships on land may lead to the generation of sewage sludge. In addition, “directly” should be deleted. Furthermore, there is no Basel Technical Working Group anymore; instead it could be referred to work under the Basel Convention.

*Response*: Done

**Comment 6:** With respect to Grey Water, the report correctly states that this is not controlled under MARPOL, but Table 3 (in Section 3) incorrectly states that its discharge is prohibited under MARPOL Annex IV. Grey Water is not regulated by MARPOL, and consequently MARPOL Annex IV contains no discharge requirements for Grey Water. This error should be corrected in the report.

*Response*: Agree, references to grey water have been deleted.

**Comment 7:** In Appendix 5, there are footnotes in the table. The text of the footnotes is missing and should be added.

*Response*: A new table has been inserted. Comment therefore no longer applicable.

**Comment 8:** From the conclusions, it can be seen that according to the assessment there do not seem to be significant gaps as regards the coverage of MARPOL wastes in the current Basel technical guidelines that relate to hazardous waste. Therefore, it should be discussed what the consequences of the assessment are. In addition, it may be discussed whether the envisaged guidance manual (see para. 6 of decision BC-11/17) is still necessary.

*Response*: In the light of this discussion OVAM has inserted a new section highlighting the ongoing work within the IMO where a comprehensive manual on port reception facilities has recently been updated, taking into account the delivery, collection and treatment of ship’s waste. Last MEPC (67, October 2014) the agenda item ‘approval of the revised comprehensive manual on port reception facilities’ has been postponed due to lack of time. However, the revised manual can already be found on IMO’s website (reference number: MEPC 67/11 Annex 2). Upcoming MEPC 68 (11-15 May 2015) the document will be submitted again for Party States approval and hopefully get approved by the Committee.

This revised IMO manual already elaborates extensively on the possible treatment/disposal options for ship generated waste, besides other issues such as port waste management planning, development of port reception facilities and ship-shore transfer of waste.

It is our opinion that the envisaged guidance manual to be developed according to the decision BC-11/17 will to a very large extent be similar to the recently revised IMO manual on port reception facilities (as scheduled on the agenda of MEPC 67 and 68).

In order to avoid the duplication of work by the Basel secretariat and its Party States, we would recommend all Basel Party states to discuss and evaluate the IMO doc MEPC 67/11 Annex 2.

If anything on the ESM of ship generated waste is lacking in that revised IMO manual, Party States as well as the Basel secretariat are invited to formulate possible comments and remarks during next MEPC 68 (11-15 May 2015) to the Committee through their national focal point to the IMO.

**Comment 9:** The report's discussion on Exhaust Gas Cleaning System Residues could be supplemented by a reference to the significant work being carried out through the European Sustainable Shipping Forum on the disposal of Exhaust Gas Cleaning System residues from ships in port. Due to the new and rapidly expanding use of exhaust scrubbers on ships as a result of the introduction of low sulphur in fuel limits in International and European Legislation, the Exhaust Gas Cleaning System (EGCS) Sub-Group of the European Sustainable Shipping Forum (ESSF) has begun to look at the requirements for disposing of ECGS residues in ports. Shipping companies that use EGCS have been working in conjunction with ports, the EGCS manufacturers association and the waste management industry in Europe to identify the chemical nature of these wastes and the likely quantities that will need to be landed, in order to develop appropriate handing and landing methods, reception facilities, transport requirements and safe and environmentally sound disposal methods. The findings of this research will be made public through the work of the ESSF.

*Response*: OVAM participates in this working group. As reliable data on scrubber waste are not available yet and analyses of this waste stream are still ongoing, it is at the moment not possible to include conclusions.

**Comment 10**:  If possible develop acronyms in the document because not everyone is familiar with this type of lexicon. For example IBC, NLS, HME, ESM, “to technical BC GL”, PRF and others which are acronyms undeveloped. For this reason It is suggested that the document has a glossary of acronyms. Although there is a Content/Index sheets are not numbered. In item 2 it is mentioned the Advance Notification Form (ANF) with references in footnote number 2. It would be appropriate that an example of the ANF document be included in an annex.

*Response*: agree to incorporate items mentioned above (in track change)

**Comment 11**: It is suggested to reference any document or guide who is mentioned in a footnote to compile and make it possible and simple its location and query, for example The Guidelines for the implementation of MARPOL Annex V (Resolution MEPC.219(63));

*Response*: OVAM requested further explanation on the comment before aligning anything. After bilateral contacts, adjustments were made and more references/footnotes included in the revised text (track-change).

**Comment 12**: In item 2.4.5 what kind of group of technicians is referring the document when it mentions “Basel Technical Working Group”. The same in item 4 concusions.

*Response*: This reference of a Basel technical working group was literally copied from the Guidelines documents. These groups have been established at the time within the Basel Convention framework to develop the Technical Guidelines. The terminology has been updated and now the reference is more general.

**Comment 13:** Item 2.4.6 MARPOL Annex V residues do not mention e-wastes.

*Response*:  Notwithstanding e-wastes are covered by MARPOL and can be classified under MARPOL Annex V residues, they are not considered as being an important waste stream within the area of ship generated wastes. Therefore e-waste is not explicitly mentioned, nor in the Annex V, nor in the guidelines to the Annex V.

OVAM would like to emphasize that, however we are convinced that the issue of e-waste, its transboundary movement and its recycling and disposal is a very important subject, it should not be taken on board in the light of this assessment. Still, according to MARPOL Annex V requirements it is prohibited to discharge e-wastes into the sea, and therefore are to be delivered to shore reception facilities. E-wastes deriving from used materials on board ships should, once delivered on shore, find their way into the land based circuits.

**Comment 14:** It might be appropriate to complete the proposal with some information related to how countries have solved the Environmentally Sound Management (ESM) of wastes generated on ships in their territories, and how they have addressed the problem of managing waste generation in national marine, river and lake waters including IMO Ports Reception Facilities (PRF).

*Response OVAM*: Although we can see the benefit of sharing expertise, we do think that this would be outside the scope of the assessment. Moreover it might lead us too far as waste streams generated in ports depend on several specific port characteristics such as size, the specific traffic and size and type of ships entering the port. In this light we would again like to refer to IMO’s recently revised comprehensive manual on port reception facilities, which also describes the different recycling and disposal options, while emphasizing the need to also consider port-specific characteristics.

**Comment 15**: MARPOL has an international system of survey and approval of the different types of PRF according to the annexes and different residues (access to this information in <http://www.imo.org/OurWork/Environment/PollutionPrevention/PortReceptionFacilities/Pages/Default.aspx> and especially take into account the GISIS Port Reception Facility Database <http://www.imo.org/OurWork/Environment/PollutionPrevention/PortReceptionFacilities/Pages/Port-reception-facilities-database.aspx>)

In a specific case, a country duly informed in 2011 that the ESM of wastes generated on ships and disposed of in land had perfected through the signing in 2005 of an administrative agreement between the national environmental agency and the Naval Prefecture. This agreement established a joint procedure perform by the two organism referred to the control of hazardous waste that are generated by ships in the national territory and are discharged ashore on PRF (see <http://archive.basel.int/legalmatters/coop-IMO/oewgVII13-comments/index.html> in Spanish language). Other examples of countries might help to the assessment performed by OVAM.

*Response*: While at no point we would want to give the impression to undermine the importance of the above mentioned PRF database and the IMO audits, we do not think it is advisable to elaborate on the subject as we feel that this does not fall within the scope of this assessment. On top, the IMO auditing system falls completely within their own competence and we feel that it is not our responsibility nor competence to promote/influence this system.