

# **Petroleum Products Storage Facility Regulations 2017**

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## PART 1 PRELIMINARY

In exercise of the powers conferred on the Minister under Sections 33(1) and (2) of the Petroleum Products Act 2016, these Regulations are made.

### 1. Name of Regulations

These Regulations may be cited as the *Petroleum Products Storage Facility (PPSF) Regulations 2017*.

### 2. Application

These Regulations shall apply to all civilian installations in but shall not apply to:

- (a) The Gambia Armed and Security Forces
- (b) Storage of petroleum products for non-commercial use in quantities not exceeding 150 m<sup>3</sup>.
- (c) Any other entity or venture as may be deemed necessary by the regulatory authority.

### 3. Commencement

These Regulations shall come into force on the day of publication in the Gazette.

### 4. General

#### 4.1 Interpretation

(1) In these Regulations, unless the context otherwise requires the following words, acronyms and abbreviations shall have these meanings.

“**Act**” means Petroleum Products Act 2016.

“**Aboveground Petroleum Storage Facility** or “**Bulk Depot**” means a tank or tanks that has/have the individual capacity to store 150 m<sup>3</sup> or more of petroleum products and that is substantially or totally above the surface of the ground.

“**Aboveground storage tank**” does not include any of the following:

- A pressure vessel or boiler
- A tank containing hazardous waste

“**Authority**” means The Gambia Public Utilities Regulatory Authority.

“**Boiling Point**” means the temperature at which a liquid exerts a vapor pressure of 101.3kPa.

**“Bunding”/ bund wall**”, means a constructed retaining wall designed to prevent inundation or breaches from a known source. A secondary containment system used to protect environments from spills where chemicals and petroleum products are stored.

**“Competent authority or person”** means the relevant authority or person in terms of the applicable law.

**“Commissioner”** means the Commissioner of Petroleum.

**“Committee”** means the Petroleum Consultative Committee.

**“Declaration”** means an affidavit, affirmation or solemn or attested declaration made before a Commissioner of Oaths or Justices of the Peace.

**“Field Constructed Aboveground Fuel Storage Tank”** is a storage tank which is assembled and constructed on site at the relevant facility and which operates at atmospheric pressure, with more than ninety percent (90%) of its volume aboveground.

**“Flash point”** The flash point of a volatile material is the lowest temperature at which it can vaporize to form an ignitable mixture in air.

**“Fuel Leak”** is a gradual discharge or loss of fuel from a Fuel Storage Tank System, tank vehicle or vessel into the environment, other than through the usual function for which the Fuel Storage Tank System is designed.

**“Fuel Storage Tank System”** all of the connecting piping, including pumps, product transfer system, barriers, overfill protection equipment and spill containment system associated with a fuel storage tank.

**“Geotechnical Engineering”** It includes, without being limited to, the analysis, design and construction of foundations, slopes, retaining structures, embankments, roadways, tunnels, levees, wharves, landfills and other systems that are made of or are supported by soil or rock.

**“Geotechnical Report”** is a report on geotechnical engineering

**“In Service”** means the fuel storage tank actively maintained or operated, and contains fuel regularly or has fuel regularly added or withdrawn from the tank, and is emptied slowly for the purpose of cleaning or routine maintenance.

**“Liquid Classification”** means the class petroleum products are based on; these are as follow:

(1) Class 0: liquefied petroleum gases

(2) Class I : liquids, which shall be subdivided as follows:

(a) Class IA: liquids that have a closed-cup flash point of below 23°C and boiling point

of below 35°C.

- (b) Class IB: liquids that have a closed-cup flash point of below 23°C and a boiling point of 35°C or above.
- (c) Class IC : Liquids that have a closed-cup flash point of 23°C or above, but below 38 °C;
- (d) Class II : Liquids that have a closed-cup flash point of 38°C or above, but below 60.5°C;
- (e) Class IIIA: Liquids that have a closed-cup flash point of 60.5°C or above, but below 93°C.
- (f) Class IIIB: Liquids that have a closed-cup flash point of 93°C or above.

**“M<sup>3</sup>”** means cubic meter; volumetric unit used in metric countries

**“Manifold”** means one or more header pipes, with branch connections, used for collecting or distributing the products carried in pipelines, pumps or vessels.

**“Maximum allowable working pressure”** is the maximum pressure, steady state of static, that is permitted anywhere in a tank during normal service.

**“Minister”** and **“Ministry”** means respectively the Minister and the Ministry of Petroleum and Energy

**“Oil Marketing Company ”** means a company that operates (company owned, company operated) three or more petroleum retail service stations; procures and sells petroleum products to bulk consumers and the general public through petroleum product retail stations and reselling outlets.

**“Out of Service”** means the Fuel Storage Tank System is designated as not available for use by the License Holder and the License Holder has accordingly provided the Bureau with written notification on the status of the fuel storage tank.

