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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1741/19 - 2012 ජනවාරි 19 වැනි බ්‍රහස්පතින්දා - 2012.01.19

No. 1741/19 - THURSDAY, JANUARY 19, 2012

(Published by Authority)

## PART I : SECTION (I) — GENERAL

### Government Notifications

L.D.B 14/2008.

#### MARINE POLLUTION PREVENTION ACT No. 35 OF 2008

Regulations made by the Minister of Environment under Section 51 read with Sections 7 and 21 of the Marine Pollution Prevention Act No. 35 of 2008.

ANURA PRIYADARSHANA YAPA,  
Minister of Environment.

Colombo,  
19th December, 2011.

#### Regulations

1. These regulations may be cited as Bunkering (Marine Environmental Protection) Regulations No. 02 of 2011.
2. The Provisions of these regulations and the International Safety Guide For Oil Tankers and Terminals (ISGOTT) shall apply to all bunker oil supply facilities, afloat and ashore.
3. No person shall, from the date of the coming into operation of these regulations carry out a bunkering activity in the territorial waters of Sri Lanka or any other Maritime Zone, its foreshore and the coastal zone of Sri Lanka, except under the authority of a valid bunkering licence issued in that behalf by the Marine Environment Protection Authority (hereinafter referred to as “the Authority”) on an application made in that behalf to the Authority in the form specified in the Schedule III to these regulations:  
  
Provided that any person who, on the date of the coming into operation of these regulations is carrying out a bunkering activity shall within three months from such date make an application to the Authority in the form specified in Schedule I to these regulations, and obtain a valid Bunkering licence in respect of such activity.
4. Every application for a bunkering licence made under regulation 3 shall be accompanied by the fee stipulated in schedule V together with the copies of the following documents in relation to each bunker supply vessel or road transporters (bunker) as the case may be –

- (a) the Certificate of Insurance for pollution liability;  
(including cost of cleaning up consequential damage)
- (b) the Bunker Facility Procedure Manual;
- (c) Ship Board Oil Pollution Emergency plan (SOPEP);
- (d) the ships registry trading certificate issued by the Director General of Merchant Shipping and the current Survey Certificate or Certificate of sea worthiness;
- (e) the Bunker Licence issued by the Ministry of the Minister to whom the subject of Petroleum Resources Development is assigned;
- (f) valid licence issued by the Department of Motor Traffic authorizing the transport of petroleum products.

5. (1) Upon receipt of an application and, if the Authority is satisfied with the information furnished therein, the Authority shall issue a bunkering licence in the form specified in Schedule IV subject to the conditions stipulated therein.

(2) Every licence issued shall be valid for a period of one year from the date of issue of such licence, and shall be renewed on an application made in that behalf to the Authority.

(3) Every application for such renewal of a bunkering licence accompanied by the renewal fee specified in Schedule V hereto shall be made to the Authority one month prior to the expiry of the validity of such licence. Every such renewal shall be made by the Authority, subject to the inspection test or survey report carried out by an officer authorized in that behalf by the Authority.

6. (1) Where the Authority refuses to issue or renew a licence, the Authority shall communicate in writing to the applicant of its decision with reasons assigned for such refusal.

(2) Any person aggrieved by the decision of the Authority shall, before the expiry of fifteen working days from the date of such communication of the decision may appeal against such decision to the Secretary to the Ministry of the Minister to whom the subject of Marine Pollution is assigned.

(3) The Secretary may, taking into consideration of the facts stated in the appeal made under paragraph (2) and affording the person who made such appeal an opportunity to be heard shall -

- (a) allow the appeal and direct the Authority to issue or renew the licence as the case may be; or
- (b) disallow the appeal.

(4) The decision of the Secretary on the appeal referred to in paragraph (3) shall be final.

(5) The Authority shall comply with the decision taken under paragraph (3) of this regulation.

7. The bunkering licence issued under regulation 3 may be cancelled by the Authority where -

- (a) any provision of the Act or any regulation made thereunder or any condition subject to which the licence is issued is contravened; or
- (b) any particular furnished to the Authority is false or inaccurate or any relevant data is suppressed:

Provided however, prior to such cancellation of the bunkering licence the Authority shall afford the person to whom it was issued an opportunity to be heard.

