

Shipping (Marine Pollution) Act, 2007
Shipping (Noxious Liquid Substances in Bulk) Regulations
2007

Made by the Minister under sections 129,230 and 236 of
the Shipping (Marine Pollution) Act 2007

1 These Regulations may be cited as the Shipping (Noxious Liquid Substances in Bulk) Regulations 2007. Citation

2 In these Regulations - Interpretation

“the Act” means the Shipping (Marine Pollution) Act;

“BCH Code”, “IBC Code” and “IGC Code” have the meaning given by section 85 of the Act;

“Category A Substance”, “Category B Substance”, “Category C Substance” and “Category D Substance” have the meaning given by section 90 of the Act, but include any substance which is provisionally as such a substance under section 92 of the Act; and a reference to any such substance shall include a reference to any mixture containing such a substance;

“clean ballast” means ballast carried in a tank which, since it was last used to carry a noxious liquid substance in bulk, has been thoroughly cleaned and the residues resulting therefrom have been discharged and the tank emptied in accordance with regulation 7,8 or 9;

“high residue substance” means, in relation to a Category B or Category C substance, a substance identified in the ship’s Procedures and Arrangements Manual as likely, due to its viscosity or melting point at its unloading temperature, to result in a residue quantity from any tank which exceeds -

- (a) in the case of a Category B substance, 1 cubic metre or 1/3000th of the capacity of that tank; or
 - (b) in the case of a Category C substance, 3 cubic metres or 1/1000th of the capacity of that tank,
- whichever is greater;

“IMO Standards” means the Standards for Procedures and Arrangements for the Discharge of Noxious Liquid Substances adopted by the Marine Environment Protection Committee of the International Maritime Organisation by Resolution MEPC 18(22) on 5 December 1985 and any amendment thereto or replacement thereof;

“IOPP Certificate” and “COPP Certificate” mean respectively an International Oil Pollution Prevention Certificate issued in

accordance with Annex I of the MARPOL Convention and a Trinidad and Tobago Oil Pollution Certificate issued pursuant to regulation 23 of the Shipping (Prevention of Oil Pollution) Regulations 2001;

“liquid substance” means a substance having a vapour pressure not exceeding 2.8 bar at a temperature of 37.8 degrees C;

“MARPOL Surveyor” means a Surveyor appointed by the Director or by or on behalf of the government of a MARPOL member State;

“non-polluting substance” means a substance listed in Chapter 17 or 18 of the IBC Code having against it in column “c” the entry III;

“noxious liquid substances” has the meaning given by section 85 of the Act;

“oil-like substance” means a substance listed in Schedule 2, or categorised as such by the Organization in MEPC Circular 2/Circ.1 and any amendment thereto or replacement thereof, or provisionally listed as an oil-like substance;

“Organization” or “IMO” means the International Maritime Organization;

“pre-washed” means washed in accordance with the relevant pre-wash procedures specified in the ship’s Procedures and Arrangements Manual;

“pollution hazard substance” means a substance listed in Chapter 17 of the IBC Code having against it in column “d” an entry ‘P’;

“residual mixture” means, in relation to any category of noxious liquid substances, ballast water, tank washings or other mixtures containing residues of a noxious liquid substance of such category, but excludes clean ballast;

“Procedures and Arrangements Manual” means a manual complying with the requirements of regulation 5(1);

“segregated ballast means ballast water introduced into a tank which is permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious liquid substances and which is completely separated from the cargo pumping and piping system and from the fuel oil pumping and piping system;

“special areas” has the meaning given by section 43 of the Act.

3 (1) These Regulations apply to all ships carrying noxious liquid substances in bulk. Application

(2) These Regulations apply to Trinidad and Tobago ships wherever they may be, and to other ships when in the territorial waters or internal waters of Trinidad and Tobago.

4 (1) In every ship constructed on or after 1st July 1986 the pumping and piping arrangements serving any tank designated for the carriage of a Category B substance or a Category C substance shall be such that, if the tank were filled with water and pumped out under favourable pumping conditions, the quantity of residue retained in the tank's associated piping and in the immediate vicinity of the tank's suction point would not exceed Pumping, Piping and Unloading Arrangements

- (a) in the case of a tank designated for the carriage of a Category B substance, 0.1 cubic metres; or
- (b) in the case of a tank designated for the carriage of a Category C substance, 0.3 cubic metres.

(2) In every ship constructed before 1st July 1986 the pumping and piping arrangements serving any tank designated for the carriage of a Category B substance or a Category C substance shall be such if the tank were filled with water and pumped out under favourable pumping conditions, the quantity of residue retained in the tank's associated piping and in the immediate vicinity of the tank's suction point would not exceed

- (a) in the case of a tank designated for the carriage of a Category B substance, 0.3 cubic metres; or
- (b) in the case of a tank designated for the carriage of a Category C substance, 0.9 cubic metres.