**“Owner”** means the person who owns the tank facility or part of the tank facility.

**“Permanently Out of Service”** means the Fuel Storage Tank System is permanently not available for operational use.

**“Permit / License”** means a legal instrument issued by the relevant authority granting rights to perform specific petroleum operations.

**“Petroleum Products”** means the products as defined in the Act.

**“Premises”** includes any installation on land or vehicle storing petroleum products.

**“Release”** means a spill, leak, or discharge of substance from the Fuel Storage Tank System into the environment, including discharge into the ground underneath the storage tank or into a substance transfer area, or pouring, emitting, emptying, discharging, escaping, leaching, or disposing into the environment.

**“remote impounding”** means that if one or more of the tanks protected by the dike arrangement around the tanks should rupture, the spilled product, instead of collecting in the diked area around the tanks, would be diverted to the **remote impounding** pond away from the tanks.

**"Person"** means an individual, trust, firm, joint stock, company and corporation, including a government corporation, partnership, limited liability company, or association. "Person" also includes any city, district and the Gambia.

**“Petroleum”** means a substance occurring naturally in the earth and composed mainly of mixtures of chemical compounds of carbon and hydrogen, with or without other non- metallic elements such as sulfur, oxygen, and nitrogen. The compounds that compose it may be in the gaseous, liquid, or solid state, depending on their nature and on the existent conditions of temperature and pressure.

**"Petroleum Products Storage Facility" or "Bulk Depot"** means the same as **Aboveground Petroleum Storage Facility**.

**“Safety zone”** means an area around above-ground tanks and around semi-buried tanks that does not necessarily fall within the premises of company that operates the site, but over which such company can ensure control and enforcement of safety requirements by a legally binding agreement.

**"Storage" or "store"** means the containment, handling, or treatment of petroleum, for a period of time, including on a temporary basis.

**"Storage capacity"** means the aggregate capacity of all aboveground tanks at a tank facility

**“Storage Facility** means any bulk storage facility and its auxiliary equipment that is or is intended to be used for the storage of petroleum products.

**“The Gambia Standards Bureau” or TGSB** means the national institution in charge of standards development as established by Law.

**“Temporarily Out of Service”** means that a Fuel Storage Tank System is withdrawn from service for a specified period with an intention to put it back into service.

**"Tank facility"** means one or more aboveground storage tanks', including any piping that is integral to the tanks, that contain petroleum products and that are used by an owner or operator at a single location or site.

For purposes of these regulations, a **pipe** is integrally related to **an aboveground storage tank** if the **pipe is connected to the tank** and **meets any of the following:**

- (1) The pipe is within the dike or containment area.

(2) The pipe is between the containment area and the first flange or valve outside the containment area.

(3) The pipe is connected to the first flange or valve on the exterior of the tank.

**“Tank Working Capacity”** means the total volume in a tank that is available for use in operations. Working capacity is the tank’s nameplate capacity, less dead or unpumpable stock, less safety stock, and less any strategic or compulsory stock holding.

**“Throughput Contract”** means is the agreement signed between the Importer and the Depot/Storage Facility that determines conditions of operations including Health, Safety, Security and Environmental requirements.

**“Uncommitted Capacity”** is defined as the volume that can be safely moved through a terminal in addition to current operations.

**“Vehicle”** includes a prime mover and trailer and a vessel or thing, other than a pipeline, used to transport petroleum products for supply.

**“AGO”** means Automotive Gas Oil, also commonly known as Diesel

**“Authority”** means Public Utilities Regulatory Authority (PURA).

**“EIA”** means Environmental Impact Assessment.

**“GRA”** means Gambia Revenue Authority.

**“GS”** means Gambia Standard

**“HFO”** means Heavy Fuel Oil

**“ITT”** means In Tank Transfer.

**“Jet A1”** is for aviation fuel, also known as Aviation Turbine Kerosene (ATK)

**“Kerosene”** also referred to as Dual Purpose Kerosene (DPK)

**“LNG”** means Liquefied Natural Gas

**“LPG”** means Liquefied Petroleum Gas

**“OMC”** means Oil Marketing Company

**“MoPE”** means Ministry of Petroleum and Energy.

**“NDMA”** means National Disaster Management Agency; the coordinating authority

**“NEA”** means National Environment Agency.

**“PMS”** means Premium Motor Spirit, also commonly referred to as Petrol or Gasoline

**“PPSF”** means Petroleum Products Storage Facility.

**“PURA”** means Public Utilities Regulatory Authority

**“SPCC”** means Spill Prevention Control and Countermeasure plan

**“TGSB”** means The Gambia Standards Bureau

(2) A word or phrase not specifically defined in these Regulations but defined in the Act shall have the meaning assigned to it in the Act.