8. The Authority shall give fifteen days notice in writing to the applicant prior to the carrying out of the inspection, test or survey at the location determined by the Authority, and all the expenses incurred therein, by the Authority shall be borne by the applicant.

9. The authorized Surveyor shall, prior to the delivery of the final report of inspection, test or survey, by him, certify in relation to the relevant bunkering facility the suitability, validity or availability as the case may be, of the following:-

- (a) The availability of an approved “Shipboard Oil Pollution Emergency Plan” or an alternative arrangement approved by the Authority to contain any oil spill incident in accordance with Regulation 37 of Annex I of the MARPOL 73/78 Convention;
- (b) The validity of the International Oil Pollution Prevention Certificate ensuring the operational status of the equipment and fittings for the Prevention of Pollution of the sea by oil;
- (c) The seaworthiness of the bunker supply vessel in accordance with the International Convention for the Safety of Life at Sea, 1974, (SOLAS 1974), as amended from time to time by the International Maritime Organization;
- (d) The availability of Bunkering Manual of discharging and receiving vessel or facility, as the case may be;
- (e) The availability of Ship Stability Book and Tanks Calibrations Chart/Tables;
- (f) Ships Drawings of tanks, piping and associated fittings in the system, including Emergency Shut down Valves and Remote Controls, where fitted. All such valves are labelled or tagged to indicate “OPEN” or “CLOSED” position, to prevent any accidental opening or closure;
- (g) Oil cargo loading and unloading plan of the designated tanks;
- (h) The Availability of Visual Communication aids, their display arrangements of Signals in accordance with the International Code of Signals;
- (i) Navigational lights during the day time’s poor visibility or misty atmosphere;
- (j) Effective Radio Communication between discharging and receiving vessels/facilities as necessary, including within the bunker supply vessel’s – Bridge/Engine Room/Pump room etc.;
- (k) Maintenance and up keeping of operational documents such as Ships Log Stock Book, Event Log Book and Oil Record Book;
- (l) Minimum Safe Manning of the bunker vessel or facility by Crew or Men, as the case may be qualifications and competencies of the crew shall be in accordance with the International Convention on Standards of Training, Certification and Watch keeping for Seafarers, 1978/1995, as amended by the International Maritime Organization;
- (m) Adequate lighting arrangements in and around the area of bunkering activities;
- (n) Preparedness for Fire Suppression in an emergency situation.

10. The owner, operator, master or agent of any bunker supply vessel or any bunker storage facility afloat shall ensure that the vessels are equipped with the adequate length oil booms in a ready state with mooring lines, stored and kept in easily accessible storage for quick launching.

11. The owner, operator, master or agent of any bunker supply vessel or any bunker storage facility afloat shall ensure -

- (1) the availability on board of such vessel or facility the following pollution control material adequate to absorb an oil spill of one thousand liters -
  - (a) adequate quantity of special reusable high absorbent materials;
  - (b) adequate quantity of disposable absorbent materials and cleaning materials; and
  - (c) adequate quantity of oil spill dispersant.
- (2) the carriage of all oil on board shall be in designated approved spaces only.

12. Every road transporter (Bunker) shall have adequate spill containment equipment for the containment and removal of oil spills and shall include -

- (a) absorbent materials;
- (b) saw dust or absorbent pads;
- (c) non-sparking booms;
- (d) shovels and buckets;
- (e) appropriate personal protective equipment including gloves, boots and eye protection.

13. There shall be fitted on board an approved emergency system to enable the person in charge of an oil transfer to rapidly stop the flow of the oil, within the bunker supply vessel or storage facility afloat to another vessel or facility.

14. The owner, operator, master or agent of any bunker supply vessel or any bunker storage facility shall keep on board -

- (a) the stock log book;
- (b) the oil record book;
- (c) the log book;
- (d) the engine room log book; and
- (e) the oil spill record.

15. Any bunker supply vessel, vehicle or any bunker storage facility shall be fitted on board with an effective two way voice communication system between the person in charge of the transfer service of the bunker supply vessel and the bunker receiving vessel or with the bunker storage facility, as the case may be.

