

Marine Pollution Control Act Enforcement Rules

22 articles promulgated by Environmental Protection Administration order on September 5, 2001

Article 1

These Rules are determined pursuant to Article 60 of the Marine Pollution Control Act (herein referred to as "this Act").

Article 2

The matters designated in this Act as the responsibility of the central competent authority are as follows.

1. Planning, determination, supervision and implementation of national marine pollution control policies and plans
2. Determination, deliberation and interpretation of marine pollution control laws and regulations
3. Monitoring and testing for national marine environmental quality matters
4. Supervision of special municipality, city and county marine pollution control work
5. Coordination or implementation of marine pollution control work involving two or more special municipalities, counties or cities
6. Coordination of marine pollution control matters involving related cabinet-level agencies
7. Marine pollution control research and development
8. International cooperation, public awareness and personnel training for national marine pollution control matters
9. Other national marine pollution control matters

Article 3

The matters designated in this Act as the responsibility of special municipality, county and city competent authorities are as follows.

1. Planning, coordination and implementation of special municipality, county or city marine pollution control work
2. Determination and interpretation of the autonomous marine pollution control laws and regulations of special municipalities, counties or cities
3. Monitoring and testing for special municipality, county or city marine pollution control matters
4. Compilation and reporting for special municipality, county or city marine pollution control statistics matters
5. Research and development, public awareness and personnel training for special municipality, county or city marine pollution control matters
6. Other special municipality, county or city marine pollution control matters

Article 4

The enforcement authority referred to in this Act means the coast guard authority.

The assisting enforcement authorities referred to in this Act means military, customs or other agencies assisting in the performance of interdiction, evidence collection and enforcement referral matters pursuant to Article 5, Paragraph 2 of this Act.

The competent authority and enforcement authority may, depending on marine pollution control requirements, either jointly or separately form a joint investigation task force in conjunction with assisting enforcement authorities for the performance of inspection, appraisal, interdiction and evidence collection for marine pollution matters.

Enforcement authorities or assisting enforcement authorities that perform interdiction or evidence collection for marine pollution matters pursuant to this Act shall respectively transfer these cases to the competent authority, industry competent authority or judicial authority to be performed in accordance with regulations.

Article 5

The toxicants or chemicals referred to in Article 8, Paragraph 3 of this Act mean cyanides, potassium cyanate, carbolic acid or other toxic substances dispersed in the marine environment that are sufficient to cause the stupor, death, lower productivity, or loss of growth or reproductive ability of aquatic organisms.

Article 6

The central competent authority shall install marine environment monitoring stations in national marine water bodies in accordance with the marine environment categories of these water bodies; special municipality, county and city competent authorities shall install marine environment monitoring stations in marine water bodies within their jurisdictions in accordance with the marine environment categories of these water bodies.

Competent authorities at all levels shall officially publish marine environment monitoring data from the previous year prior to April 15 of each year.

Article 7

The appropriate control measures adopted by competent authorities at all levels pursuant to Article 9, Paragraph 1 of this Act shall include the following items.

1. Pollution abatement measures
2. Cleanup or reduction of pollution sources
3. Coordination or cooperation with enforcement authorities and assisting enforcement authorities in the performance of inspection, appraisal, interdiction or evidence collection for marine pollution matters.

Article 8

All industry competent authorities may, based on the marine water quality monitoring results of competent authorities at all levels, adopt the following control measures for the restriction of the use of a marine area pursuant to Article 9, Paragraph 1 of this Act.

1. Temporary suspension of the use of the marine area at issue, in part or in whole
2. Restriction of the time period for use
3. Restriction of the scope of use
4. Modification or reduction of the uses of a marine area
5. Other temporary measures for the restriction or modification of marine use conditions for the prevention, elimination or mitigation of the deterioration of the marine environment

Article 9

Those competent authorities at all levels that establish marine environment monitoring stations or facilities pursuant to Article 9, Paragraph 1 of this Act shall officially announce the locations of these stations or facilities.

The "interference with" referred to in Article 9, Paragraph 2 of this Act means the following acts.

1. The act of intentionally releasing polluting organisms, substances or energy within 100 meters of a marine environment monitoring station or facility
2. The casting of nets, navigation of boats, approaching or production of a wave within 50 meters of a marine environment monitoring station or facility

Article 10

For the handling of major marine oil pollution incidents, the Executive Yuan shall establish major marine pollution incident handling task forces pursuant to Article 10, Paragraph 1 of this Act and shall establish major marine oil pollution emergency response centers pursuant to major marine oil pollution emergency response plan procedures, divisions of tasks and response measures determined pursuant to Article 10, Paragraph 2 of this Act.

Each industry competent authority and local competent authority shall, pursuant to the major marine oil pollution emergency response plan regulations in the foregoing paragraph, draft marine oil pollution emergency response plans and establish marine oil pollution emergency response task forces; when necessary, they shall establish marine oil pollution emergency response centers for the handling of marine oil pollution incidents.

Article 11

The content of emergency response plans referred to in Article 13, Paragraph 1 of this Act shall include the following items.

1. Alert and notification methods
2. Resolution methods for operating abnormalities, malfunctions and accidents
3. Pollutant cleanup and harm mitigation methods
4. Circumstances that require the suspension of operation, dumping or the reduction of output
5. All devices and equipment that are required for emergency response work
6. Duty assignment and training regulations for participating response personnel
7. Other items designated by the central competent authority

Article 12

The content of notifications issued by public or private premises, shipmasters or shipowners pursuant to Article 16, Paragraph 1, Article 19, Paragraph 1, Article 24, Paragraph 1 or Article 32, Paragraph 1 of this Act shall include the following items.

