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Agenda item 10

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REVISION OF MARPOL ANNEX IV AND ASSOCIATED GUIDELINES

Proposal to avoid mandatory performance testing and indicative monitoring for existing STPs

Submitted by China, India, Japan, Liberia, United Arab Emirates, United States,
ICS, BIMCO and CLIA

SUMMARY

<i>Executive summary:</i>	This document proposes to avoid mandatory application of requirements for performance tests and indicative monitoring to existing sewage treatment plants.		
<i>Strategic direction, if applicable</i>	1		
Output	1.26		
<i>Action to be taken:</i>	Paragraph 16		
<i>Related document:</i>	PPR 10/12/3; PPR 11/INF.13, PPR 11/WP.6, PPR 11/18; resolutions MEPC.159(55) and MEPC.227(64)		

Background

1 The Sub-Committee, at its eleventh session, established the Working Group on Revision of MARPOL Annex IV and Associated Guidelines and instructed it to prepare a work plan with estimated timelines for completion of the output. The Sub-Committee, having considered part 1 of the report of the Working Group (PPR 11/WP.6), endorsed the Working Group's agreement on the method of work for this output and agreed to the Work Plan for the completion of the output, as set out in annex 9 to the Sub-Committee's report (PPR 11/18/Add.1), and agreed to keep it under review. (PPR 11/18, paragraphs 12.8 to 12.13).

2 According to the Work Plan set out in annex 9 to document PPR 11/18/Add.1, the Sub-Committee, at this session, planned to consider whether or not the requirements of performance tests and indicative monitoring should be applied to existing installations of sewage treatment plants (STPs). In addition, the Sub-Committee invited interested Member States and international organizations to submit relevant proposals on the application of the requirements of performance tests and indicative monitoring to existing installations to this session.

Discussion

Performance tests

3 The co-sponsors are of the opinion that application of performance tests to existing sewage treatment plants (STPs) should be avoided for the reasons explained below.

4 Existing STPs have been developed and approved based on resolutions MEPC.159(55) or MEPC.227(64), as required by MARPOL Annex IV, which simply require compliance with the standards at the time of type approval.

5 The co-sponsors believe that it is unreasonable to apply the new performance testing standards to existing STPs. Retroactive application of new performance testing standards to existing STPs could be an unfair measure because it will provide regulatory uncertainty for shipowners who installed the STPs in compliance with regulations at the time of installation.

6 To encourage the adoption of new technologies and practices, it is essential to protect first movers from future regulatory penalization. Introducing regulatory measures which create uncertainty for shipowners could stifle innovation and hinder progress, ultimately impacting overall environmental protection efforts.

7 Especially at the time of uptake of alternate fuels, introduction of regulations that could render existing systems installed on ships unusable before the end of their lifespan can have a significant impact on shipowners' decision-making processes. Early adopters may be discouraged from investing in environmentally-friendly technologies if there is a possibility that the systems installed on ships may be rendered unusable due to the development of new regulations.

8 It is important to provide regulatory certainty for the industry in order to make informed decisions and the co-sponsors believe that the provision in paragraph (6) of article 16 of the MARPOL Convention, which, in general, establishes a default presumption against the application of new requirements relating to the structure of a ship to existing ships, should be respected.

9 In addition, the co-sponsors would like to highlight that documents PPR 10/12/3 (India et al.) and PPR 11/INF.13 (Japan) pointed out that the quality of treated water discharged from STPs can be improved to a certain extent by maintaining STPs carefully following the instructions in the operation and maintenance manuals.

10 Taking into account the reasons explained in paragraphs 3 to 9, the co-sponsors are of the opinion that requiring a sewage management plan and a sewage record book to verify proper operation and maintenance for existing STPs is more appropriate than mandating performance tests as a means of verifying proper operation and maintenance for existing STP installations.

Indicative monitoring

11 The co-sponsors are also of the opinion that mandatory application of the requirement for indicative monitoring to existing STPs should be avoided for the reasons explained below.

12 Existing STPs have been designed and installed in accordance with the existing requirements in MARPOL Annex IV and not designed to enable monitoring the quality of treated sewage during operation in order to confirm whether the STPs are functioning properly. Therefore, it is appropriate to limit the scope of application of the requirement for indicative monitoring to new STPs that are designed for implementation of indicative monitoring.

13 In addition, additional installation of indicative monitoring devices will be difficult, depending on types of existing STPs and on the situation of piping for STPs.

14 Taking into account the issues mentioned above, for existing STPs, it is more appropriate to recommend indicative monitoring rather than mandating it.

Proposal

15 As mentioned in paragraphs 3 to 14, the co-sponsors propose to avoid mandatory application of requirements for performance tests and indicative monitoring to existing STPs.

Action requested to the Sub-Committee

16 The Sub-Committee is invited to consider the proposal in paragraph 15 and take action as appropriate.
