

1. PURPOSE. This Circular updates guidance for U.S. vessel owners and operators for voluntary reporting of inadequate port reception facilities (PRFs) in countries that are party to Annexes I, II, V, and VI of The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, as amended, (MARPOL). It also provides guidance for U.S. and foreign vessel owners and operators for reporting inadequate PRFs at U.S. ports and terminals. Finally, this guidance clarifies how reports of inadequate PRFs are handled by the U.S. as a Port and Flag state, taking into consideration international Regulations and obligations as a Party to MARPOL, recent amendments to MARPOL Annexes, and recommendatory guidance published by IMO (References (a) through (g)).
2. ACTION. Captains of the Port shall ensure compliance with this circular, using Reference (h) through (l). Questions regarding implementation of this circular should be directed to Office of Port and Facility Compliance, Cargo and Facilities Division (CG-FAC-2) at (202) 372-1145 or HQS-PF-fldr-CG-FAC-2@uscg.mil.
3. DIRECTIVES AFFECTED. Report of Inadequate Reception Facilities, NVIC 4-87, COMDTPUB P16721 is changed in accordance with this Notice.
4. BACKGROUND.
 - a. Regulations in Annexes I, II, V and VI of MARPOL require Parties to provide adequate PRFs and the reporting of inadequate PRFs. To comply with these requirements, Parties must maintain PRFs that meet the respective requirements of the Annex, including treatment, storage and disposal, capacity, properly certified personnel, and alternative measures if a PRF is not fully capable of meeting the ships' needs.
 - b. MARPOL Annex I regulates oil pollution by ships and Annex II regulates noxious liquid substances (NLS) in bulk, with the objective to prevent harm to the marine environment by oil and oily mixtures, and NLS waste from ships entering the ocean. To accomplish this objective, Annexes I and II require ships to take measures to reduce the waste generated, monitor or limit discharges at sea, maintain Oil and Cargo Record Books, and to discharge at PRFs when waste cannot be properly processed onboard. References (j) and (k) establish criteria for determining the adequacy and capacity of PRFs for oily waste and NLS wastes at U.S. ports and terminals.
 - c. MARPOL Annex V, along with Amendments that entered into force on January 1, 2013, is meant to prevent pollution of the marine environment by garbage from ships. The objective of Annex V is to prevent harm to the marine environment by eliminating the discharge of garbage, with few exceptions, from ships into the ocean. To this end, Reference (l) establishes criteria for determining the adequacy and capacity of PRFs for garbage at U.S. ports and terminals.
 - d. MAPROL Annex VI, concerning the prevention of air pollution from ships, entered into force on July 1, 2010. The objective of Annex VI is to reduce air pollution from

ships. Reference (d) provides international guidance for PRFs receiving ship generated Annex VI wastes. The U.S. is currently developing guidance for determining adequacy of Annex VI PRFs.

- e. Parties to MARPOL must ensure that adequate PRFs are available. The adequacy of each terminal, port, or ship repair facility is based on the ability to receive the relevant pollutants without causing undue delay to ships. Specifically, PRFs should be capable of receiving residues and mixtures containing oil, NLS, garbage, ozone-depleting substances (ODS), or exhaust gas cleaning system (EGCS) by-products. PRFs should have sufficient capacity and transfer rates to receive the residue/water mixtures in a timely manner. PRFs should also have waste reception facilities available for the residues of the types of bulk cargo that are handled at the terminal or port.
 - f. While the reporting of inadequacies of PRFs by vessel owners/operators is voluntary, the U.S., as a party to MARPOL, is required to report PRF inadequacies at U.S. ports to the IMO. Vessel owners/operators can report inadequate PRFs by using the international reporting method outlined here or can report inadequate PRFs by notifying the local COTP per Reference (h), part 158.167. Reports of inadequate PRFs will help the Coast Guard fulfill its obligation to make such reports to IMO, and will assist the Coast Guard in ensuring that inadequacies are addressed.
 - g. One recurring PRF “inadequacy” complaint is the high cost of discharging MARPOL wastes at U.S. ports and terminals. Unreasonably high costs can deter use of PRFs and encourage discharges at sea. IMO guidance acknowledges that there are costs associated with the operation of PRFs and that a vessel’s use of a PRF is appropriately borne by the vessel owner. Additionally, the Coast Guard concurs with the IMO Guidance found in Reference (g) that “adequate” reception facilities are those that, among other things, “do not provide mariners with a disincentive to use them.” While some countries have instituted mandatory fees, the Coast Guard does not regulate the costs of PRFs in U.S. ports and terminals; however, the Coast Guard investigates each report of inadequacy on a case by case basis including where “high cost” is cited as a factor. Guidance to field units in Reference (l) suggests, that while costs for PRF services will be borne by the ship and the Coast Guard is not involved in price setting or contractual arrangements between the facility and the ship, COTPs should be alert to attempts to circumvent garbage reception responsibilities through artificially high costs for garbage handling. Likewise, COTP’s should be alert to attempts to circumvent responsibilities for other MARPOL waste categories through artificially high costs.
5. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is intended to provide operational guidance for Coast Guard personnel and is not intended to nor does it impose legally-binding requirements on any party outside the Coast Guard.
6. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS.