(3) The Director may exempt from any of the requirements of these Regulations any ship which is so constructed and operated that -

- (a) ballasting of cargo tanks is not required; and
- (b) cargo tank washing is required only for the purposes of repair or dry docking,

subject to such conditions as he thinks fit.

(4) An exemption granted in accordance with Regulation 5A(6) or (7) of Annex II to the MARPOL Convention by or on behalf of a State Party to the MARPOL Convention to a ship registered in that State shall be treated as equivalent to an exemption granted by the Director.

(5) Every ship shall be provided with the equipment and arrangements identified in its Procedures and Arrangements Manual and, where such manual does not comply with regulation 5, with any other equipment and arrangements required to conform to the IMO Standards.

(6) For the purposes of section 89(3) of the Act (equivalency provisions for gas carriers), liquefied gas carriers carrying noxious liquid substances listed in the IGC Code which were constructed before 1 July 1986 shall, if not complying with sub-regulation (2), be provided with pumping and

pipng arrangements to ensure, through testing under favourable pumping conditions and surface residue assessment, that each tank designated -

- (a) for the carriage of a Category B substance does not retain a quantity in excess of 1 cubic metre or 1/3000 of the tank capacity in cubic metres, whichever is the greater, in that tank and the associated piping; and
- (b) for the carriage of a Category C substance does not retain quantity in excess of 3 cubic metres or 1/1000 of the tank capacity in cubic metres, whichever is the greater, in that tank and the associated piping.

Procedures and Arrangements Manual

5 (1) Every ship carrying noxious liquid substances shall be provided with a Procedures and Arrangements Manual complying with IMO Standards.

(2) Such a manual shall be approved, in the case of a Trinidad and Tobago ship, by the Director or, in the case of a ship registered in a MARPOL member State by or on behalf of the government of that State.

(3) The Procedures and Arrangements Manual shall be kept on board the ship in such a place as to be readily available for inspection.

(4) The Procedures and Arrangements Manual shall, in the case of a Trinidad and Tobago ship be in English and, in the case of any other ship, be in, or include a translation into English or French.

Measures of control of Category A substances

6 (1) A tank from which a Category A substance has been unloaded shall be washed before the ship leaves the port of unloading.

(2) The resulting tank washings shall be discharged into a reception facility at that port and washing and discharge, shall, subject to sub-regulation (5), continue until the washings at the point of discharge into the reception facility are at or below the concentration prescribed for the substance in question -

- (a) outside special areas, 0.1 per cent by weight and until the tank is empty, with the exception of phosphorous, yellow or white, for which the residual concentration shall be at 0.01 per cent by weight; or
- (b) inside special areas, 0.05 per cent by weight and until the tank is empty, with the exception of phosphorous, yellow or white, for which the residual concentration will be at 0.005 per cent by weight.

(3) After the tank washings at the point of discharge into the reception facility reach a level of concentration at or below the prescribed concentration, discharge from the tank shall be continued until the tank is empty.

(4) The level of concentration of the Category A substance in the washings at the point of discharge shall be ascertained by analysis of samples taken at that point and verified by a MARPOL surveyor or, where there is no MARPOL surveyor at that port, by the master.

(5) Where a MARPOL surveyor at the port of unloading, or where there is no MARPOL surveyor at that port, the master, is satisfied that it is not practicable to measure such level of concentration without undue delay to the ship at that port, the requirements of sub-regulation (2) shall be sufficiently complied with if -

- (a) the tank is pre-washed in accordance with the procedures specified for that tank and substance in the Procedures and Arrangements Manual; and
- (b) the MARPOL surveyor at the port of unloading or, where there is no MARPOL surveyor at that port, the master, records in the Cargo Record Book that –
 - (i) the tank and its pumps and piping systems have been emptied; and
 - (ii) the pre-wash has been carried out in accordance with the pre-wash procedure approved for that tank and that substance in the ship's Procedures and Arrangements Manual; and
 - (iii) the tank washings resulting from such pre-wash have been discharged to a reception facility and the tank is empty.

7 (1) Whenever a Category B substance or a Category C substance is unloaded, unloading shall if possible be carried out in accordance with the relevant provisions of the ship's Procedures and Arrangements Manual.

