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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

L.D.B. 14/2008.

THE MARINE POLLUTION PREVENTION ACT

REGULATIONS made by the Minister of Environment and Renewable Energy under Section 51 read with Section 27 and 28 of the Marine Pollution Prevention Act, No. 35 of 2008.

SUSIL PREMAJAYANTHA,

Minister of Environment and Renewable Energy.

Colombo,
12th June, 2013,
Colombo.

Regulations

1. These regulations may be cited as the Marine Environmental Protection (issuance of permits for dumping at sea) Regulations No. 2013.

2. No person shall dump -

(a) any harmful substances ;

(b) any pollutant referred to in schedule I and includes :-

(i) dredged materials referred to in schedule II, sewage sludge, fishwaste or material resulting from industrial fish processing operations ;

(ii) inert, inorganic geological materials, organic materials of natural origin ;

(iii) items comprising primarily of iron, steel, concrete and similar non harmful materials ;

(iv) ships, aircraft, platform or other man made structures ; and

(v) wastes referred to in schedule III to these regulations.



into the territorial waters of Sri Lanka or any other maritime zone, its fore shore and the costal zone of Sri Lanka, except under the authority of permit issued in that behalf by the Authority.

3. The dumping of the substances referred to in Schedule IV to these regulations into the territorial waters of Sri Lanka or any other maritime zone, its fore shore and the coastal zone of Sri Lanka, shall be prohibited by the Authority.

4. (1) An application for a permit for dumping shall be made to the Authority in the form specified in Schedule V to these regulations.

(2) Every application made under paragraph (1) of regulation 4 shall be accompanied by -

- (a) the application fee specified in Schedule VI ;
- (b) the test certificate or analysis report on the material to be dumped by an Institution approved by or acceptable to the Authority ;
- (c) a sample of the material which is proposed to be dumped ;
- (d) an assessment of the availability of alternative methods of disposal other than dumping ;
- (e) the complete description and characterization of the harmful substance or pollutant to be dumped ;
- (f) the details of the proposed dumping site and the proposed date, time and duration of the dumping operation ;
- (g) the quality, type and the source of the material proposed to be dumped ;
- (h) proposed method of dumping ;
- (i) an assessment of the environmental impacts of the material proposed to be dumped on the following :-
 - (i) the marine, coastal, port, fisheries or estuarine activities ;
 - (ii) the promotion of tourism and the preservation and development of tourist attractions in the territorial waters of Sri Lanka or any other maritime zone or on the fore-shore including beaches and coral reefs ;
 - (iii) the health and well being of the community ;
 - (iv) the living marine resources and wild life ;
 - (v) the navigation of ships ;
- (j) particulars of the proposed programme of monitoring and compliance with the permit issued and the particulars of procedures adopted to protect the marine environment ;
- (k) particulars of the proposed vessel to be used in the dumping, including the flag under which it is flying ;
- (l) Current Seaworthiness Certificate ; and
- (m) in the case of dumping through pipelines, the details relating to such pipe lines, including its dimensions and the proposed rate of discharge.

(3) Every application shall be made to the Authority in writing within thirty days prior to the commencement of proposed dumping.

- (4) (a) upon receipt of the application the Authority shall process the application during working hours excluding Saturday, Sunday and Public Holidays ;
- (b) any application received after 3.00 p.m. on any working day shall be deemed to have been received on the following working day.

(5) The authority may, in writing require to applicant to provide any additional information as it may consider necessary to evaluate the application for the purpose of issuing a permit, for dumping.

5. (1) The Authority shall evaluate every application for a permit subject to -

- (a) the Provisions of Section 29 of the Act ; and
- (b) any other guidelines relating to dumping which may be issued and published from time to time by the International Maritime Organization (IMO) or a national marine environment protection organization of a state other than Sri Lanka.

(2) The Authority shall notify the applicant of its decision within thirty days from the date of receipt of the application by the Authority.

