

Port of Bantry

Port Waste Management Plan 2013

Contents

Preamble

1. The Port
2. Legislative Summary
3. Definition of Wastes

Section I

4. The Port Waste Management System
5. Procedures for the use of Port Waste Reception Facilities at the Port of Bantry.
6. Type and Capacity of Facilities
7. Location and ease of use
8. Giving effective information to users
9. Duty of Care/Waste Transfer/Waste Disposal
10. Grievance Procedure
11. Audit and Review

Appendix 1.

Contact Directory

BantryPort Map

PREAMBLE

AIMS AND OBJECTIVES

The overall aim of this port waste management plan for The Port of Bantry is to protect the marine environment by reducing discharges into the sea of ship generated wastes and cargo residues, to improve the availability and use of reception facilities and strengthen the enforcement regime.

Its objectives are

- To reduce illegal discharge of waste from vessels
- To fulfil legal duties with regard to waste management
- To minimise the production of waste wherever possible
- To re-use or recycle waste wherever possible
- To dispose of waste so as to minimise negative environmental effects

1. THE PORT

OVERVIEW OF PORT ACTIVITIES

The Port of Bantry is situated on the south coast in the Republic of Ireland and there are four main industries in Bantry Bay: Aquaculture; Oil Transshipment; Stone Export; and Tourism.

Phillips 66 and Tarmac UK LTD facilities are privately owned, and are covered by the Bantry Bay Harbour Commissioners Waste Management Plan. All other jetties and piers in the Harbour, including Bantry and Glengarriff, are owned by Cork County Council.

Crude oil and Product is transhipped via a Single Point Mooring (SPM) system located 1500 meters offshore and designed to handle vessels within a range of 15,000 to 320,000 DWT. Vessels dock with a pipeline located under a buoy.

The Phillips 66 Small Craft Harbour (SCH) Jetty, which can cater for vessels up to 6,000 DWT, is located on the south side of the western end of Whiddy Island, and is used to supply the Irish and UK markets. It is also used to supply marine bunkers.

Tarmac UK Leahill Quarry and jetty is located on the north side of Bantry Harbour, between Glengarriff and Adrigole, and caters for vessels up to 90,000 DWT.

A small number of cruise liners anchor either in Glengarriff or Bantry Harbour.

The number of commercial vessels calling to Bantry on an annual basis is relatively small. In 2012, 1 vessels used the Tarmac UK LTD Jetty, 43 vessels used the Oil Terminal facility and 7 cruise ships used the anchorages.

The majority of ships calling at the port are small vessels, either coming from or to other large commercial ports in Ireland within short range, and the vessels are normally equipped with adequate storage space.

Assessment

Since Bantry Bay Harbour has no waste facilities available, a system has been put in place to facilitate the disposal of waste material by licensed contractor from the commercial and private facilities.

A vessel that requires to dispose of any waste makes contact with Bantry Harbour Office through the ship's agent. Arrangements are then made with a licensed contractor to carry out the disposal as per regulation, with a Departmental Veterinary Official present where necessary.

2. LEGISLATIVE SUMMARY

[This list is not intended to be exhaustive – it is for reference purposes only.]

- EU Directive 2000/59/EC on port reception facilities for ship-generated wastes and cargo residues [[Directive 2000/59/EC](#)]

The specific requirements of the Directive are that: -

- All EU ports are to provide adequate reception facilities and to develop waste reception and handling plans (Mandatory Provision).
 - All wastes are to be delivered to reception facilities unless there is capacity on board for retention until next port of call (Mandatory Discharge).
 - All ships, except recreational craft authorised to carry 12 or fewer passengers or fishing vessels, are required to notify ports in advance of intention to use facilities and quantities of waste onboard (Notification Requirement).
 - A fee system should be introduced to encourage use of facilities (Charging System).
 - There will be a system of monitoring for compliance, plus adequate sanctions for non-compliance; non-compliance data is to be forwarded to the next port of call (Compliance and Monitoring).
- European Communities (Port Reception Facilities for Ship-Generated Waste and Cargo Residues) Regulations 2003 [[S.I. No. 117 of 2003](#)]

These Regulations bring the provisions of EU Directive 2000/59/EC into Irish Marine law. They largely follow the formulation of the European legislation. Their interpretative provisions establish the Minister of Communications, Marine and Natural Resources [now the responsibility of the Minister for Transport] as the national competent authority, and the harbour authority in respect of each harbour as the local competent authority.

- European Communities (Port Reception Facilities for Ship-Generated Waste and Cargo Residues) (Amendment) Regulations 2009 [[S.I. 376 of 2009](#)]

The purpose of these Regulations is to reduce the discharge of sewage into the sea, especially illegal discharges, from ships using ports in the Community, by improving the availability and use of port reception facilities, thereby enhancing the protection of the marine environment.

- Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements [[Directive 2005/35/EC](#)]

[See commentary for S.I. No. 542 of 2010 below.]

- Directive 2009/123/EC amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements [[Directive 2009/123/EC](#)]

[See commentary for S.I. No. 542 of 2010 below.]

- European Communities (Ship-Source Pollution) Regulations 2010 [[S.I.No. 542 of 2010](#)]

Directive 2005/35/EC on ship-source pollution and on the introduction of penalties, including criminal penalties, for pollution offences, as amended by Directive 2009/123/EC, was transposed into national law by the European Communities (Ship-Source Pollution) Regulations 2010 (542 of 2010). These Regulations provide that any person who intentionally, recklessly or with serious negligence makes illegal discharge of oil or hazardous and noxious substances, from a ship, or who aids, abets, or incites another person to do so, is liable to be held responsible for a criminal offence.

- Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC [[Directive 2002/59/EC](#)]

[See commentary for S.I. No. 573 of 2010 below.]

- Directive 2009/17/EC amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system [[Directive 2009/17/EC](#)]

[See commentary for S.I. No. 573 of 2010 below.]

- European Communities (Vessel Traffic Monitoring and Information System) Regulations 2010 [[S.I. No. 573 of 2010](#)]

Directive 2002/59/EC, amended by Directives 2009/17/EC, establishes a Community vessel traffic monitoring and information system for EU shipping and is effective in national law through the European Communities (Vessel Traffic Monitoring and Information System) Regulations (S. I. No. 573 of 2010). The Regulations provide for an extensive amount of regulation of marine vessel traffic other than pollution prevention and response, including the enhancing of safety and efficiency of maritime traffic, improving the response to incidents, accidents or potentially dangerous situations at sea, including search and rescue operations. The Regulations provide additional functions concerning the accommodation of ships in need of assistance for the Director of the Irish Coast Guard.

Each Member State has implemented the VTMS regulations and must co-operate with any other Member State when required in dealing with threatened or actual pollution.

- Commission Directive 2011/15/EU amending Directive 2002/59/EC of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system [[Commission Directive 2011/15/EU](#)]

[See commentary for S.I. No. 71 of 2012 below.]

- European Communities (Vessel Traffic Monitoring and Information System) (Amendment) Regulations 2012 [\[S.I. No. 71 of 2012\]](#)

These Regulations give effect to Commission Directive 2011/15/EU which amends Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system, as well as some other related matters, by amending the European Communities (Vessel Traffic Monitoring and Information System) Regulations 2010 [S.I. No. 573 of 2010].

They provide for the necessary amendments by updating the safety criteria regarding certain oil-tanker products; by substituting a new format in Schedule 3 which deals with voyage data recorder systems; by providing for an extension of the powers of intervention to include assistance, salvage or towage companies in the event of incidents or accidents at sea; by removing an obligation on any company to use *SafeSeasIreland* or specified electronic means when placing itself at the disposal of the Irish Coast Guard in the event of an incident or accident at sea; and by amending certain minor references in Regulation 16.

- Sea Pollution Act 1991 [\[No. 27 of 1991\]](#)

This Act gives effect to the *International Convention for the Prevention of Pollution from Ships*, adopted on 2 November, 1973, and as amended by its *Protocol* adopted on 17 February, 1978, relating thereto (MARPOL).

MARPOL, to which Ireland is a party, is the International Maritime Organization's (IMO) main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes.

IMO is a specialised agency of the United Nations, which has responsibility for the safety and security of shipping and the prevention of marine pollution by ships.

MARPOL has six individual Annexes, each of which contains regulations covering the various sources of ship-generated pollution, i.e., oil (Annex I), noxious liquid substances in bulk (Annex II), harmful substances carried by sea in packaged form (Annex III), sewage (Annex IV), garbage (Annex V), and air pollution from ships (Annex VI).

The 1991 Act also gives effect in the State to the Protocol relating to Intervention on the High Seas in cases of Pollution by Substances other than Oil and enables the Minister to prohibit or regulate the operational discharge of oil or oily mixtures from Irish registered ships anywhere at sea or from other ships in the territorial waters of the State.

It further enables the Minister to require Irish registered ships to be constructed, fitted or operated in such a way as to prevent, control or reduce discharges into the sea or to intervene on a vessel if considered appropriate following a casualty.

- Sea Pollution (Amendment) Act 1999 [\[No. 18 of 1999\]](#)

This Act gives effect to the International Convention on Oil Pollution Preparedness Response and Cooperation in the Republic of Ireland. It is concerned with the

prevention of pollution and the establishment by harbour authorities of oil pollution emergency plans. In addition it outlines Ministerial responsibilities for preparing contingency plans and acquiring resources to respond to an incident of pollution.

- Sea Pollution (Miscellaneous Provisions) Act, 2006[\[No. 29 of 2006\]](#)

This Act amends the two previous Sea Pollution Acts by making provision for, inter alia, hazardous and noxious substances pollution emergency plans to be in place as well as for the making of regulations to give effect to a number of international instruments relating to the protection of the marine environment, agreed at the International Maritime Organization, to be brought into effect, viz:

- The Protocol to the International Convention on Oil Pollution Preparedness, response and Co-Operation 1990 (OPRC);
- The International Convention on the Control of Harmful Anti-Fouling Systems 2001 (AFS Convention);
- The International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWM Convention);
- Annex VI as added to MARPOL 73/78 by the Protocol of 1997;
- The International Convention on Civil Liability for Bunker Oil Pollution Damage 2001 (Bunkers Convention), the text of which is attached as a schedule to the Act.

Statutory Instrument(s) giving effect to Annex I of MARPOL

- Sea Pollution (Prevention of Oil Pollution) Regulations 2007[\[S.I. No. 788 of 2007\]](#)

The Regulations prohibit and control discharge into the sea of oil and oily mixtures. The Regulations require ships to follow specified procedures when washing cargo tanks. Ballasting arrangements and the discharge of ballast water are also controlled. The Regulations also provide for adequate facilities at ports and terminals for the reception of oil and oily mixtures.

