

Order no. 166 of 1 April 1987

Order on the Classification, Categorisation and Discharge of Noxious Liquid Substances carried in Bulk

(the Order on discharge)

The following shall be laid down pursuant to sections 6, 16, 17, 18, 20, 59, nos. 1 and 2 as well as section 60 of the Act no. 130 of 9 April 1980 on the Protection of the Marine Environment (*lov om beskyttelse af havmiljøet*) with subsequent amendment:

Part 1

Definitions

1.-(1) For the purposes of this Executive Order:

1. *Liquid substances* are those having a vapour pressure not exceeding 2.8 kp/cm² (0.28 MPa) at a temperature of 37.8°C.

2. *Noxious liquid substance* means any liquid substance falling into Category A-D or provisionally assessed to Category A-D in Annex 1 as falling into Category A-D.

3. *Nearest land* means the baseline from which the territorial sea of the territory in question is established in accordance with international law except that "from the nearest land" off the north-eastern coast of Australia shall mean from the line drawn from a point on the coast of Australia in:

latitude 11°00' S, longitude 142°08' E

to a point in latitude 10°35' S, longitude 141°55' E

thence to a point latitude 10°00' S, longitude 142°00' E

thence to a point latitude 9°10' S, longitude 143°52' E

thence to a point latitude 9°00' S, longitude 144°30' E

thence to a point latitude 13°00' S, longitude 144°00' E

thence to a point latitude 15°00' S, longitude 146°00' E

thence to a point latitude 18°00' S, longitude 147°00' E

thence to a point latitude 21°00' S, longitude 153°00' E

thence to a point latitude 24°42' S, longitude 153°15' E

thence to a point on the coast of Australia.

4. *Chemical tanker* means a ship constructed or adapted to carry a cargo of noxious liquid substances in bulk.

5. *Special areas*:

- a) the *Baltic Sea* area means the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8' N .
- b) The *Black Sea* area means the Black Sea proper north of the parallel of latitude 41° N.

6. *New ship* shall mean a ship for which the keel is laid on 1 July 1986 or later, or is at a similar stage of construction on this date.

7. *Existing ship* means a ship which is not a new ship, cf. no. 6.

8. *Slop tank* means a tank specifically designated for the collection of tank drainings, tank washings and other residues of noxious liquid substances.

9. *Clean ballast* means ballast water carried in a tank which since it was last used to carry a cargo containing a substance in Category A, B, C or D, has been thoroughly cleaned and the residues resulting there from have been discharged and the tank emptied in accordance with the appropriate requirements of this Executive Order.

10. *Segregated ballast* means ballast water introduced into a tank 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 and oil fuel system.

11. *High-viscosity substance* means:

1. a substance in Category B with a viscosity equal to or greater than 25mPa.s at the unloading temperature.
2. a substance in Category C with a viscosity equal to or greater than 25mPa.s in special areas and a viscosity equal to or greater than 60 m mPas.s outside special areas at the unloading temperature.

12. *Solidifying substance* means:

1. a substance with a melting point of less than 15°C which is at a temperature of less than 5°C above its melting point at the time of unloading.
2. a substance with a melting point equal to or greater than 15°C which is at a temperature of less than 10°C above its melting point at the time of unloading.

(2) The regulations of this chapter shall also apply for carriage on chemical tankers of cargo covered by chapter 2 of the Act on the Protection of the Marine Environment (*lov om beskyttelse af havmiljøet*).

2. Liquid substances shall be classified in accordance with Annex 1 to this Executive Order.

Part 2

Classification of liquid substances

3. Any liquid substance not listed in Annexes 1 and 2 of this Executive Order shall be classified by the Danish Environmental Protection Agency before carriage to or from a Danish port.

Part 3

General regulations

4. Discharge into the sea of liquid substances which are not classified, cf. section 3, shall be prohibited.

5. In Danish territorial waters discharge of other substances than water shall be prohibited.

6.-(1) Outside Danish territorial waters discharge of substances classified in one of the Categories A-D shall only take place according to the regulations in parts 4-8.

(2) The regulations in parts 4-8 shall not apply to clean ballast or substances which have not been assigned to the Categories A-D in the classification.

(3) Discharge from slop tanks shall be carried out pursuant to the regulations for the highest classified substance in the washings released.

7. After unloading tanks containing solidifying or high-viscosity substances, the tank shall be cleaned in accordance with the regulations laid down on the relevant substance or tank. The resulting tank washings shall be discharged to an onshore reception facility. Further discharge into the sea from the tank shall only be carried out in accordance with the regulations laid down on the relevant substance and category, cf. parts 4-8.

Part 4

Category A substances

8.-(1) The discharge into the sea of substances in Category A as defined in Annex 1 or of those provisionally assessed as such as well as discharge from other tanks than slop tanks of ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited unless such discharges are made in full compliance with the regulations in subsections (2) and (3).

