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Regulation

From the Ministry of Environment and Forestry and the Ministry of Transport:

Reception of Wastes from Ships and Waste Control Regulation

SECTION ONE

Purpose, Scope, Legal Basis and Definitions

Purpose

Article 1 — The purpose of this Regulation is, for the purpose of preventing the release of wastes stemming from the normal activities of ships to the marine environment in sea areas under the jurisdiction of Turkey, to regulate the procedures and guidelines for the operations with regard to reception of wastes from ships, storage thereof, and transferring of wastes to disposal facilities and for the waste reception facilities and waste reception ships required to be established and operated in ports therefor.

Scope

Article 2 — The provisions of this Regulation apply to the ships in sea areas under the jurisdiction of Turkey, the waste reception facilities required to be established in the ports in these areas, waste reception ships and transferring of wastes to disposal facilities.

Legal Basis

Article 3 — This Regulation is drawn up on the basis of the provisions of the Environment Act No 2872 of 9/8/1983, Article 9 of the Act on the Organisation and Duties of the Ministry of Environment and Forestry No 4856 of 1/5/2003, Articles 2 and 7 of the Decree Law on the Establishment and Duties of the Undersecretariat for Maritime Affairs No 491 of 10/8/1993 and the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78 Convention) promulgated in the Official Gazette Issue No 20558 of 24/6/1990 and which Turkey became a party to.

Definitions

Article 4 — For the purposes of this Act;

‘Ministry’ shall mean the Ministry of Environment and Forestry,

‘Undersecretariat’ shall mean the Undersecretariat for Maritime Affairs,

‘Waste’ shall mean petroleum and petroleum-derived solid and liquid wastes within the scope of MARPOL 73/78 ANNEX-I which are produced as a result of regular activities of ships (bilge water, polluted ballast, sludge, slop, oil, etc.), toxic liquid substance wastes within the scope of MARPOL 73/78 ANNEX-II, effluents within the scope of MARPOL 73/78 ANNEX-IV and garbage wastes within the scope of MARPOL 73/78 ANNEX-V,

‘Waste Reception Ship’ shall mean ships registered for waste reception activity in the seaworthiness certificate and operating to receive, transfer and give to waste reception facilities, the wastes defined in this Regulation,

‘Waste Reception Facility’ shall mean waste reception facilities established for the purposes of receiving and temporary storage of ship-generated wastes and wastes carried by waste reception ships,

‘Disposal’ shall mean, within the scope of the regulations put into force pursuant to Act No 2872, the recovery, regular storage, incineration and treatment of wastes referred to in this Regulation,

‘Anchorages’ shall mean the sea areas designated as anchorage areas of ships within our territorial waters,

‘Garbage’ shall mean domestic and operational solid wastes produced as a result of the normal operation of ships and within the scope of MARPOL 73/78 ANNEX-V,

‘Ship’ shall mean, regardless of the intended use, boats of any structure or type such as all seacraft, air cushioned boats, hydrofoils, platforms and submersibles which can set off in the sea or inland waters with a device other than oars,

‘Polluted ballast’ shall mean ballast water which causes petroleum, petroleum derivative or oil traces to be seen on the surface of the water or the adjoining coast line when released to the water from the ship, or which leads to a change of colour on the surface of the water or under water, or which leads to accumulation of suspended solid substances/substances in emulsified form,

‘Port’ shall mean sea and shore structures built and equipped so that shipyards, marinas and yacht ports and all ships including fishing boats and yachts can use for various activities,

‘Port Manager’ shall mean private and legal persons who have the power to act on behalf of the port operator,

‘Licence Certificate’ shall mean the certificate which must be obtained by those who wish to operate waste reception facility (facilities) and waste reception ship(s) pursuant to this Regulation,

‘MARPOL 73/78’ shall mean the text in force in Turkey of the International Convention for the Prevention of Pollution from Ships dated 1973 as amended by the 1978 protocol,

‘Effluent’ shall mean wastes from toilets, urinals and toilet scuppers; liquid wastes from washbasins, scuppers and washing tubs in infirmaries, dispensaries and hospitals, flows from places where livestock is kept or other wastewaters mixing with these,

‘Bilge’ shall mean compartments where leaking water and oily wastewaters from machine and auxiliary undertanks, cofferdams, repositories and similar compartments of ships accumulate,

‘Bilge water’ shall mean liquids accumulating in the bilge,

‘Sludge’ shall mean mud formed from deposits and/or oil sediments in the engine rooms, fuel tanks of ships or cargo tanks of petroleum tankers,

‘Slop’ shall mean oily water residues accumulating in the slop tanks, including tank washing waters, as a result of washing of the cargo tanks in ships,

‘Shipyard’ shall mean locations where the ships are maintained and repaired and pooled,

‘Toxic Liquid Substance’ shall mean, as described and listed in MARPOL 73/78 ANNEX-II, toxic liquid substances which fall into one of the categories of A, B, C or D,

‘Toxic Liquid Substance Waste’ shall mean liquid smeared through toxic liquid substances, as a result of washing of tanks after discharging of these substances from the ship.

SECTION TWO

General Provisions

Protection of the Sea and the Marine Environment

Article 5 — For the purpose of preventing marine pollution, it is forbidden to directly and/or indirectly release ship-generated wastes to the sea environment in a manner to harm the environment.

