

## **CONDITIONS OF HULL CLEANING AUTHORISATION**

### **DEFINITIONS**

**Compiled by Burkard Watermann, LimnoMar**

1. "Authorised Entity" means the duly authorised person undertaking or co-ordinating underwater cleaning and maintenance of vessels within the port limits and whose services have been engaged by a duly Registered Vessel Agent.

2. "Hull cleaning" means any activity including niche areas, undertaken to maintain and clean an underwater part of a vessel, including a rig, whilst in port's waters ("wet activity").

3. "Niche areas" mean areas on a vessel that may be more susceptible to bio-fouling due to different hydrodynamic forces, susceptibility to coating system wear or damage, or being inadequate, or not painted, for example, sea chests, bow thrusters, propeller shafts, inlet gratings, dry-dock support strips, etc.

4. Hull cleaning is governed in terms of this authorisation and is subject to written permission of the Lower Water Authority granted on a vessel by vessel and per berth basis and in strict compliance and adherence to the permit conditions and any conditions imposed by other relevant authorities. The Authorised Entity may proceed with hull cleaning upon receipt of this authorisation.

5. Hull cleaning operations are only permitted in certain port areas for which permission is granted; these areas specifically exclude ecologically sensitive areas.

6. The terms of the "Hull Cleaning Conditions" is read in conjunction with the "Diving Licence Conditions"-:

6.1 No person may perform any hull cleaning unless he or she has obtained the requisite Diving Authorisation where diving operations are required.

6.2 Hull cleaning related diving activity must be applied for and approved by the involved authorities no later than 5 working days prior to such activity being undertaken in accordance with Anne

6.3 Applications must be lodged in the prescribed Diving Permit Authorisation office during working hours.

6.4 Should Hull Cleaning require diving operations the Diving Licence must form part of Hull Cleaning Application and must be lodged in terms of the prescribed requirements of the application.

6.5 Late applications for a Diving Permit authorisation for hull cleaning activity will not be considered if the application is lodged less than 5 days before the activity date.

7. Areas used for the activity will be designated by the Harbour Master, in his/her sole and unfettered discretion, in consultation with other relevant Authorities and Terminal Operators. The hull cleaning activity under this Authorisation shall only be carried out at a berth or berths expressly authorised in writing by the Harbour Master in terms of this Authorisation.

8. The Authorised Entity accepts that the Marine Services resource allocation shall follow the Port Berthing Policy for Passenger & Cargo working vessels as these vessels will receive priority. All costs related to the activity and any movement of vessel shall be for the account of the vessel.

9. In performing hull cleaning, the Authorised Entity must ensure that the main engine and any relevant auxiliary engines must be isolated and not be operated for the duration of the hull cleaning activity.

10. The Authorised Entity shall be responsible for any damages of whatsoever nature which result from pollution from its hull cleaning operations.



11. The Authorised Entity is limited to the use of equipment that is:

- a. the same technology as demonstrated when applying for the hull cleaning authorisation and permit,
- b. where the equipment efficacy is proven and approved by the Department of Environmental Affairs and is marked with a safe working load and or is capable of being recovered in case of remote failure;
- c. in good operating and maintenance condition in accordance with statutory standards and duly licenced by the appropriate regulatory body,
- d. operated by competent and adequately trained and certified staff.

12. The Authorised Entity shall:

- a. notify immediately all competent authorities on any incidents that result or could result and any environmental impact and any activity that may remotely affect the operations of the port.
- b. not undertake any modification of the authorised equipment, of whatsoever nature, unless approved in writing by all relevant Authorities and such approvals provided to the Harbour Master.

13. This Authorisation is granted on a non-exclusive basis. For the sake of absolute clarity it is recorded that applications received from other entities hull cleaning will be considered on merit and granted accordingly.

14. The hull cleaning activity under this Authorisation will cease with immediate effect upon receipt of a directive to do so from the Lower Water Authority or any other duly authorised entity.

15. The Authorised Entity may not act or purport to act on behalf of the Authority or to represent it in any way. The Authorised Entity is not the mandatory agent or employee of the Authority arising out of the issue of this Authorisation. The Authority shall not be liable, vicariously or otherwise, for the acts or omissions of the Authorised Entity.

16. The Authorised Entity acknowledges and agrees that the Authority may disclose any or all of the information provided by the Authorised Entity to law enforcement, government and regulatory agencies and the Authorised Entity releases and indemnifies the Authority from and against all losses, claims, damages, costs, liabilities, actions and causes of action arising out of or in any way connected with the disclosure or release of any information provided by the Authorised Entity to such bodies and/or the granting of this Authorisation. For the sake of absolute clarity no compensation of whatsoever nature or form will become payable to the Authorised Entity by the Ports Authority, SAMSA and the national Department of Environmental Affairs arising from this Authorisation.

#### **SAFETY, HEALTH, ENVIRONMENT AND EFFICIENCY**

17. The Authorised Entity shall ensure that the hull cleaning is performed diligently, safely and without deliberate or undue delay and that such hull cleaning is undertaken, planned, managed and conducted in a manner that it protects the environment, biodiversity including the water in the port and protects the health and safety of all persons.

