

## SEPA Interim Position Statement – Decommissioning of Fishing Vessels

---

### Purpose

The purpose of this interim position statement is to set out the issues relating to the decommissioning of fishing vessels, specifically the following:

1. SEPA's duties with regards to the Waste Framework Directive.
2. The potential waste types arising from decommissioning.
3. The appropriate environmental permitting arrangements for decommissioning.
4. Regulatory position on the existing unlicensed decommissioning works.

### SEPA's Duties

Waste management activities taking place in Scotland on land or in the terrestrial sea require a licence under the Waste Framework Directive. A waste management licence is not required for projects taking place at sea under the scope of Part 2 of the Food and Environment Protection Act 1985. However, waste activities taking place on land do fall within SEPA's remit and are appropriately regulated under the Environmental Protection Act 1990, the Waste Management Licensing Regulations 1994 or the Pollution Prevention and Control (Scotland) Regulations 2000.

### Potential Waste Types

There is likely to be a variety of waste types arising from decommissioning and the combination of wastes may be different for each vessel depending on, for example, the age of the vessel or the date of the last re-fit. A summary list of potential wastes is provided.

<b>Indicative Waste Types</b>	<b>Regulatory / Technical issues</b>
Wooden hulls & wheelhouse/superstructure (painted - possible presence of TBT/TPT?);	TBT/TPT paint removed from vessel is non hazardous waste; removal of TBT/TPT requires PPC permit;
Steel hulls & wheelhouse/superstructure (painted - possible presence of TBT/TPT?);	TBT/TPT paint removed from vessel is non hazardous waste; removal of TBT/TPT requires PPC permit;
Engine and other machinery (e.g. winches) & fuel oils & lubricants;	Similar to vehicle dismantling issues in terms of pollution potential.
Cabling;	
Refrigerant foams lining the storage holds of the vessels;	-commercial waste - ODS requirements took effect in January 2001 - removal/storage and disposal of ozone depleting substances presents its own set of problems
Asbestos pipe lagging;	Hazardous waste
Radioactive components probably only on very old vessels with radium painted dials in instruments such as compasses	Radioactive waste
Marine Growth	Non hazardous biodegradable waste

Organotins, mainly tributyltin (TBT) but also triphenyltin (TPhT) compounds, have been widely used in the UK and worldwide as biocides in anti-fouling paints applied to small boats and commercial shipping, and in aquaculture (i.e. on fish farm nets).

It has been estimated that 70-80% of the 28,038 commercial ships in operation worldwide use paints containing TBT compounds (Champ, 2003).

In the UK it was realised that concentrations up to 2 µg/l of TBT recorded in coastal waters were high enough to cause harm to several marine species. Although the use of TBT has been restricted in recent years, SEPA continues to monitor concentrations of TBT in coastal waters and regulates activities which use TBT to prevent pollution.

### **Environmental Permitting Arrangements**

SEPA should be informed by the vessel owner of the proposed scrappage plan prior to moving a vessel to where it is to be scrapped. The site of the proposed scrapping must have the appropriate SEPA licence. The type of licence will be site specific and some guidance on the appropriate regime is provided.

SEPA reserves its discretion to depart from the position outlined in this statement and to take appropriate action to avoid any risk of pollution or harm to human health or the environment.

### ***Waste Management Licensing***

SEPA advises that any person or establishment undertaking decommissioning activities will very likely require a waste management licence.

It may be possible to undertake decommissioning under an exemption from Waste Management Licensing - Paragraph 21 (wooden vessels) or Paragraph 45 (metal vessels) - where those boats have already been depolluted. However it is very unlikely that vessels will have been completely depolluted prior to being brought ashore.

In some specific circumstances a PPC Permit may be required (see below).

### ***Pollution Prevention and Control Permits***

Where decommissioning includes removal of TBT coatings a PPC Permit is required.

Within Scotland there are 5 PPC permitted installations which are accustomed to repairing fishing vessels and other similar vessels. They are all permitted to remove TBT coating from the hull and have the infrastructure to prevent its release into the marine environment. All permits have been designed to cover other work on the vessels such as engine maintenance/replacement, vessel renovation and repainting. These activities are directly associated and the permit regulates all vessel work at the installation. Therefore they control aqueous discharges and their containment, and associated waste management issues.