Private and legal persons in charge at the stages of giving of the ship-generated wastes to waste reception facilities and waste reception ships, temporary storage and disposal thereof shall take the measures for not harming environmental and human health.

Obligations of the Port Managers

Article 6 — It is forbidden to receive to ports any waste other than the wastes defined in this Regulation, without the prior permit of the Ministry.

It is mandatory to individually or jointly establish waste reception facilities in ports, with adequate capacity and technical equipment to serve for the reception of ship-generated wastes. On the condition that the person in charge is the port manager, waste reception facilities can be operated by third parties as well. Port managers obtain a licence certificate from the Ministry to establish waste reception facilities.

The obligations of the port managers are:

a) To receive the wastes generated by ships calling at the port or waiting off and which are defined in this Regulation, without causing any delay for the ships, on demand by the ships,

b) To receive the wastes carried by the waste reception ships to the waste reception facilities, of which they are the owner, by making a contract, and make the necessary cooperation in this respect,

c) To dispose of or cause disposal of wastes collected in the waste reception facilities, of which they are the owner, pursuant to the provisions of Act No 2872 and relevant regulations,

d) To obtain permit from the Ministry with regard to reception of wastes generated from the regular activities of the ships and not defined in this Regulation; animal and plant wastes which may harm the resources of the country or infect diseases; medical and infected wastes; toxic, hazardous and chemical solid and liquid wastes; and cargo wastes which are greatly degenerated or damaged,

e) to fill in the transfer form for ship-generated wastes in ANNEX-IV and submit to the relevant governorships on a monthly basis,

f) for the prevention of environmental pollution that may be caused during reception of wastes within the scope of MARPOL ANNEX-I and in order to be able to give the first response, to have available an oil boom in the port, twice the length of the biggest ship docking to the port, coiled around a drum, ready to be spread out on the sea at any time and which will prevent spreading of the spilled waste,

g) In case of an accident, leak or overflow during the waste reception operation, to ensure that the port staff gives the first response for the pollution not to be spread and to be stopped and to immediately inform the port authority.

The Ministry, when necessary, cooperates with the relevant institutions and organisations with regard to the wastes specified in Item (d).

Port managers inform or notify governorships of the following; and port users, agencies and other persons concerned on relevant items of the following:

a) Importance of reception of ship-generated wastes to waste reception facilities and contribution of this to the protection of the environment,

b) Plans and diagrams showing the locations of waste reception facilities within the whole responsibility area of the port and within the docks,

c) Names, addresses, telephone numbers and other contact details of persons responsible for reception of wastes, companies and all relevant people,

d) The list of types of wastes, for which service is given,

e) Methods for receiving wastes from ships, application procedures,

f) Fees charged for waste reception services and how pricing is done,

g) Locations and *modus operandi* of treatment units established within the port,

h) Reporting methods for waste reception services performed insufficiently, improperly or in a way to lead to environmental pollution.

Exemptions and Alternative Practices

Article 7 — Port managers who think that the enforcement of the provisions of this Regulation is completely or partially unnecessary, irrelevant or impossible due to the activities of the port, may resort to the Ministry in writing and ask for exemption. In this application, details such as why the enforcement of the provisions of this Regulation to his/her port is unnecessary, irrelevant or impossible; alternative practices s/he will suggest for compliance with the provisions of MARPOL 73/78 and other details required by the Ministry are furnished.

The Ministry, after making the necessary examinations and evaluations, shall issue an exemption certificate to the port manager which explains the alternative practice, if the request of the port manager is found appropriate.

Obligations of Waste Collection Ship Operators

Article 8 — Real or legal persons wishing to perform waste reception services from ships through operating a waste reception ship must obtain a licence certificate from the relevant governorship.

The obligations of the operators of waste reception ships are:

- a) To receive ship-generated wastes defined in this Regulation on demand of the ships without causing any delay for the ship,
- b) To give the wastes received from ships and the wastes accumulated in their ships to the waste reception facilities in the ports which they made a contract with,
- c) In case of any accident, leak or overflow during the waste reception operation, to ensure that the waste reception ship crew gives the first response for the pollution not to be spread and to be stopped and to immediately inform the responsible port authority.

It is forbidden to receive to waste reception ships any waste other than the wastes defined in this Regulation, without the prior permit of the Ministry.

Obligations of Operators of Ships Making Scheduled Voyages in our Territorial Waters

Article 9 — Equippers or operators of ships such as city lines sea buses and passenger boats giving scheduled service, which are operated by public organisations or cooperative unions within our territorial waters must make a contract with licensed existing waste reception facilities for the reception of wastes generated by the ships in question and which are defined in this Regulation, or jointly or individually establish waste reception facilities which meet the requirements specified in this Regulation in one of the ports which voyages are made to or in a suitable anchorage.

Obligations of Ships

Article 10 — Ships calling at ports within the sea provinces of Turkey or waiting off to dock shall be obliged to deliver wastes generated from their activities and defined within the scope of this Regulation to waste reception facilities and waste reception ships established and operated pursuant to the provisions of this Regulation.

While docking to the port the master of the ship shall notify to the port manager or port authority the type and amount of waste on board, whether s/he will deliver its waste or the fact that they will discharge wastes in the next port. The method and systems of communication in this respect shall be determined by the Ministry with a circular after taking the opinion of the Undersecretariat.

It is forbidden to deliver to ports and waste reception ships any waste other than the wastes defined in this Regulation, without the prior permit of the Ministry.