(3) Where the application for the permit for dumping is granted, the applicant shall pay the permit fee as specified in schedule VI hereto, and the Authority shall issue the permit as specified in Schedule VII hereto, subject to such terms and conditions as may be determined by the Authority having regard to the safety of the living species in the territorial waters of Sri Lanka or any other maritime zone, it's fore shore and the coastal zone of Sri Lanka.

(4) Every permit issued shall, on demand be produced to the Authority or any person authorized in that behalf by the Authority.

6. (1) Where the Authority is of the opinion that the grant of such permit would harm any living species in such territorial waters or any other maritime zone, it's fore shore and the coastal zone of Sri Lanka, or have an effect on the quality of the water or disrupt any marine activity, refuse to issue a permit and shall forthwith communicate such decision to the applicant.

(2) Any person aggrieved by the decision of the authority may appeal to the Secretary to the Ministry of the Minister in charge of the subject of Marine Pollution, against such decision within thirty days from the date on which the decision was communicated to the applicant.

(3) The Secretary may on an appeal made under paragraph (2) -

- (a) allow the appeal and direct the Authority against whose decision the appeal was made, to issue the permit ; or
- (b) disallow the appeal.

(4) The Authority shall comply with any direction issued to it under paragraph (3).

7. (1) The Authority shall specify in every permit -

- (a) the types, sources and quantities of harmful substance or other pollutant to be dumped ;
- (b) the location of the dumping site ;
- (c) the method of dumping, including any disposal management techniques for dealing with ;
- (d) the date and time of the dumping and the details of contaminants in the harmful substance or other pollutant to be dumped ;

- (e) the name of the authorized officer in whose presence such dumping shall take place ; and
- (f) Such other condition as the Authority deems appropriate.

(2) Every permit issued by the Authority shall be used only for the purpose specified in the permit and on the day and during the time specified therein.

(3) No permit issued under sub paragraph (3) of paragraph 5 shall be transferable to any other person.

(4) A permit may be cancelled or suspended for a period of thirty days by the Authority where -

- (a) any provision of the Act or any regulation made thereunder or any condition subject to which the permit is issued is contravened or any direction issued by the Authority is not complied with ;
- (b) any particulars furnished to the Authority are false or inaccurate or any relevant data is suppressed :

Provided however, prior to the cancellation or suspension of a permit the Authority shall afford the person to whom it was issued an opportunity to be heard.

(5) The Authority may, at the time of the issue of the permit designate special areas which are considered to be protected from pollution by harmful substances or any other pollutant and shall prohibit dumping of substances referred to in regulation 2 in such area.

8. (1) Every permit holder shall, permit an authorized officer of the Authority -

- (a) to have access to the premises where the harmful substance or pollutant to be dumped in generated or stored or packed in preparation prior to dumping ;
- (b) to take samples of any harmful substance or pollutant that are emitted, discharged or deposited from or by plant, equipment or connected system ;
- (c) to examine the relevant books of records, or documents and make copies of any books, or documents seen in the course of such examination ;
- (d) to take photographs of site as the authorized officer may consider necessary ; and
- (e) to take samples of the pollutant proposed to be dumped.

(2) Every permit holder shall comply with any requirement communicated from time to time by the Authority with regard to -

- (a) the use of any technique or method for packing or dumping process with a view of minimizing environmental pollution and hazards ; and
- (b) any other technical measure for the purpose of preventing or mitigating marine environmental pollution and hazards.

(3) The Authorized officer shall prepare a report in writing of the sample tested under Subparagraph (1) (b) of this regulation and shall cause report together with the permit to be exhibited in a conspicuous place in the ship or any other place determined by the Authority.

(4) Every permit holder on completion of the dumping of harmful substance or pollutant shall, submit a report to the Authority as specified in the Schedule VIII hereto within seven days of dumping or periodically from time to time as required by the Authority.

(5) Every permit holder shall be required to inform the Authority of any accident or incident involving in any excess oil spill while operating under the terms and conditions of the permit.

9. (1) An applicant may apply to the Authority for an emergency permit to dump harmful substances or pollutant or waste or other matter in an emergency in accordance with Regulation 4(1).

