

**[CPA ADMINISTRATIVE ORDER NO. 118-2012,
August 10, 2012]**

**IMPLEMENTING GUIDELINES ON MARPOL 73/78 PROVIDING
SHORE RECEPTION FACILITIES AND SERVICES FOR SHIPS
GENERATED WASTE INCLUDING CARGO HANDLING OPERATIONS
WASTE**

Pursuant to the provisions of R.A. No. 7621, the General Port Rules and Regulations (GPRR) of the Authority, the Philippine Dockwork Safety and Health Standards, R.A. 6969 "Toxic Substance and Hazardous Waste Act of 1990, R.A. No. 9003 "Ecological Solid Waste Management Act of 2000", MARPOL 73/78 (International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978), other related laws, and pursuant to Board Resolution No. 118-2012 adopted during the 33rd Regular Board Meeting of the Cebu Port Commission held last 25 July 2012 the following policy and guidelines are hereby prescribed:

SECTION 1. Statement of Policy

Whereas, marine wastes comes from multiple sources. Ships-generated waste, including cargo residue is one of the main identified sources of marine pollution causing a wide range of negative environmental and socio-economic impact (fishery and tourism development). They also threaten health and safety.

Whereas, dumping of garbage from ships into the sea particularly of non-biodegradable and hazardous/toxic substances such as plastics, oils and chemicals further contribute to the destruction of our marine environment.

Whereas, cargo handling operations-generated wastes which are left exposed and uncollected consequently gather disease-carrying flies and other organisms or became breeding grounds for rodents, are scattered by wind or by scavengers, spreading to the surrounding areas of the port, in the harbor, docking platforms, stacking areas, traffic lanes and drainage system.

Wherefore, considering the foregoing, in order to ensure the general public safety and health and to conform compliance of MARPOL 73/78 Annex I, II & V, to prevent or reduce pollution at sea and in the ports arising from the operation of ships and cargo handling service providers, it is hereby the declared policy of the Authority that the discharge of wastes of all sorts in the port and its approaches shall be regulated to ensure that wastes are properly contained/packed, labeled, collected, transported, disposed and treated in accordance with existing standards, conventions and laws.

SECTION 2. Scope – This Order shall apply to all foreign and domestic vessels that call at the Port of Cebu and to all licensed/accredited Cargo Handling Service Providers (CHSP's) operating at the Baseport, Subports, Outports, Private Ports and Waste Contractors.

SECTION 3. Definition of Terms

3.1 CPA or Authority – shall mean Cebu Port Authority.

3.2 Administration - means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of any state, the Administration is the government of that state. With respect to fixed or floating platforms engaged in exploration and exploitation of the sea-bed and sub soil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the Administration is the Government of the coastal State concerned.

3.3 Ship-Generated Waste – Shall mean all types of waste, including sewage, and residue other than cargo residue, which are generated during the service of a ship, and fall under the scope of Annexes I, II, IV & V of MARPOL 73/78, and cargo associated waste, which includes, but is not limited to, spillage during loading/unloading, separation materials, fastening pallets, packing and casing materials, plywood, paper, cardboard, wire and steel bands (as defined in the Guidelines for the implementation of Annex V of MARPOL 73/78), and other wastes arising from shipping or cargo handling operation.

3.4 Oily Waste – shall refer to waste from the operation of machinery of the vessel or any cargo handling equipment. It includes waste lubricants, fuel processing, spills, leaks, oily residues, fuel sludge and oily mixtures or refuse. Oils referred to are those listed in the Annex A^{*} of this Order.

3.5 Noxious Liquid Substance (NLS) – shall mean any substance, which if discharged into the sea would present a hazard, minor or major, to either marine resources or human health or cause serious harm to amenities or either legitimate use of the sea. Substances referred to are listed in Annex B of this order or any substance indicated in the Pollution Category column of chapter 17 or 18 of the International Bulk Chemical Code or provisionally assessed under the provisions of regulation 6.3 as falling into category X, Y, or Z.