16. (1) The owner, operator, master or agent of each bunker supply vessel, road transporters (Bunker) or any bunker storage facility shall submit a monthly list to the Authority in respect of the bunker services carried out during the preceding month on or before the fifteenth day of each month. Where no bunkering services have been carried out during the preceding month such owner, operator, master or agent of each bunker supply vessel or any bunker storage facility shall submit a nil list in respect of such month.

(2) Where the owner, operator, master or agent of each bunker supply vessel or any bunker storage facility fails to submit the monthly list or nil list referred to in paragraph (1) of this regulation as specified therein, the Authority may, suspend the licence for a period of one month and communicate to the owner, operator, master or agent of each bunker supply vessel, road transporters (Bunker) or any bunker storage facility in writing the reasons for doing so.

(3) Any person aggrieved by the decision of the Authority under paragraph(2) before the expiry of fifteen working days from the date of such communication of the decision may appeal against such decision to the Secretary to the Ministry of the Minister to whom the subject of Marine Pollution is assigned.

(4) The Secretary may, taking into consideration of the facts stated in the appeal made under paragraph (3) and affording the person who made such appeal an opportunity of being heard shall -

- (a) allow the appeal and direct the Authority to cancel the suspension of such licence; or
  - (b) disallow the appeal and impose such terms and conditions as may be necessary to fulfill for the purpose of removing the suspension of such licence.
- (5) The decision of the Secretary on the appeal shall be final.
- (6) The Authority shall comply with any decision issued to it under paragraph (4) of this regulation.

17. In the event of an oil spill -

- (a) the owner, operator, master or agent of a bunker supply vessel, vehicle or bunker storage facility afloat shall report the spill to the Authority forthwith;
- (b) the owner, operator, master or agent of the bunker supply vessel or bunker storage facility afloat and the receiving vessel shall ensure the prompt mobilization and launching of the oil booms in order to minimize the risk of the spill and take such immediate steps as are necessary to clean up the spill.

18. Any oil transfer from bunker oil storage facility afloat shall take place only in an area determined by the Authority.

19. The Officer-in-charge of the bunker storage facility ashore shall in addition cause to maintain the following records in the manner determined by the Authority -

- (a) stock movement log book;
- (b) oil spill record;
- (c) daily events log book.

20. (1) All Bunkering activities carried out by the bunker vessel under these regulations shall be recorded forthwith in the oil record book.

- (2) Each page of the oil record book shall be signed by the officer in charge of the facility concerned.
- (3) All oil record books shall be made readily available for inspection by the Authority at all times.
- (4) All oil record books in the case of unmanned bunker supply facility afloat under tow, shall be kept on board towing vessel.
- (5) The owner, operator, master or agent of any bunker supply vessel or bunker storage facility afloat shall be vicariously liable for any violation of the provisions of the Act or these regulations by his employees.
- (6) The details relating to the following activities –

- (a) the loading or transferring of oil cargo; to and from or within its tank to tank;
- (b) the transfer of oil cargo during voyage;
- (c) the discharge of oil cargo;
- (d) the ballasting of cargo tanks;
- (e) the cleaning of cargo tanks;
- (f) the discharge of dirty ballast;
- (g) the discharge of water from slop-tanks;

- (h) the disposal of residues; and
- (i) the discharge overboard of bilge water containing oil which has accumulated in machinery spaces whilst in port, and the routine discharge at sea of bilge water containing oil unless the latter has been entered in the appropriate log book,

shall be recorded in the oil record book on board tankers, bunkering vessels, or bunker supply facility.

(7) Each record book specified in regulation 19 shall be completed on each occasion when any of the following activities take place in the bunker supply facility ashore -

- (a) ballasting or cleaning of bunker fuel tanks;
- (b) discharge of dirty ballast or cleaning water from tanks;
- (c) disposal of residues; and
- (d) discharge overboard of bilge water containing oil which has accumulated in machinery spaces while in port, and the routine discharge at sea of bilge water containing oil unless the latter has been entered in the appropriate log book.

21. It shall be the duty of the owner, operator, master or agent of any bunker supply vessel or bunker storage facility afloat or ashore to direct to the persons in charge of the bunkering service to adhere to the safe conduct of bunkering service and the proper maintenance of accurate log entries, authenticated by the owner, operator, master or the agent as the case may be.

