

河北省防治船舶污染水域管理办法

《河北省防治船舶污染水域管理办法》已经 2005 年 1 月 26 日省政府第 40 次常务会议通过，现予公布，自 2005 年 3 月 1 日起施行。

省长季允石

二 00 五年二月三日

河北省防治船舶污染水域管理办法

第一章__总则

第一条

为防治船舶以及与船舶有关作业活动污染水域，保护水域生态环境和资源，保障人体健康，根据《中华人民共和国海洋环境保护法》、《中华人民共和国水污染防治法》等有关法律、法规的规定，结合本省实际，制定本办法。

第二条

本办法适用于本省沿海和内河通航水域(以下简称水域)航行、停泊、作业的船舶及其所有人、经营人，以及从事与船舶有关作业活动的单位和个人。

第三条

本省各级地方海事管理机构和国务院交通行政主管部门设置的河北海事行政主管部门(以下统称海事管理机构)按照各自的职责，负责防治船舶以及与船舶有关作业活动污染水域的监督管理工作。

各级环境保护行政主管部门按照规定的职责，对内河通航水域水污染防治实施统一监督管理。

第二章__船舶及相关作业

第四条

任何船舶以及从事与船舶有关作业活动的单位和个人都不得违反法律、法规和规章的规定，向水域排放污染物、废弃物和压载水、垃圾及其他有害物质。

第五条

船舶和码头、水上装卸设施经营人进行污染危害性货物装卸作业时，应当采取有效地防治水域污染措施，避免货物散落污染水域。发生货物散落污染水域的，应当迅速打捞清除，并立即向海事管理机构报告。

第六条

在沿海通航水域运输油类等散装液体污染危害性货物的船舶在抵达目的港前，应当与符合规定条件的污染物清除单位签订污染物清除作业协议，保证在发生污染事故后能够及时、有效地清除污染物。

第七条

沿海通航水域的船舶和码头、水上装卸设施经营人在进行油类等散装液体污染危害性货物装卸作业时，应当安排具有相关知识及专业技能的人员进行现场管理和作业。在进行油类货物装卸作业时，应当布设围油栏，并严格遵守安全防污操作规程。

第八条

在内河通航水域不得运输剧毒化学品以及国务院交通行政主管部门禁止运输的其他危险化学品。

在内河通航水域运输前款规定以外的危险化学品的，应当委托取得危险化学品运输资质的水运企业承运。

第九条

在沿海通航水域进行下列活动，应当事先依照有关法律规定报海事管理机构批准或者核准：

- (一)船舶在港区水域内使用焚烧炉；
- (二)船舶在港区水域内进行洗舱、清舱、驱气、排放压载水、残油、含油污水接收、舷外拷铲及油漆等作业；
- (三)船舶、码头、设施使用化学消油剂；
- (四)船舶冲洗沾有污染物、有毒有害物质的甲板；
- (五)船舶进行散装液体污染危害性货物的过驳作业；
- (六)从事船舶水上拆解、打捞、修造和其他水上、水下船舶施工作业。

第十条

运输油类货物船舶的供受油作业必须在海事管理机构指定的水域进行，并采取有效的防治水域污染

措施。

每年6月20日至9月10日在秦皇岛市沿海通航水域，禁止进行散装液体污染危害性货物的过驳作业；除运输油类货物船舶外，船舶的供受油作业必须在码头进行。

第十一条

码头、水上装卸设施、船舶修造厂和散装液体污染危害性货物过驳作业经营人，应当依照环境保护行政主管部门和海事管理机构的规定，配置处理船舶污染物、垃圾和其他有害物质的接收设施，确定人员维护管理，使设施处于良好状态。

第十二条

从事散装液体污染危害性货物装卸和过驳，船舶供受油，船舶洗舱、清舱，船舶污染物接收处理，船舶修造、水上拆解等作业活动的单位，应当向海事管理机构备案。其作业人员应当经过防治船舶污染知识和专业技能的培训。

第三章__船舶污染物的排放与接收

第十三条

沿海通航水域一百五十总吨以上运输油类货物的船舶和四百总吨以上的其他船舶，应当依照有关法律、法规和我国加入的有关国际公约的规定，配置相应的防污设备和器材；不满一百五十总吨运输油类货物的船舶和不满四百总吨的其他船舶，应当配置与船舶污染物、垃圾和其他有害物质产生量相适应的处理或者储存设备和器材。