Ships are required to be surveyed for the purposes of the Regulations and to carry an International Pollution Prevention Certificate. Ships are also required to carry an 'Operations and Equipment Manual', an 'Oil Record Book' and a shipboard oil pollution emergency plan approved by the Minister or recognised organisation.

The Regulations apply to all Irish ships wherever they may be and to all other ships when they are in the territorial waters of the State.

- Sea Pollution (Prevention of Oil Pollution) (Amendment) Regulations 2008 [\[S.I. No. 282 of 2008\]](#)

These Regulations provide for amendments to the Sea Pollution (Prevention of Oil Pollution) Regulations 2007 ([S.I. No. 788 of 2007](#)), which give effect to Annex I of

MARPOL 73/78. Essentially, they concern an amendment to the definition for 'special area' in S.I 788 of 2007.

- Sea Pollution (Prevention of Oil Pollution) (Amendment) Regulations 2010[\[S.I. No. 664 of 2010\]](#)

These Regulations give effect to two amendments to Annex I of the MARPOL Convention, on the prevention of pollution by oil from ships, and come into effect on 1 January 2011. Firstly, for ship-to-ship (STS) transfer operations for cargo oil, the Regulations apply to oil tankers of 150 gross tonnage and above and require such ships to maintain an STS Operations Plan and to provide notification of planned and actual STS operations. Secondly, long-standing existing requirements are clarified to facilitate compliance by ships' crews for on board management of oil residue (sludge).

- Sea Pollution (Prevention of Oil Pollution) (Amendment) Regulations 2011[\[S.I. No. 365 of 2011\]](#)

These Regulations amend the Sea Pollution (Prevention of Oil Pollution) Regulations 2007 ([S.I. No. 788 of 2007](#)) on the prevention of oil pollution from ships.

The purpose of the Regulations is to lay down special requirements with regard to both use and carriage of heavy, and therefore highly polluting, oils for Irish ships while in the Antarctic area, south of latitude 60°S, a designated special area for oil pollution prevention.

Statutory Instrument(s) giving effect to Annex II of MARPOL

- Sea Pollution (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations 2008[\[S.I. No. 217 of 2008\]](#)

These Regulations apply to all Irish ships wherever they may be and to all other ships when they are in Irish waters.

These Regulations give effect to Annex II of MARPOL 73/78, which concerns the control of pollution by noxious liquid substances in bulk.

Noxious liquid substances are divided into four categories, X, Y, Z, and *Other Substances*, according to the severity of the hazard which they present to human health and the marine environment, Category X presenting the worst hazard and Category *Other Substances* the least. Under the Regulations, discharges into the sea of these substances or mixtures of them are prohibited except when the discharges are made under specified conditions. These conditions vary according to the degree of hazard posed to the marine environment. Discharges are prohibited in the Antarctic area.

The Regulations require ships to follow specified procedures when washing cargo tanks in accordance with the category of the substance. They also provide for adequate facilities at ports, terminals or repair ports for the reception of residues or mixtures of noxious liquid substances.

Under the Regulations, ships are required to be surveyed, to carry an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk, and to be maintained in accordance with that Certificate. Ships are also required to carry a Cargo Record Book in which to record operations involving cargoes of noxious liquid substances.

Statutory Instrument(s) giving effect to Annex III of MARPOL

- Sea Pollution (Harmful Substances in Packaged Form) Regulations 2009[\[S.I. No. 491 of 2009\]](#)

These Regulations apply to all Irish ships wherever they may be and to all other ships when they are in Irish waters.

These Regulations give effect to Annex III of MARPOL 73/78, which contains general requirements for the issuing of detailed standards on packing, marking, labelling, documentation, stowage, quantity limitations, exceptions and notifications for preventing pollution by harmful substances carried by sea in packaged form.

Statutory Instrument(s) giving effect to Annex IV of MARPOL

- Sea Pollution (Prevention of Pollution by Sewage from Ships) Regulations 2006[\[S.I. No. 269 of 2006\]](#)

The Regulations apply to all Irish ships, wherever they may be, and to all other ships when they are in the territorial seas and inland waters of the State.

The Regulations give effect to Annex IV of MARPOL 73/78, which prohibits and control the disposal of sewage into the sea in accordance with the type of sewage for disposal and the geographical location of the ship. They also provide for the availability of adequate facilities at ports and terminals for the reception of sewage.

- Sea Pollution (Prevention of Pollution by Sewage from Ships) (Amendment) Regulations 2008[\[S.I. No. 281 of 2008\]](#)

These Regulations further amend S.I. 269 of 2006 by providing for control of sewage originating from spaces on ships containing living animals and for inspection and control of non-Irish MARPOL 73/78 Annex IV ships in Irish ports, which do not have adequate sewage regulation facilities or practice.

- Sea Pollution (Prevention of Pollution by Sewage from Ships) (Amendment) (No.2) Regulations 2008[\[S.I. No. 372 of 2008\]](#)

These Regulations amend the Sea Pollution (Prevention of Pollution by Sewage from Ships) Regulations 2006 by providing that existing ships engaged in international voyages must comply, by 27 September, 2008, with the provisions of Annex IV of MARPOL 73/78.

