



SEP 04 2018

PPA ADMINISTRATIVE ORDER
NO. 08 - 2018



TO ALL PORT MANAGERS
PRIVATE PORT OWNERS/OPERATORS
PORT TERMINAL OPERATORS
CARGO HANDLING OPERATORS
SHIPPING COMPANIES/AGENTS
OTHERS CONCERNED

SUBJECT INTERIM GUIDELINES ON THE ISSUANCE OF PERMIT TO OPERATE (PTO)
FOR "SHORE RECEPTION FACILITIES (SRF) / WASTE DISPOSAL SERVICE
PROVIDER"

1 AUTHORITY

- 1.1 Presidential Decree No 857, as amended
- 1.2 PPA Board Resolution No 2736 adopted on August 20, 2018
- 1.3 PPA Administrative Order No 16-95 entitled "Rules and Regulations on the Prevention/Control of Oil, Garbage and Sewage Waste Thru the Use of Reception Facilities/Collection of Vessels Refuse"
- 1.4 PPA Administrative Order No 08-1996 entitled "Regulations for the Registration and/or Grant of Permits for the Operation of Ancillary Services in the Ports"
- 1.5 PPA Administrative Order No 02-2003 entitled "Implementing Guidelines on MARPOL 73/78 Requirement for Shore Reception Facilities (SRF)"
- 1.6 PPA Administrative Order No 07-2015 entitled "Guidelines on the Implementation of the PPA Orange Book on Safety, Health, Environmental Management and Handling of Dangerous Goods in Ports"
- 1.7 PPA Administrative Order No 05-2018 entitled "The Port Environmental Policy"
- 1.8 International Convention for the Prevention of Pollution from Ships (MARPOL 73/78)
- 1.9 PPA Administrative Order No 03-2016 entitled "Port Terminal Management Regulatory Framework (PTMRF)"
- 1.10 Supreme Court Decision (G R Nos 171947-48) Ordering Mandamus Agencies to Clean Up, Rehabilitate, and Preserve Manila Bay

2. SCOPE

These interim Guidelines shall apply to service providers for SRF/waste disposal in government and private ports within the jurisdiction of the Philippine Ports Authority (PPA), pending the implementation of the PTMRF

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3. PURPOSE

To ensure continuity of providing SRF/waste disposal service in ports under the jurisdiction of the PPA

4. DEFINITION OF TERM

Shore Reception Facility – A physical system ashore or afloat used for receiving discharges of oil refuse and other types of waste

5. GUIDELINES

5.1 Issuance of a PTO to a Service Provider

5 1 1 For Government Ports

The relevant Port Management Office (PMO) of the PPA shall issue a Permit to Operate (PTO) to the permittee hereunder to provide, equip, and operate shore reception facilities for the regular collection, treatment and disposal of waste/refuse from vessels calling at each port

The PTO shall be granted to the Terminal Operator or the Cargo Handling Operator having a valid contract or holdover authority granted by the PPA for a particular port, provided, said operator shall meet the qualifications required herein, provided, further, that said PTO shall be for a limited period not exceeding one (1) year from date of issuance thereof but in no case extend beyond the remaining period of the Terminal Operator's or Cargo Handler's operating contract or Holdover Authority

If the Terminal Operator or the Cargo Handling Operator is not qualified or equipped to provide the SRF/waste disposal service, then said Terminal Operator or Cargo Handling operator may nominate such other qualified firms/entities to render such SRF/waste disposal service in which case the PTO shall be issued jointly in the name of the Terminal Operator or Cargo Handling Operator and the nominated SRF service provider

5 1 2 For Private Ports

Registered private ports shall be primarily responsible for providing SRF/waste disposal service whether on their own or by contracting a qualified third-party service provider. If the private port would engage the services of a qualified third party service provider, said third party SRF service provider shall apply for a PTO with the PMO concerned in which case the PTO shall be issued jointly in the name of the registered private port operator and the qualified third party SRF service provider

5.1.3 For Anchorage Operations

The SRF/waste disposal service provider for anchorage operations shall be the Terminal Operator or duly authorized cargo handling operator who handles the cargoes of the vessel, and holder of a valid PTO issued by the PMO concerned

5.2 Qualifications of SRF/Waste Disposal Service Provider

Proponents seeking to undertake the provision of shore reception facilities for the collection, treatment and disposal of waste/refuse from vessels should possess and/or comply with the following