22. No person shall -

- (a) serve as the person in charge of oil delivery service on more than one vessel at a time; and
- (b) be employed for oil delivery duty, unless such duty is in line with the delivery task;

23. No person shall conduct an oil transfer service unless -

- (a) the vessel moorings are strong enough to hold during predicted conditions of weather;
- (b) the weather conditions are conducive for a safe transfer and within the safety limits of the equipment deployed;
- (c) the oil transfer hoses and loading arms are of adequate length to allow for vessel movement within its moorings;
- (d) each hose is thoroughly examined before use;
- (e) each hose is correctly fitted and supported to prevent and minimize stress and strain, kinking, chafing and other damage;
- (f) each part of the transfer piping system which is not being used in the transfer is securely blanked off or shutoff as appropriate;
- (g) each overboard discharge or sea suction valve that is connected to the vessel oil transfer system is secured, sealed, locked or lashed except when used to receive or discharge clean ballast;
- (h) the containment devices are installed in place;

- (i) the Communication equipment are tested and in good operational order;
- (j) the rapid shut off devices are in good operational order;
- (k) the designated personnel are placed on duty at both ends of the transfer;
- (l) the product transfer sequence, transfer rate, monitoring emergency readiness, pollution report, pollution combat procedure, rapid shut down procedure is discussed and agreement reached between the authorities responsible at both ends of oil transfer and relevant entries are made in the respective log books;
- (m) there is adequate lighting;
- (n) all good practices of seamanship and safety are enforced and complied with; and
- (o) the person in charge of oil transfer service is adequately competent and experienced in all activities connected with each transfer and fully conversant with oil spill contingency plan.

24. All vessels engaged in the bunker facility are required to use the streamlined waste reception facility provided by the Authority, for their ship board waste disposal.

25. In these regulation unless the context otherwise requires -

“Act” means the Marine Pollution Prevention Act No. 35 of 2008 ;

“Approved Bunker Supplier” : means a bunker supply company approved by the Marine Environment Protection Authority to supply oil to vessels with in the territorial waters of Sri Lanka or any other maritime zone, its foreshore and the coastal shore of Sri Lanka;

“Authorized Officer” means any officer authorized in writing for the purposes of these regulations by the Chairman of Marine Environment Protection Authority established under the Marine Pollution Prevention Act, No.35 of 2008;

“Bunkering” means the transferring of oil, oil fuel or any oily mixture in the marine environment;

“Bunkering activities” means any activity related to supply of bunkers to and from vessel to vessel, land, vehicle or any other installation;

“Bunker Receiving Vessel”: means a ship, which receives bunkers or other oils covered by Annex I of MARPOL 73/78;

“Bunker Supplier” means the registered bunker supplier who holds a valid bunker supplier licence issued by the Minister in charge of the subject of power and energy:

“Bunker storage facility afloat” means a storage tanker which supplies bunker, to bunker supply vessels;

“Bunker Supply Vessels” means a ship, which delivers bunker supplies to a receiving ship.

“Ship” has the same meaning as defined in Marine Pollution Prevention Act No. 35 of 2008.

“Road Transporters (Bunker)” includes Bowser, truck or any road tanker used for transport of bunkers to deliver to vessel.

SCHEDULE I

MARINE POLLUTION PREVENTION ACT, No. 35 OF 2008

Application No.

APPLICATION FOR A BUNKERING LICENCE IN THE TERRITORIAL WATERS OF SRI LANKA  
 (NEW AND RENEWAL)

**State whether application is for a new license or for renewal**  
 (Please tick as appropriate)

New	<input type="checkbox"/>
Renewal	<input type="checkbox"/>

*If for new furnish details under sections a-d*  
*If for Renewal Furnish details under sections a-e*

**Section A. Particulars of Applicant/Firm**

A1 Name of Firm/Company	
A2 Nationality	
A3 Registered Office Address	
A4 Business Address in Sri Lanka	
A5 Business Registration No.	
A6 Contact Details	
(a) Name of Person	
(b) Telephone	
(c) Facsimile	
(d) Email	
A7 Percentage of equity held by applicant/firm	
A8 Percentage of equity held by others (Please specify)	



**Section B**

BI. Particulars of Vessel/s to be used in rendering Bunkering services.

