

S.I. No. 515 of 1997.

SEA POLLUTION (CONTROL OF POLLUTION BY NOXIOUS LIQUID SUBSTANCES IN BULK) (AMENDMENT) REGULATIONS, 1997

I, Michael Woods, Minister for the Marine and Natural Resources, in exercise of the powers conferred on me by sections 10 of the Sea Pollution Act, 1991 (No. 27 of 1991), as adapted by the Marine (Alteration of Name of Department and Title of Minister) Order, 1997 (S.I. No. 301 of 1997), hereby make the following Regulations:

1. These Regulations may be cited as the Sea Pollution (Control of Pollution by Noxious Liquid Substances in Bulk) (Amendment) Regulations, 1997, and shall come into operation on the 30 day of January, 1998.

2. The Sea Pollution (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations, 1994 (S.I. No. 46 of 1994), are hereby amended:

(a) by the substitution of the following definition for the definition of "noxious liquid substances" in Regulation 2(1):

" 'noxious liquid substance' means any substance referred to in the Second Schedule to these Regulations or provisionally assessed in accordance with Regulation 3(4) of Annex II of the MARPOL Convention;" ; as falling into category A, B, C or D;"

(b) by the substitution, in the definition of "special area", for "the Black Sea area, defined as follows" of "the Black Sea area and the Antarctic area, defined as follows",

(c) by the insertion after "the Black Sea area" of the following: "'the Antarctic area' means the sea area south of latitude 60S;" ;

(d) by the substitution of the following paragraph for paragraph (3) of Regulation 3:

" (3) Noxious liquid substances carried in bulk which are at present categorised as category A, B, C or D and subject to the provisions of these Regulations, are referred to in the Second Schedule to these Regulations." ;

(e) by the substitution of the following paragraph for paragraph (1) of Regulation 4:

"(1) The substances referred to in the Third Schedule to these Regulations have been evaluated and found to fall outside category A, B, C and D, as defined in Regulation 3(1) of these Regulations because they are at present considered to present no harm to human health, marine resources, amenities or other legitimate uses of the sea, when discharged into the sea from tank cleaning or deballasting operation." ;

(f) by the substitution of the following paragraph for paragraph (2) of Regulation 4:

"(2) The discharge of bilge or ballast water or other residues or mixtures containing only substances referred to in the Third Schedule to these Regulations shall not be subject to any requirement of these Regulations." ;

(g) by the substitution for all the words in Regulation 5 immediately preceding paragraph (1) thereof of the following:

"Subject to the provisions of paragraph (13) of this Regulation and of section 11 of the Act,"

(h) by the substitution of the following sentence for the second sentence of paragraph (1) of Regulation 5:

"If tanks containing such substances or mixtures are to be washed, the resulting residues shall be discharged to a reception facility until the concentration of the substance in the effluent to such facility

is at or below 0.1% by weight and until the tank is empty, with the exception of phosphorus, yellow or white for which the residual concentration shall be at 0.01% by weight.";

(i) by the substitution of the following sentence for the second sentence of paragraph (7) of Regulation 5:

"If tanks containing such substances or mixtures are to be washed, the resulting residues shall be discharged to a reception facility which the states bordering the special area shall provide in accordance with Regulation 7 of these Regulations, until the concentration of the substance in the effluent to such facility is at or below 0.05% by weight and until the tank is empty, with the exception of phosphorus, yellow or white for which the residual concentration shall be 0.005% by weight.";

(j) by the addition of the following paragraph after paragraph (12):

"(13) The discharge into the sea of any noxious liquid substances or mixtures containing such substances in the Antarctic area, is hereby prohibited.";

(k) by the substitution of the following sentences for the first and second sentences of paragraph (3) of Regulation 8:

"If the tank is to be washed in accordance with paragraph (2) of this Regulation, the effluent from the tank washing operation shall be discharged to a reception facility at least until the concentration of the substance in the discharge, as indicated by analyses of samples of the effluent taken by the surveyor, has fallen to the concentration specified in Regulation 5(1) or (7), as applicable, of these Regulations. When the required concentration has been achieved, remaining tank washings shall continue to be discharged to the reception facility until the tank is empty.";

(l) by the substitution, in Regulation 14, of "noxious liquid substances referred to" for "noxious liquid substances designated";

(m) by the addition of the following Regulation after Regulation 14:

"PORT STATE CONTROL ON OPERATIONAL REQUIREMENTS

15 (1) A ship that is registered in another state that is a party to the MARPOL Convention may, when it is in a port within the jurisdiction of the State, be inspected by an officer of the Minister duly authorised by him in that behalf if the officer has clear grounds for believing that the master or crew are not familiar with shipboard procedures under these Regulations relating to the prevention of pollution by noxious liquid substances.

(2) If, consequent on an inspection of a ship by an officer pursuant to his powers under paragraph (1) of this Regulation, the officer confirms that the master or crew are not familiar with the procedures referred to in that paragraph, the Minister shall take such steps (which he is hereby empowered to take) as will ensure that the ship shall not sail from the port until such time as the master or crew or, as the case may be, both the master and crew have become familiar with those procedures.

(3) So much of the procedures specified in Article 5 of the MARPOL Convention as are appropriate shall apply, with any necessary modifications, for the purpose of this Regulation.

(4) Nothing in this regulation shall operate to derogate from the powers and duties of the Minister or any other person under the Act or any regulations made thereunder";

(n) by the substitution of the following Schedule for the Second Schedule:

"SECOND SCHEDULE

LIST OF NOXIOUS LIQUID SUBSTANCES CARRIED IN BULK

Noxious liquid substances carried in bulk and which are at present categorised as category A, B, C or D and subject to the provisions of these Regulations, are so indicated in the pollution category column of chapter 17 or 18 of the International Bulk Chemical Code";

(o) by the substitution of the following Schedule for the Third Schedule:

"THIRD SCHEDULE

LIST OF OTHER LIQUID SUBSTANCES

Liquid substances carried in bulk which are identified as falling outside the category A, B, C or D and not subject to the provisions of these Regulations are indicated as "III" in the pollution category column of chapter 17 or 18 of the International Bulk Chemical Code."

GIVEN under my Official Seal, this 12th day of December, 1997.

Micheal Woods

Minister for the Marine and Natural Resources

EXPLANATORY NOTE

These Regulations provide for amendments to the Sea Pollution (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations, 1994 (S.I. No. 46 of 1994) which give effect to Annex II of the International Convention for the Prevention of Pollution from Ships, adopted by the International Maritime Organisation on 2 November, 1973 and as amended by its Protocol adopted on 17 February, 1978, and as further amended by the Marine Environment Protection Committee (MEPC) of the International Maritime Organisation.