## Part 2      **DESIGN, SITING, CONSTRUCTION, MANAGEMENT AND TESTING/ MONITORING OF PETROLEUM PRODUCTS STORAGE FACILITIES**

### **5. Design**

- (1) Plans submitted for approval to the regulatory authority shall be signed by a professional or responsible engineer who thereby certifies that such plans comply with the provisions of the Authority, and other relevant regulatory authorities.
- (2) Preference is given to vertical tank. It shall consist of not more than one compartment. Elevated tank shall be avoided and, when it is deemed necessary special permit shall be issued.
- (3) All tanks, pipes, valves and pipe fittings shall be designed and built in accordance with the regulating authorities specified standards and shall have a safety factor that is adequate for the conditions of service.
- (4) A storage tank shall be used for the storage of petroleum (products) when its material and construction are compatible with the products stored and conditions of storage such as pressure and temperature.
- (5) All bulk storage tank installations shall be constructed so a secondary means of containment is provided for the entire capacity of the largest single tank and sufficient freeboard to contain precipitation. Diked areas shall be sufficiently impervious to contain discharged oil. While dikes, containment curbs, and pits are commonly employed for this purpose, an alternative system consisting of a drainage trench enclosure that must be arranged so that any discharge will terminate and be safely confined in a facility catchment basin or holding pond ( the retention area).
- (6) Each bulk storage container installation must be engineered or updated in accordance with good engineering practice to avoid discharges, including at least one of the following devices:
  - (a) high liquid level alarms with an audible or visual signal at a constantly attended operation or surveillance station (NOTE: In smaller facilities an audible air vent may suffice.)
  - (b) high liquid level pump cutoff devices set to stop flow at a predetermined container content level.
  - (c) direct audible or code signal communication between the container gauge and the pumping station.
  - (d) a fast response system for determining the liquid level of each bulk storage container such as digital computers, telepulse, or direct vision gauges (NOTE: If you use this alternative, a person must be present to monitor gauges and the overall filling of bulk storage containers).

## 6. Siting

- (1) The siting of bulk storage facility (depot) is of paramount importance in all aspects of protection from fire hazards, destruction of environment and disruption to other facilities. There shall be recognized areas determined by competent authorities countrywide to accommodate Petroleum depots and cognizance shall be taken of the following:
  - (a) Petroleum products storage facilities shall be located in isolated areas from other facilities and facilities in urban areas shall be located at least 300m from nearby properties;
  - (b) Location of site in relation to other existing or planned developments, water bodies, areas of fragile ecosystem and other risk areas that could be exposed in the event of accidental spillage;
  - (c) Access facility to and around the facility;
  - (d) Topography/lay of ground in respect to various sources of ignition and other risky operations, that may render the facility insecure;
  - (e) Available Water supply;
  - (f) Drainage system especially where these link up with the drainage system of the local authority;
  - (g) The location of any existing boreholes, aquifers or artesian wells within 500m of the site, and an analysis of the water for hydrogen sulfide and hydrocarbons;
  - (h) The soil types down to the first impermeable layer, and the reduced level of the impermeable layer over the site;
  - (i) Fire protection, security, and general service facilities in the area, including the fire services' response time;
  - (j) Good housekeeping (for example the removal of flammable materials such as rubbish, dry vegetation and oil-soaked soil);
  - (k) The depth of the water table (if it is above the first impermeable layer) and the date of measurement; and
  - (l) Future expansion.

## 7. Construction

- (1) The minimum shell-to-shell spacing for horizontal tanks that contain class I, II or IIIA liquids should comply with the provisions of the approved relevant specifications/standards where available or as

approved by the relevant authority.

- (2) PPSF/Depot layout shall comprise of but not limited to the following structures: Car parking, tank farm, adequate fire protection/fighting system, drainage system, buildings, and entrances and exits.
- (3) In the interest of security, the PPSF shall be so enclosed as to prevent unauthorized access.
- (4) During the installations of PPSF, the minimum typical distances for each facility should comply with the provisions of the approved relevant specifications/standards.
- (5) All atmospheric storage tanks shall be adequately vented to prevent, in the case of a cone-roof tank, the development of a vacuum or pressure that could distant the roof, or in the case of other atmospheric tanks, the design pressure from being exceeded as a result of filling, emptying and temperature changes. Protection shall be provided to prevent the overpressure in any pump from being discharged into the tank or vessel where the pump discharge pressure can exceed the design pressure of the tank.
- (6) Tanks for storing class IA, IB and IC liquids shall be equipped with venting devices that are normally closed except when venting under pressure or vacuum conditions, or with listed flame arrestors. Tanks for storing class I liquids equipped with blankets shall be free venting; Tanks for storing class II or class III petroleum products could be fitted with open vents.
- (7) Normal vents shall comply with the requirements of the approved relevant specifications/standards.
- (8) To facilitate right operations, tank farms shall be provided with adequate artificial lighting facilities that comply with the regulating authority's specification or the approved relevant specifications/standards.
- (9) All buildings shall comply with the Building regulations as may be issued by the Department of Physical Planning.
- (10) Administrative buildings should be located in a safe area; preferably near the main gates with access from the roadway so that visitors to the offices do not have to enter the working area of the depot, the walls of these buildings may form part of the outer boundary of the depot.
- (11) The spacing of the filling sheds and pump slabs shall be determined by the approved relevant specifications/standards.
- (12) The outer surfaces of aboveground pipelines shall be protected by a suitable coating. All belowground pipelines shall be protected in an acceptable way with suitable corrosion resistant materials. A cathodic protection system shall follow the electrical safety requirements of the approved relevant specifications/standards.
- (13) Hydrants and fire-fighting equipment shall be so located that they can be approached from different directions, and distinctly marked that they can be easily seen (reflective material is recommended to facilitate visibility at night). Hydrants shall be provided at positions that would enable any fire to be combated irrespective of the wind direction.