Furnish details and attach copies

a. Name of Ship	
b. Net Capacity	
c. Identification Number	
d. Port of Registration	
e. Registration Number/Date	
f. Dead Weight of Vessel	
g. Date of Construction, or last Date of Dry Docking	
h. Builder's Yard Address	
i. Contract Address of Vessels Owners	
j. Types of Charter (Tick as appropriate)	(i) Time      (ii) Volume      (iii) Voyage

**B2. Oil Spill Response Capacity (if more than one vessel indicate separately)**

B2. 1 Oil Boom

<i>Type</i>	<i>Length (Meter)</i>

B2. 2 Oil Spill Dispersant

<i>Product name</i>	<i>Type</i>	<i>Amount (Litre)</i>

B2. 3 Oil absorbent

<i>Product name</i>	<i>Type</i>	<i>Amount (Litre)</i>

B2. 4 Other (Specify)

<i>Product name</i>	<i>Type</i>	<i>Amount (Litre)</i>

**Section C - Documents to be submitted (mark as appropriate)**

C1 The certificate of insurance for pollution liability	
C2 The Bunker Facility proceduere Manual	
C3 The Emergency Responce Manual	
C4 Copy of ships registry and trading certificates issued by the DG Merchant Shipping, Sri Lanka	
C5 Copy of the Bunker license issued by the Ministry of Petroleum and Petroleum Resources Development	

Please provide all the required documents as indicated in the regulations.

**Section D - Storage and Operation**

D1 Description of Storage Facilities (Furnish as appropriate)

<i>Storage items</i>	<i>Location</i>	<i>Capacity of Storage Tank</i>	<i>Capacity of floating storage</i>
D1. 1 Automotive Gas Oil (AGO)			
D1. 2 Fuel Oil			
D1. 3 Others (please specify)			
i.			
ii.			

D2 Details of operation office (if different to A6)

D2.1 Name of Contact Person	
D2.2 Address	
D2.3 Telephone Number	
D2.4 Facsimile Number	
D2.5 Email	

**Section E-Renewal of Permit issued**

E1 Details of vessels under taken for bunker services in last 12 months

(Please attach a schedule in the format below)

<i>Name of Vessels</i>	<i>Date of Supply</i>	<i>Volume MT</i>	<i>Value</i>	<i>Location</i>	<i>Bill of lading No. and date</i>

I hereby certify that the particulars furnished by me in this application are true and correct. I am aware that if any particulars herein are found to be false or incorrect, my application will be refused and the license will be cancelled.

.....  
 Signature of Applicant.

.....  
 Official Stamp and Date

*For Office use only*

*Application Fee*

State whether payment made by Cash, Cheque or Bank Draft Reference Number

.....

Date:.....

Amount (in words):.....

Recommendation :.....

.....

.....

Bunkering license fee

Bank Draft Reference Number :.....

Date:.....

Amount (In words):.....

SCHEDULE II

MARINE POLLUTION PREVENTION ACT, No. 35 OF 2008

MARINE ENVIRONMENT PROTECTION AUTHORITY (MEPA) SRI LANKA

BUNKERING LICENCE (MARINE ENVIRONMENT PROTECTION)

(issued under the provisions of Marine Pollution Prevention Act, No. 35 of 2008)

Regulation No. 02/2011

Licence No : .....

Vessel Name/Vehicle Type : .....

Port of Registry : .....

IMO No/Vehicle Registration No. : .....

Gross Tonnage/Capacity : .....

Type of Vessel : .....

Owner : .....

Manager/Bunker Operator : .....

This is to certify that the above vessel/Road Tanker ..... managed and operated by ..... has been duly surveyed by a surveyor nominated by this Authority and found to comply with the requirements necessary for bunkering operations.

This licence shall be valid for a period of one calendar year, subject to the under mentioned conditions imposed by the Marine Environment Protection Authority for Bunker Supply Operations.

Conditions :

1. The holders of the licence shall permit the authorized MEPA officers or any other duly authorized officer in that behalf in writing by CEO of MEPA at any time to enter the vessels and carry out periodic inspections as may be deemed to be necessary by the officers authorized by the MEPA during the period of the validity of this licence
2. The holder of the licence shall comply with any other requirement communicated from time to time by the Authority.

