OIL AND OIL PRODUCTS SPILLS PREVENTION AND RESPONSE PLANS

Any company exploring oil fields, producing oil, as well as processing, transporting and storing oil and petroleum products shall be obligated to have an Oil Spill Prevention and Response (OSPR) Plan in place. An OSPR plan specifies measures and actions required to prevent, discover in a timely manner, respond to and mitigate potential emergency situations at facilities damaged by accidental oil spills. An OSPR plan also provides for the protection of personnel, communities and environment.

The planning of measures for prevention and response to emergency situations caused by oil and petroleum products spills has to meet the following key tasks:

- To predict the level of a potential emergency situation and its consequences;
- To provide for key measures of prevention of and response to emergency situations caused by oil and petroleum products spills at the respective level, to verify the sufficiency of the planned measures subject to the conditions of potential sources of emergency situations resulting from oil and petroleum products spills, as well as to take into account the geographical, navigation/hydrographic specific features of the area of potential spills;
- To monitor and observe the social and economical consequences of an emergency situation, to monitor the environment and conditions at hazardous production facilities and in adjacent areas;
- To determine the procedures of cooperation of involved organizations, management bodies, manpower and equipment in the emergency situation, and the measures for the mutual exchange of information;
- To determine the sufficient amount and composition of emergency response manpower and equipment to deal with an emergency, including emergency rescue response teams equipped with duly certified special technical means, equipment, munitions and materials, and/or to incorporate emergency rescue response teams of other organizations subject to their location and in accordance with the applicable law;
- To establish procedures to ensure and control the preparedness of manpower and equipment management bodies to act, including planning drills, professional training of personnel and raising its competences, establishment of financial and material resources, as well as maintenance of a respective level of emergency rescue response teams readiness;
- To develop a situational schedule (calendar plan) of measures for operative response to emergencies caused by oil and petroleum products spills;
• To implement targeted and scientific/technical programs aimed at the prevention of emergency situations caused by oil and petroleum products spills, and raising the sustainability of management bodies that function in case of an emergency situation, as well as of the appraisal, supervision and control related to community and territorial protection from emergency situations caused by oil and petroleum products spills;
• To plan measures for the mitigation of the consequences of emergency situations caused by oil and petroleum products spills.

Documents regulating the mandatory nature, structure and contents of an Oil Spill Prevention and Response (OSPR) Plan:

• Governmental Decree of April 15, 2002 #240 On Oil and Petroleum Products Spill Prevention and Response Measures in the Russian Federation.¹

  [Rules of organization of measures for the prevention and response to oil and petroleum products spills in the Russian Federation]
• Decree of the RF Government of 21.08.2000 # 613 (revision of 15.04.2002) On Urgent Measures for Prevention of and Response to Accidental Oil and Petroleum Products Spills.²

  [Key requirements for plans for the prevention of and response to accidental oil and petroleum products spills]
• Governmental Decree of March 6, 2012 # 193 On Licensing Individual Kinds of Activities at Marine and Inland Water Transport.³

  [Regulations on passenger carriage licensing of inland water and marine transport]
  [Regulations on hazardous cargoes carriage licensing of inland water and marine transport]
  [Regulations on tow operations licensing of inland water and marine transport

¹ Appendix 49.
² Appendix 50.
³ Appendix 51.
(except for the event, when the work is performed for an entity's or an individual entrepreneur's demands)]

[Regulations on licensing of hazardous cargoes handling by inland water transport in sea ports]

  [Requirements for emergency prevention at potentially hazardous facilities and vital infrastructure facilities]

- Order of EMERCOM of the RF of March 24, 2003 # 144 On Improvement of Oil Spill Response Measures.

  [Rules of Drafting and Approval of Oil and Petroleum Products Spill Prevention and Response in the Russian Federation (revision of Orders of EMERCOM of Russia of 17.01.2011 # 2, of 12.09.2012 # 541)]  
  [Procedures of compliance with OSR plan drafting requirements (revision of Orders of EMERCOM of Russia of 17.01.2011 # 2, of 12.09.2012 # 541)]  
  [Calendar plan of measures in case of risk and occurrence of emergency situations (approximate)]

- Order of EMERCOM of the RF of June 21, 2006 # 161 On Requirements to the Contents of Documentation Submitted to EMERCOM Expert Commission.

- Order of MPR of the RF of 05.06.2002 # 343 On Implementation of the Decree of the Government of the Russian Federation of April 15, 2002 # 240 On Measures for Oil and Petroleum Products Spill Prevention and Response in the Russian Federation,  
  [Appendix 52.  
  Appendix 53.  
  Appendix 54.]

- MPR Order of March 03, 2003 # 156 On the Approval of Instructions on the Determination of the Lower Level of an Oil and Petroleum Products Spill to Classify the
Spill as an Emergency Situation.\textsuperscript{7}

[Instructions on the Determination of the Lower Level of an Oil and Petroleum Products Spill to Classify the Spill as an Emergency Situation]

[Appendix 1. List of mandatory data on accidental oil and petroleum products spills to be communicated to the territorial and special marine inspection authorities of MPR of Russia].

[Appendix 2. Lower level values of oil and petroleum products spills to classify the spill as an emergency situation].