- Sea Pollution (Prevention of Pollution by Sewage from Ships) (Amendment) Regulations 2012[\[S.I. No.492 of 2012\]](#)

These Regulations amend the Sea Pollution (Prevention of Pollution by Sewage from Ships) Regulations 2006 ([S.I. No. 269 of 2006](#)) on the prevention of pollution by sewage from ships. The broad purpose of these Regulations is:

- to provide for the establishment of special areas where more stringent criteria apply with regard to the discharge of sewage by passenger ships while in those areas;
- to oblige a harbour authority whose area of remit falls within a special area to provide adequate facilities for the reception of sewage from passenger ships; and
- to establish the Baltic Sea area as a special area with regard to the discharge of sewage from passenger ships.

Statutory Instrument(s) giving effect to Annex V of MARPOL

- Sea Pollution (Prevention of Pollution by Garbage from Ships) Regulations 2012 [\[S.I. No. 372 of 2012\]](#)

These Regulations give effect to Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL Convention), adopted by the International Maritime Organisation on 2 November, 1973 and as amended by its Protocol adopted on 17 February, 1978, and as further amended by the Marine Environment Protection Committee (MEPC) of the International Maritime Organisation.

These regulations revoke the Sea Pollution (Prevention of Pollution by Garbage from Ships) Regulations 1994 ([S.I. No. 45 of 1994](#)); the Sea Pollution (Prevention of Pollution by Garbage from Ships) (Amendment) Regulations 1997 ([S.I. No. 516 of 1997](#)); and the Sea Pollution (Prevention of Pollution by Garbage from Ships) (Amendment) Regulations 2006 ([S.I. No. 239 of 2006](#)).

The Regulations apply to all Irish ships wherever they may be and to all other ships when they are in the territorial seas and inland waters of the State.

The purpose of the Regulations is to prohibit and control the disposal of garbage into the sea in accordance with the type of garbage for disposal and the geographical location of the ship.

They also provide for the availability of adequate facilities at ports and terminals for the reception of garbage.

In addition the Regulations include requirements for certain ships to have Garbage Management Plans and to carry Garbage Record Books.

Statutory Instrument(s) giving effect to Annex VI of MARPOL

- Sea Pollution (Prevention of Air Pollution from Ships) Regulations 2010[\[S.I. No. 313 of 2010\]](#)

These Regulations give effect to the 2008 revision of Annex VI as added to the International Convention for the Prevention of Pollution from Ships (MARPOL Convention) by its Protocol adopted by the International Maritime Organization on 26 September 1997.

The Regulations, which apply to Irish ships everywhere and to other ships when they are in the inland waters and territorial seas of the State, control emissions from ships with a view to protecting human health and preventing air pollution.

The Regulations provide for improved specification of marine diesel engines in order to reduce the emission of nitrogen oxides; reduction of sulphur content of marine fuels in order to reduce sulphur oxide emissions; and a mechanism for the setting up of Emission Control Areas where shipping is particularly busy or where population may be concentrated near a maritime area, and in which higher standards of emission control are to apply. The Regulations also provide for improved regulation of ozone-depleting substances, volatile organic compounds, shipboard incineration of wastes and cargo residues, and port reception facilities.

Section 29 of the Sea Pollution Act 1991 provides for penalties for breaches of these Regulations.

- [Sea Pollution \(Prevention of Air Pollution from Ships\) \(Amendment\) Regulations 2011\[S.I. No. 383 of 2011\]](#)

These Regulations amend the Sea Pollution (Prevention of Air Pollution from Ships) Regulations 2010 (S.I. No. 313 of 2010) on the prevention of air pollution from ships.

The purpose of these Regulations is to provide for the insertion of the North American Emission Control Area in Regulations 12 and 13 of S.I. 313 of 2011, which deal with emissions of Nitrogen Oxides and Sulphur Oxides respectively.

- [Sea Pollution \(Prevention of Air Pollution from Ships\) \(Amendment\) \(No. 2\) Regulations 2011\[S.I. No. 596 of 2011\]](#)

These Regulations amend the Sea Pollution (Prevention of Air Pollution from Ships) Regulations 2010 (S.I. No. 313 of 2010) on the prevention of air pollution from ships.

The purpose of these Regulations is to provide for an amendment to paragraph 2.3 of the form of Supplement to the International Air Pollution Prevention Certificate.

- [Sea Pollution \(Prevention of Air Pollution from Ships\) \(Amendment\) Regulations 2013\[S.I. No. 35 of 2013\]](#)

These Regulations amend the Sea Pollution (Prevention of Air Pollution from Ships) Regulations 2010 (S.I. No.313 of 2010) on the prevention of air pollution from ships, the broad purpose of which was to give effect to MARPOL Annex VI in Irish law.

The broad purpose of these Regulations is to provide for amendments to MARPOL Annex VI including:

- the addition of a new chapter 4 to MARPOL Annex VI to make mandatory the Energy Efficiency Design Index (EEDI) for new applicable ships, and the Ship Energy Efficiency Management Plan (SEEMP) for all applicable ships;
- the provision of a format for the International Energy Efficiency Certificate (IEE Certificate) which is provided in the new Appendix VIII to MARPOL Annex VI; and
- the designation of certain waters adjacent to the coasts of Puerto Rico (United States) and the Virgin Islands (United States) as Emission Control Areas (ECA) under MARPOL Annex VI Regulation 13 concerning nitrogen oxides (NOX) and under MARPOL Annex VI Regulation 14 concerning sulphur oxides (SOX) and particulate matter.