Obligations of Port Authorities

Article 11 — The master or equipper or agency of transit ships anchoring at any anchorage within Turkish territorial waters shall notify their request for the collection of their wastes to the nearest port authority. The port authority shall charge the most suitable waste

reception ship with a licence certificate from the governorship with the duty of receiving the waste.

Ships which are determined not to have enough storage volume in their existing waste tanks for the wastes that will be generated before reaching the next port at the end of the checks and inspections conducted by Port Authorities shall not be allowed to set off until their wastes are received. Ships which have sufficient storage volume, but do not give their wastes shall be notified to institutions which have supervisory powers for follow-up to make sure that they do not later discharge their wastes into the sea in illegal ways, and the port authority of the next port of call of the ship shall be informed.

Shortcomings identified in waste reception ships as to the stipulations of Article 16 of this Regulation in inspections to be made by the port authorities shall be notified to the Ministry and the relevant governorship in writing.

SECTION THREE

Waste Reception Facilities and Licence Certificate Formalities for Waste Reception Ships

Licence Certificate Application for Waste Reception Facilities

Article 12 — A port manager wishing to obtain licence for a waste reception facility shall draw up a report according to the waste reception facility project format in ANNEX-I for the waste reception facility to be established in his/her port, and submits it to the Ministry in seven copies annexed to a petition.

The Ministry reviews the report in question or has it reviewed, according to the type of port and service to be given, taking into consideration the relevant criteria listed in Section Five of this Regulation as well. The Ministry, if deemed necessary, may set up a commission from the specialised institutions/organisations for the reviewing of the report in question. The Port Manager is permitted to establish the waste reception facility according to the report approved by the Ministry.

In case of shortcomings in the report and/or if additional information and documents have to be added to the report, the port manager is required to include these in the report. The revised report is submitted to the Ministry in seven copies. The revised report is reviewed and evaluated. If the report in question is approved by the Ministry, the port manager is permitted to establish the waste reception facility according to the approved report.

The Ministry requires the port manager to draw up a waste management plan covering the issues listed in ANNEX-III, taking into consideration the information included in the approved report as well. The port manager submits to the Ministry the waste management plan to be drawn up at the licence application stage.

The Ministry, if deemed necessary, can examine the waste reception facility area and/or similar facilities on the spot, within the scope of the information included in the report, or have it/them examined by a commission to be set up from specialised institutions/organisations. The necessary expenses for these examinations are incurred by the applicant.

Licence Certificate Application for Waste Reception Ships

Article 13 — Real or legal persons wishing to obtain a licence certificate for a waste reception ship shall draw up a report covering the items listed in ANNEX-II, and submits it to the Governorship in five copies annexed to a petition.

The Governorship reviews the report in question or has it reviewed, taking into consideration issues listed in ANNEX-II of this Regulation. The Ministry, if deemed necessary, may set up a commission from the specialised institutions/organisations for the reviewing of the report in question. The ship is permitted to be equipped for waste reception services according to the report approved by the Governorship.

In case of shortcomings in the report and/or if additional information and documents have to be added to the report, the applicant is required to include these in the report. The revised report is submitted to the Governorship in five copies. The revised report is reviewed and evaluated. If the report in question is approved by the Governorship, the ship is permitted to be equipped for waste reception services. Three copies of the approved report remain with the governorship, one copy is given to the applicant and one copy is given to the relevant port authority.

The Governorship, if deemed necessary, can examine the waste reception ship and/or similar ships on board, within the scope of the information included in the report, or have it/them examined. The necessary expenses for these examinations are incurred by the applicant.

Issuing of the Licence Certificate

Article 14 — The port manager applies to the Ministry to obtain licence for the waste reception facility, the report of which is approved by the Ministry, with a petition, which has the waste management plan annexed thereto.

The proprietor of the waste reception ship applies to the Governorship to obtain licence for the waste reception ship, the report of which is approved by the Governorship, with a petition, which has a general plan showing the equipment on board and permits obtained, documents, protocols and other information and documents annexed thereto.

With regard to the waste reception facility;

a) On-the-spot examinations are made by the Ministry to check whether the issues listed in Article 12 of this Regulation and included in the report approved by the Ministry are fulfilled or not. In the event that any shortcoming is identified, the applicant is required to re-apply to the Ministry after making good the shortcomings identified.

b) If the waste reception facility in question is approved after on-the-spots examinations made, the licence certificate shall be issued for a term of five years after approval by the Ministry of the waste management plan drawn up by the port manager.

c) For changes to be made to the licensed waste reception facilities, the permission of the Ministry shall be obtained. The licence cannot be assigned to third parties in any way whatsoever. If the operator of the port changes, it is mandatory to inform the Ministry and renew the licence.

The names of the ports which have licensed waste reception facilities are notified by the Ministry to the relevant port authority.

With regard to the waste reception ship;

a) For the checking of the performance of the issues indicated in Article 13 of this Regulation and included in the report approved by the governorship, on-the-spot examinations are made by the governorship. In case of any shortcoming being determined, the applicant is required to make good the shortcomings and re-apply to the governorship.

b) The waste reception ship in question which is approved after on-the-spot examinations is issued a licence certificate by the governorship for a term of three years. For changes to be made to the licensed waste reception ship, the approval of the relevant governorship shall be obtained. The licence cannot be assigned to third parties in any way whatsoever. If the operator of the ship changes, it is mandatory to inform the relevant governorship and renew the licence. The names of the licensed waste reception ships are notified by the governorship to the Ministry and the relevant port authority.