- (14) When planning the layout of a bulk storage depot, all the requirements (e.g. traffic arrangements, drainage and interceptors, tank farm areas, loading and discharging facilities, etc.) shall comply with the approved relevant specifications/Standards.
- (15) It is recommended that all buried pipelines be pressure-tested annually throughout their service life, and the aboveground tanks be tested on a five year basis.
- (16) The design and construction of bund walls, loading equipment, platforms or any other facility shall follow all the provisions of the approved relevant specifications/Standards.

## 8. Management

- (1) Spillage control may be provided by remote impounding, impounding around tanks, bunding or by a combination of all three. In both types of impounding, the impoundment area shall be protected by adequately designed systems to prevent the contamination of ground water if such a risk exists. Where protection of adjoining property and waterways is by means of drainage to a remote impounding area or by means of impounding by building bund walls around tanks, such systems shall comply with the approved relevant specifications/Standards.
- (2) All tank farms must be labeled with the following:
  - (a) Flammable – Keep Fire and Flame Away.
  - (b) Name of the Product (i.e., “Gasoil,” “Petroleum,” etc.).
  - (c) PPSF tanks containing diesel fuel must be labeled with a diesel fuel warning label that indicates the sulfur content of the fuel.
- (3) In addition to tank labelling, the following must be posted at the dispensers:
  - (a) **Warning** - It is unlawful and dangerous to dispense petrol into unapproved containers. No smoking. Stop motor. No filling of portable containers in or on a motor vehicle. Place container on ground before filling.
  - (b) Operating instructions for the dispensers, if self-service.
  - (c) Emergency Instructions - In case of fire or spill:
    - (i) Use emergency stop button.
    - (ii) Report accident by calling; emergency phone number 118 to report any case of fire and the location.
  - (d) If applicable, the diesel fuel warning label should indicate the sulfur content of the fuel.

## 9. Testing/Monitoring

- (1) Each aboveground container must be tested for integrity on a regular schedule, and whenever material repairs are made. The frequency of and type of testing must take into account the tank size and design.
- (2) The facility may combine visual inspection with another testing technique such as hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or another system of non-destructive shell testing. Comparison records must be kept and the tank's supports and foundations also inspected. Personnel must frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas.
- (3) Liquid level sensing devices must be regularly tested to ensure proper operation.
- (4) Effluent treatment facilities should be observed frequently enough to detect possible system upsets that could cause a discharge.
- (5) When field-constructed aboveground containers undergo a repair, alteration, reconstruction, or a change in service that might affect the risk of a discharge or failure due to brittle fracture or other catastrophe, or has discharged oil or failed due to brittle fracture failure or other catastrophe, the tank is evaluated for risk of discharge or failure due to brittle fracture or other catastrophe and appropriate actions taken.
- (6) All regulations contained in the International Safety Guide for Oil Tankers and Terminals, the operating company and relevant Occupational Health and safety services shall be strictly adhered to.

## PART 3     **PETROLEUM PRODUCTS STORAGE FACILITIES CONSTRUCTION PERMITS**

- 10.** A person proposing to construct a petroleum products storage facility (bulk storage, filling plant, and pipeline) shall, before commencing such construction, apply in writing to the relevant regulatory authority for a permit to do so.
- 11.** The application referred to in section(10) shall:
  - (1) Specify the name and address of the proposed owner; and
  - (2) Be accompanied by the appropriate number of copies of plans and specifications for that class of facility.
  - (3) Be accompanied by all other required approvals from the competent authorities.

