

Sewage Water Regulations in Ukraine

A growing number of fines have reportedly been levied for sewage water infringements in the Ukraine after September 27, 2008 when Annex IV of MARPOL 73/78 entered into force for existing ships bringing extensive requirements for the handling of shipboard sewage. The Ukraine as a contracting state to MARPOL 73/78 Annex IV has national sewage regulation in effect at least as strict as those contained in MARPOL. This regulation lays down the following discharge conditions for sewage:

- within 4 nautical miles from land no discharge is allowed except from approved treatment plant certified by the flag state authority or authorized classification society
- between 4 and 12 nautical miles no discharge is allowed except from approved treatment plant or approved system for comminuting and disinfecting sewage certified by the flag state authority or authorized classification society

It is worth to emphasize that the valid International Sewage Pollution Prevention Certificate is a compulsory but not sufficient requirement for discharge sewage in above mentioned zones. Under Regulation the right of the final judgment whether effluent sewage water quality after treatment meets permissible pollutant concentration is given to an officer of the State Inspection for Protection of the Azov and Black Sea (SIPABS) who by virtue of discharging sewage tests should take this decision. All ships are therefore subject to sewage water inspection by SIPABS. Such final judgment authority given to a SIPABS's officer is a key challenge for a vessel equipped with the approved sewage treatment plant. Having relied on ship's certified sewage treatment plant the vessel keeps discharging her sewage within 12 nautical miles zone including when she lies alongside. In most cases SIPAB's officer visiting ships after berthing alleged ex-ante that the sewage treatment plant produced effluent sewage water exceeding the accepted standards. Often such alleged judgments did not confirm by any discharging sewage tests not to speak of those carried out in accordance with accepted procedure outlined in GUIDELINES ON IMPLEMENTATION OF EFFLUENT STANDARDS AND PERFORMANCE TESTS FOR SEWAGE TREATMENT PLANTS (IMO 592)

In such a situation SIPABS's consideration is easy and is to make a claim against the ship and to require it to be paid before ship's departure otherwise the ship is detained until the provision of bank guarantee as a financial security of their claim. No any Letter of undertaking is acceptable. Since issuance/provision of bank guarantee takes some days the potential losses from ship's detention will exceed as a rule the claim amount. Under the circumstance Shipowners agree to pay the claim without any contesting.

The same scenario is seen when the ship collects sewage into a non-approved by Flag Administration holding tank which does not meet the requirements of Reg.3 Annex IV i.e. when a holding tank has not a means to indicate visually the amount of its contents and when the ship is not equipped with a pipeline leading to the exterior convenient for the discharge of sewage to a reception facility.

In both situation SIPABS issues a "Resolution on imposing administrative fine" at approx. amount USD 150 which is followed by a pollution claim calculated on the basis USD 140 per one cubic meter of sewage water discharged from the ship (it is considered that 200 litres of sewage is a standard daily rate per one crewmember). The claim amount is considerably increased when a ship is bound to any Azov sea ports. The whole Azov Sea is considered as an internal sea of the Ukraine and 12 nautical miles territorial water should be measured from the Ukrainian Black sea shore. The situation is aggravated in the winter period when ships are waiting for ice convoy within 7 – 10 days staying on Kerch strait road within Ukrainian territorial waters. In such a situation the transit period including waiting time averages to 10 – 15 days in one end. For damage calculation SIPABS takes the round transit period and thus the punishable period for alleged sewage pollution can amount to 15 – 20 days.

Recommendations

When trading with the Ukraine, Members should be aware of the challenges they may face with sewage treatment. In order to minimize exposure to sewage pollution fines and penalties, we recommend that Members exercise extra caution:

- Sewage overboard discharge valves to be securely locked in the closed position when entering 12 nautical miles zone of the Black Sea
- above valve closing should be duly documented in the appropriate logs

- to use holding tank(s) which can store intended sewage output at the daily rate of 200 ltrs per crewmember
- the holding tank should have a pipeline in order to discharge sewage collected to a reception facility because such discharge to port reception facility is a mandatory pre-departure requirement

In event of any incident or SIPABS's **initial** notification of alleged violation of local sewage regulations the Master should immediately:

- inform Owners and the local Club's correspondent as soon as possible
- not to accept any liability
- any alleged sewage pollution claim should be protested by means of a statement of objections effected on the claim documents issued by SIPABS
- require in writing a joint sampling/test to be carried out

Members should not hesitate to contact the Club's correspondent should they find themselves in a similar situation in any Ukrainian port in order to discuss actions to be taken to protect the ship.

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