On the licence certificate, the following points are indicated:

- a) For which types of waste the licence certificate is issued,
- b) Start and end dates,
- c) Port operation area where activities will be undertaken.

Visaing of the Licence Certificate

Article 15 — The licence certificate shall be visaed in every five years after issuance in case of waste reception facilities, and in every three years after issuance for waste reception ships. The holder of the licence certificate applies with a petition to the Ministry in case of waste reception facilities, and applies with a petition to the governorship in case of waste reception ships, three months before the expiry of the licence certificate, and requests visaing of the licence certificate. In this application, plans for changes, if any, are notified as well. The institution charged with the visaing of the licence, shall endorse the licence certificate or reject the application for endorsing after making the necessary checks. Waste reception facilities and waste reception ships whose visa applications are rejected make good the imperfections, the justifications of which are given, within the grace period given by the institution visaing the licence and request visaing of the licence again. This period may not exceed six months. Licence certificates not visaed on time are defeated.

Cancellation of the Licence Certificate and Halting of Activity

Article 16 — In the inspections to be made in the waste reception facility or the waste reception ship;

a) If the defects and deficiencies are repeated in the operation of the waste reception facility and the waste reception ship,

b) If the waste reception operations from ships are performed in times exceeding the time limits specified in this Regulation or performed in unreasonable times,

c) If any one of the wastes types, for which waste reception service is to be given, is not received,

d) If there is threat of pollution from petroleum or petroleum-derived wastes, garbage, effluent or toxic liquid substance waste in the Turkish territorial waters or shores due to the fact that the waste reception facility or the waste reception ship, for any reason, does not operate properly or does not serve its purpose,

e) If it is found out that special wastes specified in item (d) of Paragraph 3 of Article 6 of this Regulation are received and stored without permission,

The Ministry warns the port manager, and the governorship warns the proprietor of the waste reception ship in writing and indicates what has to be done to make good the imperfections determined.

For the making good of the imperfections identified, a grace period of one month to one year is given depending on the importance and the source of the imperfection. If, after the grace period, it is found out that the imperfections sustains, the waste reception facility or the waste reception ship is imposed a penalty pursuant to the relevant articles of Act No 2872 and is given a grace period of one month for making good the imperfection identified. If the imperfections are not made good, an increased penalty is imposed due to the repetition of the act pursuant to Act No 2872 and another grace period of fifteen days is given. If, even at the end of this period, the imperfections are not made good, the licence of the waste reception facility or the waste reception ship is cancelled. The obligation to receive wastes during the period given for the making good of imperfections continues.

Formalities after the Cancellation of the Licence Certificate

Article 17 — The port manager or the proprietor of a waste reception ship whose licence certificate is cancelled shall return this certificate to the Ministry/governorship within fifteen working days after cancellation. The port manager or the proprietor of a waste reception ship can apply for a new licence certificate as stated in Articles 12 and 13 of this Regulation.

SECTION FOUR Handling and Disposal of Wastes Operations

Handling of Wastes

Article 18 — The persons in charge of waste reception facilities and waste reception ships are obliged to fill in the “transfer form for ship-generated wastes” in ANNEX-IV completely and separately for each type of waste.

a) If the wastes are received to the waste reception ship from the ship;

1) The transfer form for ship-generated wastes is filled in and signed quadruplicate as originals by the person in charge of the waste-giving ship and the person in charge of the waste reception ship.

2) The first copy of the Form remains with the person in charge of the waste-giving ship, and the second, third and fourth copies thereof remain with the person in charge of the waste reception ship.

3) At the delivery of the wastes of the waste reception ship to the waste reception facility, the copies in question are signed by the person in charge of the waste reception facility. One copy of the signed copies remain with the person in charge of the waste reception ship, and the other two copies remain with the person in charge of the waste reception facility. Persons in charge of waste reception ships must keep the copy remaining with them for a term of three years to be made available to relevant competent institutions when requested.

4) The person in charge of the waste reception facility sends one copy to the relevant governorship and keeps one copy for himself/herself. The copy remaining with him/her is kept for a term of three years to be made available to relevant competent institutions when requested.

b) If the wastes are received to the waste reception facility from the ship:

1) The transfer form for ship-generated wastes is filled in and signed in triplicate as originals by the person in charge of the waste-giving ship and the person in charge of the waste reception facility.

2) The first copy of the Form remains with the person in charge of the waste-giving ship, and the second and third copies thereof remain with the person in charge of the waste reception facility.

3) The person in charge of the waste reception facility sends one copy to the relevant governorship, and keeps one copy for himself/herself. The copy remaining with him/her is kept for a term of three years to be made available to relevant competent institutions when requested.

Waste Disposal Operations and the Obligations of Port Managers

Article 19 — The port managers must treat or connect, transfer or have transferred petroleum and petroleum-derived solid and water-decomposed liquid wastes and toxic liquid substance wastes to licensed disposal facilities; garbage wastes to solid waste processing or regular storage facilities of the municipality; and effluents in their own treatment facilities, the wastes which are collected in their waste reception facilities.

For waste reception facilities to perform these obligations, the municipalities make the required cooperation.

Port managers, who have licensed waste reception facilities, can either perform the waste disposal operations in their own licensed or permitted facilities established pursuant to the provisions of the regulations put into force pursuant to the Environment Act No 2872, or have them performed in other licensed or permitted facilities.

