

## **AMENDING DEPARTMENT CIRCULAR NO. 95-10-008, DIRECTING ALL OPERATORS OF OIL RIGS OR PLATFORMS, POWER PLANTS, OIL TANKERS AND BARGES CARRYING, PRODUCING AND/OR UTILIZING CRUDE OIL...**

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SECTION 1. The title is hereby amended to read as follows:

DIRECTING ALL OWNERS, AGENTS, LESSEES, OPERATORS OR REPRESENTATIVES OF PETROLEUM REFINERIES, TERMINALS AND DEPOTS, OIL RIGS OR PLATFORMS, POWER PLANTS, OIL TANKERS AND BARGES HAULING, CARRYING, PRODUCING AND/OR UTILIZING CRUDE OIL-BASED PRODUCTS TO REPORT ALL OIL SPILL INCIDENTS TO THE DEPARTMENT OF ENERGY.

SECTION 2. Section 1 is hereby amended to read as follows:

The owners, agent, lessee, operator or representative of any tanker, barge, ship or facility used in relation to the petroleum and/or energy industries, petroleum refineries, terminals and depots, oil rigs or platforms and power plants, oil tankers and barges hauling, carrying, producing and/or utilizing crude oil and/or other oil-based products shall submit a verbal report within eight (8) hours, and a written report within forty-eight (48) hours, to the DOE Secretary through the Environmental Protection and Monitoring Division (EPMD) during office hours (Telefax No. 844-72-14) otherwise, to the DOE Security Guard (Telephone No. 844-10-21 to 31 loc. 278/210) so far as practicable, on any incident, whether accidental or intentional, of spill, leak, discharge, disposal oil and/or oil-based products or hydrocarbon contaminated wastewaters and similar occurrences through the most practicable and fastest means of communication possible.

Any third party may file a complaint of any such incident of oil spill with the DOE-EPMD. The DOE-EPMD shall require that such complaint shall be verified under oath and accompanied by evidences and documents, if any, showing such incident of oil spill prior to its conduct of investigation of the incident.

SECTION 3. Section 4 is hereby amended to read as follows:

The DOE-EPMD with other concerned DOE units will conduct a thorough, technical and impartial investigation of the direct and indirect causes of the incident. The EPMD shall submit a report of its investigation and recommendations to the DOE Secretary and the concerned party within fifteen (15) days after the conclusion of said investigation. The EPMD shall conduct a compliance monitoring thirty (30) days after the receipt by the concerned party of its report to ascertain that its recommendations contained in its report have been complied with by the concerned party.

SECTION 4. Section 5 is hereby amended to read as follows:

Failure of the concerned party to submit the required verbal report to the DOE within eight (8) hours after the incident of spill, leak, discharge, disposal of oil and/or oil based products or hydrocarbon contaminated wastewaters or any other violation of this Department Circular shall subject said party to an administrative fine of P 20,000.00 to be paid to DOE. If no written report is submitted within forty eight (48) hours after the

occurrence of said incident the party shall be liable to pay an administrative fine of P 50,000.00 to the DOE.

SECTION 5. Section 6 is amended to read as follows:

In case of the failure of the concerned party to file the required verbal or written report, or to comply with the recommendations submitted by EPMD, or to pay the administrative fine, the DOE shall have the right to coordinate with other concerned government agencies for the possible suspension or cancellation of any service contract, permit, license, authority or other privileges previously granted by the DOE or such other concerned government agencies to such concerned party.

SECTION 6. A new Section 7 is hereby provided to read as follows:

This Circular shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Adopted: 23 Feb. 1998

(SGD.) FRANCISCO L. VIRAY

Secretary

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