

PREVENTION OF POLLUTION OF THE SEA ACT

(CHAPTER 243, SECTION 34)

PREVENTION OF POLLUTION OF THE SEA (OIL POLLUTION PREPAREDNESS, RESPONSE AND CO-OPERATION) REGULATIONS

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[10th June 1999]

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Citation

1. These Regulations may be cited as the Prevention of Pollution of the Sea (Oil Pollution Preparedness, Response and Co-operation) Regulations.

Definitions

2. In these Regulations, unless the context otherwise requires —

"GT" means gross tonnage;

"Marine Emergency Action Procedure" means the national plan for pollution emergencies prepared by the Authority;

"offshore installation" means any fixed or floating offshore installation or structure engaged in gas or oil exploration or production activities, or loading or unloading of oil;

"oil handling facility" means any facility which presents a risk of an oil pollution incident and includes an oil terminal, pipeline, shipyard and cargo terminal, but does not include an offshore installation;

"oil pollution emergency plan" means a contingency plan (other than the Marine Emergency Action Procedure) setting out arrangements for responding to incidents which cause or may cause marine pollution by oil, with a view to preventing such pollution or reducing or minimising its effect;

"oil pollution incident" means an occurrence or series of occurrences having the same origin, which results or may result in a discharge of oil and which poses or may pose a threat to the marine environment, or to the coastline or related interests of Singapore, and which requires emergency action or other immediate response;

"operator" , in relation to an oil handling facility or an offshore installation, means a person having, for the time being, the management of such facility or installation in Singapore;

"owner" , in relation to a tug boat, includes any person who —

(a) is the joint or part owner of a tug boat;

(b) has possession or control of a tug boat which is subject to the terms of a hire-purchase agreement, bill of sale or other similar instrument; or

(c) has possession or control of a tug boat under the terms of a charter agreement,

but does not include any person who is the owner of a tug boat which is subject to the terms of a hire-purchase agreement, bill of sale or other similar instrument if that person is not entitled to possession of the tug boat;

"tug boat" means a tug boat licensed under the provisions of the Maritime and Port Authority of Singapore (Harbour Craft) Regulations (Rg 3) and which is constructed of steel and has an engine power of 750 kilowatts or more.

PART I

DISPERSANTS AND EQUIPMENT

Application of this Part

3.—(1) This Part shall apply to —

- (a) the operators of oil handling facilities or offshore installations who have not been exempted under paragraph (2); and
- (b) the owners of tug boats.

(2) The Port Master may by notice exempt the operator of any oil handling facility or offshore installation from the provisions of this Part.

Dispersants

4.—(1) The operator of an oil handling facility or offshore installation shall at all times keep a stock of not less than 10,000 litres of readily usable dispersants which comply with the specifications set out in the First Schedule.

(2) The operator shall keep the dispersants at the facility or installation in such a manner as to be readily accessible to the operator and the Authority.

(3) The owner of a tug boat shall at all times keep a stock of not less than 400 litres of readily usable dispersants which comply with the specifications set out in the First Schedule.

(4) The owner shall keep the dispersants on board the tug boat in such a manner as to be readily accessible to the owner and the Authority.

(5) The operator or owner shall, when so required by the Authority, submit samples of dispersants kept under this regulation for testing and certification.

(6) All costs incurred in connection with the testing and certification of dispersants shall be borne by the operator or owner, as the case may be.

(7) No person shall use any dispersant which does not comply with the specifications set out in the First Schedule for the purpose of eliminating or reducing any oil pollution.

Equipment

5.—(1) The operator of an oil handling facility or offshore installation shall at all times maintain at the facility or installation the items of equipment specified in the Second Schedule.

(2) The owner of a tug boat shall at all times maintain on board the tug boat the items of equipment specified in the Third Schedule.

Assistance to Authority

6.—(1) In the event of an oil pollution incident, the operator of an oil handling facility or offshore installation shall, upon the request of the Authority, provide to the Authority the dispersants and equipment kept under regulations 4 (1) and 5 (1), respectively.

(2) In the event of an oil pollution incident, the owner of a tug boat shall, upon the request of the Authority, provide to the Authority, the dispersants and equipment kept under regulations 4 (3) and 5 (2), respectively.

(3) The operator or owner shall render such assistance and services as may be required by the Authority for eliminating or reducing the oil pollution.