(2) The Authority shall, after assessing the application in accordance with regulation 5, issue the emergency permit -

- (a) where the dumping is necessitated by an emergency which poses an unacceptable risk relating to human health, safety, or the marine environment, where no other feasible alternative could be found ;
- (b) after such consultation as the Authority may consider necessary with any appropriate competent authority in Sri Lanka or of any other country that is likely to be affected by such dumping ;
- (c) after notifying the International Maritime Organization of the emergency permit application ; and
- (d) having regard to the recommendations of the International Maritime Organization (IMO) and any other International Organization to ensure the due application of appropriate procedures to avoid damage to the marine environment.

(3) Notwithstanding the provisions of sub-paragraph (2), the Authority in issuing an emergency permit shall have regard to the national interests and shall not prejudice the rights of the flag state and any other person or country.

10. The provisions of Section 27 and Section 53 of the Act shall apply in respect of -

- (a) the carrying out of any dumping activity without obtaining a permit ; or
- (b) any contravention of these regulations.

11. In these regulations -

"Act" means, the Marine Pollution Prevention Act, No. 35 of 2008 of Sri Lanka ;

"Authority" means, Marine Environment Protection Authority of Sri Lanka ;

"dumping" means, (a) in relation to waste or other matter, its deliberate disposal ; and

- (b) in relation to a ship, an air craft, or an off shore installation, its deliberate disposal or abandonment ;

but does not include the disposal of waste or other matter incidental to, or derived from, the normal operations of a ship, air craft, or offshore installation, if the purposes of those operations does not include the disposal, or the treatment or transportation for disposal, of that waste or other matter ;

"harmful substance" means, any substance which, if introduced into the sea, is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea ;

"off shore installation" includes any artificial structure (including a floating structure other than a ship) used or intended to be used in or on, anchored or attached to, the sea bed for the purpose of the exploration for, or the exploitation or associated processing of, any mineral, but does not include a pipe line ;

"person" means, the owner or operator of a ship or off shore installation or pipe line or any other person authorized by the Authority in writing in that behalf to undertake dumping activities as a service provider ;

"radio active waste or other radio active matter" means, any waste or other matter containing any radioactive material which is harmful and against the interest of Sri Lanka ;

"territorial waters of Sri Lanka" shall have the same meaning as in the Constitution of the Democratic Socialist Republic of Sri Lanka ;

"waste or other matter" means, material and substances of any kind.

SCHEDULE I

(Regulation 2(b)).

Permitted industrial and domestic waste dumping into marine and coastal areas under dumping permit (allowed only if following parameters are below the tolerant limits.)

Discharge standard from land based industries and other sources into marine and coastal areas.

No.	Parameter	Unit Tolerance Limit	Type of Limit Values
1	Total suspended solid	mg/ l, max	150
2	Particle size of - (a) Floatable solids (b) Settleable solids	mm, max μm, max	3 850
3	pH at ambient temperature	-	5.5-9.0
4	Biochemical oxygen demand. 100 (BOD in five days at 20° C or BOD in three days at 27° C)	mg/l, max	100
5	Temperature	°C, max	45° C at the point of discharge
6	Oil and Greases	mg/l, max	20.0
7	Phenolic compounds (as Phenolic OH)	mg/l, max	5.0
8	Chemical oxygen demand (COD)	mg/l, max	250.0
9	Total residual chlorine	mg/l, max	1.0
10	Ammoniac Nitrogen (as N)	mg/l, max	50.0
11	Cyanide (as CN)	mg/l, max	0.2
12	Sulphides (as S)	mg/l, max	5.0
13	Fluorides (as F)	mg/l, max	15.0
14	Arsenic (as As)	mg/l, max	0.2
15	Cadmium (as Cd)	mg/l, max	2.0
16	Chromium, total (as C)	mg/l, max	2.0
17	Chromium, Hexavalent (as Cr6+)	mg/l, max	1.0
18	Copper (as Cu)	mg/l, max	3.0
19	Lead (as Pb)	mg/l, max	1.0
20	Mercury (as Hg)	mg/l, max	0.01
21	Nickel (as Ni)	mg/l, max	5.0
22	Selenium (as Se)	mg/l, max	0.1
23	Zinc (as Zn)	mg/l, max	5.0
24	Pesticides	mg/l, max	0.005
25	Organo-Phosphorus compound	mg/l, max	1.0
26	Chlorinated hydrocarbons (cl)	mg/l, max	0.02
27	Faecal coliform	MPN/100 ml., max	60
28	Radio Active Material (c) Alpha emitters (d) Beta emitters	micro curie/ml, max micro curie/ml, max	10 ⁻⁸ 10 ⁻⁷

Note 1: All efforts should be made to remove unpleasant odor and color as far as practicable.