内河通航水域的船舶应当配置与船舶污染物、垃圾和其他有害物质产生量相适应的储存设备和器材。

第十四条

船舶应当将污染物、垃圾和其他有害物质及时进行分类和收集，沿海通航水域的船舶应当委托具备相应能力的单位接收处理；内河通航水域的船舶应当放置到码头设置的接收设施，由码头统一处理，不得随意丢弃。

接收处理单位必须依照有关规定处理船舶污染物、垃圾和其他有害物质，并将接收和处理情况报海事管理机构备案。

第十五条

海事管理机构可以依照国家有关规定，对通航水域的船舶采取禁止排放污染物、垃圾和其他有害物

质的措施。

第十六条

在船舶修造作业过程中，船舶修造厂应当依照有关规定，及时回收、处理船舶污染物、垃圾和其他有害物质。

船舶修造厂利用船坞修造船舶的，在修造作业结束后，应当对现场进行清理，并向海事管理机构报告。

第四章__船舶污染事故应急反应

第十七条

与防治船舶污染水域工作有关的县级以上人民政府，应当组织制定重大水域污染事故应急预案。

因船舶污染水域造成或者可能造成重大水域污染事故时，县级以上人民政府应当依照有关专项应急预案的规定，迅速启动应急预案；设置在海事管理机构的船舶污染水域事故应急反应机构应当依照应急预案的规定，具体负责组织协调有关单位及时采取相应的应急处置措施。

第十八条

船舶和码头、水上装卸设施、船舶修造厂及散装液体污染危害性货物过驳作业经营人，应当制定防止水域污染的应急计划，配置防污染应急设备和器材，建立水域污染应急处置组织，定期进行培训和演练，并在发生水域污染事故后，依照有关专项应急预案的规定参加应急处置工作。

第十九条

任何单位和个人发现船舶污染水域造成或者可能造成重大水域污染事故时，应当立即向海事管理机构及其他有关部门报告，并根据具体情况采取相应的防止污染损害扩大的措施。

第二十条

船舶发生事故，造成或者可能造成水域重大污染损害的，海事管理机构可以依法强制采取避免或者减少污染损害的措施。由此发生的费用，由肇事方承担。

第五章__法律责任

第二十一条

违反本办法第四条、第五条、第八条、第十一条、第十三条、第十四条、第十六条和第十八条规定的，由海事管理机构依照《中华人民共和国海洋环境保护法》、《中华人民共和国水污染防治法》、《中

华人民共和国水污染防治法实施细则》以及《中华人民共和国防止船舶污染海域管理条例》等有关法律、法规的规定予以处罚。

第二十二条

违反本办法第六条、第七条和第十二条规定的，海事管理机构可以禁止船舶进出港口或者责令船舶、有关单位和作业人员停止作业，并限期改正。

第二十三条

违反本办法第九条、第十条规定，没有违法所得的，由海事管理机构处以三千元以上一万元以下的罚款；有违法所得的，由海事管理机构处以违法所得三倍以下、最多不超过三万元的罚款。

第二十四条

海事管理机构执法人员滥用职权、玩忽职守、徇私舞弊，造成水域重大污染损害的，依法予以行政处分；构成犯罪的，依法追究刑事责任。

第二十五条

拒绝、阻碍海事管理机构及其工作人员依法执行公务的，由海事管理机构依法予以行政处罚；构成违反治安管理行为的，由公安机关依法予以治安管理处罚；构成犯罪的，依法追究刑事责任。

第六章__附则

第二十六条

本办法下列用语的含义是：

(一)船舶，是指水上各类排水或者非排水的船、艇、筏、水上飞行器、潜水器、移动式平台和其他水上移动装置。

(二)水上装卸设施，是指水上各种固定或者浮动的用于船舶装卸作业的建筑、装置和平台。

(三)与船舶有关作业活动，是指与船舶有关的码头和水上装卸设施的货物装卸，水上过驳，危险货物集装箱拆(装)箱，船舶供受油，船舶洗舱、清舱，船舶污染物、垃圾和其他有害物质的接收处理，船舶水上拆解、打捞、修造和其他水上、水下船舶施工作业。