The 5 permitted yards under section 6.4A(c) are:

1. Buckie Harbour
2. Fraserburgh Harbour
3. Peterhead Harbour
4. Forth Estuary Engineering at Leith
5. Dales Marine in Aberdeen
6. Dales Marine in Leith

The Babcock facility at Rosyth is also permitted under the same section.

The facilities at Buckie, Fraserburgh and Peterhead all have associated ship lifts and the permits are all similar.

The permits will require variation to allow this decommissioning work to take place. Applications for a minor variation are appropriate in this case as much of the decommissioning work will be similar, albeit on a greater scale, to current boat repair work. Work has been initiated to develop the actual variations required so that applications can be determined with the minimum of time.

### ***Transfrontier Shipment***

Vessels may be shipped to other countries for decommissioning. If these arise as waste within the UK they will fall with Council Regulation EC/1013/2006 regarding the transfrontier shipment of waste. Given the range of hazardous materials found in end-of-life vessels, it is likely that they would be classified as hazardous. In practice, this means that they may only be exported to OECD countries<sup>1</sup>. This movement will be subject to notification controls and consent must be obtained from competent authorities prior to export.

Where notification controls apply, the requirements related to transfrontier shipment of waste are complex. However, to summarize these requirements:

- Notification documents must be completed with details about the vessel to be moved, how it will be moved and about the proposed recovery operation and facility. These are available from SEPA.
- The completed notification documents and all required supporting information, including the relevant fee, must be submitted to SEPA. We then have 30 days to either agree to the notification (with or without conditions) or object to it. Before proceeding with the export, the notifier must ensure all necessary permissions (consents) are in place from SEPA, the competent authorities of destination and (if applicable) transit and that a financial guarantee is in place.

The supporting information referred to in 2 above includes a contract between the notifier, e.g. the owner of the vessel or an agent acting on their behalf, and the company who will recycle it and insurance to provide cover for any liabilities if the shipment causes harm to third parties.

A financial guarantee must be in place before the vessel moves. This must be enough to cover the cost of dealing with the waste if anything should go wrong, including costs of returning it to the UK for treatment.

---

<sup>1</sup> A list of countries within the OECD is available on the OECD website:  
<http://www2.oecd.org/waste/Countries.asp?q=1>

Please contact the TFS team<sup>2</sup> for further information and assistance at the earliest opportunity if vessels are to be exported for recovery.

### ***Special Waste Regulations***

The decommissioning facility is required to raise a special waste consignment note 'SWCN' for each movement of special waste from the premises. The special waste consignment note can cover multiple waste streams if they are moved together by the same contractor on the same vehicle. Where the same waste types are repeatedly moved to the same site the succession procedure applies. This would avoid the requirement to prenotify SEPA 72 hours before the planned movement.

SWCNs are available from all SEPA offices during normal working hours and cost £15, i.e. it costs £15 per consigned load. The decommissioning facility, as the producer of the special waste, is normally required to obtain SWCNs although sometimes the waste carrier and/or the operator of the ELV treatment facility can provide SWCNs as part of the service. Full details about consigning special waste arising in Scotland can found at -

[http://www.sepa.org.uk/waste/waste\\_regulation/special\\_waste.aspx](http://www.sepa.org.uk/waste/waste_regulation/special_waste.aspx)

### **Regulatory Position on Unlicensed Decommissioning**

Fishing vessels identified for decommissioning should be directed to facilities which have applied for a variation to their PPC permit or have applied for a WML. This will be done through the agreement of the notified decommissioning plan.

Unlicensed facilities currently decommissioning must apply for a WML or PPC Permit and have the necessary infrastructure to contain any polluting substances in order that decommissioning works may take place.

Decommissioning facilities operating without a Licence or Permit will be dealt with in line with SEPA's enforcement policy.

---

<sup>2</sup> Further details on transfrontier shipment of waste are available on our website:  
[http://www.sepa.org.uk/waste/waste\\_regulation/transfrontier\\_shipment.aspx](http://www.sepa.org.uk/waste/waste_regulation/transfrontier_shipment.aspx)