

[PHTBP MEMORANDUM CIRCULAR NO. 01-2001, August 01, 2001]

REVISED RULES ON PREVENTION, CONTAINMENT, ABATEMENT AND CONTROL OF OIL MARINE POLLUTION

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AUTHORITY

- a. Executive Order No. 292
- b. Republic Act 5173, and amendments thereto
- c. Presidential Decree No. 600
- d. Presidential Decree No. 979
- e. Republic Act No. 8550
- f. Annex I of the International Convention for the Prevention of Pollution from Ship, MARPOL 73/78

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PURPOSE

The purpose of this Memorandum Circular is to provide implementing guidelines pursuant to the above-mentioned authorities as rationalized in accordance with the International Convention for the Prevention of Pollution from Ships, MARPOL 73/78

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SCOPE

This Memorandum Circular shall apply to oil marine pollution in all bodies of water within the territorial jurisdiction of the Philippines including ports, coastlines, lakes, rivers and their tributaries.

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DEFINITION OF TERMS

- a. Marine Pollution - the alternation of the physical, chemical and biological properties of any body of water as a result of discharge of substances in any form, liquid, gaseous, that will likely create or render such waters harmful, detrimental or injuries to public health, marine life, sea birds, safety and welfare as well as to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses.
- b. Oil - petroleum in any form, including crude oil, fuel oil, sludge, oil refuse and refined products except petrochemicals and oil mixed in dredge spoils (Annex 1*)
- c. Discharge - the spilling, leaking, pumping, pouring out, emitting or dumping of substances as provided/authorized by law, except effluents from mills or industrial and manufacturing plants of any kind.
- d. Dumping - means:
 - 1. Any Deliberate disposal at sea of oil from vessels, aircraft, platforms or other man-made structure at sea;
 - 2. The disposal of wastes or other matters directly arising from or related to exploitation and association offshore processing of sea bed mineral resources.
- e. Vessel - any watercraft or other artificial contrivance used, or capable of being used as means of transportation on water.
- f. Tanker - any self-propelled vessel specially constructed or converted to carry bulk cargo in tanks either for oil or other liquid substances.
- g. Waste Water Treatment Plant - a physical plant for the purpose of treating, neutralizing, stabilizing, and disinfecting wastewater resulting from industrial operations.
- h. Reception Facilities - a physical system ashore or afloat used for receiving discharges of oil.
- i. Boom - a barrier system designed to contain spillages of oil or other substances:
- j. Oil Skimmer - a device to collect or recover oil spillages from water.
- k. Sorbents - material that are used to absorb oil or other liquid substances.
- l. Dispersants - non-toxic chemical substances that break oil into particles such that they facilitate the dispersion, evaporation and biodegradation of the oil.
- m. Special Permit - permission granted by competent PCG authority for the authorized discharge or dumping of wastes into the sea or any body of water subject to specified condition.
- n. Special Area - a water area which due to recognized technical reasons in relation to its oceanographic and ecological condition and strategic importance, is deemed subject to special control.
- o. Minor Discharge - a discharge to inland/coastal waters of less than 1,000 liters of oil.
- p. Medium Discharge - a discharge of 1,000 to 10,000 ltrs. of oil to the inland/coastal waters.
- q. Major Discharge - a discharge of more than 10,000 ltrs. of oil to the inland/coastal waters.

r. Non-Persistent Oil or Group 1 Oil - means petroleum based oil that, at the time of shipment consist of hydrocarbon fractions -

1. At least 50% of which by volume, distill at a temperature of 3400C (6450F);
2. At least 95% of which by volume, distill at a temperature of 3700C (7000F);

s. Persistent Oil - means a petroleum based oil that does not meet the distillation criteria for a non-persistent oil. For the purposes of this document, persistent oils are further classified based on specific gravity as follows:

1. Group II - specific gravity less than 0.85
2. Group III - specific gravity between 0.85 and 0.95
3. Group IV - specific gravity of 0.95 to 1.0
4. Group V - specific gravity of 1.0 and above

5 POLICIES

a. Prohibition:

It shall be unlawful for any vessel or person to:

1. Discharge of oil or oily mixture from machinery space bilges of oil tankers when mixed with cargo oil residue or when transferred to slop tanks;
2. Discharge from cargo pump room bilges of oil tankers;
3. Discharge into the sea of oil or oily mixtures from a ship or tanker while in a special area;

b. Exceptions: The provisions in the preceding paragraph shall not apply when:

1. The discharge or dumping of oil, oily mixture, noxious liquid, harmful substances into the sea and/or navigable water and its tributaries is done for the purpose of securing the safety of a ship or saving life and property at sea.
2. The discharge of oil, oily mixture results from damage to ship arising in accidents like collision at sea, sinking and/or grounding as a result of force majeure or if discharging appears to be the only way of averting the danger to human life or property and real threat to vessel and if there is probability that the damage consequent upon such dumping will be less than would otherwise occur.
3. Any discharge into the sea of oil mixture from ships shall be prohibited except when all of the following conditions are satisfied:

(a) For an oil tanker:

- i. The tanker is not within a special area;
- ii. The tanker is more than 50 nautical miles from the nearest land;
- iii. The tanker is proceeding in route;
- iv. The instantaneous rate of content does not exceed 30 liters. Per nautical mile;
- v. The total quantity of oil discharge into the sea does not exceed for existing tanker 1/15,000 of the total quantity of the particular cargo of which the residue formed a part, and for new tankers 1/ 30,000 of the quantity of the particular cargo of which the residue formed a part; and
- vi. The tanker has an operation an oil discharge monitoring and control system, oil water separator and a slop tank arrangement.

(b) From a ship of 400 gross tonnage and above other than oil tanker and from machinery space bilges excluding cargo pump room bilges of an oil tanker unless mixed with oil cargo residue:

- i. The ship is not within a special area;
- ii. The ship is more than 12 nautical miles from the nearest land;
- iii. The ship is proceeding en route;
- iv. The oil content of the without dilution is less than fifteen (15) parts per million.

(c) Discharge of clean or segregated ballast or unprocessed oily mixture which without dilution has an oil content not exceeding 15 parts per million and which does not originate from cargo pump room bilges and is not mixed with oil cargo residue.

The exceptions provided in sub-para b(4) above shall, however, terminate as soon as the port authorities and/or shipping companies shall have provided for adequate reception facilities.

c. Requirements:

1) Vessels:

- a. All vessels shall have no board wooden scupper plugs equivalent to the number of scupper lips and various sizes of wooden plugs for use on possible holes that may develop in the hull.
- b. There shall be a minimum of three (3) kilos of rags and other appropriate sorbent materials and appropriate number of open-ended drums with cover or clean-up of oil spills on decks and pump rooms.
- c. Vessels of 400 gross tons and above but less than 10,000 GT above shall be fitted with an operational oily water separating equipment or filtering system duly approved PCG to ensure that any oil mixture discharged into the open sea after passing through the separator or filtering system shall have an oil content of not more than 15 parts per million. Effluent discharges in ports and harbors to include other navigable lakes and rivers shall not exceed the water quality standards.

- d. Vessels of 10,000 gross tons and above shall be fitted, in addition to oily-water separating equipment, with an oil discharge monitoring and control system.
- e. Every vessel of 400 gross tons and above shall be provided with tank or tanks of adequate capacity, having regard to the type of machinery and length of voyage to receive the oil residues.
- f. Every vessel of 400 gross tons and above should be provided on board with an Oil Record Book Part I (Machinery Operation) in the form specified in Appendix III of Annex I of MARPOL 73/78 duly registered by the PCG. This oil record book shall be maintained and updated every after any transfer operation of oil on board.