Bilge water is considered in Category-II in line with the relevant provisions of the Waste Oils Control Regulation promulgated on the Official Gazette Issue No 25353 of 21/1/2004 and for its disposal, Category-II and/or Category-III disposal methods are taken as basis.

Sending of petroleum and petroleum-derived wastes to petroleum refineries, on the condition that they are not mixed with bilge water, is permitted if approved by the Ministry. If not approved, they are disposed of in line with the relevant provisions of the Dangerous Wastes Control Regulation promulgated on the Official Gazette Issue No 22387 of 27/8/1995.

Toxic liquid substance wastes are also disposed of in line with the relevant provisions of the Dangerous Wastes Control Regulation.

If port managers, who have licensed waste reception facilities, wish to utilise other licensed or permitted disposal facilities, they are responsible until the stage of delivery of wastes to the disposal facility.

To this end, port managers are obliged to transfer or have transferred the wastes to the licensed disposal facilities, using the "national waste transfer form" in line with the relevant provisions of the Dangerous Wastes Control Regulation.

SECTION FIVE

Qualification Criteria for Waste Reception Facilities

Qualification Criteria for Waste Reception Facilities which will Receive Petroleum and Petroleum-Derived Solid and Liquid Wastes

Article 20 — Waste reception facilities which will receive petroleum and petroleum-derived solid and liquid wastes must meet the following requirements:

a) The facility must be suitable for use within the port, must be accessible and must have a capacity to meet the needs of all ships using the port.

b) The facility must have the capacity to receive the petroleum and petroleum-derived wastes of the ships within twenty four hours after notification by the ship.

c) For polluted ballast transfer, the facility must have the capacity to complete waste reception within ten hours after the start of the operation.

d) For bilge waters, sludge and slop reception, the facility must have the capacity to complete waste reception within four hours after the start of the operation.

e) For petroleum and petroleum-derived wastes, the facility must have a standard discharge connection flange, the dimensions of which are given in MARPOL 73/78 ANNEX-I. It must be possible to connect this connection flange to the petroleum and petroleum-derived waste discharge circuits of the ships.

f) The facility must have a tank with at least ten-ton capacity for sludge reception, and with at least fifteen-ton capacity for bilge water reception.

g) The water of the facility remaining after the oil of petroleum and petroleum-derived liquid wastes is taken must be treated in accordance with the limit values given in the Water Pollution Control Regulation promulgated on the Official Gazette Issue No 19919 of 4/9/1988.

h) Waste reception facilities of ports where crude petroleum is loaded and ports where a daily average of more than one thousand tons of petroleum and petroleum products other than crude petroleum are loaded, must have a tank capacity of at least ten tons for sludge reception, at least fifteen tons for bilge water reception, at least thirty per cent of the load carriage tonnage of the biggest ship using the port and which does not have a clean ballast tank (CBT), a segregated ballast tank (SBT) or crude oil washing (COW) systems for polluted ballast reception, and at least two and a half per cent of the load carriage tonnage of the biggest ship using the port for slop reception.

i) Shipyards do not have to comply with Items (b), (c) and (d) of this article. The waste reception facilities must have the capacity to complete waste reception operations before the ship leaves the shipyard. Furthermore, shipyards must have a tank capacity of at least eight per cent of the total capacity of the fuel tanks of the biggest ship served for oily water generated from fuel tank cleaning of ships, at least one per thousand of the carrying

capacity of the biggest tanker served for slop reception, at least four and a half per cent of the carrying capacity of the biggest tanker served for polluted ballast and tank washing waters, at least one per cent of the cargo carrying capacity of the biggest tanker served for liquid cargo waste, at least one per cent of the cargo carrying capacity of crude petroleum tankers, at least five per thousand of the cargo carrying capacity of black product tankers, and at least two per thousand of the cargo carrying capacity of white product tankers.

Qualification Criteria for Waste Reception Facilities which will Receive Toxic Liquid Substance Wastes

Article 21 — Waste reception facilities which will receive toxic liquid substance wastes must meet the following requirements:

a) The facility must be suitable for use within the port, must be accessible and must have a capacity to meet the needs of all ships using the port.

b) The facility must have the capacity to receive the toxic liquid substance wastes of the ships within twenty four hours after notification by the ship.

c) Tanks which will receive toxic liquid substance wastes must have the capacity to complete waste reception in ten hours after the start of the operation.

d) Save for the ports within the scope of Item (e) of this article, waste reception facilities of ports where handling operations of toxic liquid substances are undertaken, must have tanks with a daily capacity to take;

1) 75 m³ toxic liquid substance waste for every load operation, in ports of category A where solidifying toxic liquid substance loads are handled, or;

2) 50 m³ toxic liquid substance waste for every load operation, in ports out of category A where solidifying toxic liquid substance loads are handled.

e) A port solely handling toxic liquid substance loads of categories B and C, which do not have high viscosity and which are not solidifying, shall meet the requirements of Items (g), (h), (i), (j) of this article.

f) Toxic liquid substance waste reception facilities in shipyards where ships which have carried toxic liquid substance load are repaired, must have tanks with a daily capacity to take;

1) 50 m³ of each of toxic liquid substance waste of categories A, B, C or D which are not solidifying,

2) 75 m³ toxic liquid substance waste of category A which is solidifying.

g) For the ports where toxic liquid substance loads of categories B or C are discharged to take a licence certificate, there must be reception systems which can receive 6m³/hour during stripping operation and which will not apply more than 101.6 kPa (14.7 pound/inch²) reverse pressure to the ship manifold.

h) Pipes and hoses used in reception facilities must be designed so as not to let the flow of toxic liquid substance waste received back into the ship.

i) The waste management plan must incorporate apparatuses in the systems specified in Item (g), characteristics of the systems, detailed information about their operation and operation methods.

j) Methods specified in Item (i) must be used in every toxic liquid substance waste operation.