- a. The development of this NVIC and the general policies contained within it have been thoroughly reviewed by the originating office and are categorically excluded under current USCG categorical exclusion (CE) under current USCG CE #33 from further environmental analysis, in accordance with Section 2.B.2. and Figure 2-1 of the National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series).
 - b. This NVIC will not have any of the following: significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any Federal, State, or local laws or administrative determinations relating to the environment. All future specific actions resulting from the general policies in this Manual must be individually evaluated for compliance with the National Environmental Policy Act (NEPA), Council on Environmental Policy NEPA Regulations at 40 CFR Parts 1500-1508, DHS and Coast Guard NEPA policy, and compliance with all other environmental mandates.
7. **DISTRIBUTION**. No paper distribution will be made of this Circular. An electronic version will be located on the following website: <http://www.uscg.mil/hq/cg5/nvic/>.
 8. **RECORDS MANAGEMENT CONSIDERATIONS**. This NVIC has been thoroughly reviewed during the directives clearance process, and it has been determined there are no further records scheduling requirements, in accordance with Federal Records Act, 44 U.S.C. 3101 et seq., NARA requirements, and Information and Life Cycle Management Manual, COMDTINST M5212.12 (series). This policy does not create a significant or substantial change to existing records management requirements.
 9. **MARPOL RECEPTION FACILITY REQUIREMENTS**
 - a. **Annex I Reception Facility Requirements** can be found in relevant sections of Reference (a), (h) and (j). For clarification, it should be noted that while PRFs for oily wastes must be made available and must be adequate, a vessel master may choose to retain oily waste aboard the ship to be discharged in accordance with the provisions in Reference (a) and (h), or may be transferred to a reception facility at a future port of call. Special conditions for vessels and PRFs may apply in designated Special Areas.
 - b. **Annex II Reception Facility Requirements** can be found in relevant sections of Reference (a), (b), (e), (h) and (k). Special conditions for discharging NLS, for both vessels and PRFs, may apply in designated Special Areas and may be found in References (a) and (h). For clarification it should be noted that:
 - (1) Annex II re-categorized noxious liquid substances into three categories: Category X, Y, Z and one other category for other substances (OS). Chapter 2, Regulation 6, of Annex II, (Reference (a)), provides general information and definitions of these categories. Products are assigned to pollution categories based on an evaluation of their properties, as reflected in Appendix I to Annex II. Commandant (CG-ENG-5) will inform industry of NLS's that are categorized

through changes to the NLS listing in the IBC Code (Reference (b)), and in References (h) and (i) or the distribution of Circulars issued by the Marine Environment Protection Committee (MEPC) of the IMO. Questions concerning the categorization or the physical properties of a chemical should be directed to Commandant (CG-ENG-5) at (202) 372-1418.