- 12.** The regulatory authority shall consider every application received and shall, if satisfied that the applicant meets prescribed requirements, grant to the applicant within thirty days, the permit to construct the petroleum products storage facility.
- 13.** Before issuing a permit, the regulatory authority shall take into account all relevant factors, including but not limited to the following:
- (1) Relevant Government policies and regulations;
  - (2) Compliance with environmental management and safety codes and standards including an Environmental Impact Assessment (EIA) and proposal to mitigate any impacts identified and occupational health and safety procedures;
  - (3) Relevant standards and measurements;
  - (4) The financial capability of the applicant and the methods of financing the proposed facility; and
  - (5) Any other matter that may be deemed necessary in the opinion of the regulatory authority that may be affected by the granting or the refusal of the permit being sought, including but not limited to the size and use of land, including access to roads or highways.
- 14.** A permit shall contain such terms and conditions as the regulatory authority may deem appropriate, including but not limited to:
- (1) Duration of the permit;
  - (2) Persons authorized to execute the works;
  - (3) Area in which the works shall be executed; and
  - (4) Conditions to be satisfied before the commencement of the works.
- 15.** Where the regulatory authority refuses to grant a permit under section 13(5), it shall notify the applicant of such refusal in writing specifying reasons thereof, within a period not exceeding thirty days.
- 16.** The Petroleum Products Storage Facility Construction Permit fee shall be determined by the relevant regulatory authority. The Permit under these Regulations shall be valid for a period not exceeding 3 years for the construction of the PPSF.
- 17. Suspension or Revocation of a Construction Permit**
- (1) Subject to sub-section (2) below, the regulatory authority may suspend or revoke a construction permit if any term or condition thereof has not been complied with within the prescribed period.
  - (2) Where the regulatory authority decides to revoke or suspend a permit, a notice period of forty days may be given to the holder of the permit, specifying the reasons thereof.
  - (3) The regulatory authority may in writing reinstate the permit suspended or revoked in sub-section

(1) of this section if satisfied that the reasons for suspension or revocation no longer exist.

## **PART 4     PETROLEUM PRODUCTS STORAGE FACILITY ALLOCATION MECHANISM**

**18.** The Authority considers the allocation of Ullage Space at the PPSF/Depot as one of the most critical constraints to the liberalization of the petroleum industry, the provision of national security stock and the creation of a conducive environment for fair competition by the Supply Chain Actors and removal of barriers to new entrants. To enable effective liberalization of the market the Importation and Storage Mechanism of the petroleum industry must be organized with the sole objective of enabling equitable and transparent access to such a facility by All Players – OMCs, Importers and Third Parties – wishing to use the Facility to Store Petroleum Products.

**19.** The owner(s) of the PPSF shall establish potential measures aiming at allowing any other person to share petroleum depot facilities as long as the products to be stored meet the specifications approved by the Authority.

**20.** There shall be non-discriminatory third party access to storage facility in any part of the petroleum supply chain, especially for storing petroleum products to avoid any participant in the industry that may enjoy a monopoly position or undue commercial advantage.

**21.** The PPSF shall allow an equitable and transparent access to the storage facility by all players (OMCs, Importers, Third Parties), wishing to use the storage facility to store products.

### **22. Procedures for Storage Space Allocation**

(1) The Authority shall therefore put in place an Allocation Mechanism that will ensure:

(a) Guaranteed National Safety Stock

(b) Equitable Sharing of the “Un Pump” Stock

(c) Space Allocation for:

(i) Importers – Whose Products are transferred into the Customs Territory by Ship or ITT (In Tank Transfer)

(ii) Third Party Storage – Whose Products are stored in the bonded warehouse outside the national customs territory that can either be imported or re-exported.

(d) New players and aspirants who are able to enter the industry.

**23.** The details of the Allocation Mechanism and the terms for space usage, is as determined by the Authority.

**24. The Allocation Mechanism is triggered in the following process**

- (1) The entity seeking storage space allocation shall first submit to the PPSF a written request for a throughput contract. The entity seeking storage space allocation shall state the details of its specific storage needs.
- (2) It is the responsibility of the entity that owns the PPSF to provide access to the facility;
- (3) The PPSF may respond within a reasonable period after receiving a request from the entity seeking storage space allocation. When for whatsoever reasons there is no space to allocate for the requested infrastructure, it must provide a response giving the reasons for its inability to share the infrastructure immediately or ASAP;
- (4) If the entities are unable to reach a mutually agreed allocation arrangement within 30 days after the entity seeking allocation sends the request to the PPSF, the entity seeking allocation may submit a written request to the Authority, with a copy of the PPSF response;
- (5) The PPSF will have 15 days from the date on which the Allocation Request is filed with the Authority to submit to the Authority a written response;
- (6) Within 30 days of receiving necessary information and after giving a hearing, the Authority will issue its decision as to whether the PPSF is required to allocate storage space to the entity seeking the storage space.

## **Part 5 OIL SPILL PREVENTION CONTROL**

**25.** The PPSF shall prepare a spill prevention control and countermeasure plan prepared in accordance with the applicable Health Safety and Environment, Regulations, the relevant adopted International Standard, and/or as determined by the competent authority.

