

**Prevention of Pollution of the Sea (Hazardous and Noxious Substances Pollution Preparedness, Response and Co-operation) Regulations 2004**

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#### **No. S 120**

#### **PREVENTION OF POLLUTION OF THE SEA ACT (CHAPTER 243)**

#### **PREVENTION OF POLLUTION OF THE SEA (HAZARDOUS AND NOXIOUS SUBSTANCES POLLUTION PREPAREDNESS, RESPONSE AND CO-OPERATION) REGULATIONS 2004**

In exercise of the powers conferred by section 34 of the Prevention of Pollution of the Sea Act, the Maritime and Port Authority of Singapore, with the approval of the Minister for Transport, hereby makes the following Regulations:

#### **PART I**

#### **PRELIMINARY**

#### **Citation and commencement**

1. These Regulations may be cited as the Prevention of Pollution of the Sea (Hazardous and Noxious Substances Pollution Preparedness, Response and Co-operation) Regulations 2004 and shall come into operation on 1st April 2004.

#### **Definitions**

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

“GT” means gross tonnage;

“hazardous and noxious substances” means any substance, other than oil, which if

introduced into the marine environment is likely to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea;

“hazardous and noxious substances handling facility” means any facility where hazardous and noxious substances are loaded into or unloaded from ships and includes —

- (a) any hazardous and noxious substances terminal, offering berths alongside, on buoys or at anchor, to ships; and
- (b) any shipyard and cargo terminal, offering berths alongside, on buoys or at anchor, to hazardous and noxious substances tankers of over 150 GT, and carrying out hazardous and noxious substances transfers from ship to ship or within a ship;

“hazardous and noxious substances 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 hazardous and noxious substances, with a view to preventing such pollution or reducing or minimising its effect;

“hazardous and noxious substances pollution incident” means an occurrence or series of occurrences having the same origin, including fire or explosion, which results or may result in a discharge of hazardous and noxious substances 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;

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

“operator”, in relation to a hazardous and noxious substances handling facility, means a person having, for the time being, the management of such facility in Singapore.

## PART II

### EQUIPMENT AND RESPONSE CAPABILITY

#### **Application of this Part**

**3.—(1)** This Part shall apply to any operator of a hazardous and noxious substances handling facility.

(2) Notwithstanding paragraph (1), the Port Master may by notice exempt an operator of any hazardous and noxious substances handling facility from the provisions of this Part.

### **Dealing with pollution incidents**

4.—(1) An operator of a hazardous and noxious substances handling facility shall ensure that adequate measures are taken to effectively deal with any hazardous and noxious substances pollution incident arising from that facility and any vessel alongside that facility.

(2) The measures referred to in paragraph (1) shall include the provision of sufficient number of trained personnel and items of equipment specified in the Schedule to effectively deal with that incident.

(3) Subject to paragraph (4), an operator may either provide for the measures referred to in paragraph (1) himself or engage an external service provider, who is approved by the Authority, to provide them.

(4) An operator shall at all times —

- (a) provide at least 6 trained personnel at the handling facility to respond within 15 minutes to a hazardous and noxious substances pollution incident; and
- (b) keep and maintain at the facility the minimum quantities of the items of equipment specified in the Schedule.

### **Assistance to Authority**

5.—(1) In the event of a hazardous and noxious substances pollution incident, an operator of a hazardous and noxious substances handling facility shall, upon the request of the Authority, provide to the Authority the equipment kept under regulation 4(4).

(2) An operator shall render such assistance and services as may be required by the Authority for eliminating or reducing the hazardous and noxious substances pollution.

(3) The Authority shall reimburse the operator such amounts and on such terms as the Authority and the operator may agree from time to time for the equipment and services provided.

(4) If the Authority and the operator are unable to agree on the amounts or the terms of reimbursement under paragraph (3), the matter shall be referred to the Minister whose decision shall be final, and the Authority shall reimburse the operator in accordance with the decision.

## PART III

### HAZARDOUS AND NOXIOUS SUBSTANCES POLLUTION EMERGENCY PLANS AND REPORTING OF HAZARDOUS AND NOXIOUS SUBSTANCES POLLUTION INCIDENTS

#### **Application of this Part**

6. This Part shall apply to —

- (a) hazardous and noxious substances 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 hazardous and noxious substances tankers of over 150 GT, and carrying out hazardous and noxious substances transfers from ship to ship or within a ship;
- (c) any hazardous and noxious substances handling facility, 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 which involve a significant risk of discharge of hazardous and noxious substances; and
- (d) any hazardous and noxious substances handling facility, 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 hazardous and noxious substances or other substances could cause significant economic damage.

#### **Hazardous and noxious substances pollution emergency plans for handling facilities**

7.—(1) Every operator of a hazardous and noxious substances handling facility shall have a hazardous and noxious substances pollution emergency plan in accordance with this regulation.

(2) There shall be a separate hazardous and noxious substances pollution emergency plan for each hazardous and noxious substances handling facility.

(3) In preparing a hazardous and noxious substances pollution emergency plan, an operator shall take into account any guidance given by the Authority.

(4) An operator shall submit a hazardous and noxious substances pollution emergency plan in respect of his hazardous and noxious substances handling facility to the Authority for approval.