(2) If tanks containing Category A substances are to be cleaned, the tank washings shall be discharged to a reception facility until the concentration of the Category A substance has been reduced to the concentration stated in Annex 1, column III (ports outside special areas) or column IV (ports in special areas). Afterwards, the tank shall be emptied completely to the reception facility.

(3) From a tank cleaned in accordance with the procedure in subsection (2), discharge of water into the sea shall only be carried out provided all the following conditions are satisfied:

- a) the ship is proceeding *en route* at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled.
- b) the discharge is made below the waterline, taking into account the location of the seawater intakes.
- c) the discharge is made at a distance of not less than 12 nautical miles from the nearest land in a depth of water of not less than 25 metres.

(4) Discharge from slop tanks containing Category A substances shall only be carried out to onshore reception facilities.

Part 5

Category B substances

9.-(1) In special areas discharge into the sea of substances in Category B in Annex 1 or of those provisionally assessed as such as well as discharge of ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:

- a) the tank has been washed in accordance with the tank cleaning procedure approved for the ship, and the tank washings shall be delivered to an onshore reception facility. Subsequent discharge overboard shall be carried out through approved procedures and equipment.
- b) the ship is proceeding *en route* at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled.
- c) the concentration of Category B substance in the wake astern of the ship does not exceed 1 part per million.
- d) the discharge is made below the waterline, taking into account the location of the seawater intakes.
- e) the discharge is made at a distance of not less than 12 nautical miles from the nearest land in a depth of water of not less than 25 metres.

(2) Discharge from slop tanks in special areas of residues containing Category B substances shall only be carried out to an onshore reception scheme.

(3) Residues and mixtures kept on board until the ship is outside the special area may be discharged pursuant to the regulations in section 10.

10. Outside special areas discharge of residues and mixtures of Category B substances shall only take place provided all the following conditions are satisfied:

- a) washing and discharge shall only take place using approved procedures and equipment. The substance discharged shall be diluted so that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 1 part per million. A larger amount of cargo shall not be discharged from the ship than can fulfil this requirement. Residues and mixtures containing high-viscosity and solidifying substances, cf. section 1(1), nos. 11 and 12, shall only be discharged after cleaning the cargo tank pursuant to section 9(1), a.
- b) the ship is proceeding *en route* at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled.
- c) the maximum quantity of cargo discharged from each tank shall in no case exceed the greater of 1 m³ or 1/3000 of the tank capacity in m³.
- d) the discharge is made below the waterline, taking into account the location of the seawater intakes.
- e) the discharge is made at a distance of not less than 12 nautical miles from the nearest land in a depth of water of not less than 25 metres.

Part 6

Category C substances

11.-(1) In special areas discharge into the sea of substances in Category C in Annex 1 or of those provisionally assessed as such as well as discharge of ballast water, tank washings or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied, cf. however section 13:

- a) washing and discharge shall only take place using approved procedures and equipment. The substance discharged shall be diluted so that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 1 part per million. A larger amount of cargo shall not be discharged from the ship than can fulfil this requirement.
- b) the ship is proceeding *en route* at a speed of at least 7 knots in the case of self-propelled or at least 4 knots in the case of ships which are not self-propelled.
- c) the maximum quantity of cargo discharged from each tank shall in no case exceed the greater of 1 m³ or 1/3000 of the tank capacity in m³.
- d) the discharge is made below the waterline, taking into account the location of the seawater intakes

- e) the discharge is made at a distance of not less than 12 nautical miles from the nearest land in a depth of water of not less than 25 metres.

(2) Residues and mixtures kept on board until the ship is outside special areas may be discharged pursuant to the regulations in section 12.

12. In special areas discharge into the sea of substances in Category C in Annex 1 or of those provisionally assessed as such as well as discharge of ballast water, tank washings or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied, cf. however section 13:

- a) washing and discharge shall only take place using approved procedures and equipment. The substance discharged shall be diluted so that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 10 parts per million. A larger amount of cargo shall not be discharged from the ship than can fulfil this requirement.
- b) the ship is proceeding *en route* at a speed of at least 7 knots in the case of self-propelled ships. or at least 4 knots in the case of ships which are not self-propelled.
- c) the maximum quantity of cargo discharged from each tank shall in no case exceed the greater of 3 m³ or 1/1000 of the tank capacity in m³.
- d) the discharge is made below the waterline, taking into account the location of the seawater intakes
- e) the discharge is made at a distance of not less than 12 nautical miles from the nearest land in a depth of water of not less than 25 metres.

13. High-viscosity or solidifying residues and mixtures of Category C substances, cf. section 1(1) nos. 11 and 12, shall only be discharged after cleaning the cargo tank in accordance with section 9(1), a.