Note 2 : These values are based on dilution of effluents by at least 8 volumes of clean receiving water. If the dilution is below 8 times, the permissible limits are multiplied by the 1/8 of the actual dilution.

SCHEDULE II

(Regulation 2(b)(i)).

Sediment Quality Guideline for Dredged Material Proposed for Dumping at Sea

<i>Item</i>	<i>Substance</i>	<i>Screening level</i>
<i>Metals and metalloids</i>		
1	Antimony	2 mg/kg
2	Arsenic	20 mg/kg
3	Cadmium	1.5 mg/kg
4	Chromium	80 mg/kg
5	Copper	65 mg/kg
6	Lead	50 mg/kg
7	Mercury	0.15 mg/kg
8	Nickel	21 mg/kg
9	Silver	1.0 mg/kg
10	Zinc	200 mg/kg
<i>Organics</i>		
11	Total PCBs	23 µg/kg
<i>Pesticides</i>		
12	DDD	2 µg/kg
13	DDE	2.2 µg/kg
14	Total DDT	1.6 µg/kg
15	Dieldrin	0.02 µg/kg
16	Chlordane	0.5 µg/kg
17	Lindane	0.32 µg/kg
18	Endrin	0.02 µg/kg
<i>Polynuclear aromatic hydrocarbons (PANS)</i>		
19	Acenaphthene	16 µg/kg
20	Acenaphthalene	44 µg/kg
21	Anthracene	85 µg/kg
22	Fluorene	19 µg/kg
23	Napthalene	160 µg/kg
24	Phenanthrene	240 µg/kg
25	Low-molecular-weight PAHs	552 µg/kg
26	Benzo [a] anthracene	261 µg/kg
27	Benzo [a] pyrene	430 µg/kg
28	Dibenz [a] anthracene	63 µg/kg
29	Fluoranthene	600 µg/kg
30	Chrysene	384 µg/kg
31	Pyrene	665 µg/kg
32	High-molecular-weight PAHs	1700 µg/kg
33	Total PAH	10000 µg/kg
	Total Petroleum hydrocarbons	
	Other substances	550 mg/kg
34	Radionuclides	35 Bq/g
35	Tributyltin (as Sn)	9 ng Sn/g

SCHEDULE III

(Regulation 2(b)(v)).

1. Wastes containing significant amounts of matters listed below :

1. Arsenic and its compounds ;
2. Lead and its compounds ;
3. Copper and its compounds ;
4. Zinc and its compounds ;
5. Organosilicon compounds ;
6. Cyanides ;
7. Flourides ;
8. Beryllium, chromium, nickel, vanadium and their compounds ;
9. Pesticides and their by-products not specified in Schedule I, with harmless substance or substances that may be rapidly rendered harmless in sea water being excepted.

2. Wastes containing low-level radioactive matter.

3. Containers, scrap metal or other bulky wastes which are likely to sink to the sea bottom and may present serious obstacles to fishing or navigation.

4. Sewage sludges and dredged spoils containing matters referred to in item 1 and 2 of Schedule I.

SCHEDULE IV

(Regulation 3).

Substances, the Dumping and Which is Prohibited.

1. Wastes containing organohalogen compounds, mercury and mercury compounds, cadmium and cadmium compounds, except those which contain a mere trace of the matter listed above and can be rapidly rendered harmless in sea water ;
2. High-level radioactive wastes or other high-level radioactive matter ;
3. Crude oil and its wastes, refined petroleum products, petroleum distillate residues or any mixtures containing such matter ;
4. Netting, ropes, plastics or other artificial synthetic materials, which may float or may remain in suspension in the sea so as to interfere seriously with navigation, fishing and other activities or endanger marine organisms ;
5. Sewage sludges and dredged spoils containing matters referred to in items 1 and 2 of this schedule.