**26.** A spill prevention control and countermeasure plan may contain but not limited to the following:

- (1) a facility map showing the location of the tanks, buildings, and site utilities;
- (2) the general location of area receptors and points of exposure such as surface water bodies, natural resources, and residential communities;
- (3) the names, addresses and phone numbers of persons qualified to act in emergencies together with a description of their roles and responsibilities;



- (4) an up-to-date list of all emergency equipment at the facility such as fire extinguishing systems, spill control equipment, communications and alarm systems and this list shall always be kept up to date;
- (5) the actions facility personnel shall take to respond to the emergency including an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary;
- (6) fire, explosions, health and safety contingency plans; and
- (7) measures to be used to notify members of the public who may be adversely affected by the emergency.

**27.** The License Holder shall keep the plan up-to-date and keep a copy of it readily available for the individuals who will put it into effect as well as the Authority and or its designated agents or agencies.

**28.** The PPSF shall take the following actions:

- (1) Conduct a daily visual inspection of any storage tank storing petroleum products.
- (2) Allow the Authority or its designated agent/agency to conduct a periodic inspection of the tank facility.
- (3) When the Authority determines installation of secondary containment is necessary for the protection of the waters of the municipality/community, install a secondary means of containment for each tank or group of tanks where the secondary containment will, at a minimum, contain the entire contents of the largest tank protected by the secondary containment plus precipitation.

**29.** At least once every three years, the Authority shall inspect each storage tank or a representative sampling of the storage tanks at each tank facility that has a storage capacity of 150 m<sup>3</sup> or more of petroleum products. The purpose of the inspection shall be to determine whether the owner or operator is in compliance with the provisions provided in this section.

**30.** The PPSF shall immediately, upon discovery, notify the Authority using the appropriate 24 hours timeframe of the occurrence of a spill or other release of 0.1 m<sup>3</sup> or more of petroleum products.

**31.** The reasonable expenses of the regulator incurred in overseeing, or contracting for cleanup or abatement efforts that result from a release at a tank facility is a charge against the PPSF. Expenses reimbursable to a public agency under this section are a debt of the PPSF, and shall be collected in the same manner as in the case of an obligation under a contract, expressed or implied.

**32.** When the PPSF fails to prepare a spill prevention control and countermeasure plan in compliance with applicable HSE or relevant adopted International Standard it shall be subjected to a civil penalty, to be determined by the Authority, for each day on which the violation continues. When the owner or operator

commits a second or subsequent violation, an additional civil penalty for each day on which the violation continues may be imposed.

**33.** The penalties specified in this section are in addition to any other penalties provided by Law.

### **34. Environmental Rehabilitation**

(1) An environmental sustainability management plan, approved by a competent authority or person, may include:

(a) details of:

- (i) the authority or person who prepared the environmental sustainability management plan; and
- (ii) the expertise of that authority or person who prepared the environmental sustainability management plan;
- (iii) a description of the environment likely to be affected by the proposed importation and storage activity;
- (iv) an environmental impact assessment (EIA) of the potential impacts of the proposed importation and storage activity on the environment, socio-economic conditions and cultural heritage, if any;
- (v) a summary of the EIA of the significance of the potential impacts, the proposed mitigation and management measures to minimise adverse impacts.

(2) a financial plan may include:

- (a) details of the method providing for the financial provision envisaged in section 35(1); and
- (b) the determination of the quantum of the financial provision envisaged in section 35(3);
- (c) planned monitoring and performance assessment of the environmental sustainability management plan;
- (d) an undertaking by the applicant to execute the environmental sustainability management plan.

### **35. Financial Security for Rehabilitation**

(1) Financial provision required in terms of section 34(2) to achieve the total quantum for the rehabilitation, management and remediation of negative environmental impacts must be provided for by **one or more** of the following methods:

- (a) An approved contribution to a trust which must be in the format approved by the Authority from time to time;

- (b) A financial guarantee from a Gambian registered bank or any other bank or financial institution approved by the Commissioner guaranteeing the financial provision relating to the environmental sustainability management plan in the format approved by the Commissioner from time to time;
  - (c) To have insurance cover against oil spillage and environmental damage.
- (2) In the case of paragraph (1)(c), proof of payment must be submitted to the Authority prior to the acceptance of the environmental sustainability management plan.
- (3) The quantum of the financial provision may be determined in consultation with a competent authority or person, and must include a detailed provision for costs that could be incurred in the event of:
  - (a) the rehabilitation of the land;
  - (b) the prevention and management of pollution of the atmosphere;
  - (c) the prevention and management of pollution of water and the soil; and
  - (d) the prevention of spillage and leakage, into the ground, of chemical substances associated with importation and storage activities;
- (4) The holder of an importation/storage license must annually update and review the quantum of the financial provision:
  - (a) in consultation with a competent authority or person;
  - (b) as required in terms of the approved environmental sustainability management plan; or
  - (c) as requested by the Authority.
- (5) Any inadequacy with regard to the financial provision must be rectified by the licensee:
  - (a) in an amendment of the environmental sustainability management plan, as the case may be; or
  - (b) as determined by the Authority.