1. The name, title, organization and premises of the reporting person
2. The source and cause of the pollution
3. Time and location or latitude and longitude of the incident
4. Pollutant types and characteristics
5. Degree and quantity of pollution and measures already adopted
6. Meteorological conditions and their possible impact on pollution
7. Phone, fax and other contact methods for emergency notification
8. Other items designated by the central competent authority

Notified agencies shall maintain records of the content of notifications in the foregoing paragraph.

Article 13

The measures adopted by public or private premises, shipmasters or shipowners pursuant to Article 16, Paragraph 1, Article 19, Paragraph 1, Article 24, Paragraph 1 or Article 32, Paragraph 1 of this Act shall include the following.

1. Provision of detailed structural diagrams of the facilities and the bodies of ships involved in the marine pollution incident and diagrams showing the disposition of equipment, pipelines, loaded cargo and oil quantities
2. Dispatchment of operation and maintenance personnel, deck personnel, engine personnel or fueling personnel familiar with the facilities involved in the pollution incident for handling and response and to participate in emergency response task forces established by relevant agencies
3. Coordination and dispatchment related to the assignment of pollution response personnel duties and equipment
4. Containment, cleanup, recovery and disposal measures for pollutants or oil
5. Other measures designated by the competent authority or industry competent authority as required to be adopted

Article 14

Marine pollution control plans determined pursuant to Article 17, Paragraph 1 of this Act shall state explicitly the following items.

1. The wastewater or sewage output, collection and treatment circumstances of those that produce wastewater or sewage
2. The water quantity and characteristics of wastewater or sewage discharged into the sea by those that discharge wastewater or sewage into the sea
3. The installation locations of discharge pipelines and discharge points and the conditions of the surrounding ecological environment of those that have discharge pipeline and discharge point

installations

4. Marine environment management measures for the mitigation of adverse impacts
5. Marine environment monitoring methods, frequency and items
6. Emergency response measures
7. Recovery and handling methods for wastewater or sewage, oil, waste, chemical substances, hazardous substances or other polluting substances designated and officially announced by the central competent authority
8. Other items designated by the central competent authority

Article 15

Those public or private premises that use marine facilities to engage in the exploration or extraction of oil, the conveyance of oil or chemical substances, or the discharge of wastewater or sewage shall report monitoring records to the local competent authority in January, April, July and October of each year pursuant to Article 17, Paragraph 2 of this Act; said monitoring records shall be forwarded to the central competent authority to be filed for future reference.

Article 16

The exploration, extraction or conveyance records of Article 17, Paragraph 3 of this Act shall record the following items.

1. Exploration, extraction or conveyance methods; conveyance start and completion times; oil type and total quantity; and ship name, number, tonnage and nationality
2. Total quantity of and handling methods for oil-containing residues in marine facilities
3. Emission time, oil type, estimated quantity, and emission conditions and cause shall be recorded for other accidental emissions
4. Other items designated by the central competent authority

Public or private premises shall report the records in the foregoing paragraph to the local competent authority in January, April, July and October of each year; said records shall be forwarded to the central competent authority to be filed for future reference.

Article 17

The discharge records referred to Article 18, Paragraph 1 of this Act shall record the following items.

1. Discharge times, locations and methods and types and composition of discharged substances
2. Characteristics of discharged substances
3. Quantities or concentrations of discharged substances
4. Treatment processes
5. Other items designated by the central competent authority

Public or private premises shall report the records in the foregoing paragraph to the local competent authority in January, April, July and October of each year; said records shall be forwarded to

the central competent authority to be filed for future reference.

Article 18

Records maintained pursuant to Article 23 of this Act shall be placed in obvious locations on ships, aircraft or marine facilities and shall record the following items.

1. Loading times and locations
2. Types and quantities of materials dumped or incinerated
3. Place of storage for materials to be dumped or incinerated
4. Dumping or incineration start and completion time, location, course of navigation, speed of navigation and meteorological conditions at the time of dumping or incineration
5. Operational circumstances, handling speed and incineration residue handling methods for dumping or incineration
6. Other items designated by the central competent authority

Managers shall report the records in the foregoing paragraph to the central competent authority in January, April, July and October of each year and shall send said records to the local competent authority to be filed for future reference.

Article 19

Matters related to the installation of shipboard pollution prevention equipment in Article 26 of this Act, the determination of the concern of pollution of the marine environment by ship in Article 27, emissions from ships in Article 29, and the appropriate measures for the prevention of emissions from ships referred to in Article 30 shall be handled pursuant to the Ship Act, Commercial Port Act and relevant regulations of the navigation competent authority or in accordance with international conventions and customary practice.

Article 20

The guarantee in Article 33, Paragraph 2 of this Act may be paid in the form of cash, bank cashier's check or check, certified check, bearer government bond, certificate of deposit with designated pledge, or an irrevocable letter of credit issued or confirmed by a bank, or may consist of a written joint guarantee from a bank or a guaranteed insurance policy from an insurance company.

Article 21

The central competent authority shall determine the format of all permits, disciplinary citations, referrals, application documents and other documents and forms designated in this Act and these Rules.

Article 22

These Rules shall take effect on the date of promulgation.