.....  
General Manager.

Date of Issue : .....

SCHEDULE III

MARINE POLLUTION PREVENTION ACT, No. 35 OF 2008

APPLICATION FOR BUNKER OIL FACILITY ASHORE  
(NEW AND RENEWAL)

Application No.

State whether application is for a new licence or for renewal

(Please tick as appropriate)

New   
Renewal

Section A . Particulars of Applicant/Firm

A1 Name of Firm/Company :

A2 Nationality :

A3 Registered Office Address :

A4 Business Address in Sri Lanka :

A5 Business Registration No :

A6 Contact Details

(a) Name of Person

(b) Telephone

(c) Facsimile

(d) Email

A7 Percentage of equity held by applicant/firm

A8 Percentage of equity held by others (Please specify)

**Section B**

**B1 Particulars of Bunker Oil Facility Ashore**

Furnish Details and attach copies

Storage and Operation

D1 Description of Storage Facilities (furnish as appropriate)

<i>Storage items</i>	<i>Location</i>	<i>Capacity of Storage tank</i>
D1 Automotive gas oil (AGO)		
D1.2 Fuel Oil		
D1.3 Others (Please specify)  i.  ii.		

a. Site Address	
b. Site Office Telephone Numbers	
c. Extent of site	
d. Total storage capacity of tanks	
e. Number of tank and capacity of each tank	
f. Tank construction materials and thickness of each tank	
g. Details of Firefighting equipment and fire fighting plan	
h. Details of Oil spill combat equipment and contingency plan	

D2 Details of Operation Office (if different to A6)

D2.1 Name of Contact Person
D2.2 Address
D2.3 Telephone Number
D2.4 Facsimile Number
D2.5 Email

a. Site Address	
-----------------	--

b. Site Office telephone numbers	
----------------------------------	--

c. Extent of site	
-------------------	--

d. Total storage capacity of tanks	
------------------------------------	--

e. Number of tank and capacity of each tank	
---	--

f. Tank construction materials and thickness of each tank	
---	--

g. Details of Firefighting equipment and fire fighting plan	
---	--

h. Details of oil spill combat equipment and contingency plan	
---	--

Details of mitigatory measures already taken to minimize damage due to accidental spill, fire or any emergency.

Hazards	Mitigatory measure
Spill	Earth bunds

I hereby certify that the particulars furnished by me in this application are true and correct. I am aware that if any particulars herein are found to be false or incorrect, my application will be refused and the license will be cancelled.

.....  
 Signature of Applicant.

.....  
 Official Stamp and Date



SCHEDULE IV

MARINE POLLUTION PREVENTION ACT, No. 34 OF 2008

MARINE ENVIRONMENT PROTECTION AUTHORITY (MEPA) SRI LANKA

LICENSE FOR BUNKER OIL FACILITY ASHORE (MARINE ENVIRONMENT PROTECTION)

(Issued under for provisions of Marine Environment Pollution Prevention Act No. 35 of 2008) Regulation No.

This is to certify that the above bunker oil tank facility ..... managed and operated by ..... has been duly surveyed by a surveyor nominated by this Authority and found to comply with the requirements necessary for bunker oil storage.

This licence is valid with effect from ..... subject to the under mentioned conditions imposed by this Authority for Bunker Supply Operation.

Conditions :

1. The licence shall be valid for such period as may be specified therein, it shall not be for more than a period of one year from the date of issue.
2. The holders of the licence shall permit the authorized MEPA officers or any other duly authorized officer in that behalf in writing by General Manager of MEPA at any time to enter the vessels and carry out periodic inspections as deemed to be necessary by the officers authorized by the MEPA during the period of the validity of this licence.
3. The holder of the licence shall comply with any other requirement communicated from time to time by the Authority.

.....  
General Manager.

Date of Issue : .....

SCHEDULE V

MARINE POLLUTION PREVENTION ACT, No. 35 OF 2008

1. Application fee - Rs. 1,000.00
2. Annual Licence fee - Rs. 1,50,000.00 for each vessel
3. Annual Licence fee - Rs. 5,000.00 for each Road Tanker
4. Licence Fee Oil Storage tank ashore - Rs. 30,000.00

02-147