3.6 Cargo Residue – shall mean the remnants of any cargo material on board, in cargo holds or tanks, which are generated or remain after unloading procedures and cleaning operations, and which have to be disposed of; tank cleaning water and ballast water shall be attributed to cargo residues.

3.7 Sewage – shall mean drainage and other waste from any form of toilets and urinals, drainage from medical premises (dispensary, sick bay, etc.) via wash basins, wash tubs and scuppers located in such premises, drainage from spaces containing living animals or other waste waters when mixed with the drainages defined herein.

3.8 Garbage – means all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during normal operation of the ship and liable to be disposed of continuously or periodically except those substances which are defined or listed in other Annexes to the present convention.

3.9 Segregation – shall refer to a solid waste management practice or separating different materials found in solid waste in order to promote recycling and reuse of resources and to reduce the volume of waste for collection and disposal.

3.10 Shore Reception Facilities – shall refer to a physical system ashore or afloat used for receiving discharges of oily waste, noxious liquid substance and garbage from vessels including cargo handling operations-generated waste.

3.11 Waste Contractor – shall refer to the owner or company licensed/permitted/certified/authorized/accredited by the Philippine Government to collect, transport, store, recycle, dispose and treat waste, capable of establishing and operating port reception facilities and render other related services as may be authorized by Cebu Port Authority (CPA).

SECTION 4. General Guidelines –

4.1 Mandatory Procedure –

4.1.1 The Authority shall provide thru authorized waste contractor/s adequate Shore Reception Facilities and required the use thereof for oil, oily waste, oil residues, noxious liquid substances, harmful substances, cargo residue, sewage and garbage from ships/vessels operations to ensure proper implementation of MARPOL 73/78 Annex I, II and V.

4.1.2 No person shall throw/dump ship generated waste such as oil, oily waste, oil residues, noxious liquid substances, harmful substances, cargo residue, sewage and garbage in sea within three (3) nautical miles from the nearest coastline of the territorial jurisdiction of Cebu Port Authority (CPA).

4.1.3 No person shall throw/dump ship generated waste and a garbage generated from cargo handling operations in any part of the pier or wharf or premises of the Authority not designated for the purpose.

4.1.4 Otherwise exempted ships/vessels shall be required to offload/discharge its generated waste upon arrival, during stay and before departure. The collection, transportation and disposal of oil, oil waste, oil residues, noxious liquid substances, harmful substances, cargo residue, sewage and garbage into the shore reception facilities shall be obligatory.

4.1.5 Cargo Handling Service Providers shall utilize shore reception facilities for their own generated waste.

4.1.6 The Authority shall prescribe charges/fees to defray expenses for collection, transportation, disposal & treatment of aforementioned wastes/pollutants to be paid by the shipping line/ship agent/ship master or any authorized person.

4.1.7 Offloading of toxic waste/garbage misrepresented as “recyclable or “with recyclable content” shall not be allowed nor radioactive waste nor waste containing explosives or explosive residues.

4.1.8 Only when the vessel is safely and properly anchored at the designated anchorage area or secured to a wharf, pier or buoy shall it be allowed to off-load its waste. The CPA waste contractor shall promptly render the appropriate services without undue delay.

4.1.9 Military vessels although excluded from the coverage of this order may, however, submit a written request to the General Manager of the Authority to avail of the services of the CPA waste contractor.

4.1.10 If the next port of call is unknown or the next port of call has no known adequate ashore reception facilities, the Authority may direct the vessel to offload/discharge its waste at the port reception facilities if it has proof or reasonable ground to believe that there is risk of wastes being illegally discharged into the sea in transit.

4.1.11 The Authority may opt to deny port clearance to the ship and/or seek the assistance of the Philippine Coast Guard to detain the ship until it offloads its wastes.

4.1.12 The Authority shall not be responsible for any detention and delay of the ship's scheduled departure and for any demurrage attributable to or caused by the CPA waste contractor's negligence or failure to perform the required services or other circumstances beyond the control of the Authority.