Statutory Instruments giving effect to other relevant IMO legislation

- Sea Pollution (Control of Harmful Anti-fouling Systems on Ships) Regulations 2008 [S.I. No. 82 of 2008]

These Regulations give effect to the AFS Convention, which prohibits the use of harmful organotins in anti-fouling paints used on ships and establishes a mechanism to prevent the potential future use of other harmful substances in anti-fouling systems

Other relevant legislation

- Waste Management Act 1996 [No. 10 of 1996]

The Act provides for the prevention, management and control of waste, including the necessity for local authorities to produce waste management plans, the prevention, minimisation, recovery, collection, movement and disposal of hazardous waste, measures to reduce production and promote recovery of waste, and all aspects of licensing.

- Waste Management (Amendment) Act 2001 [No. 36 of 2001]

This Act was enacted on 17 July 2001 and its primary purpose is to provide a legal mechanism by which the first Regional Waste Management Plans could be made.

Section 4 of the Act provides that the making of a waste management plan will become an executive (management) function, a change from the Waste Management Act 1996, where the power was a reserved (elected member) function.

The Act also provides for a levy on the landfill of waste, at an initial rate of not more than €19 per tonne.

- Protection of the Environment Act 2003 [No. 27 of 2003]

This Act made a number of amendments to the Waste Management Act 1996, but in relation to the primary purpose of the 2001 Amendment Act (re waste management

plans), Section 26 provides that the review, variation or replacement of a waste management plan shall be an executive function.

These three waste management acts are the legislative basis for all waste management issues.

- [Diseases of Animals Act 1966\[No. 6 of 1966\]](#)

This Act consolidates with amendments the previous enactments relating to diseases of animals and also provides for certain other matters relating to animals.

- [Diseases of Animals \(Feeding and Use of Swill\) Order 1985\[S.I. No. 153 of 1985\]](#)

This Order provides for comprehensive control of swill as a protective measure against the introduction or spread of animal disease and to comply with certain provisions of EEC Directive 80/217 on the control of classical swine fever. It provides, in particular, for the registration of swill processing premises, for hygiene and construction standards in processing premises, the hygienic transport of swill and for the prohibition on feeding of unprocessed swill to animals and poultry.

- [Diseases of Animals \(Feeding and Use of Swill\) \(Amendment\) Order 1987 \[S.I. No. 133 of 1987\]](#)

This Order strengthened the existing Regulations controlling the movement and use of swill for feeding to livestock. It provided for a more precise definition of "swill" and made it an offence to possess swill if it was not required for legitimate purposes.

- [Diseases of Animals Act, 1966 \(Prohibition on the Use of Swill\) Order, 2001 \[S.I. No. 597 of 2001\]](#)

This Order prohibits the collection and feeding of swill to certain animals but permits the feeding of certain non-animal products and milk products to animals. It also revokes the Foot-and-Mouth Disease (Prohibition on the Use of Swill) Order, 2001 (S.I. No. 104 of 2001) and the Foot-and-Mouth Disease (Prohibition on the Use of Swill) (Amendment) Order, 2001 (S.I. No. 227 of 2001).

The effect of the legislation prohibiting the feeding and use of animal swill is to make the Department of Agriculture, Food & the Marine(DAFM) responsible for the issue of licences for the disposal of swill/food waste derived from catering waste from ships, etc. The feeding of such waste has always been prohibited. A licence is required to move such swill, and only a licensed operator may remove the swill. Licences are valid for one calendar year and copies are sent to the relevant Portal Veterinary Officer. Licences specify the name of the licensee, the harbour from where the swill is to be removed, and the conditions under which the swill must be removed and disposed of. Deep burial at Environmental Protection Agency-licensed landfill sites is the ONLY disposal route accepted by DAFM.

- Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption

This EC Regulation lays down public and animal health rules for the collection, transport, storage, handling, processing and use or disposal of Animal By-Products (ABP) to prevent these products presenting a risk to Animal or Public Health.

- European Communities (Transmissible Spongiform Encephalopathies and Animal By-Products) Regulations 2008[S.I. No. 252 of 2008]

This S.I. enforces EC Regulation 1774/2002 in Ireland.

- Diseases of Animals Act 1966 (Prohibition On the Use of Swill) (Amendment) Order 2009[S.I. No. 12 of 2009]

This Order amends Statutory Instrument No. 597/2001 by permitting the collection, assembly, processing and storage of swill at approved composting and biogas plants.

- Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation)

Regulation (EC) No. 1069/2009 supersedes Regulation (EC) No. 1774/2002 and lays down detailed rules for the handling, use and disposal of animal by-products and derived products, processing and transformation standards.

A draft statutory instrument enabling Regulation (EC) No. 1069/2009 is expected to go before the Minister for Agriculture, Food and the Marine for signing in order to give effect to this EC Regulation in Ireland.

- Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive

This Regulation sets out hygiene conditions and the format for documents which have to accompany consignments of animal by-products and derived products for the purposes of traceability.

European Communities (Waste Directive) Regulations 2011[S.I. No. 126 of 2011]

These Regulations provide for measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use and transpose Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain directives, referred to in these Regulations as the waste directive. The vast bulk of the waste directive is already

transposed by the [Waste Management Act 1996](#) and various regulations made thereunder and where required the Regulations amend the 1996 Waste Management Act, provide for stand-alone aspects not amenable for direct inclusion into the Act by way of specific amendments and also other consequential amendments to regulations affected by the transposition.