Waste reception facilities of shipyards do not have to meet the requirements of Items (b) and (c) of this article. However, waste reception operations must have been completed before the ship leaves the shipyard.

Qualification Criteria for Waste Reception Facilities which will Receive Effluents

Article 22 — Waste reception facilities which will receive effluents must meet the following requirements:

a) The facility must be suitable for use within the port, must be accessible and must have a capacity to meet the needs of all ships using the port.

b) The facility must be operated in such a manner that it won't cause any loss of time for the ships using the port.

c) The facility must have the capacity to receive the effluent of the ships within twenty four hours after notification by the ship.

d) The facility must have the capacity to complete wastewater reception within four hours after the starting of wastewater reception.

e) The effluent reception facility shall have a standard discharge connection flange, characteristics of which are given in MARPOL 73/78 ANNEX-IV. It must be possible to connect this connection flange to the wastewater discharge circuits of ships.

Waste reception facilities of shipyards do not have to meet the requirements of Items (b) and (d) of this article. However, effluent reception operations must have been completed before the ship leaves the shipyard.

Qualification Criteria for Waste Reception Facilities which will Receive Wastes

Article 23 — Waste reception facilities in all ports which will receive waste must meet the following requirements:

a) The facility must be suitable for use within the port, must be accessible and must have a capacity to meet the needs of all ships using the port.

b) The facility must be operated in such a manner that it won't cause any loss of time for the ships using the port.

c) The facility must be operated in such a manner that mariners and foreigners who do not know the vicinity of the port can easily find and utilise it.

d) The operation of the facility must be planned so as not to interrupt the normal activities of the port.

e) The facility must encourage separate collection and delivery of garbage of different categories in order to facilitate recycling of garbage.

f) Garbage reception facilities of shipyards must operate in such a manner to complete waste reception operations before the ships leaves the shipyard.

Port managers are obliged to ensure that a garbage reception facility with a sufficient capacity to meet the daily garbage discharge needs of all ships in the port is available, save for the wastes specified in Item (d) of Article 6 of this Regulation.

SECTION SIX

Miscellaneous and Final Provisions

Ports which may not obtain a licence and their obligations

Article 24 — Managers of ports which Ships Giving Scheduled Service in our territorial waters dock in order to take passengers, managers of fishermen shelters and managers of Marinas-Yacht ports with a docking capacity of less than fifty yachts do not have to obtain licence.

The ports in question must have waste reception facilities to receive at least 2 m³ polluted oil, 5 m³ oily waste, 4 m³ effluent and suitable amount of garbage waste, in line with their line of activity.

The provisions of the relevant environment and health legislation are reserved for the establishment and operation of the facilities. Governorships and port authorities in charge of the venues which these businesses are located are charged with the duty of inspecting the facilities in question. Port managers within the scope of this article are obliged to dispose of and to cause disposal of generated and stored wastes within the scope of Article 19 of this regulation. Ports which do not meet the requirements of this article are not allowed to operate.

Reporting of Waste Reception Facilities and Waste Reception Ships

Article 25 — Waste reception facilities and waste reception ships which breach the provisions of this Regulation, which are not operated as required or which are inadequate, can be orally, in writing, on the phone or personally reported by any person or organisation to the Ministry and/or the Undersecretariat and/or the relevant governorship. These reports shall be kept confidential.

Pricing of Waste Reception Services

Article 26 — Services to be rendered by waste reception facilities and waste reception ships are performed in return for a fee.

The list of fees to be charged to ships shall be determined at a meeting under the coordination of the Ministry every year after the opinions of the Undersecretariat, port managers, proprietors of waste reception ships, operators of disposal facilities and other relevant institutions and organisations are taken; care being taken for its fairness and transparency. The list of fees determined shall be promulgated in the Official Gazette, which then enters into force.

Inspecting of Waste Reception Facilities and Waste Reception Ships

Article 27 — The power and obligation to inspect waste reception facilities are vested in the Ministry and the governorships; the power and obligation to inspect waste reception ships are vested in the Ministry, governorships and port authorities.

Other Issues

Article 28 — The administrative and penal provisions of Act No 2872 are applicable in case of breach of the provisions of this Regulation.

Provisional Article 1 — The managers of existing ports meet the requirements of this Regulation within twelve months at the latest as of the entry into force of this Regulation. Port managers of ports which have waste reception facilities must obtain licence within six months as of the publication date of this Regulation.

Provisional Article 2 — Within the framework of the Implementation Guidelines on Collection of Wastes Generated by Ships and Other Seacraft issued by the Undersecretariat, for waste reception ships which have obtained Temporary Waste Collection Permit from the Undersecretariat, the licence must be obtained within three months as of the publication date of this Regulation. Ships which do not obtain a permit within this period cannot operate within the scope of this Regulation.

Repealed Legislation

Article 29 — Waste Reception Service from Ships Regulation promulgated on the Official Gazette Issue 25399 of 11/3/2004 has been repealed.

