

Grey water discharge and pollution fines in Turkey

Introduction

Gard has seen a number of fines having been levied due to grey water pollution in Turkey. The Turkish Authorities have imposed fines for polluting the sea with grey water inter alia while vessels were entering the port. Calculation of the fines is based on vessels' gross tonnage and bears no relation to the extent of the pollution or any alleged environmental damage. A small spill of grey water can result in a large fine. The purpose of this circular is to remind members and clients that discharge of grey and/or galley water is considered pollution by Turkish Authorities.



Applicable regulations and interpretation

According to local port regulations, copies of which are normally provided to the vessel's Master, discharge of *engine bilge* or *oil waste* and *garbage* into sea is strictly prohibited. The penalties charged by Turkish authorities due to air or environment pollution are severe. The minimum fine is established by the country's annual "Budget Law" beginning at 1 January each year.

As grey water is not specifically mentioned in local port regulations (which contravenes US EPA VGP regulations), the Master may wrongfully believe that such discharges is permitted. Gard Rule 47.c covers pollution fines arising as a result of the 'accidental escape'. As long as grey water is discharged willingly and not accidentally to sea Member's cover is prejudiced.

According to Turkish Environmental Law it is prohibited to release directly or indirectly *any kind of waste* or leftovers into the environment. The Turkish Environmental law seems to have given 'any kind of waste' a very broad meaning and thus includes grey water as a pollutant. Where there is possibility of pollution, any authorised personnel are obliged to prevent the pollution and the individuals causing the pollution are obliged to take the necessary precautions to minimise any effect thereof.

The Turkish Authorities regard any kind of waste as a pollutant. Further article 181/182 of the new Turkish Criminal Code No.5237¹ provides for imprisonment for intentional or negligent pollution of the environment.

Examples of recent cases

In a recent Gard case, Turkish Authorities imposed a large fine due to pollution by grey water (galley water) discharged into the sea while the ship was at berth. The port authority inspectors most likely became aware of the discharge and took samples whilst the dirty water was being discharged overboard from cabins' bathrooms.

¹ Entry into force in the second half of 2009.

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Another case involved a vessel leaving berth in a Turkish port for the anchorage area. Whilst the crew was washing the compass deck and bridge wing with a fire hose, the port authority inspector came alongside the vessel and took some samples of the sea water on both the starboard and port side scuppers of the vessel. The result was that the ship was fined due to dirty water (oil, dust residues and some foreign materials) on deck leaking into the sea.

Recommendations

Shipowners should familiarise themselves with local regulations. Even though all MARPOL regulations are met, the local regulations may be stricter and members and clients must comply with all local regulations. P&I cover for pollution fines responds only to the accidental escape of a pollutant from the ship, and not in instances of operational discharge due to misinterpretation of local rules. It should also always be borne in mind that the discharge of any kind of water is prohibited except cooling water in all Turkish ports.

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