(四)船舶污染物，是指船舶及有关作业向水域排放的任何可能对水域环境造成污染损害的物质，包括油类(含类油物质)、油性混合物、货物残余物、船舶洗舱水、生活污水、污压载水、废气等。

(五)散装液体污染危害性货物，是指散装油类、散装液体危险化学品、散装液化气体，以及《国际散装运输危险化学品船舶设备与构造规则》规定的物质。

第二十七条

渔业船舶污染水域的监督管理，依照《中华人民共和国海洋环境保护法》、《中华人民共和国水污染防治法》和《中华人民共和国渔港水域交通安全管理条例》等法律、法规的有关规定执行。

第二十八条

水上浮动设施污染水域的管理，参照本办法执行。

第二十九条

本办法自 2005 年 3 月 1 日起施行。

Measures of Hebei Province for Prevention and Control of Vessel-Induced Water Area Pollution

(Adopted at the 40th Executive Meeting of the People's Government of Hebei Province on January 26, 2005, promulgated by the Provincial People's Government (Decree No. 1 [2005]) on February 3, 2005, and effective as of March 1, 2005.)

Chapter I General Provisions

Article 1 For the purpose of preventing and controlling water area pollution by vessels and vessel-related operations, protecting ecological environment and resources in water areas, and safeguarding human health, these Measures are formulated in accordance with the provisions of the *Marine Environment Protection Law of the People's Republic of China*, the *Law of the People's Republic of China on Prevention and Control of Water Pollution*, and other relevant laws and regulations in the light of the actual circumstances of

this Province.

Article 2 These Measures apply to the vessels navigating, berthing and operating in the coastal and inland water areas (hereinafter referred to as “water areas”) of this Province, the vessel owners and operators thereof, and the units or individuals undertaking vessel-related operations.

Article 3 Local maritime safety authorities at various levels of this Province and the competent administrative department of maritime affairs of Hebei established by the competent administrative department of communications under the State Council (hereinafter collectively referred to as maritime safety authority) shall, within their respective functions and responsibilities, be responsible for supervision over and management of prevention and control of water area pollution from vessels and vessel-related operations.

Competent administrative departments of environmental protection at various levels, in compliance with their defined functions and responsibilities, shall exercise unified supervision over and management of prevention and control of inland waters pollution.

Chapter II Vessels and Vessel-Related Operations

Article 4 No vessel, or unit or individual entering into vessel-related operations may discharge pollutants, wastes, ballast water, garbage or other harmful substances into water areas in violation of laws, rules and regulations.

Article 5 When loading and unloading polluting and harmful cargoes, operators of vessels, docks and cargo handling installations on water shall take effective measures to prevent and control pollution in water areas, and avoid pollution in water areas by cargo scattering and dropping. In the occurrence of such pollution, prompt salvage and clearance must be performed and an immediate report submitted to the maritime safety authority.

Article 6 Before vessels carrying polluting and harmful bulk liquid cargoes in bulk such as oils arrive at the destination harbor in coastal navigable water areas, a pollutant-clearance contract shall be concluded with a qualified pollutant-clearance unit to ensure prompt and effective clearance of the pollutants after a pollution accident.

Article 7 When loading or unloading polluting and harmful bulk liquid cargoes such as oils, operators of vessels, docks, and cargo handling installations on water in coastal navigable water areas should arrange specialized technicians with relevant knowledge and professional expertise for on-the-spot management and operation. When oil cargo is loaded or unloaded, an enclosure should be set up, and operational instructions for safety prevention against pollution must be strictly observed.

Article 8 Highly toxic chemicals, and other hazardous chemicals forbidden by the competent administrative department of communications under the State Council may not be transported in the navigable inland water areas.

Transportation of hazardous chemicals other than those as prescribed in the

preceding paragraph shall be entrusted to a water transport enterprise which has obtained a qualification for transportation of such chemicals.

Article 9 The following operations in the coastal navigable water areas shall be reported in advance to the maritime safety authority for approval and verification according to relevant provisions of the law.