- (2) MARPOL Annex II, Chapter 5, Regulation 13 (Reference (a)) discusses requirements for operational discharges of residues of NLS or ballast water, tank washings or other mixtures containing such substances. Specific requirements pertaining to discharge of residues of category X substances and whether facilities are needed to receive those discharges are contained in section 6 of Regulation 13. Similar specific requirements for residues of category Y and Z substances and the need for facilities to receive those discharges are contained in section 7 of Regulation 13. When it is determined that a PRF is required by Regulation 13, it shall be provided by the port or terminal or repair port according to the requirements outlined in MARPOL, Annex II, Regulation 18, and in Reference (h), part 151.43 and Reference (i), part 153.1126-1128.
- c. Annex V Reception Facility Requirements can be found in relevant sections of References (a), (c) and (h). Special conditions for discharging garbage at sea may apply in designated Special Areas and may be found in References (c) and (h). Reception facility requirements may be found in Reference (h) with further guidance provided in Reference (l). For clarification it should be noted that:
- (1) Section 158.410 of Reference (h) sets the general criteria for determining the adequacy of reception facilities for garbage at ports and terminals that receive oceangoing ships, and for complying with the provisions of Reference (c). Those criteria apply to each person in charge of a port or terminal's reception facility, except that a reception facility for a ship repair yard does not have to meet those requirements if it is capable of handling the transfer of garbage from a ship before the ship departs from the yard.
 - (2) Per section 158.420 of Reference (h), each day a port or terminal is in operation, the person in charge of a port or terminal must provide, or ensure the availability of, a reception facility that is capable of receiving all garbage that the master or person who is in charge of a ship desires to discharge, except large quantities of spoiled or damaged cargoes not usually discharged by a ship; or garbage from ships not having commercial transactions with that port or terminal.
- d. Annex VI Reception Facility Requirements can be found in relevant sections of Reference (d). For clarification it should be noted that: Regulation 17 of Reference (d) specifies two types of Annex VI wastes that require PRFs; ODS such as halon-type fire suppression materials and refrigerants, and EGCS scrubber residues.

10. REPORTING OF INADEQUATE RECEPTION FACILITIES. The Government of each Party to MARPOL, upon receipt of a report of alleged inadequacies in PRFs, is required to notify the IMO.
- a. To prevent possible delays, U.S. ships visiting foreign ports should determine in advance whether adequate reception facilities are available, the types of waste and the capacities they can receive, and what procedures are required for use of the reception facilities. Proper planning is necessary as ports often have differing requirements for advance notification and use of facilities. Ship masters and operators may use the PRF database on the IMO's Global Integrated Ship Information System (GISIS) public web site to obtain information on specific PRFs. PRF operators should update their facility status regularly to ensure the most current information is available.
 - b. The standard process for reporting inadequate PRFs for all vessels is listed in Appendix 1 of Reference (f) and is summarized in the flowchart in Enclosure (1). Enclosure (2) provides guidance and a checklist for ships wishing to report alleged PRF inadequacies. Additional guidance on communications, advance notice of reception requirements, and good practices for PRF operators is available in Reference (f).
 - c. When the crew of a U.S. ship comes across inadequate PRFs in a foreign port, the master should first attempt to resolve the problems with the local port authorities. If the inadequacy is not resolved, then the master may follow the standard IMO process described above and report the inadequacy using Enclosure (2) to:

Commandant (CG-CVC)
ATTN: Commercial Vessel Compliance
U.S. Coast Guard Headquarters
2703 Martin Luther King Jr Ave SE,
MAIL STOP 7501,
Washington, DC 20593-7501

As noted in Enclosure (1), the action taken by the Port State depends on whether that country is Party to MARPOL. In the situation where the Port State is a non-Party to MARPOL, it may take action as deemed appropriate. In any case, reporting will be helpful to the IMO in identifying problems with PRFs and in determining compliance with MARPOL. If the Port State is Party to MARPOL, the Port State will take appropriate action and inform the IMO and the reporting Flag State of the outcome, as outlined in Enclosure (1). To facilitate voluntary reporting, masters should provide pertinent information outlined in Enclosure (2) along with supporting documentation. Only information appropriate to the ship and incident need be provided. Attach additional sheets if more space is needed. The report may be typed or handwritten legibly. Supporting documentation may include copies of the Oil or Cargo Record Books, statements from terminal, port, or reception facility personnel, shipping papers, etc.