- 5.2.1** Must be a duly qualified Terminal Operator or Cargo Handling Operator or SRF service provider with a valid PTO issued by PPA, provided that in the case of the SRF service provider, the same must have at least one (1) year relevant experience in waste handling and disposal,
- 5.2.2** Must be compliant with all requirements of DENR to render the SRF service,
- 5.2.3** Must have a safe and efficient Waste Management System and Plan in accordance with the standards, rules and regulations set by PPA,
- 5.2.4** Principal officers must have no pending case against PPA and must have no outstanding criminal record, and
- 5.2.5** Must have the necessary equipment for the purpose

5.3 Rates Chargeable by the Service Provider

For services rendered by the SRF service provider at PPA ports, the rates applicable shall be those established/prescribed by the PPA as may be existing from time to time

For services rendered in private ports, applicable rates may be agreed upon by the parties, provided the said rates are submitted to PPA for approval prior to adoption

5.4 Government Share

The SRF/waste disposal Service Provider at PPA ports and private commercial ports shall remit to the Authority, through the PMO concerned, a monthly government share equivalent to ten percent (10%) of the gross income derived from SRF/waste disposal service during the immediately preceding month. For this purpose, the service provider shall submit to the PMO having jurisdiction over its operations a monthly revenue and operational report which shall contain, among others, ships serviced and fees charged therefor

5.5 Responsibility of the PMO

The following responsibilities are delegated or assigned to the PMO

- 5.5.1** Approve/deny applications for PTO SRF/waste disposal service in accordance with this Administrative Order,

5.5.2 Supervise the operations of SRF/waste disposal service providers and enforce the terms and conditions of the permit and initiate necessary corrective measures as may be deemed appropriate, including the enforcement of regulations applicable to such service, in coordination with other relevant law enforcement agencies,

5.5.3 Directly undertake projects involving the provision of SRF/waste disposal service in case of lack of private sector interest, viz

5.5.3.1 The project capitalization is relatively substantial which cannot be provided in due time by the private sector,

5.5.3.2 Direct operation or use of facility and equipment is vital to ensure continuity of service and is necessary in the interest of environmental protection, security and public safety, and

5.5.3.3 The service needs to be provided due to failure of the Terminal Operator or the Cargo Handling Operator to provide the service, or the absence or unavailability of other service providers in the locality, or due to its urgency to meet strong public demand

5.6 Grounds for Revocation/Cancellation of a Permit to Operate (PTO)

The PTO granted herein may be revoked at any time based on the following grounds

5.6.1 Violation by the SRF service provider, its officials and employees of the provisions of PD 857, as amended, and rules and regulations promulgated pursuant thereto, including the requirements stipulated in the permit to operate SRF/waste disposal service,

5.6.2 Engaging in activities other than those authorized by these regulations,

5.6.3 Failure to pay the required fees/government share which have become due and which have not been paid for more than three (3) months,

5.6.4 Failure to maintain efficient and effective service,

5.6.5 Misrepresentation of facts or falsification of documents in the original application and supporting documents,

5.6.6 Using the PTO to engage in nefarious, illegal, immoral and other similar activities or to conceal the said illicit activities

5.7 Withdrawal from Business or Suspension of Operation

Whenever an SRF operator decides to stop or suspend its operations inside the port, written notice thereof shall be sent to the Port Manager concerned at least 48 hours before the cessation of his operations

Withdrawal/suspension from business operations shall result in the automatic cancellation of the permit to operate

The effect of such withdrawal or suspension of operations by the operator shall in each particular instance be determined by the Port Manager, taking into account the reasons thereof and the need for continuity of such service in the port

5.8 Penalties

Any person violating the provisions of this Administrative Order or any of the rules and regulations promulgated pursuant thereto, including the terms and conditions stipulated in the PTO under this service, shall be subject to the administrative fines and penalties under Section 43 of PD 857, as amended by Executive Order no 513 and its implementing regulations. This is without prejudice to liabilities under international conventions, general Laws under the Civil Code of the Philippines and relevant Special Laws

6. FINAL PROVISIONS

6.1 Repealing Clause – All PPA orders, rules and regulations or issuances inconsistent herewith are hereby deemed modified, amended or otherwise revised accordingly

6.2 This Order shall take effect immediately upon publication in any newspaper of general circulation


JAY DANIEL R SANTIAGO
General Manager

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