(4) The Authority shall reimburse the operator or owner such amounts and on such terms as the Authority and the operator or owner (as the case may be) may have agreed or may agree from time to time for the dispersants, equipment and services provided.

(5) If the Authority and the operator or owner are unable to agree on the amounts or the terms, the matter shall be referred to the Minister whose decision shall be final, and the Authority shall reimburse the operator or owner in accordance with the decision.

PART II

OIL POLLUTION EMERGENCY PLANS AND REPORTING OF OIL POLLUTION INCIDENTS

Application of this Part

7. This Part shall apply to —

- (a) oil terminals, offering berths alongside, on buoys or at anchor, to ships;
- (b) shipyards and cargo terminals, offering berths alongside, on buoys or at anchor, to ships of over 400 GT or oil tankers of over 150 GT, and carrying out oil transfers from ship to ship or oil transfers within a ship;
- (c) any oil handling facility or offshore installation, in respect of which the Port Master has served the operator with a notice stating that he is of the opinion that maritime activities are undertaken at that facility or installation which involve a significant risk of discharge of oil; and
- (d) any oil handling facility or offshore installation in respect of which the Port Master has served the operator with a notice stating that he is of the opinion that it is located in an area of significant environmental sensitivity, or in an area where a discharge of oil or other substances could cause significant economic damage.

Oil pollution emergency plans

8.—(1) Every —

- (a) operator of an oil handling facility; and
- (b) operator of an offshore installation,

shall have an oil pollution emergency plan in accordance with this regulation.

(2) There shall be a separate oil pollution emergency plan for each oil handling facility and offshore installation except that there may be joint oil pollution emergency plans in respect of offshore installations and oil handling facilities which are pipelines associated with that installation or facility.

(3) In preparing an oil pollution emergency plan, an operator shall take into account any guidance given by the Authority.

(4) An operator shall submit an oil pollution emergency plan in respect of his oil handling facility or offshore installation, as the case may be, to the Authority for approval.

(5) Where, after the commencement of these Regulations —

- (a) an oil handling facility comes into being; or
- (b) in respect of an offshore installation, oil drilling or oil production activities are commenced on the site,

the operator of the facility or installation shall submit an oil pollution emergency plan in respect of the facility or installation to the Authority for approval at least 2 months before —

- (i) the facility comes into being; or
- (ii) the activities are commenced,

as the case may be.

(6) Subject to paragraph (7), every operator shall fully review his oil pollution emergency plan no later

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than 5 years after the submission of the plan in accordance with paragraph (4) or (5), as the case may be, and re-submit within that period an oil pollution emergency plan to the Authority for approval.

(7) Where any change occurs which affects or is likely to affect the validity or effectiveness of an oil pollution emergency plan to a material extent, the operator in question shall submit a new oil pollution emergency plan, or amendments to the existing oil pollution emergency plan, within 3 months of such change becoming known to the operator, to the Authority for approval.

(8) Where the Authority considers that any oil pollution emergency plan, or amendment thereto, submitted under paragraph (4), (5), (6) or (7) is —

- (a) not compatible with the Marine Emergency Action Procedure for the time being in force; or
- (b) not appropriate for dealing with oil pollution incidents which may occur in the area in which the operator exercises responsibility,

the Authority may, after consultation with the operator, direct that the oil pollution emergency plan be altered in such a manner as the Authority considers appropriate, and the operator shall alter the oil pollution emergency plan in accordance with such direction.

(9) Every operator shall implement the oil pollution emergency plan as approved or altered under this regulation in the event of an oil pollution incident.

Reporting of incidents

9.—(1) The master of a Singapore ship, whether in Singapore waters or elsewhere, who observes or otherwise becomes aware of any event involving a discharge of oil into the sea from another ship or from an offshore installation, shall report it without delay —

- (a) if the ship is in Singapore waters, to the Authority; and
- (b) if the ship is elsewhere, to the nearest coastal state.

(2) A person having charge of any oil handling facility or offshore installation who observes or otherwise becomes aware of —

- (a) any event involving a discharge of oil;
- (b) any event involving a probable discharge of oil; or
- (c) the presence of oil in the sea,

shall without delay report it to the Authority.

(3) A report under this regulation shall so far as appropriate comply with the requirements set out in the "General principles for ship reporting systems and ship reporting requirements, including guidelines for reporting incidents involving dangerous goods, harmful substances and/or marine pollutants", adopted by IMO by resolution A.648 (16) as amended, revised or replaced by another resolution from time to time.