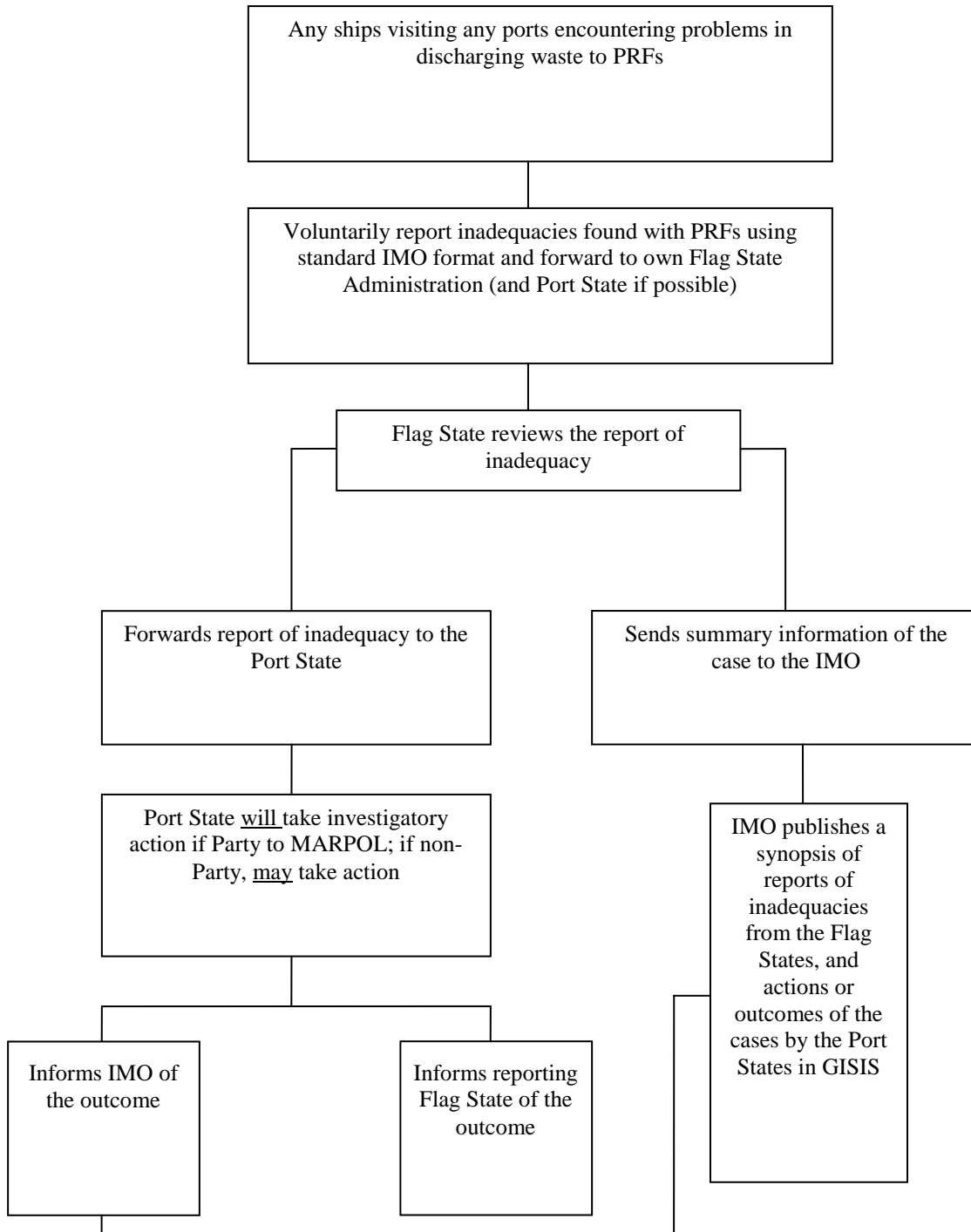
- d. When a master of a U.S. ship finds inadequate PRFs in a U.S. port, the master should report the inadequacies to the appropriate COTP, including information from Enclosure (2) as practicable. The COTP will then investigate the alleged inadequacies, make the appropriate entries in the Maritime Information for Safety and Law Enforcement (MISLE) database, and inform Commandant (CG-FAC-2) of the outcome.
 - e. When a master of a foreign flag vessel finds inadequate PRFs at a port or terminal that is under the jurisdiction of the United States, the master may report the alleged inadequacy, by any means (Reference (h), Part 158.167), to the local COTP. If the inadequacy is not resolved, the master may follow the standard IMO process shown in Enclosure (1), using the guidance and checklist in Enclosure (2). Masters of foreign vessels should provide as much information from Enclosure (2) as possible and send the IMO form to their Flag State authority. The ship's Flag State authority may then send the inadequacy report to the Port State Contact Point (this information is listed on the GISIS website PRF module). Upon receipt, the Port State Contact Point will request the cognizant COTP to investigate the alleged inadequacy, and the COTP may take action including the suspension of a Certificate of Adequacy (COA), if applicable, and/or the initiation of a civil penalty, or possible denial of entry of ships using wishing to use a port that does not have the required COA. Criminal investigation may also be initiated. COTPs will inform Commandant (CG-FAC-2) of the outcome of any investigation, and make the appropriate entries into the MISLE database. The Port State Contact Point will then respond to the Flag State authority and to IMO for inclusion in the GISIS PRF module.
11. FORMS/REPORTS. None.
12. PAPERWORK REDUCTION ACT. This NVIC describes a collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, an information collection that does not display a currently valid Office of Management and Budget (OMB) control number. The relevant OMB control number for the voluntary submissions described in this NVIC is 1625-0045.
13. REQUEST FOR CHANGES. Units and individuals may recommend changes via the chain of command to HQS-PF-flr-CG-FAC-2@uscg.mil.