Entry into Force

Article 30 — This Regulation shall enter into force on the date of its publication.

Enforcement

Article 31 — The Ministry of Environment and Forestry and the Minister to which the Undersecretariat for Maritime Affairs reports shall enforce the provisions of this Regulation.

ANNEX-1

WASTE RECEPTION FACILITY PROJECT FORMAT

A) General Information

- 1) Name, address, phone and fax numbers of the applicant,
- 2) Definition and purpose of the project,
- 3) Report production date,
- 4) Introduction of those who produced the report,

B) Port Information

- 1) Place, locality,
- 2) General plan,
- 3) Service purposes,
- 4) Types, sizes and other characteristics of ships to which services are provided,
- 5) Figures of ships to which services are provided (Daily, monthly and yearly averages),
- 6) Types and amounts generated by ships to which services are provided,
- 7) Indication of waste types received in prior years and amounts thereof (If there is a waste reception facility which is operating),
- 8) Infrastructure,
- 9) Utilisation of municipality services,
- 10) Measures taken against possible environmental impacts,
- 11) Accident risk that may stem from the technology and materials used,
- 12) Emergency action plan,

C) Waste Reception Facility Information

- 1) Place, locality,
- 2) Showing of the waste reception facility on the general plan (showing on the port general plan),
- 3) Definition, service life, service purposes, importance and necessity,
- 4) Indication of waste types received in prior years and amounts thereof (in the existing facilities),
- 5) Waste types that can be received and maximum waste amounts,
- 6) Identification of the storage capacities for each type of waste in view of the workloads of the ships to be serviced,
- 7) Measures to be taken for uninterrupted provision of the service to be provided,
- 8) How and with which method the wastes will be taken from the ships and stored,
- 9) How and with which method the wastes will be taken from waste reception ships and stored,
- 10) Waste reception ships with which agreements will be made and how the agreements will be made,
- 11) How and with which method the wastes of ships anchored off will be taken,
- 12) Indication of institutions and organisations contracts must be made with regarding the disposal operations of wastes,
- 13) How and with which methods and where will the wastes be disposed of or to be had disposed of, the names of disposal facilities and their proprietors with whom contracts will be made to this end, permits, certificates obtained by the relevant disposal facilities.
- 14) The fact that waste records will be made according to procedures and guidelines to be set out by the Ministry by types of wastes to be received and that these records will be sent to the Ministry regularly via the database system to be determined by the Ministry,
- 15) Accident risk that may stem from the technology and materials used,
- 16) Identification of methods and measures which are in accordance with the environment management tools for the purpose of mitigation of environmental impacts at every stage of waste reception, storage and disposal operations. Declaration that the methods identified are in compliance with the Environment Act No 2872 and regulations adopted in line with this Act,
- 17) Machinery and equipment to be used in the facility (with all their characteristics),
- 18) Attributes of the personnel to be employed (number of persons, qualification, experience, etc.),
- 19) Training of staff,

- 20) Emergency action plan,
- 21) Whether capacity increase is possible,
- 22) Information to be prepared for port users, (Locations of the reception facilities on the map, operators to be contacted, list of fees, rules to be applied during waste reception from ships, etc.),
- 23) Other information required by the Ministry.

ANNEX-2

ADMINISTRATIVE AND TECHNICAL ARRANGEMENT REGARDING WASTE RECEPTION SHIPS

It is mandatory to equip waste reception ships which are used for receiving wastes from ships with suitable apparatuses, equipment and personnel in compliance with the national legislation and international conventions. Types, attributes and standards of the ships in question are defined below. Ships not fulfilling these requirements are not allowed to operate.

- 1) Waste reception ships shall be considered as service ships and shall be in different colour to be designated by the Ministry to distinguish these ships from other ships.
- 2) In the ship, there must be a general plan showing the equipment and permits obtained, documents, protocols and other information and documents.
- 3) These ships must have obtained a Seaworthiness Certificate.
- 4) Types of waste which can be received and maximum waste amounts shall be indicated.
- 5) In waste reception ships, dedicated storage tanks, pumps and circuits shall be in place for all types of waste.
- 6) Storage tank capacities shall be indicated for each type of waste by waste types which service will be given for.
- 7) All tanks of waste reception ships shall have their capacity plans and sounding tables.
- 8) The pipe circuit plans of waste reception ships shall be approved by the Ministry.
- 9) All hoses to be used for waste reception operations shall be sufficient, in good condition and certified.
- 10) Tanks of waste reception ships shall be equipped with heating coils for sludge and slop. For this heating operation, there shall be vapour or hot oil boiler or vapour generator of suitable capacity.
- 11) The capability of the waste reception ships to heat the wastes collected by waste reception ships which have heating coils in their sludge or slop receiving tanks but which are not able to heat such tanks by their own means shall be checked during the inspections to be made.
- 12) Waste reception ships must comply with the legal and technical rules that are ships are subject to.
- 13) The master, equipper and agencies of waste reception ships must notify their waste reception operations to the customs authorities of the area where the activity is to take place and obtain permission.
- 14) Waste reception ships shall have an emergency action plan and the materials and equipment required for this.
- 15) The overalls of the staff that will work in waste reception ships shall be uniform and the ID cards to be issued by the governorship shall always be kept on the overalls in a visible manner. This staff shall be given required training by the company on general marine pollution, fight with pollution and operation of emergency action equipment in the ship.
- 16) The area where the service will be provided is defined.
- 17) The measures to be taken for uninterrupted provision of the service are indicated.