18. The Authorised Entity shall ensure that any hull cleaning activity is undertaken in such a manner, and under such conditions, that it does not result in an 'adverse effect' to the coastal environment as is defined in the EU Water Frame Directive.

19. The Authorised Entity will submit an Environmental Management Plan covering all hull cleaning control measures, and must before the commencement of any hull cleaning activity, be submitted to the Authority upon request.

20. The Authorised Entity shall at its own cost appoint a competent, accredited, independent Environmental Practitioner or laboratory to have oversight of the hull cleaning activities. The independent Environmental Practitioner has the mandate to stop activities at any time should a statutory contravention occur, to undertake monitoring of activities performed under this Authorisation and report on such directly to the Authority, for the duration of this Authorisation, including but not limited to taking baseline readings of water quality in the vicinity of where the activities are being carried out and the ongoing monitoring of water quality conditions and sediment quality and consider the long term impacts related to the loss of debris (organic loading) during the cleaning process, and the continuous monitoring of alien species invasion arising out and any other parameters that the Lower Water Authority may specify from time to time during the undertaking of activities in terms of the Authorisation. The results of the monitoring must be submitted to the Lower Water Authority by the 7<sup>th</sup> day of every quarter from the commencement date of the authorisation.

21. The Authorised Entity shall submit the Vessel Biofouling Management Plan (as per IMO Resolution MEPC. 207(62)) for approval before the commencement of the hull cleaning activity. Risk assessment factors should include but not be limited to the following:

- biological risk of the biofouling organisms being removed from the ship (including viability of the biofouling organisms or the ability to capture biofouling material);
- factors that may influence biofouling accumulation, such as changes to the operating profile of the ship;
- geographical area that was the source of the biofouling on the ship, if known;
- collection degree in % of fouling present, and filtration degree in terms of mesh size (e.g. down to 50 µm)

22. The Authorised Entity shall only carry out hull cleaning on non-biocidal, non-toxic, durable underwater coatings that are suitable for in-water cleaning. Information on the suitability and ability of a coating to withstand in-water cleaning without damage and effects on service life, and on appropriate cleaning methods, should be obtained from the coating manufacturer. Cleaning on biocidal antifouling paints is generally prohibited.

23. The Authorised Entity must ensure that when in-water cleaning involves removal of macro-fouling of domestic or international origin, methods to ensure no release of biological material into the water must be used. In-water cleaning technologies should aim to, at least, capture debris greater than 50 micrometres ( $\mu\text{m}$ ) in diameter, which will minimise release of viable adult, juvenile and larval stages of macro-fouling organisms. Design specification shall meet the above mentioned requirement as a minimum. Independent confirmation of technology is required via relevant certification body

24. The Authorised entity shall demonstrate on the field that the equipment used meets the requirements as set out in Clause 23 above.

25. The Authorised Entity shall produce evidence of calibration and servicing of the equipment being used, and such records shall be submitted to the Authority post calibration or when requested by the Authority.

26. The Authorised Entity shall ensure that all plant and equipment used during the performance of hull cleaning activities, is removed from wharfs, quays, jetties and other work places in the Port without delay immediately after the hull cleaning activities are completed on a particular vessel, or within such extended time as the Authority may allow, on good cause shown.

27. The Authorised Entity shall have written safety, health and environmental management plans in place at all times and shall make these available to the Authority for inspection upon request.

28. The Authorised Entity shall facilitate inspections by the Harbour Master and the Authority of the equipment for the cleaning activities as well as the cleaning activity itself.

29. All records pertaining to the hull cleaning activity shall be submitted to the Lower Water Authority for record keeping.

30. Any injury on duty (IOD), or fatality to employees or third party, shall be reported to the Authority without delay and to any applicable statutory body within the required time-frame.

31. Any incidents or accidents arising out of the hull cleaning that may impact in any way on the environment, health or safety in the port shall be reported immediately to the Authority by the Authorised Entity.

#### **POLLUTION OF THE SEA**

32. In undertaking hull cleaning activities, the Authorised Entity must take all reasonable measures to ensure against the risk of released material or marine fouling debris into the marine environment.

33. The Authorised Entity must ensure that when in-water cleaning involves removal of macro-fouling of domestic or international origin, methods to ensure no release of biological material into the water must be used. The in- water cleaning technologies used by the Entity must capture all biological debris up to 50 micrometres ( $\mu\text{m}$ ) in diameter (size). No debris larger than 50 micrometres ( $\mu\text{m}$ ) in size may escape to the marine environment. This will minimise potential release of viable adult, juvenile and larval stages of macro-fouling organisms. See additionally above.

#### **WASTE MANAGEMENT**

34. All waste produced during the cleaning and maintenance of underwater vessel parts shall be treated as hazardous waste and disposed by licensed Waste Disposal Service Providers

35. All wastes shall be properly contained in sealed drums and stored in a designated area prior to collection for disposal.