P. F. THOMAS
Rear Admiral, U.S. Coast Guard
Assistant Commandant for Prevention Policy

- Encl: (1) IMO process for reporting and taking action on alleged inadequacies of PRFs
(2) IMO format for reporting alleged inadequacies of PRFs

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



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GUIDANCE FOR DETERMINING ADEQUACY AND CHECKLIST FOR USE IN REPORTING ALLEGED INADEQUACIES OF PORT RECEPTION FACILITIES (PRFs)

1. SHIP'S PARTICULARS

- Name of ship: _____
- Owner or operator: _____
- Distinctive number/letters: _____
- IMO Number: _____
- Gross tonnage: _____
- Port of registry: _____
- Flag State: _____
- Type of ship:
 - Oil tanker Chemical tanker Bulk carrier
 - Passenger ship Other cargo ship Other(specify) _____

2. PORT PARTICULARS

- Country: _____
- Name of port or area: _____
- Location/terminal name: _____
(e.g. berth/terminal/jetty)
- Name of company operating _____
reception facility (if applicable)
- Type of port operation: Unloading port Loading port Shipyard
 Other
(specify) _____

- Date of arrival: ___/___/_____ (dd/mm/yyyy)
- Date of occurrence: ___/___/_____ (dd/mm/yyyy)
- Date of departure: ___/___/_____ (dd/mm/yyyy)

3. INADEQUACY OF FACILITIES (indicate the type and amount of waste for which the port reception facility was inadequate and the nature of problems encountered)

Type of waste	Amount for discharge (m ³)	Amount <u>not</u> accepted (m ³)	Problems encountered (use one or more of the following codes): A No facility available B Undue delay C Facility use technically not possible D Inconvenient location E Berth shift causing delay/cost F Unreasonable charges for facility use G Other (specify in paragraph 3.a.)
MARPOL Annex I-related Type of oily waste			
Oily bilge water			
Oily residues (sludge)			
Oily tank washings (slops)			
Dirty ballast water			
Scale and sludge (tank cleaning)			
Other (specify _____)			
MARPOL Annex II-related Category of NLS ¹ residue/water mixture for discharge to facility from tank washings:			
Category X substance			
Category Y substance			
Category Z substance			
MARPOL Annex IV-related Sewage			
MARPOL Annex V-related Type of garbage:			
A. Plastics			
B. Food wastes			
C. Domestic wastes (e.g. paper products, rags, glass, metal, bottles, crockery, etc.)			
D. Cooking oil			
E. Incinerator ashes			
F. Operational wastes			
G. Cargo residues			
H. Animal carcass (es)			
I. Fishing gear			
MARPOL Annex VI-related			
Ozone-depleting substances and equipment containing such substances			
Exhaust gas-cleaning residues			

¹ Refer to the proper name of the NLS and whether it is “solidifying” or “high viscosity”, per MARPOL Annex II Regulation 1, paragraphs 15.1 and 17.1, respectively.

Additional information with regard to the problems identified in the above table.

Did you discuss these problems or report them to the port reception facility?

Yes No

If yes, with whom? (please specify)

If yes, what was the response of the port reception facility to your concerns?

Did you give prior notification (in accordance with relevant port requirements) about the vessel's requirements for reception facilities?

Yes No Not applicable

If yes, did you receive confirmation on the availability of reception facilities upon arrival?

Yes No

4. ADDITIONAL REMARKS/COMMENTS