- 18) Points such as how and with which method the wastes will be taken from the ships and stored, the responsible person or persons to be contacted are defined.
- 19) Documents as to how and with which methods the wastes will be given to waste reception facilities, the names of the ports that the wastes will be given and agreements and protocols that have been made shall be available.
- 20) It is defined that the waste records will be kept in accordance with the procedures and guidelines to be specified by the Ministry according to the types of waste taken.
- 21) The accident risk that may stem from the technology and the materials used is defined.
- 22) Measures intended to be taken for mitigation of possible adverse effects to the environment are described.
- 23) The machinery and equipment to be used in the ship are described with all their characteristics.
- 24) The attributes of the personnel to be employed are described. (Number of persons, qualification, experience, etc.)
- 25) The emergency action plan shall be available.
- 26) It is indicated whether capacity increase is possible. _
- 27) The pricing system is defined.
- 28) Other information required by the governorship shall be available.

ANNEX-3

DETAILS REQUIRED TO BE INCLUDED IN A WASTE MANAGEMENT PLAN

The plan must in general cover wastes produced by all ships calling at the port and wastes carried by waste reception ships and must be developed in parallel with the size of the port and characteristics/requirements of the ships which will call at the port. The following elements must be included in the plan.

- 1) Defining of person(s) in charge for the implementation of the plan,
- 2) Types and amounts of wastes taken from ships,
- 3) Defining of the type of the waste reception facility and the storage capacities for each type of waste,
- 4) Detailed definition of how and with which methods, the wastes generated/carried by ships will be received and stored,
- 5) Description of how wastes will be disposed of, institutions and organisations agreements were made with to this end and the documents of agreements made,
- 6) Description of methods-rules for regular sending of wastes taken from ships to disposal facilities,
- 7) Introduction of the disposal facilities in the port,
- 8) Description of recording methods of waste amounts taken from ships and description of how these will be sent to the Ministry regularly,
- 9) Appropriate methods identified for the mitigation of environmental impacts at every stage of waste reception, storage and disposal operations,
- 10) List of waste reception ships with which agreements were made and documents of agreements, protocols made,
- 11) Emergency action plan,
- 12) Other details,

ANNEX-4

TRANSFER FORM FOR SHIP-GENERATED WASTES

Form No				

**REPUBLIC OF TURKEY
MINISTRY OF ENVIRONMENT AND FORESTRY
TRANSFER FORM FOR SHIP-GENERATED WASTES**

1-WASTE GIVING SHIP / TANKER			
Flag:	Line of Activity:		
IMO Number:	Waste Code ⁽²⁾ :		
Name of the Proprietor / Company:	Waste Type ⁽²⁾ :		
Company Address:	Weight:	tons	
kg-lt		
	Other Annexed Details:		
Phone No:	Packaging Type ⁽³⁾ :		
Fax No:	Number of Packages:		
Name of its agency in our country:	Waste Transfer Date:		
Address of its agency in our country:	Waste Transfer Start Time:		
	Waste Transfer End Time:		
Phone No:	Of the current location of the ship	Name:	
Fax No:		Coordinates:	
BM class ⁽¹⁾ :	H Number ⁽¹⁾ :	Person in Charge of the Ship / Tanker	
			Name :
			Title :
		Signature :	
2-WASTE RECEPTION SHIP			
Port authority zone it is affiliated to		Waste Transfer Date:	
		Waste Transfer Start Time:	
Licence No:		Waste Transfer End Time:	
Name of the Proprietor / Company:	Person in Charge of the Waste Reception Ship		
Phone No:			
Fax No:			
			Name :
	Title :		
	Signature :		
3-WASTE RECEPTION FACILITY			
Name of the port it is located:	Waste Transfer Date:		
Address of the port it is located:	Waste Transfer Start Time:		
Licence No:	Waste Transfer End Time:		
Phone No:	Person in Charge of the Waste Reception Facility		
Fax No:			
Number of the depot where the waste is taken from:			Name :
			Title :
	Signature :		

⁽¹⁾ **BM class and H number:**

Codes given in Marpol ANNEX-II shall be used for **BM classes** of toxic liquid substance wastes.

H number:

H code	Meaning
H1	Explosive
H2	Oxidising
H3-A	Highly flammable
H3-B	Flammable
H4	Irritant
H5	Harmful
H6	Toxic
H7	Carcinogen
H8	Corrosive
H9	Infection causing
H10	Teratogenic
H11	Mutagenic
H12	Substances or preparations which, if in contact with air, water or acids, release toxic or highly toxic gases
H13	Substances or preparations produced during disposal of wastes
H14	Ecotoxic

(2) Waste Type and Waste Code:

WASTE TYPE	WASTE CODE
Bilge water	13.04
Sludge, other oily wastes	13.06
Toxic liquid substance waste	To be left blank
Sloppy	To be left blank
Effluent	To be left blank
Garbage	20

The names of all types of waste shall be written clearly and in detail.

(3) Type of Packaging:

This part shall be filled in only for garbage.

- | | | |
|----------------|--------------------|----------|
| 1) Drum | 4) Box | 8) Bale |
| 2) Wood barrel | 5) Bag | 9) Other |
| 3) Oil drum | 6) Mixed packaging | |