

**Vince Barber**

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**From:** Ronald Branch <rwbranch@earthlink.net>  
**Sent:** Friday, April 25, 2014 11:34 AM  
**To:** Vince Barber  
**Subject:** Re: [Lama-agents] LAMA Circular 02-13 MARPOL ANNEX V (GARBAGE) DISCHARGE REGULATIONS

## **LAMA**

**Louisiana Maritime Association**  
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Vince,

Your question is right on.

Here's my best answer.

I've provided the below definition of 'adequate facilities'.

The key items are:

"....without causing undue delay for the ships", and

"....do not provide mariners with a disincentive to use them".

So.... what are "disincentives"?

Surely extraordinary costs/expenses can be a 'disincentive' to use some reception facilities.

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MEPC 42 in 1998 agreed that, to achieve "adequate reception facilities", the port should have regard to the operational needs of users and provide reception facilities for the type and quantities of waste from ships normally using the port without causing undue delay for the ships.

MEPC 44 in 2000 adopted resolution MEPC.83(44) which stated that adequate facilities can be defined as those which:

- mariners use;
- fully meet the needs of the ships regularly using them;

- do not provide mariners with a disincentive to use them;
  - contribute to the improvement of the marine environment;
  - meet the needs of the ships normally using the port; and
  - allow for the ultimate disposal of ships' wastes to take place in an environmentally appropriate way.
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It's up to the Master to make the determination of whether or not reception facilities meet the needs of the vessel under the definition above. The Master should always adequately document all decisions regarding the discharge of substances regulated by MARPOL Annex V.

Ron

Sincerely,

*"Capt Ron"*

Ronald W. Branch, CAPT. USCG (Ret.)  
President  
Louisiana Maritime Association (LAMA)  
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On Apr 25, 2014, at 10:28 AM, Vince Barber <[vinceb@kcship.com](mailto:vinceb@kcship.com)> wrote:

Good morning, Capt Ron!

With respect to the below and attached, a question has arisen from one of our ship Captains:

If the ship is transiting within the "special" zone (ie: Galveston to Miss.River), does the Miss River qualify as an "adequate reception facility" since cargo hold washwater can be discharge there after obtaining a washwater permit?

In other words, if a ship is going to the Miss River from anywhere else inside the special zone – must she NOT discharge cargo hold washwater outside the 12 mile limit (also assuming the other 2 conditions are met) JUST BECAUSE it is feasible that discharging in the River (after testing) is available?

Depending on how extreme this might get pushed, the same situation could also be raised for other ports in the Gulf. Since frac tanks are rentable in Houston/Galveston (and drivable anywhere else!), would a ship be required to avoid the beyond 12-mile availability just because the shipowner has the option of spending tens of thousands of extra dollars hiring an extra layberth, pilots, tugs and linesmen to discharge cargo hold washwater into storage tanks?

The result of this answer will be quite significant basis delayed ship cleaning times in respect to tendering.

Kindly check and advise.

Best regards,  
Vince Barber  
K&C Shipping, Inc.

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**From:** lama-agents-bounces@osx1.vesselagents.org [mailto:lama-agents-bounces@osx1.vesselagents.org] **On Behalf Of** Ronald Branch  
**Sent:** Thursday, January 03, 2013 5:18 PM  
**To:** Ronald Branch  
**Subject:** [Lama-agents] LAMA Circular 02-13 MARPOL ANNEX V (GARBAGE) DISCHARGE REGULATIONS

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**Members,**

**As of January 1, 2013, stricter requirements are in effect which regulate the discharge of garbage in "Special Areas" as defined by MARPOL Annex V.**

**These requirements affect vessels operating in the Gulf of Mexico, which is part of the *Wider Caribbean Region* Special Area.**

**Basic Information:**

**The discharge of any garbage into the sea in '*special areas*' is prohibited, with the exceptions of certain types of food wastes and cargo residues under specific conditions.**

**Discharge of food wastes may be made if all of the following conditions are met:**

- The discharge of food wastes must be NOT LESS than 12 nautical miles from the nearest land or nearest ice shelf.
- Food wastes discharged in any '*special area*' must be comminuted or ground to the point that they are capable of passing through a screen with openings no greater than 25 mm.
- Food wastes discharged in the '*special area*' must not be contaminated by any other type of garbage.

**Discharge of cargo residues may be made if all of the following conditions are met:**

- Cargo residues, cleaning agents or additives may not include any substances classified as '*Harmful to the Marine Environment*' according to IMO guidelines.
- Both the 'port of departure' and 'next port of destination' must be within the '*special area*' and the vessel is not transiting outside the '*special area*' between ports.

There must be no adequate reception facilities at the port of destination.  
If all of these conditions (a, b, & c above) have been met and there is no other alternative available for unloading cargo residues, the discharge of cargo residues may be made NOT LESS than 12 nautical miles from the nearest land (or nearest ice shelf).

**For seas *outside* the 'special areas' the discharge of garbage is still prohibited, however the following exceptions apply:**

The discharge of comminuted or ground food wastes capable of passing through a screen with openings no greater than 25mm may be made no less than 3 nautical miles from the nearest land. Food wastes that do not meet this standard must be discharged no less than 12 nautical miles from the nearest land.

Cargo residues that do not contain substances classified as 'Harmful to the Marine Environment' according to IMO standards may be discharged not less than 12 nautical miles for the nearest land and only if there is no other alternative available.

**When garbage is mixed, then more stringent standards will apply.**

**Regulations governing the Garbage Management Plan and Garbage Record Book also are in effect.**

**While there are no new regulations in effect for Annex V Port Reception Facilities, the USCG anticipates an increase in the amount of waste discharged at these facilities. In accordance with the Certificate of Adequacy program, all waterfront facilities must be capable of receiving all garbage that a vessel master wants to offload.**

I've attached a LAMA Circular which provides amplifying information including the IMO Guidelines. (Please note the Circular is 58 pages long.)

If you have any questions please do not hesitate to contact myself or Christine Titus at Christine.Titus@louisianamaritime.org.

RWBranch

Capt Ron

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