SCHEDULE V

(Regulation 4(1)).

APPLICATION FORM FOR SEA DUMPING PERMIT

A. Applicant details

Name of person or organization :

Contact person in case of an emergency :

Address :

Telephone Number :

Fax Number :

Email :

SCHEDULE V (Contd.)

B. Type of activity or source of generating waste (please tick)

Residence	<input type="checkbox"/>
Hotel or Restaurant	<input type="checkbox"/>
Fish Processing	<input type="checkbox"/>
Power Plant	<input type="checkbox"/>
Chemical Industry	<input type="checkbox"/>
Or other type of Industry (Please Specify)	<input type="checkbox"/>
Animal husbandry or agricultural practices	<input type="checkbox"/>
Aquaculture	<input type="checkbox"/>
Other	<input type="checkbox"/>

C. Source and type of Waste Proposed to be dumped

Source :

Composition:

Quantity and location of storage :

Description of physical properties : (Please attach any supporting document) :

Description of Chemical properties : (Please attach test report) :

Description of Biological properties : (Please attach test report) :

In the case of dredged material, does it comply with Sediment Quality Guidelines acceptable to the Authority ?
.....

In case of vessels and platforms or other man-made structures, have all -

- * Oils ;
- * Chemicals and other pollutants and ;
- * Any materials capable of creating floating debris ; or
- * Otherwise contributing to pollution of the marine environment, been removed to the maximum extent ?

(please attach supporting documents, photographs etc.)

D. Proposed dumping Operations

Proposed method of Dumping :

If proposed method of dumping from pipeline :

(a) Diameter of pipeline :

(b) Length of pipeline from Coast :

(c) Proposed discharge rate :

If dumping is proposed to be undertaken from a vessel or aircraft or platform :

(a) Name :

(b) Flag :

(c) IMO Identification or registration Number (or equivalent) :

SCHEDULE V (Contd.)

(d) Owner of the ship, aircraft or platform :

(e) Date when dumping is proposed (From: to :)

(f) In the case of multiple dump events are proposed quantity of waste proposed to be dumped in each event :

E. Proposed dump site

Location including latitude and longitude : (provide a suitable scale map of dumping site) :

Rationale/justification for proposing this site :

Depth of water :

Distance from the nearest land :

Biological communities at and in proximity to the site :
(Ex. Coral reef, sea grass etc.)

Fisheries resources at and in proximity to the site :

Existing uses of the area :

F. Predicted Environmental Impacts

What are the predicted impacts, both directly and indirectly, and in the short and long term, of the proposed dumping on the following ?

(a) Seabed sediment quality (Physical and chemical) at and in proximity to the proposed dump site? :

(b) Water quality (Physical and chemical) at and in proximity to the proposed dump site ?

(c) Biological communities at and in proximity to the proposed dump site ?

(d) Fisheries resources at and in proximity to the dumping site ?

(e) Average density of merchant/fishing vessel movement in proximity to the site and the proposed navigational safety arrangements

(f) Other uses and users of the area :

Please describe details of measures that the applicant proposes to prevent, control and monitor any possible adverse environmental effects of the dumping :

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 Permit, if issued, will be cancelled.

.....
Signature of Applicant.

Date :

FOR OFFICIAL USE ONLY

Permit Application No. :-

1. Date of receipt of Application :-
2. List of supporting documents received :-
3. If any additional information requested or received :-
4. Details of any observation from any Agency requested or received :-
5. Whether permit is issued : Yes/No
6. If a Permit issued :-
 - (a) Permit Number :-
 - (b) Date of issue :-
 - (c) Validity Period :-
 - (d) Date of Expiry :-
 - (e) Conditions attached (if any)
7. If permit is refused, reasons for refusal :-

Signature and Designation of Authorized Officer : Date :

SCHEDULE VI

(Regulation 4(2)).