## **PART 6 DOWNSTREAM PETROLEUM SKILLS TRAINING AND CERTIFICATION**

- 36.** Persons engaged in construction, installation, maintenance or operation of petroleum storage facilities, equipment and appliances shall require a certificate issued by the relevant regulatory authority or the relevant competent authority.
- 37.** The certification will ensure that the person certified under section (36) above has the necessary qualifications, downstream petroleum knowledge and skills to undertake civil works for sites and installations designed purposely for petroleum products.

38. Vehicle Drivers undertaking petroleum products transportation shall be trained and certified by the regulatory authority or the relevant competent authority or its appointed agent to fulfill the requirements in accordance with the provisions in the *Transportation Regulations 2017*.
39. Training experience and competence (a combination of practical and thinking skills, experience and knowledge) assurance of staff for safety critical and environmental protection activities is a requirement.
40. Training is a requirement for normal operation and for abnormal/upset and emergency conditions, etc.
41. In house Training on health, safety and environment policy of the entity/organization shall be conducted to ensure that it is effectively implemented.

## **PART 7      OPERATION REQUIREMENTS**

### **42. Licensing**

- (1) A person shall not operate a bulk petroleum storage facility except in accordance with the terms and conditions of a valid license for bulk petroleum storage issued in accordance with the Act.
- (2) A license shall not be necessary for bulk storage of petroleum products for non-commercial use in quantities not exceeding 150 m<sup>3</sup>.
- (3) A licensee shall not conduct a business of bulk storage of petroleum products in any building constructed of inflammable material.
- (4) A licensee shall not offer hospitality, release or otherwise part with possession of bulk storage of petroleum products to a person unless such person has a valid bulk storage license or an official permission from the Ministry having internal security in its portfolio.
- (5) A person desirous of obtaining a license for bulk storage of petroleum products shall make an application to the Authority, in the Authority's prescribed application form, accompanied by:
  - (a) An Environmental Impact Assessment Certificate issued by NEA.
  - (b) A detailed Business Plan.
  - (c) A Fire Prevention Plan, approved by the Chief Fire Officer, evidencing that arrangements proposed for the prevention and fighting of fire coupled with good housekeeping at the site are satisfactory.
  - (d) A report, from or approved by the Geological Survey Department of The Gambia, attesting to either the absence of or acceptable levels of seismic activity on and around the proposed site.

- (e) A Geotechnical Report.
  - (f) A certificate of bonded warehouse from the GRA attesting that the facility will be accorded a 'Bonded Warehouse' status.
  - (g) Evidence of Land Title Registration/Lease Agreement with the land Owner.
  - (h) Proof that the facility complies with the relevant best practices and local Building regulations issued by the Department of Physical Planning.
  - (i) A copy of approved drawings in accordance with the local authorities requirements with specifications and plans indicating:
    - (i) The facility to be licensed, giving particulars of the materials and construction.
    - (ii) The position of the facility in relation to adjoining property including distances from neighboring buildings.
    - (iii) The position and capacity of all tanks, storage sheds, filling plant, the position of all buildings, structures or other works within the installation in which petroleum products are to be stored.
    - (iv) All lighting arrangements including the position of electric cables, switches, and fuse boxes, draining system, water connections, fire hydrants and firefighting appliances, and any other precision that may be specified by the relevant authorities, other competent authorities and the Authority.
    - (v) Any other requirement as may be specified by the Authority.
  - (j) An Oil Spill Contingency/Emergency Plan (spill prevention control and countermeasure plan).
- (6) A licensee shall not alter the licensed facility or the method of bulk storage of petroleum products shown in the license or specifications and plan submitted without prior approval by the Authority.
  - (7) A license for bulk storage of petroleum products shall be in the prescribe form as determined by the Authority. The PPSF Operation License fee shall be determined by the Authority.
  - (8) A license under these Regulations shall be valid for a period not exceeding 15 years in the case of operating the PPSF.

### **43. Powers of Inspection**

- (1) The Authority or any person acting on its behalf may inspect any vehicle, premises, facility or installation suspected of being engaged in the business of refining HFO Sludge, Waste Oil,

transportation, storage of petroleum products for the purpose of ascertaining whether the provisions of these Regulations are being observed, and, in the case of contravention, may give such directions to the owner or person in charge of such a facility, installation, premises or vehicle, or as it considers necessary to ensure the observance of the relevant Acts and Regulations.