2) Tanker:

- a. All tankers should be provided with the requirements stated in Sec 5 (c) (1) (a) and (b).
- b. Oil tankers of 150 gross tons and above shall be provided with an Oily Water Separating Equipment, fully operational and capable of producing an effluent having an oil content of 15 parts per million (ppm).
- c. Every new oil tanker of 70,000 DWT and above shall be provided with at least two (2) slop tanks.
- d. Every new crude oil tanker of 20,000 DWT and above shall be provided with segregated ballast tanks.
- e. Oil tankers of 150 GT and above shall be provided with slop tank arrangements or combination of slop tank that have a capacity necessary to retain the slop generated by tank washings, oil residues and dirty ballast residues.
- f. All oil tanker from 150 gross tons and above shall be provided on board with an Oil Record Book Part I (Machinery Space Operation) and Part II (Cargo/Ballast Operation), in the form specified in Appendix III of Annex I of MARPOL 73/78 duly registered by the PCG. This oil record book shall be maintained and updated every after any transfer operation of oil on board.

3) Requirements of Sec 5 (C) (1) (c) and (d) and Sec 5 (C) (2) (b) can be waived subject to the provision stated in PCG Memorandum Circular 09-2001.

4) Oil Companies, Natural Gas Explores, Power Plants/Barges and Tanker Owners:

- a) Oil refineries/terminals/depots/drilling operators, power plants/barges and tanker owners engaged in black products and persistent oil shall be provided with at least complete set of oil containment and recovery equipment, sorbent dispersants and other MARPOL combating accessories duly accredited by the PCG sufficient to prevent, control and mitigate a medium discharge.
- b) Transfer operations by oil refineries involving heavy oil such as crude, fuel diesel and bunker from vessel to shore or vice versa shall be conducted proceed in accordance with International Safety Guides for Oil Tankers and Terminals (ISGOTT).
- c) Transfer operations involving highly flammable or light oils such as gasoline and kerosene shall commence only when the depot or refinery shall have installed combustible gas analyzers in the vicinity of the discharge side to monitor and sound alarm in case of any excessive fumes that may result from any spill.
- d) Oil refineries, terminals, depots, power plants/barges and oil drillers where the discharge of oily and dirty ballast is conducted shall be provided with appropriate receiving facility equipped with an oil-water separator.
- e) All oil tank farms shall be provided with adequate bund walls to contain accidental massive oil spillage.
- f) Oil companies, oil explorers, natural gas explorers, power plants/barges and tankers owners shall submit to CPCG their respective contingency plans for approval and execution in case of oil spillages in their areas.
- g) Oil companies in major ports or terminals/depots shall inform the PCG through its nearest station/detachment of all transfer operations of oil cargoes/petroleum products in their respective areas. All oil transfer operation of black product from ship to shore and vice versa shall be supervised by the PCG to ensure compliance with ISGOTT rules and regulations.
- h) Oil companies, oil explorations, power plants/barges and tanker owners shall conduct regular team training on managing oil spill operations, handling and operations, handling and operation of MARPOL combating equipment. A dedicated oil spill response team shall be organized to react to land and ship originated oil spills.

5) Others:

- a) All shipping companies shall provide for a system of collection and disposal of all types of wastes accumulated aboardship, notwithstanding public port reception facilities duly approved by the PCG. A Plan for the Collection and Disposal of Wastes shall likewise be submitted by these shipping companies to the PCH for approval. Cooperative efforts among shipping companies in connection with the acquisition and utilization of such system of collection and disposal is highly encouraged.
- b) Vessels shall effect transfer of liquid cargo only when the shore facilities shall have complied with the requirements in Sec 5 (c) (4) of this Circular.
- c) All barging operations involving transport of oil or hazardous substances along Pasig River and Laguna Lake shall be suspended during bad weather wherein the possibility of accident is increased beyond safe operational conditions. Clearance from the PCG to operate during stormy weather shall be secured by the operator. In this connection, the PCG shall advise all concerned as necessary.
- d) All shipments of hazardous substances through barging from ship to shore or vice versa shall be reported beforehand to the PCG by shipping agents to include movements, destination and estimated time of transfer operations.
- e) All hoses on board vessels/barges for use in transfer operation shall be subject to inspection and testing by the PCG any time.
- f) All self-propelled/non-self propelled barges/tankers and vessels towing dumb barges containing oil operating in sea water must have on board a minimum of one (1) 210-liter drum of dispersants and sprayer duly approved or authorized by the PCG.