

Regulations for Oil Spill Reporting, Title VII, Chapter 1

WHEREAS , the Yap State Environmental Protection Agency is authorized, pursuant to Title 18, Section 1507(a), of the Yap State Code, to promulgate regulations to carry out the purposes of the Yap State Environmental Quality Protection Act; and

WHEREAS , the Yap State Environmental Protection Agency has drafted Regulations for Oil Spill Reporting, and such regulations have been subject to public comment as required by the State Administrative Procedures Act;

NOW THEREFORE , pursuant to authority vested in it by law, the Yap State Environmental Protection Agency hereby adopts and promulgates Regulations for Oil Spill Reporting, Title VII, Chapter 1.

The effective date of these regulations shall be twenty days from November 9, 1994.

/s/

Chairman,

Yap State Environmental Protection Agency

Received and filed on November 9, 1994.

/s/

Attorney General

Yap State

Received and filed on November 9, 1994.

/s/

Clerk

Yap State Legislature

**YAP STATE ENVIRONMENTAL PROTECTION AGENCY
FEDERATED STATES OF MICRONESIA
ADOPTED REGULATIONS**

Title VII - Petroleum Releases

Chapter 1 - REGULATIONS FOR OIL SPILL REPORTING

PART I. GENERAL PROVISIONS

1.1 Authority: These regulations are promulgated by the Yap State Environmental Protection Agency ("EPA") pursuant to 18 YSC 1507 (a), as amended. These regulations have the force and effect of law. All previously issued oil spill reporting regulations are hereby repealed.

1.2 Purpose: The purpose of these regulations is to implement the Yap State Environmental Quality Protection Act (Y.S.L. 3-73) by establishing a reporting system for all releases of petroleum products within Yap State. Recognizing the Yapese tradition of self-reporting, the purpose of these regulations is to allow for immediate response to all petroleum releases and to enable the responsible party to assist in the cleanup effort to minimize impacts to the environment.

1.3 Applicability: These regulations shall apply to all spills and releases of petroleum products on land or on water, as defined in these regulations, as follows:

(a) All spills and releases occurring after the effective date of these regulations must be reported in compliance with these regulations.

1.4 Extensions: EPA may grant extensions of the effective date of these regulations to a regulated person upon a showing of undue hardship.

1.5 Definitions: The following words and terms, when used in these regulations, shall have the following meanings, unless the context clearly indicates otherwise:

- (a) "Agency" or "EPA" means the Yap State Environmental Protection Agency or its Executive Officer;
- (b) "Oil Spill Incident Report" means the report format identified in Appendix A of these regulations;
- (c) "Monthly Oil Spill Report" means the report format identified in Appendix B of these regulations;
- (d) "Person" means any individual, corporation, partnership, association, government (including Yap State and the Federated States of Micronesia and any political subdivisions thereof), government agency, municipality, commission, foundation, non-government organization, or any other institution or entity;
- (e) "Petroleum Product" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with other materials;
- (f) "Release" as used in this regulation has the same meaning as "spill."
- (g) "Responsible Party" means (1) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; and (2) in the case of an onshore facility, any person owning or operating such onshore facility; and (3) in the case of any abandoned facility, any person who owned or operated such facility immediately prior to such abandonment;
- (h) "Spill" means any emission intentional or unintentional, and includes, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

PART II. OIL SPILL REPORTING REQUIREMENTS

2.1 General Requirements

- (a) Any person who either spills petroleum or is a responsible party shall immediately, or as soon as practicable make an initial report to EPA. The initial report may be made orally.

- (b) Any person who either spills petroleum or is a responsible party shall within two (2) working days of the spill submit a written incident report to EPA.

- (c) If any one person is responsible for five (5) or more spills in one calendar month they must submit a monthly oil spill report to EPA.

2.2 Initial Reporting Requirements

- (a) Applicability. The provisions of this part shall apply to all petroleum releases on land or into the waters within the jurisdiction of Yap State.

- (b) Initial Report. Any person who either spills or causes to be spilled or is the responsible party for any petroleum product spilled within Yap State shall immediately, or as soon as practicable, notify EPA. If the spill occurs after business hours, the Yap State Division of Public Safety shall be notified in lieu of EPA. The report shall include the following information if known at the time of the report:
 - (1) the name of the person reporting the spill;
 - (2) the estimated volume of petroleum product spilled;
 - (3) the location of the spill;
 - (4) the name of the responsible party;
 - (5) the time of the spill;
 - (6) the type of petroleum product spilled (e.g., diesel, motor oil, etc.);
 - (7) the cause of the spill;
 - (8) the clean-up measures being taken.

2.3 Written Incident Report Requirements

- (a) Applicability. The provisions of this part shall apply to all petroleum releases greater than one cup (8 ounces) on land or of sufficient quantity to produce a sheen on the surface of any water within the jurisdiction of Yap State.
- (b) Written Incident Report. Any person who either spills or causes to be spilled or is the responsible party for any petroleum product, spilled within Yap State shall within two (2) working days of the spill submit an "Oil Spill Incident Report." A copy of this report format is included in Appendix A of these regulations.

2.4 Monthly Oil Spill Reporting Requirements

- (a) Applicability. The provisions of this part shall apply to any responsible party who has had five (5) or more oil spills within the jurisdiction of Yap State in any one (1) calendar month.
- (b) Monthly Oil Spill Report. A "Monthly Oil Spill Report" shall be submitted to EPA by the fifteenth (15th) day of the month following a month in which a responsible party has had five (5) or more oil spills. A copy of this report format is included in Appendix B of these regulations.

PART III. MISCELLANEOUS PROVISIONS

3.1 Relation to Criminal Prosecutions

- (a) Notification received pursuant to these regulations shall not be used against any such natural person in any criminal case, except a prosecution for perjury or for giving a false statement.

3.2 Penalties

- (a) Any person who violates any provisions of these regulations shall be liable for civil penalties or damages as provided by the Environmental Quality Protection Act, 18 YSC 1501, et. seq..