- (2) Where the Authority calls upon a licensee, by a notice in writing, to execute any repairs to the licensed premises and/or ensure full compliance with the provision in these regulations, laws, and established standards, which may, in the opinion of the Authority, be necessary. The licensee shall execute the repairs within such period as may be fixed by the notice. The Licensee will have the right to address, within ten working days from the day the notice is received by the Licensee, its concerns regarding the time fixed by the Authority.
- (3) A person who resists, hinders or obstructs the Authority or any person acting on its behalf in the course of the duty under the provisions of subsection (1) commits an offence and shall, on conviction, be liable to a fine to be determined by the Authority for each day or part thereof that the obstruction occurs.
- (4) A person who refuses to obey any order lawfully given under the provisions of subsections (1) and (2) commits an offence and shall be liable, on conviction, to pay a fine to be determined by the Authority for each day or part thereof that the offence continues.
- (5) In any case where the person who contravenes the provisions of subsections (1) and (2) is licensed under these Regulations, the Minister may suspend or revoke his/her license.

#### **44. Reporting of Accidents and Fires**

- (1) Any accident involving petroleum products operation which causes injury to employees, property damage, or injury to other persons or an accidental release of petroleum products and any fire in which petroleum products are directly or indirectly involved shall be reported by a licensee in writing to the regulatory authority as soon as possible but not later than 48 hours.
- (2) A person who contravenes the provisions of subsection (1) commits an offence and shall be liable, on conviction, to pay a fine to be determined by the Authority in consultation with the relevant regulatory authority for each day or part thereof that the offence continues.
- (3) In any case where the person who contravenes the provisions of subsection (1) is licensed under these Regulations, the regulatory authority may suspend or revoke his license.

#### **45. Standard Operating Procedures**

- (1) Terminal operators shall implement and have documented operations and maintenance plans which assure conformance with applicable safety and operational standards, in compliance with applicable pollution regulations and shall use safe work practices and procedures including:

- (a) Understanding petroleum products and their properties.
- (b) Ensuring good ventilation by working in open atmospheres
- (c) Working at ambient temperatures.
- (d) Providing information, instruction and training to all terminal operatives.
- (e) Reporting of all incidents e.g. leaks and providing clean-up and disposal facilities.
- (f) Providing secondary containment solutions such as bunding or oversize drums.
- (g) Taking special precautions when loading or unloading vehicles.
- (h) Developing a succinct Emergency Plan.

#### **46. Saving In Case of Armed and Security Services**

- (1) Nothing in these Regulations shall apply to PPSF operated by armed forces or specialized departments of the Government of The Gambia as long as these operations are directly linked with the country's national security. However, armed and security services or other specialized departments shall comply with operational standards as regards to the PPSF in order to care for public safety.

#### **47. Removal from Service (Decommissioning of Tanks)**

- (1) When removing a PPSF tank from service, the following measures shall be taken:
  - (a) Consult HSE for proper testing procedures and parameters.
  - (b) Rendering the tank's atmosphere vapor-free.
  - (c) Protection of the tank from vandalism (generally meaning a fenced or secured area).
- (2) The license holder shall notify the Authority immediately upon taking a fuel storage tank Out of Service, unless the tank is Out of Service (downtime) because of scheduled testing or maintenance.
- (3) A fuel storage tank that is *Temporarily Out of Service*, for a period exceeding ninety (90) days, shall not be placed back In Service until the license holder notifies the Authority (in writing) that the tank complies with the requirements of these Regulations.
- (4) A fuel storage tank that is *Permanently Out of Service* may be:
  - (a) dismantled and removed from site for disposal;
  - (b) relocated and isolated in an appropriate temporary storage area and then removed when

the site is decommissioned; or

(c) permanently closed on site.

(5) A Fuel Storage Tank System to which subsections four (4) applies shall be required to:

(a) remove fuel from the tank and isolate connecting piping;

(b) secure the tank to prevent any unauthorised entrance so that fuel is not accidentally or intentionally introduced into the tank;

(c) thoroughly clean the interior of the tank and piping of all sludge, solids, and residuals and retain documentation of proper disposition of the removed sludge, solids and residuals;

(d) All waste products removed must be disposed of in accordance with the relevant environmental statutory requirements and Authority's approval;

(e) the tank must be rendered free of petroleum vapours. Provisions must be made for natural breathing of the tank to make sure that the tank remains vapour-free;

(f) all connecting lines must be disconnected and removed or securely capped or plugged;

(g) the tank must be stenciled with the date of permanent closure; and

(h) upon removal of the tank, the soil surrounding the tank must be assessed to determine whether there is soil and water contamination attributable to the Fuel Storage Tank System.

(6) All decontamination and remediation work must be documented and made available promptly to the Authority, upon request.

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**Hon. Fafa Sanyang**

Minister of Petroleum and Energy

Dated the ..... day of.....20 .....