Measures of control -
Category B and C
substances

(2) Where a Category B substance or a Category C substance is unloaded, at a port which is not within a Special Area, then

- (a) where it is impossible for unloading to be carried out in accordance with sub-regulation (1) or to the satisfaction of a MARPOL surveyor; or
- (b) in any case where the substance in question is a high residue substance;

every tank from which such substance has been unloaded shall be pre-washed and the resulting tank washings shall be discharged into a reception facility at the port of unloading.

8 (1) Where a Category B substance is unloaded at a port in a Special Area, every tank from which such substance has been unloaded shall be pre-washed and the resulting tank washings shall be discharged into a reception facility at the port of unloading unless -

Category B and C
substances tank
washing in Special
areas

- (a) unloading was carried out as required by regulation 8 (1) or to the satisfaction of a MARPOL surveyor; and
- (b) the substance is not a high residue substance; and
- (c) the residues are to be retained on board for discharge outside a Special Area.

(2). Where a Category C substance is unloaded at a port in a Special Area every tank from which such substance has been unloaded shall be pre-washed and the resulting tank washings shall be discharged to a reception facility at the port of unloading unless -

- (a) unloading was carried out as required by regulation 7(1) or to the satisfaction of a MARPOL surveyor; and
- (b) either -
 - (i) the substance is a Category C substance identified in the ship's Procedures and Arrangements Manual as likely to result in a residue quantity from any one tank which does not exceed one cubic metre or 1/3,000th of the capacity of that tank, whichever is the greater; or
 - (ii) the substance is not a high residue substance and the residues are to be retained on board for discharge outside a Special Area.

Exemption from measures of control - Category A, B and C substances

9 Notwithstanding the provisions of regulations 6, 7 and 8, any tank from which a Category A or Category B or Category C substance has been unloaded shall not be required to be washed and the resultant washings discharged before the ship leaves the port of unloading as required by those sub-regulations if a MARPOL surveyor at the port of unloading exempts the ship from those regulations on one of the following grounds -

- (a) the tank is to be re-loaded with the same substance or another substance compatible with it and the tank will not be washed or ballasted before such reloading;
- (b) (i) the tank is neither to be washed nor ballasted at sea; and
 - (ii) the requirements for washing and discharge will be complied with in respect of that tank at another port; and
 - (iii) it has been confirmed in writing to the satisfaction of the Director, or if the port is not in the Trinidad and Tobago, to the satisfaction of the government or other proper authority of the state in which the port is situated, that an adequate reception facility will be available for the purpose at that other port; or
- (c) the substance is one for which cleaning by ventilation is stated to be appropriate in the ship's Procedures and Arrangements Manual or is approved by the Director.

Oil-like substances

10 (1) The noxious liquid substances listed in the Schedule have been categorised by the Organization as oil-like substances for the purposes of Regulation 14 of Annex II to MARPOL, being substances to which section 125 of the Act applies.

(2) Notwithstanding section 125, oil-like substances may be carried on an oil tanker as defined in Chapter II of Part V of the Act and discharged in accordance with the provisions of that Chapter provided all the following conditions are complied with -

- (a) sub-paragraphs (a),(c) and (d) of section 125 are complied with; and
- (b) the ship carries a [COPP] Certificate and its Supplement B, and the certificate is endorsed to indicate the ship may carry oil-like substances in conformity with this regulation and

the endorsement includes a list of oil-like substances the ship is allowed to carry.

11 (1) Offshore support vessels and ships engaged in dumping at sea shall comply with the *Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessel*, published by IMO and any amendments thereto or replacements thereof. Minimisation of
accidental pollution

(2) Ships which are not chemical tankers, other than the ships referred to in sub-regulation (1), shall comply with all applicable requirements of the IBC Code or the BCH Code when carrying noxious liquid substances in bulk.

(3) In this regulation -

“chemical tanker” has the meaning given by section 85 of the Act;

“offshore supply vessels” and “ships engaged in dumping at sea” mean the ships to which the Guidelines referred to in sub-regulation (1) are expressed to apply to.

SCHEDULE

Regulation 10

OIL-LIKE SUBSTANCES

Category C substances

Aviation alkylates
Cycloheptane
Cyclohexane
Cyclopentane
p-Cymene
Diethylbenzene
Dipentene
Ethylbenzene
Ethylcyclohexane
Heptene (all isomers)
Hexane (all isomers)
Hexene (all isomers)
Isopropyl cyclohexane
Methylcyclohexene
2-Methyl-1-pentene
Nonane (all isomers)
Octane (all isomers)
Olefin mixtures (C5-C7)
Pentane (all isomers)
Pentene (all isomers)
1-Phenyl-1-xylylethane
Propylene dimer
Tetrahydronaphthalene
Toluene
Xylenes

Category D substances

Alkyl (C9—C17) benzenes
Diisopropyl naphthalene
Dodecane (all isomers)