3. DEFINITION OF WASTES

These are set out in MARPOL 73/78 Regulations.

3.1 MARPOL ANNEXES

Annex I Oily Wastes (bilges, sludge, ballast, slops)

Annex II Noxious Liquid Substances Carried in Bulk (dirty ballast, slops, tank washings)

Annex III Pollution by Harmful Substances Carried by Sea in Packaged Form

Annex IV Sewage

Annex V Garbage

.... which includes - hazardous waste, food waste, glass, metal, plastics, paper/cardboard, wood, paint tins, batteries

Annex VI Prevention of Air Pollution from Ships

The categories normally under consideration at The Port of Bantry are Annexes I, II and V. Arrangements for disposal are made as required. Arrangements are also made on request in respect of Annex III waste which would be required very occasionally and, likewise, for discharge of sewage waste. Annex VI came into force internationally on the 19th May 2005.

SECTION I

4.THE PORT WASTE MANAGEMENT SYSTEM

4.1 INTRODUCTION

A system, as described in the following sections, has been put in place. The system takes account of the European Communities (Port Reception Facilities for Ship-Generated Waste and Cargo Residues) Regulations 2003.

The Harbour Master or his Deputy will be responsible for the implementation of the Port Waste Management Plan.

5. PROCEDURES FOR THE USE OF THE PORT WASTE RECEPTION FACILITIES AT THE PORT OF BANTRY

5.1 *Mandatory Provision*

The Port of Bantry has made available the following system of port reception facilities for ship-generated wastes. The Harbour Master is the person responsible for the implementation of this Plan.

5.2 *Mandatory Discharge*

All vessels **MUST** discharge ship-generated waste before leaving The Port of Bantry unless it can be demonstrated that storage space for such waste is sufficient. If retaining waste on board, a legitimate reason for not using the port reception facilities must be given. Failure to do so will result in detention in port until waste has been discharged.

In the latter case, if there is reason to believe that there is a risk of waste being discharged into the sea because adequate facilities are not available at the next port of call, or if that port of call is unknown, these will also be grounds for detention.

5.3 *Notification Requirement*

The following information is required from ALL vessels, except recreational craft authorised to carry 12 or fewer passengers or fishing vessels, prior to arrival:

- Name/call sign/IMO number
- Flag state
- ETA/ETD
- Previous/next port of call
- Last port and date when ship-generated waste was delivered
- Whether delivering all/some/none of ship-generated waste into facilities
- Type and amount of waste to be delivered/stored on-board plus maximum storage capacity
- The unit of measurement is cu m/kg

5.4 *Notification Mechanism*

The checklist is to be completed by the Master and submitted to The Port of Bantry via the ship's agent at least 24 hours prior to arrival. Transmission should preferably be by electronic means (e mail or fax). The Port of Bantry will retain ALL notification records for 3 years in order to comply with the audit requirements of S.I 117 of 2003. Failure to submit a checklist **MAY** result in delay in entry. It is to be noted that this will be called a **SCHEDULE 2 WASTE CHECKLIST** to avoid confusion with the convention that Schedule 2 checklist refers to hazardous cargo.

5.5 *Charging System*

The EU Directive says that each vessel must contribute 'significantly' to the cost of port waste reception facilities for ship-generated waste, without that cost providing a disincentive to use. This is reflected in the Statutory Instrument, as 'every port authority

shall ensure that the costs of waste reception facilities are covered by means of a due collection of a fee from ships.'

The cost of disposal is controlled by Cork County Council. Charging rates for garbage are as follows:

Garbage (excl. swill)	€240 per Tonne
Galley Waste (Swill)	€480 per Tonne
Asbestos, Batteries etc.	€480 per Tonne

Fees

The contractor levies the charge for the use of a reception facility direct through the agent.

Cargo Waste

There is no cargo waste generated as the Tarmac UK LTD facility is load out only and the Whiddy Oil terminal deals in Bulk Liquids only.

Exemptions

There is no regular traffic to the port and exemptions will not be required.

6. Type and Capacity of Facilities

6.1 Types:

Garbage (excluding swill)
Galley Waste (Swill)

Capacity:

As required.

6.2 Purpose

To provide facilities which are suitable for the types and amounts of waste, which should be received in port. There is no pre-treatment facility for the waste collected from vessels.

7. Location and Ease of Use

In the event that a ship requires reception facilities, the ship's agent will notify a licensed waste contractor, and also the Department of Agriculture, Food & the Marine. The contractor will collect from the vessel in accordance with the type, amount and ease of access to the jetty and it may be that waterborne collection will be used in the case of ordinarily "inaccessible" berths. It is also understood that all wrapping that has come into direct contact with foodstuffs (wrapping as opposed to packaging) will have to be designated "Special" and treated in the same way as foodstuffs. The Master will have a copy of the waste transfer documentation so that he can prove discharge before sailing, and at arrival at his next port of call. Individual arrangements are as follows:

- SPM system (1,500 meters offshore):
Waterborne (barge) collection is arranged, as required.
- Phillips 66 SCH jetty on Whiddy Island:
Ferry service is available to transport vehicles (up to max. of 30 tonnes) to, and from, the island. This would facilitate the removal of waste, if required, from the jetty.
- Tarmac UK LTD Leahill Quarry:
Not currently in operation.
- Anchorage in Glengarriff Bay but outside of Glengarriff Pier:
Waterborne (barge) collection is arranged, as required.
- Anchorage in Bantry Harbour but outside of Bantry Pier:
Waterborne (barge) collection is arranged, as required.