Part 7

Category D substances

14. In special areas discharge into the sea of substances in Category D in Annex 1 or of those provisionally assessed as such as well as discharge of ballast water, tank washings or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:

- a) the ship is proceeding *en route* at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled.
- b) such mixtures are of a concentration not greater than one part of the substance in ten parts of water.
- c) the discharge is made at a distance of not less than 12 nautical miles from the nearest land.

Part 8

Oily substances

15. Substances listed in Annex 3 may be discharged pursuant to the regulations in part 2 of the Marine Environment Act (*havmiljøloven*), provided the discharge is carried out from a ship approved to carry such substance and the discharge equipment of the ship has been approved for this purpose.

Part 9

Damage etc.

16. In connection with damage or similar to the unloading equipment of the ship etc. causing the unloading not to be carried out pursuant to the regulations laid down for the ship, the empty cargo tanks shall be cleaned and the washings shall be delivered to reception facilities before discharge pursuant to the regulations in parts 4-7 may be carried out.

Part 10

Ventilation

17.-(1) Ventilation of a tank shall only take place with a permit from the port authorities and only by using approved procedures.

(2) Water led to a tank cleaned pursuant to subsection (1) shall be treated as clean ballast.

Part 11

Penalty

18.-(1) Unless more severe punishment is incurred under other legislation, anyone violating sections 3-5, section 6(3), sections 7-16, and section 17(1) shall be liable to a fine or imprisonment for up to one year.

(2) The owner or operator of the ship may be liable to a fine for violations mentioned in subsection (1), even though these violations cannot be attributed to the owner or operator of the ship as intentional or as gross negligence. No alternative sentence shall be stipulated for such fines.

19. Violations by public limited companies, cooperative societies, private limited companies, or similar may be made liable to fines.

Part 12

Entry into force

20. This Executive Order shall enter into force on 10 April 1987.

21. For existing ships the following provisions shall not enter into force until 1 January 1988:

- 1) Section 8(3), b.
- 2) Section 9(1), c and d.
- 3) Section 10, a 2nd clause and d.
- 4) Section 11(1), a 2nd clause and d.
- 5) Section 12, b 2nd clause and d.

The Ministry of the Environment, 1 April 1987

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Annex I

Appendix I

Guidelines for the categorization of noxious liquid substances

Category A Substances which are bioaccumulated and liable to produce a hazard to aquatic life or human health, or which are highly toxic to aquatic life (as expressed by a Hazard Rating 4, defined by a TL_m less than 1 ppm); and additionally certain substances which are moderately toxic to aquatic life (as expressed by a Hazard Rating 3, defined by a TL_m of 1 ppm or more, but less than 10 ppm) when particular weight is given to additional factors in the hazard profile or to special characteristics of the substance.

Category B Substances which are bioaccumulated with a short retention of the order of one week or less, or which are liable to produce tainting of the sea food, or which are moderately toxic to aquatic life (as expressed by a Hazard Rating 3, defined by a TL_m of 1 ppm or more, but less than 10 ppm); and additionally certain substances which are slightly toxic to aquatic life (as expressed by a Hazard Rating 2, defined by a TL_m of 10 ppm or more, but less than 100 ppm) when particular weight is given to additional factors in the hazard profile or to special characteristics of the substance.

Category C Substances which are slightly toxic to aquatic life (as expressed by a Hazard Rating 2, defined by a TL_m of 10 ppm or more, but less than 100 ppm); and additionally certain substances which are practically non-toxic to aquatic life (as expressed by a Hazard

Rating 1, defined by a TL_m of 100 ppm or more, but less than 1,000 ppm) when particular weight is given to additional factors in the hazard profile or to special characteristics of the substance.

Category D Substances which are practically non-toxic to aquatic life (as expressed by a Hazard Rating 1, defined by a TL_m of 100 ppm or more, but less than 1,000 ppm); or causing deposits blanketing the sea floor with a high biochemical oxygen demand (BOD); or which are highly hazardous to human health, with an LD₅₀ of less than 5 mg/kg; or which produce moderate reduction of amenities because of persistency, smell of poisonous or irritant characteristics, possibly interfering with use of beaches; or which are moderately hazardous to human health, with an LD₅₀ of less than 5 mg/kg or more, but less than 50 mg/kg, and produce slight reduction of amenities.

Other Liquid Substances (for the purpose of regulation 4 of this Annex) Substances other than those categorized in Categories A, B, C, and D above.

Appendix II

List of noxious liquid substances carried in bulk

Noxious liquid substances carried in bulk and which are presently categorized as Category A, B, C or D and subject to the provisions of this Annex, are so indicated in the Pollution Category column of chapters 17 or 18 of the International Bulk Chemical Code.

Appendix III

List of other liquied substances

Liquid substances carried in bulk which are identified as falling outside Categories A, B, C and D are not subject to the provisions of this Annex and indicated as 'III' in the Pollution Category column of chapters 17 or 18 of the International Bulk Chemical Code.