- Order of MPR of September 12, 2002 # 574 On the Approval of Temporary Recommendations for the Drafting and Validation of Permissible Residual Content of Oil and Products of Oil Transformation in Soil After Reclamation and Other Recovery Work.\textsuperscript{8}

[Temporary Recommendations for the Drafting and Validation of Permissible Residual Content of Oil and Products of Oil Transformation in Soil After Reclamation and Other Recovery Work]

- Order of Mintrans of April 6, 2009 # 53 On the Approval of Regulations on Functional Subsystems of Prevention and Response to Oil and Petroleum Products Spills at Sea from Ships and Facilities Regardless of Their Departmental and National Identity.\textsuperscript{9}

[Regulations on Functional Subsystems of Prevention of and Response to Oil and Petroleum Products Spills at Sea from Ships and Facilities Regardless of Their Departmental and National Identity]

- State Standard of the RF GOST R 22.8.01-96. Safety in Emergency Situations. Emergency response. General requirements.\textsuperscript{10}


Organizations involved in OSPR drafting and adoption.

A federal level plan for oil and petroleum products spill prevention and response at sea:

\textsuperscript{7} Appendix 55.

\textsuperscript{8} Appendix 56.

\textsuperscript{9} Appendix 57.

\textsuperscript{10} Appendix 58.
- shall be drafted by the State Maritime Response and Rescue/Coordination Service of the Russian Federation reporting to the Ministry of Transport;
- in agreement with the Federal Service for Environmental, Technological and Nuclear Supervision, the Ministry of Energy of the Russian Federation, the Ministry of Defence of the Russian Federation, and the Ministry of Agriculture of the Russian Federation;
- shall be approved by the Ministry of Transport of the Russian Federation, the Ministry of Civil Defence, Emergencies and Disaster Relief of the Russian Federation, and the Ministry of Natural Resources and Ecology of the Russian Federation.

The examples of governing provisions of some legal regulations in this respect are as follows:

- Part one of Article 7 of the Federal Law of 21.12.1994 # 68-FZ On the Protection of Communities and Land from Natural and Industrial Emergencies states that measures for the prevention of emergency situations as well as for the maximum mitigation of resulting damage and losses, if any, shall be taken in advance;


- Clause 2 of the Decree of the Government of the Russian Federation of 15.04.2002 # 240 specifies the requirement that companies shall have in place a duly drafted and approved Oil Spill Prevention and Response Plan;

- Clause 3 of Rules of Drafting and Approval of Plans of Oil Spill Prevention and Response in the Russian Federation approved by Order of EMERCOM of Russia of 28.12.2004 # 621 (hereinafter, Rules) states that the Rules establish general requirements for the planning of measures for the prevention of and response to oil and petroleum products spills and emergency situations caused by oil and petroleum products spills (hereinafter, ES(O)), and also provide for procedures of agreement and approval of oil spill prevention and response plans and respective calendar plans of measures in case of risk or occurrence of ES(O) for companies (regardless of forms of ownership) exploring fields, producing oil, as well as processing, transporting, storing and using oil and
petroleum products (The Rules do not include exclusions or exemptions of this imperative requirement).

In addition, the following requirements are applicable to transportation:

- Clause 20 of the Regulations on Functional Subsystems of Prevention of and Response to Oil and Petroleum Products Spills at Sea from Ships and Facilities Regardless of Their Departmental and National Identity approved by the Order of Mintrans of Russia of 06.04.2009 # 53, states that the use of manpower and equipment of the functional subsystems of prevention of and response to oil and petroleum products spills at the facilities of companies (regardless of departmental and national identity) that are exploring fields, producing oil, processing, transporting and storing oil and petroleum products at sea should have OSPR Plans in place;

- Clause 5 of the Decree of the Government of the Russian Federation of 06.03.2012 # 193 states that a License Competitor (Holder) shall adhere to the following license requirements while handling hazardous cargoes in sea ports:
  
  o An accidental oil and petroleum products spill prevention and response plan has to be in place (for activities related to oil and petroleum products handling). The definition covers the foregoing oil and petroleum products spill prevention and response plans;
  
  o In the event of involvement of floating cranes and ships (including fueler-ships):
    
    - A Ship Oil Pollution Emergency Plan shall be in place on board of any ship as required in accordance with the International Convention for Pollution from Ships of 1973.

The Ship Oil Pollution Emergency Plan (SOPEP - MARPOL-73/78) shall be compatible with the OSR Plan (Decree of the Government of the Russian Federation of 06.03.2012 # 193).

Pursuant to Rule 37 of Appendix 1 to the International Convention for the Prevention of Pollution from Ships, 1973 with the amendments and alterations introduced by the Protocol of 1978 (MARPOL-73/78) for jurisdictional ships, Ship Oil Pollution Emergency Plan shall be drafted (hereinafter, SOPEP). A SOPEP has to include: a procedure to be followed by the captain (and other persons responsible for ship safety) when communicating data on an incident caused by oil pollution; a list of companies and persons to contact in the event of incident; and a detailed description of actions the ship officials have to take aboard in terms of coordination with national and local authorities. In accordance with MARPOL-73/78, the SOPEP is in effect aboard a ship. SOPEP itself requires the ship’s crew to take actions to stop the oil spill from ship and to manage the oil spill response from aboard the ship. The crew also has to inform the authorities
of the event. A SOPEP is not effective in the water area where a shipping oil spill took place. The ship owner, whose vessel is the source of the spill, is responsible for oil spill cleanup in the water area.

While the Decree of the Government of the Russian Federation of 06.03.2010 # 192\(^\text{11}\) does not abolish the mandatory availability of a duly approved OSR Plan of the company in accordance with the Law of the Russian Federation, it demands that SOPEP is in place as well.

\(^{11}\) Refer to Appendix 51.