Ships which wish to discharge oily wastes

Such vessels will continue to make arrangements through their agents for such transfer and disposal of oily waste with specialist companies.

Bantry Bay Harbour Commissioners to receive copies of both method and charges paid in order to monitor the costs. Bantry Bay Harbour Commissioners also receive copies of receipts from the agents.

The system has been publicised through the agents and all parts of the waste management chain will have copies of this plan and an accompanying Contact Directory (with an amendment and update procedure). Copies are also available in the port offices. Any changes will be immediately notified to the commercial agents. The plan can also be accessed on the port web site, www.bantrybayport.com.

7.1 Records

The pre-notification form contains the details of each category of waste to be disposed of. This form will be kept for three years as a record of the actual use of the port reception facilities. All ships, except recreational craft authorised to carry 12 or fewer passengers or

fishing vessels, will be required to submit this form even where a vessel does not intend to discharge waste. The form will then act as a record of the total amount of waste disposed of in the port. The contractor will advise the port of the actual amount of waste removed from the port and disposed of at the landfill facility.

8. Giving effective information to users

8.1 Purpose

To ensure that all mariners are aware of the location, cost and procedures for using the facilities, and also of the consultation arrangements for future development of adequate facilities within the port.

8.2 System

The procedures outlined in this port waste management plan ideally work in conjunction with the individual ship-based garbage information management system required of each vessel in accordance with the criteria of the International Maritime Organisation (IMO). Each relevant vessel will be required to complete the pre-arrival notification form even when there is a nil return.

9. Duty of Care/Waste Transfer/Waste Disposal

9.1 System

Reception and storage are the key elements to the successful management of port waste reception facilities.

The use of a waste transfer system and a transparent audit trail of waste producers are deemed to counteract the likelihood of a breach of the Regulations.

Bantry Bay Harbour Commissioners is similarly committed to fostering good practice in the areas of compacting and recycling. As Bantry Bay Harbour Commissioners are aware that the opening hours of municipal landfill sites reflect the considerations of local residents, it proposes a transfer and disposal system, which obviates the need to apply for the hours of opening to be extended

10.0 Grievance Procedure

Complaints should be made immediately a problem arises through the agent to Bantry Bay Harbour Commissioners. Such complaints may be made verbally or in writing, but, if the latter, should be supported by written documentation at the earliest possible opportunity to facilitate resolution. If the grievance cannot be resolved using this procedure, the IMO form (see Annex 1) for reporting alleged inadequacy of port reception facilities should be completed and forwarded to the Marine Services Division of the Department of Transport, Tourism & Sport. SI Put in

11. Audit and Review

11.1 Purpose

To ensure that port waste management facilities are relevant and are up to date, and that plans are implemented effectively.

11.2 Compliance and Monitoring

Spot checks can be undertaken on vessels deemed unlikely to use facilities, and there will be an inspection of a fixed proportion of vessels (25%). Vessel logbooks of all waste generated during a voyage, plus disposal data, will form part of the inspection. Bantry Bay Harbour Commissioners will facilitate inspections by Department of Transport, Tourism & Sport surveyors but has no facilities/resources to carry out this activity independently.

11.3 Consultation

Representatives from Port Agents, Port Users and the Waste Contractors will be consulted on an annual basis in order to confirm the adequacy of the system.

CONTACT DIRECTORY

Regulators, Government Agencies, Companies, Shipping Agents.

Captain Paul O Regan
Harbour Master
Tel: 021 4273125
Mob: 086 2592719

Captain Patrick Murphy
Deputy Harbour Master
Tel: 021 4273125
Mob: 086 2556278

Captain Michael Murphy
Assistant Harbour Master
Tel: 027 53277
Mob: 087 9532777

Mr, Seamus Ryan,
Marine Services Division,
Irish Maritime Administration,
Department of Transport,
Leeson Lane,
Dublin 2

Tel: 01-6041223
Fax: 01-678 3488

Department of Agriculture, Food & the Marine,
Darrara,
Clonakilty,
Co Cork.
Tel: 023 8836200

Cork County Council,
County Hall,
Cork
Tel: 021 4276891

Phillips 66, Bantry Bay Terminals Ltd,
Reenrour,
Bantry,
Co Cork.
Tel: 027 50384

Tarmac Fleming Quarries Ltd, (Currently not in operation)
Leahill,
Adrigole,
Co Cork.
Tel: 027 60085

Shipping Agents:

BTA Ltd,
Wolfe Tone Square,
Bantry,
Co Cork
Tel: 027 54212
Tel: 087 2413781

Shipman,
Wolfe Tone Square,
Bantry,
Co Cork.
Tel: 027 50704
Tel: 086 2500474

C.S.S,
New Street,
Bantry,
Co Cork.
Tel: 027 52860
Tel: 087 6688449

Waste Contractors

**Bantry Skip
Hire,
Bantry,
Co Cork**
**Mob: 086 8241
751**
Tel: 027 55923

Healy Blue
Bins,
Skehard Road,
Blackrock,
Co Cork.
Tel: 021
4357444

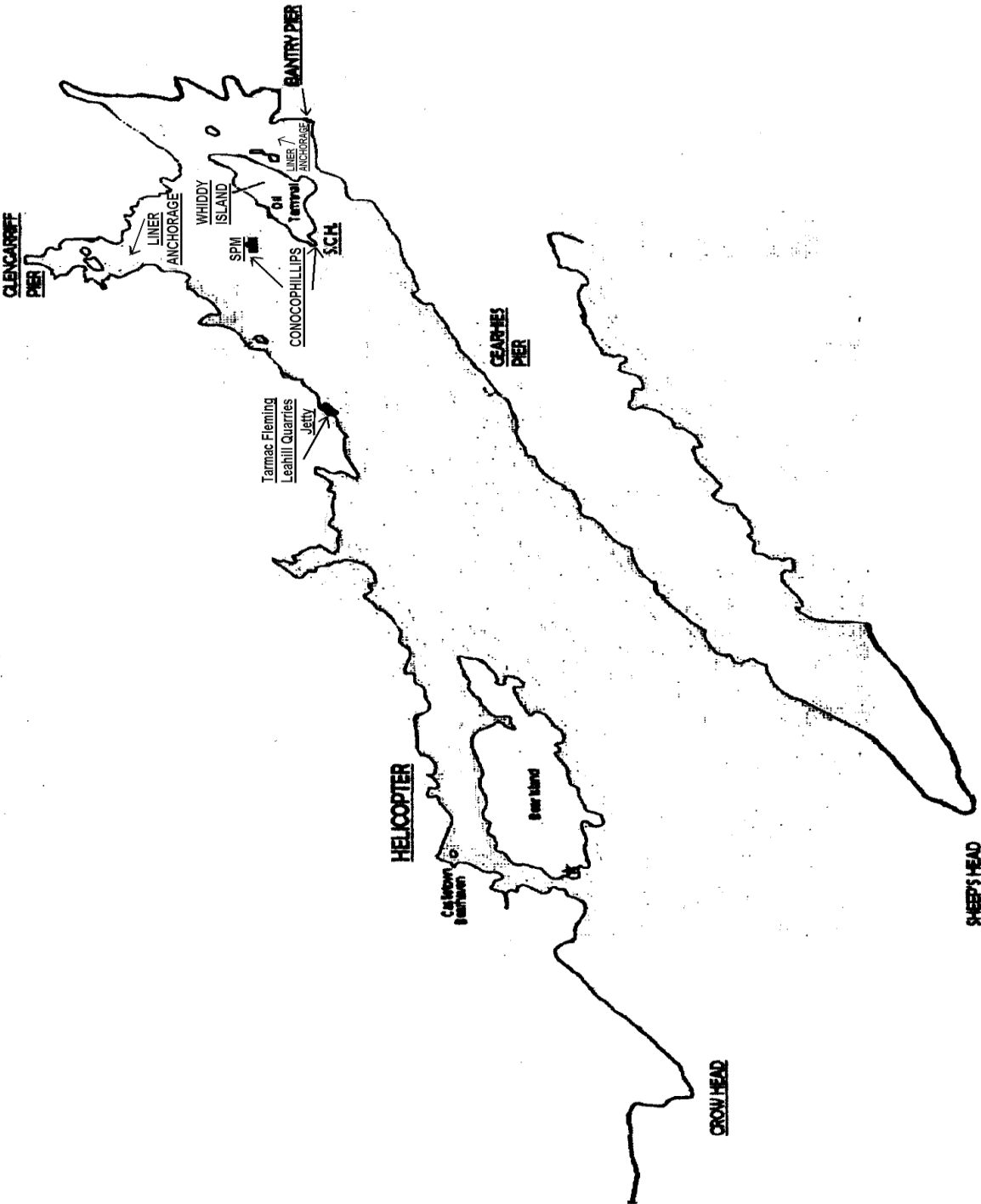
Atlas Oil,
Clonminam
Industrial
Estate,
Portlaoise,
Co Laois.
Tel: 1850
504504
Tel: 0502
74747

Lehane Environmental & Industrial
Services Ltd,
Farnanes,
Co Cork.
Tel: 012 7331202

**Onyx / Ipodec
Forge Hill,
Kinsale Road,
Co Cork.**

**Tel: 021
4328028**

Bantry Harbour Map



Form For Reporting Alleged Inadequacy of Port Reception Facilities for Garbage and Oil

1. Country

Name of port or area

.....

Location in the port (e.g. berth/terminal/jetty)

.....

Date of incident

.....

2. Type and amount of garbage for discharge to facility

(a) Total amount (m³)

food waste

.....

cargo-associated waste

.....

maintenance waste

.....

other

.....

....

(b) Amount not accepted by the facility:

food waste

.....

cargo-associated waste

.....

maintenance waste

.....

other

.....

.....

3. Special problems encountered (Tick as appropriate and give details):

Undue delay Yes/No. _____

Inconvenient location of facilities Yes/No. _____

Unreasonable charges for use of facilities Yes/No. _____

Use of facility not technically possible Yes/No. _____

Special national regulations Yes/No. _____

Other _____

4. Remarks: (e.g. information received from port authorities or operators of reception facilities, reasons given concerning 2(b) above)

5. Ship's particulars

Name of ship

Owner or operator

Distinctive number or letters

Port of registry

Number of persons on board

.....

.....
Date of completion of form.

.....
Signature of Master.