Fees

Application fee - Rs. 1500.00

Permit fee

1. Dumping of domestic waste water from residence -
Rs. 5000.00 - (annual permit)
2. Dumping of sewage and waste water and cooling water from hotel, restaurant and other industries within a period of one year
 - (a) Less than 10000 Cubic meters - Rs. 10000.00
 - (b) 10000 - 50000 Cubic meters - Rs. 20000.00
 - (c) 50000 - 100000 Cubic meters - Rs. 30000.00
 - (d) More than 100000 Cubic meters - Rs. 50000.00
3. Dumping of Dredged materials, sewage, fish waste or materials resulting from fish processing operation
 - (a) Less than 5000 Cubic meters - Rs. 10000.00
 - (b) 5000 - 10000 Cubic meters - Rs. 20000.00
 - (c) 10000 - 20000 Cubic meters - Rs. 30000.00
 - (d) 20000 - 40000 Cubic meters - Rs. 50000.00
 - (e) More than 40000 Cubic meters and additional 1000 Cubic meters - Rs.5000.00

SCHEDULE VI (Contd.)

4. Dumping of inert inorganic geological materials of natural origin or bulky items primary comprising steel concrete or similar non harmful materials
- (a) 1000 Cubic meters of materials - Rs. 10000.00
- (b) 1000 - 5000 Cubic meters of materials - Rs. 20000.00
- (c) 5000 - 10000 Cubic meters of materials - Rs. 30000.00
- (d) More than 10000 Cubic meters and additional 1000 Cubic meters - Rs. 1000.00
5. Dump Vessel or Aircraft or other man made metal structures
- One item - Rs. 100000.00

SCHEDULE VII

(Regulation 5(3)).

PERMIT FOR SEA DUMPING

Issued under Section 27 of the Marine Pollution Prevention Act, No. 35 of 2008

PERMIT NUMBER

A. Permit Holder's details

1. Name of Person or Organization :
2. Address :
3. Telephone :
4. Fax :
5. 'E' mail :

B. Type of waste permitted to be dumped

6. Source :
7. Composition :
8. Quantity :
9. Description :

C. Permitted Dumping Operations

10. Permitted method of dumping :
11. If dumping is to be undertaken from a (delete as appropriate) vessel, aircraft or platform) :
- (a) Name :
- (b) Flag :
- (c) IMO identification or Registration No. (or equivalent)
- (d) Owner :of the (delete as appropriate) vessel, aircraft or platform
from which the dumping is permitted
12. Dates or time or duration dumping is permitted (from/to)

SCHEDULE VII (Contd.)

D. If a pipeline is used for dumping activity

- (a) Diameter of pipeline :
(b) Length of pipeline :
(c) Maximum discharge rate :

E. Validity period

13. This permit is valid from to and dumping may not be carried out under this Permit No. except on the date specified therein.

F. Dumping Report/Certificate

14. On completion of dumping operation or if the dumping process is continuing for more than thirty days, Dumping report shall be submitted to the Authority on completion or a month prior to the 10th of next month as the case may be.

Approved by General Manager/authorized officer of the Marine Environment Protection Authority.

Signature : Designation: Date :

Official seal or stamp of the Authority

Terms and Conditions of the Permit :

1. This permit is not transferable ;
2. The permit holder shall comply with the provisions of these regulations ;
3. It shall be lawful for the Authority to suspend or cancel this permit if it is satisfied that the permit holder has -
(a) failed to carry out the functions and duties required to be performed by these regulations ; or
(b) contravened the provisions of the regulations.

SCHEDULE VIII

(Regulation 8(4)).

Upon completion of the dumping operation, or periodically as specified by the Authority every permit holder, shall, submit a report to the Authority, which shall indicate the following particulars :-

1. The permit Number and date of issue ;
2. The name of the vessel's or aircraft's Captain involved in executing the dumping ;
3. Amount of material actually dumped and exact location of the dumping site ;
4. Notes and explanations in case of a deviation from permit conditions ;
5. Further details requested under permit conditions.

.....
Signature of the Permit holder.

Date :

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