- 1) Using an incinerator in harbor waters;
- 2) Washing and cleaning ship's holds, expelling gases, discharging ballast water or residual oil, receiving oil-polluted water, de-rusting and paint-stripping of ship hulls, paint-coating and other operations in harbor waters;
- 3) Using oil detergent chemicals in vessels, docks and installations;
- 4) Flushing decks stained with pollutants, toxic, or harmful substances;
- 5) Transshipping polluting and harmful liquid cargoes in bulk; and
- 6) Dismembering, salvaging and repairing on water, and other surface or under-water operations.

Article 10 Bunkering for vessels carrying oil cargoes must be conducted within the water areas designated by the maritime safety authority, and effective measures must be taken to prevent and control pollution in the water areas.

In the coastal navigable water areas of Qinhuangdao City, transshipping of polluting and harmful liquid cargoes in bulk is prohibited from June 20 to September 10 each year; with the exception of vessels carrying oil cargoes, the bunkering for ships must be conducted at the dock.

Article 11 Operators of docks, cargo handling installations on water,

shipyards, and transshipment of polluting and harmful liquid cargoes in bulk shall install receiving and treatment facilities for vessel pollutants, garbage and other harmful substances, and appoint maintenance workers to keep these facilities in good condition in accordance with the provisions of the administrative department of environmental protection and the maritime safety authority.

Article 12 Units engaged in loading and unloading, and transshipping polluting and harmful liquid cargoes in bulk, bunkering, washing and cleaning ship's holds, vessel pollutant acceptance and treatment, vessel building and repairing and dismembering on water, shall report the filings to the maritime safety authority. The operating workers thereof shall be trained on prevention and control of vessel-induced pollution and on professional skills.

Chapter III Discharge and Acceptance of Vessel Pollutants

Article 13 In the coastal navigable waters, oil tankers of 150 gross tonnage or more, and other vessels of 400 gross tonnage or more shall be equipped with anti-pollution equipment and facilities in accordance with relevant laws, regulations and provisions of the international conventions that China has acceded to. Oil tankers under 150 gross tonnage and other vessels under 400 gross tonnage shall be fitted out with treatment or storage equipment and facilities appropriate to the output of vessel pollutants, garbage and other harmful substances.

In inland navigable waters, vessels shall be fitted out with storage equipment and facilities commensurate with the output of vessel pollutants, garbage and other harmful substances.

Article 14 Vessels shall sort out and collect pollutants, garbage and other harmful substances without delay. Vessels in coastal navigable waters shall entrust the acceptance and treatment to units of appropriate competence; vessels in inland navigable waters shall use the receptacles set up at docks, where centralized treatment is operated. Pollutants, garbage and other harmful substances may not be thrown away at will.

Units for acceptance and treatment must treat vessel pollutants, garbage and other harmful substances according to the relevant regulations and report the acceptance and treatment to the maritime safety authority for the record.

Article 15 The maritime safety authority may, according to the relevant regulations of the State, take measures to prohibit vessels from discharging pollutants, garbage and other harmful substances in the navigable water areas.

Article 16 Shipyards, during vessel building and repairing, shall timely recover and dispose of vessel pollutants, garbage and other harmful substances according to relevant provisions. .

If shipyards build or repair vessels at a dock, they should clean the work site after the operation is over and report to the maritime safety authority.

Chapter IV Emergency Responses to Vessel-Induced Pollution Accidents

Article 17 The local people's government at or above the county level related to prevention and control of vessel-induced pollution in water areas shall make arrangements to work out emergency plans for responding to serious pollution accidents in water areas.

When a serious pollution accident in water areas has occurred, or is likely to occur, as a result of vessel-induced pollution in water areas, the local people's government at or above the county level shall immediately initiate the emergency response plan according to relevant regulations set out by special emergency response plans. The emergency treatment organ of vessel-induced pollution in water areas under the maritime safety authority shall be responsible for the specific organization and coordination of the relevant units, and take appropriate emergency treatment measures according to the provisions in the emergency response plan.

Article 18 Operators of vessels, docks, loading and unloading installations on water, shipyards and transshipment of polluting and harmful liquid cargoes in bulk shall work out emergency response plans for pollution prevention in water areas, get anti-pollution emergency equipment and facilities ready, set up organizations for emergency treatment of pollution in water areas, provide regular trainings and drills, and participate in the emergency treatment according to the provisions in the special emergency response plan after a pollution accident occurs in water areas.