PART III

MISCELLANEOUS

Inspection

10.An officer of the Authority may, for the purposes of these Regulations —

- (a) enter the premises of any oil handling facility;
- (b) inspect and take samples of the stock of dispersants kept at the oil handling facility and inspect the equipment maintained at the facility; or

(c) by notice require any person to provide such information or document as the officer may reasonably require.

Offences and penalties

11.—(1) Any person who —

- (a) contravenes any of the provisions of regulation 4, 5, 6, 8 or 9;
- (b) contravenes any condition imposed under regulation 12;
- (c) obstructs or hinders an officer of the Authority in the exercise of his powers under these Regulations;
- (d) fails to comply with a notice of an officer of the Authority referred to in regulation 10 (c); or
- (e) being required by such a notice to provide information to an officer of the Authority, provides any information which he knows or has reason to believe is false in a material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) In proceedings brought against —

- (a) the operator of an oil handling facility for the contravention of regulation 4 (1) or 5 (1); or
- (b) the owner of a tug boat for the contravention of regulation 4 (3) or 5 (2),

it shall be a defence for the person charged to show that he has taken all reasonable steps to replenish or replace the stocks of dispersants referred to in regulation 4 or equipment referred to in regulation 5 (1) or (2), as the case may be, within a reasonable time.

Exemption

12.The Port Master may, either absolutely or subject to such conditions as he thinks fit, exempt from any of the provisions of these Regulations any person to whom these Regulations apply if he is satisfied that compliance with the provisions is either impracticable or unreasonable.

FIRST SCHEDULE

Regulation 4

SPECIFICATIONS OF DISPERSANTS

- 1.**The flash point of the dispersant shall not be less than 65°C (150°F) in accordance with the test prescribed by the Institute of Petroleum.
- 2.**The dispersion capacity of the dispersant shall not be more than 1 part of dispersant to 1 part of marine fuel oil of viscosity not less than 300 seconds (Redwood 1) at 50°C (122°F) in accordance with test No. MPA/MV/II as specified by the Authority.
- 3.**The biodegradability of the surface active agent shall not be less than 90° on the average of the results of the seventh and eighth day from the commencement of the test at 37°C (99°F) in accordance with test No. MPA/MV/III as specified by the Authority.
- 4.**The toxicity of the dispersant using glass fish (*Chanda gymnocephalus*) as a standard test organism shall be as follows:

The mixture of the dispersant and the standard marine fuel oil (MFO V1100/1200) in the ratio of 1:1 shall have a 96-hour LC 50 value of not less than 100 mg per litre as measured by the method of the Agri-Food and Veterinary Authority.

5.The dispersant shall not contain aromatic hydrocarbons and chlorinated hydrocarbons in concentrations greater than —

- | | |
|------------------------------------|--------------------|
| (a) total aromatic hydrocarbons | 3% |
| (b) total chlorinated hydrocarbons | 0.05 mg per litre. |

SECOND SCHEDULE

Regulation 5 (1)

AT FACILITY OR INSTALLATION

1.At least one set of equipment designed for the recovery of oil spilled onto the sea as specified by the Port Master.

2.—(1) At least one craft specially suited for anti-pollution operations and equipped with a complete set of dispersant spray booms as approved by the Port Master, from which dispersants can be applied on to the sea surface.

(2) The craft must also be equipped for night operations and shall have on board at least 2,000 litres of dispersants (which shall comply with the specifications set out in the First Schedule).

3.Ancillary equipment for beach cleaning operations including —

- (a) at least 12 knapsack sprayers each of 20 litre capacity;
- (b) at least 2 dispensing pumps.

4.—(1) At least 2 portable VHF radio telephone sets on a frequency specified by the Port Master with transmitter power not exceeding 2 watts.

(2) The radio telephone sets and transmitter power must be approved by the Info-communications Development Authority of Singapore.

5.At least 300 metres of Oil Containment Barrier equipped with a connecting device for common linkage with other oil containment barriers during joint use which are approved by the Authority.

THIRD SCHEDULE

Regulation 5 (2)

ITEMS OF EQUIPMENT TO BE MAINTAINED ON BOARD A TUG BOAT

1.At least one pump capable of delivering 250 litres of water per minute at 70-metre head.

2.At least one suitable inductor, one suitable nozzle and a suitable length of hose connected to the pump.

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