4.1.13 For Shipping Companies/Lines or Cargo Handling Service Providers to avail item 4.2.5 must apply to the Authority's General Manager for exemption in writing, detailing the reason/s of such and must attached needed credentials for validation and evaluation.

4.1.14 Shipping Companies/Lines and Cargo Handling Service Providers shall appoint and/or designate a Pollution Control Officer.

4.2 Exemptions

4.2.1 This Order shall not apply to warships, naval auxiliary and other ships owned and operated by the government or by other government that is a party to the MARPOL. Provided, that, such ship is not being used for commercial services.

4.2.2 Vessel fresh from dry-docking shall likewise be exempted. Provided that it presents a certification from a MARINA-accredited shipyard facility that shows that the ship has been dry-docked or repaired at the shipyard facility. In addition thereto, the shipping company/agent/shipmaster or any authorized representative shall also submit a certification that said vessel is free of any waste.

4.2.3 The discharge into the sea of oil or oily mixture necessary for the purpose of securing the safety of a ship or saving life at sea; or

4.2.4 The discharge into the sea of oily or oily mixture resulting from damage to a ship or its equipment;

4.2.4.1 provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; and

4.2.4.2 except if the owner or the master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result; or

4.2.5 The discharge into the sea of substance containing oil, approved by the Administration, when being used for the purpose of combating specific pollution incidents in order to minimize the damage from pollution. Any such discharge shall be subject to the approval of any government in whose jurisdiction it is contemplated the discharge will occur.

4.2.6 The discharge of sewage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or

4.2.7 The discharge of sewage resulting from damage to a ship or its equipment if all reasonable precautions have been taken before and after the occurrence of the damage, for the purpose of preventing or minimizing the discharge.

4.2.8 The ship has in operation an approved sewage treatment plant which has been certified by the Administration to meet the operational requirements referred to in regulation 9.1.1 of MARPOL 73/78 Annex IV.

4.2.9 The disposal of garbage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or

4.2.10 The escape of garbage resulting from damage to a ship or its equipment provided all reasonable precautions have been taken before and after the occurrence of the damage, for the purpose of preventing or minimizing the escape; or

4.2.11 The accidental loss of synthetic fishing nets, provided that all reasonable precautions have been taken to prevent such loss.

4.2.12 Vessels six (6) GRT and below, in consideration of its insignificant volume of waste generated, are exempted from the mandatory use of shore reception facilities, without prejudice to other existing Philippine environmental laws.

4.2.13 Exemption of vessel with a valid Waste Delivery Receipt (WDR) or any related/similar document from last port of origin or where ship's waste storage is allegedly sufficient for offloading of waste at the next port of call is subject to the discretion of the Authority. Independent surveyor at shipping company/agent's/ ship master's expense or by the Philippine Coast Guard to verify and certify the ship's capacity to store waste prior to its departure to the next port of call. For this purpose, the shipping company/agent/ship master or any authorized representative can apply for exemption with the office of the General Manager of the Authority in writing, detailing the reason/s for exemption and must attach supporting documents for evaluation.

4.2.14 Shipping Lines and Accredited Cargo Handling Providers that operate their own shore reception facilities located outside of the port premises may be exempted from using the port reception facilities. Provided, that said shore reception facilities must be DENR-EMB registered/accredited/licensed and for private use only.

4.2.15 In cases of force majeure such that the CPA waste contractor cannot render any service or for similar or analogous cases as may be determined by the General Manager of the Authority.

4.3 Notification and Coordination

4.3.1 At least Twenty Four (24) Hours before arrival for vessels on scheduled run and Thirty-Six (36) Hours for without regular schedules and before calling at the port, the shipping company/ship agent/shipmaster or any authorized representative shall first report to the Safety and Environment Division (SED) of the Authority for notification, coordination, guidance and consultation for incoming delivery of ship/vessel generated waste to shore reception facilities and obtain a copy of Advance Notice Form For Waste Delivery to Port Reception Facilities attached hereto