Article 19 Upon discovering that a serious pollution accident in water areas has occurred, or is likely to occur, as a result of vessel-induced pollution in water areas, any unit or individual shall, without delay, report the accident to the maritime safety authority or other relevant departments and take appropriate measures in light of specific circumstances to prevent the spreading of the pollution damage.

Article 20 When a vessel accident has occurred, which resulted in or will possibly result in serious pollution damage in water areas, the maritime safety authority may take compulsory measures to avoid or mitigate the pollution damage. The vessel that causes the pollution damage is liable for the consequent expenses.

Chapter V Legal Liabilities

Article 21 For those who violate the provisions of Articles 4, 5, 8, 11, 14, 16 and 18 of these Measures, the maritime safety authority shall impose penalties thereupon according to the provisions of the *Marine Environment Protection Law of the People's Republic of China*, the *Law of the People's Republic of China on Prevention and Control of Water Pollution*, the *Rules for the Implementation of the Law of the People's Republic of China on Prevention and Control of Water Pollution*, and the *Administrative Rules of the People's Republic of China on Preventing Vessels from Polluting Sea Areas*, and other relevant laws and regulations.

Article 22 For those who violate the provisions of Articles 6, 7 and 12 of these Measures, the maritime safety authority may prohibit the vessels concerned from entering or leaving the harbor, or order the vessels, units concerned and operating workers thereof to stop operations and make corrections within a time limit.

Article 23 For those who violate the provisions of Articles 9 and 10 of these Measures, the maritime safety authority shall impose a fine of not less than 3,000 Yuan, but not more than 10,000 Yuan if the violators have no illegal profits; a fine of three times the amount of the illegal profits but not more than 30,000 Yuan shall be imposed if the violators have illegal profits.

Article 24 If any law-enforcing officer of the maritime safety authority abuses power, neglects duty or engages in malpractice for personal gains, thus causing serious pollution damage to water areas, he/she shall be given an administrative sanction pursuant to the law; if a crime is constituted, he/she shall be investigated for criminal responsibility according to law.

Article 25 Anyone who refuses or obstructs the maritime safety authority and its staff from performing their official duties shall be given an administrative penalty by the maritime safety authority according to law. Where the violation constitutes an act against the administration of public security, the public security organ shall impose an administrative penalty for public security thereupon according to law. Where a crime is constituted, he/she shall be investigated for criminal responsibility according to law.

Chapter VI Supplementary Provisions

Articles 26 For the purposes of these Measures, the definitions of the following terms are:

(1) “Vessels” means all types of displacement or non-displacement ships, light boats, rafts, seaplanes, submersibles, mobile platforms and other waterborne mobile apparatus.

(2) “ Cargo handling installations on water” means all types of fixed or floating structures, installations and platforms on water used for vessel loading and unloading operations.

(3) “Vessel-related operations” means cargo loading and unloading at docks and installations on water, transshipping on water, packing (unpacking) of dangerous cargo containers, bunkering, washing and cleaning ship’s holds, acceptance and treatment of pollutants, garbage and other harmful substances from vessels, vessel dismembering, salvaging, and repairing on water, and other vessel operations on or under water.

(4) “Vessel pollutants” means substances possibly causing pollution damage to the environment in water areas, discharged by vessels and vessel-related operations, including oils (with similar substances included), oily mixtures, cargo residues, vessel washing water, domestic sewage, contaminated ballast water, waste gases, etc.

(5) “Polluting and harmful liquid cargo in bulk” means oil in bulk,

hazardous liquid chemicals in bulk, liquefied gases in bulk, and the substances prescribed in the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk

Article 27 Supervision over and administration on pollution in water areas from fishing vessels shall follow the provisions of the *Marine Environment Protection Law of the People's Republic of China*, the *Law of the People's Republic of China on Prevention and Control of Water Pollution*, the *Regulations of the People's Republic of China Concerning the Administration of Traffic Safety in the Waters of Fishing Harbors* and other relevant laws and regulations.

Article 28 Administration on pollution in water areas by floating facilities on surface water shall be conducted with reference to these Measures.

Article 29 These Measures shall become effective as of March 1, 2005.