

Prevention of Pollution of the Sea (Air) (Amendment) Regulations 2010

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No. S 331

PREVENTION OF POLLUTION OF THE SEA ACT (CHAPTER 243)

PREVENTION OF POLLUTION OF THE SEA (AIR) (AMENDMENT) REGULATIONS 2010

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:

Citation and commencement

1. These Regulations may be cited as the Prevention of Pollution of the Sea (Air) (Amendment) Regulations 2010 and shall come into operation on 1st July 2010.

Amendment of regulation 5

2. Regulation 5 of the Prevention of Pollution of the Sea (Air) Regulations 2005 (G.N. No. S 134/2005) is amended —

- (a)* by deleting the words “regulation 6(3)” in paragraph (2) and substituting the words “regulation 6”;
- (b)* by deleting the words “regulations 18(5) and (7)(a), (b), (c) and (d) and

19(3)” in paragraph (3) and substituting the words “regulations 11 and 18 and Appendix VI”; and

- (c) by deleting the words “competent authorities” in paragraph (3) and substituting the words “competent authority”.

Deletion and substitution of First Schedule

3. The First Schedule to the Prevention of Pollution of the Sea (Air) Regulations 2005 is deleted and the following Schedule substituted therefor:

“FIRST SCHEDULE

Regulation 2

ANNEX VI OF THE CONVENTION
REGULATIONS FOR THE PREVENTION OF
AIR POLLUTION FROM SHIPS
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CHAPTER I

GENERAL

REGULATION 1 — *APPLICATION*

The provisions of this Annex shall apply to all ships, except where expressly provided otherwise in regulations 3, 5, 6, 13, 15, 16 and 18 of this Annex.

REGULATION 2 — *DEFINITIONS*

For the purpose of this Annex:

1. *Annex* means Annex VI to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL), as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), and as modified by the Protocol of 1997, as amended by the Organization, provided that such amendments are adopted and brought into force in accordance with the provisions of article 16 of the present Convention.

2. *A similar stage of construction* means the stage at which:

- 1 construction identifiable with a specific ship begins; and
- 2 assembly of that ship has commenced comprising at least 50 tonnes or one per cent of the estimated mass of all structural material, whichever is less.

3. *Anniversary date* means the day and the month of each year that will correspond to the date of expiry of the International Air Pollution Prevention Certificate.

4. *Auxiliary control device* means a system, function or control strategy installed on a marine diesel engine that is used to protect the engine and/or its ancillary equipment against operating conditions that could result in damage or failure, or that is used to facilitate the starting of the engine. An auxiliary control device may also be a strategy or measure that has been satisfactorily demonstrated not to be a defeat device.

5. *Continuous feeding* is defined as the process whereby waste is fed into a combustion chamber without human assistance while the incinerator is in normal operating conditions with the combustion chamber operative temperature between 850°C and 1,200°C.

6. *Defeat device* means a device that measures, senses or responds to operating variables (e.g., engine speed, temperature, intake pressure or any other parameter) for the purpose of activating, modulating, delaying or deactivating the operation of any component or the function of the emission control system such that the effectiveness of the emission control system is reduced under conditions encountered during normal operation, unless the use of such a device is substantially included in the applied emission certification test procedures.

7. *Emission* means any release of substances, subject to control by this Annex, from ships into the atmosphere or sea.

8. *Emission control area* means an area where the adoption of special mandatory measures for emissions from ships is required to prevent, reduce and control air pollution from NO_x or SO_x and particulate matter or all three types of emissions and their attendant adverse impacts on human health and the environment. Emission control areas shall include those listed in, or designated under, regulations 13 and 14 of this Annex.

9. *Fuel oil* means any fuel delivered to and intended for combustion purposes for propulsion or operation on board a ship, including distillate and residual fuels.

10. *Gross tonnage* means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurements of Ships, 1969, or any successor Convention.

11. *Installations* in relation to regulation 12 of this Annex means the installation of systems, equipment, including portable fire-extinguishing units, insulation, or other material on a ship, but excludes the repair or recharge of previously installed systems, equipment, insulation or other material, or the recharge of portable fire-extinguishing units.

12. *Installed* means a marine diesel engine that is or is intended to be fitted on a ship, including a portable auxiliary marine diesel engine, only if its fuelling, cooling or exhaust system is an integral part of the ship. A fuelling system is considered integral to the ship only if it is permanently affixed to the ship. This definition includes a marine diesel engine that is used to supplement or augment the installed power capacity of the ship and is intended to be an integral

part of the ship.

13. *Irrational emission control strategy* means any strategy or measure that, when the ship is operated under normal conditions of use, reduces the effectiveness of an emission control system to a level below that expected on the applicable emission test procedures.

14. *Marine diesel engine* means any reciprocating internal combustion engine operating on liquid or dual fuel, to which regulation 13 of this Annex applies, including booster/compound systems if applied.

15. *NO_x Technical Code* means the Technical Code on Control of Emission of Nitrogen Oxides from Marine Diesel Engines adopted by resolution 2 of the 1997 MARPOL Conference, as amended by the Organization, provided that such amendments are adopted and brought into force in accordance with the provisions of article 16 of the present Convention.

16. *Ozone-depleting substances* means controlled substances defined in paragraph (4) of article 1 of the Montreal Protocol on Substances that Deplete the Ozone Layer, 1987, listed in Annexes A, B, C or E to the said Protocol in force at the time of application or interpretation of this Annex.

Ozone-depleting substances that may be found on board ship include, but are not limited to:

Halon 1211	Bromochlorodifluoromethane
Halon 1301	Bromotrifluoromethane
Halon 2402	1,2-Dibromo-1,1,2,2-tetrafluoroethane (also known as Halon 114B2)
CFC-11	Trichlorofluoromethane
CFC-12	Dichlorodifluoromethane
CFC-113	1,1,2-Trichloro-1,2,2-trifluoroethane
CFC-114	1,2-Dichloro-1,1,2,2-tetrafluoroethane
CFC-115	Chloropentafluoroethane

17. *Shipboard incineration* means the incineration of wastes or other matter on board a ship, if such wastes or other matter were generated during the normal operation of that ship.

18. *Shipboard incinerator* means a shipboard facility designed for the primary purpose of incineration.

19. *Ships constructed* means ships the keels of which are laid or that are at a similar stage of construction.

20. *Sludge oil* means sludge from the fuel oil or lubricating oil separators, waste lubricating oil from main or auxiliary machinery, or waste oil from bilge water separators, oil filtering equipment or drip trays.

21. *Tanker* means an oil tanker as defined in regulation 1 of Annex I or a chemical tanker as