

Wednesday 23<sup>rd</sup>, December, 2020

**CIRCULAR 039/2020**

**OSRO REQUIREMENTS FOR BUNKERING AT COMMON ZONE**

Dear All,

Due to recent enquiries received indicating that the Coast Guards at La Plata required to any vessel receiving bunkers at Zona Comun (off La Plata, within 12 miles from the coast) to have in place preventive arrangements to respond to any oil spill within 60 minutes of occurrence (commonly referred as an “OSRO Certificate”); we have consulted the Environmental Protection division of the Coast Guard who has confirmed this requirement as decided by the Chief of Coast Guard’s La Plata station as you will see from the letter enclosed (both in Spanish and its free translation for your easy reference).

This requirement applies to any vessel, whether a tanker or not.

Previously, it was understood that the tanker providing the bunkers should have their own “oil spill response” arrangements, only. However, considering Coast Guard’s requirement at La Plata, any vessel planning to load bunkers at “Zona Comun” must consider arranging for a preventive system to guarantee a response to oil spill within 60 minutes (ie. to have an “OSRO Certificate” in place).

As far as we understand, the cost for this service being offered by some OSRO’s is in the region of US\$ 3,200.00.

The Maritime Authority has also stressed that when bunkers are delivered either alongside a berth or at a lightering area within 12 miles from the coast, it is necessary to have booms deployed when in port or equipment and personnel mobilized in designated lightering areas which are provided by OSROs approved by Coast Guards.



We remain at your disposal if clarification and/or additional information is needed.

Yours Faithfully,

Sebastián A. Trigub

PANDI LIQUIDORES SRL

BUENOS AIRES, ARGENTINA

**updated information visit [www.pandi.com.ar](http://www.pandi.com.ar).**

*Notice: the content of this circular and its annexes is for information only. Ev though it has been issued carefully, and to the best of our knowledge, it has a general purpose and we can accept no liability whatsoever for any particular action taken upon it. © Pandi Liquidadores SRL 2020. All rights reserved.*

Dear Mr. Alberto Trigub,

Regarding the e-mail sent by you on 12/18/20, the following considerations arise:

On May 27<sup>th</sup>, 2020, the Coast Guard of La Plata, by means of the corresponding written Notice No. 11/20 LPLA,KE.A, informed Shipping Agencies that for Pollution Prevention and as Navigation Safety Police, pursuant to the provisions of Acts No. 18,398 and No. 22,190, Decree No. 1886/83, Title 8 of the Sea, River and Lake Navigation Regulations (REGINAVE) and complementary Ordinances, the ARGENTINE COAST GUARD is entitled to issue rules to avoid pollution of sea, river and lake waters by hydrocarbons and other dangerous substances.

To this regard, it then informed the incorporation of a section to the provisions that govern this type of operations that was not being complied with to date and that reads as follows: **Section 5:** In order to maintain a proper action from a navigation safety and pollution prevention point of view during loading/unloading/lightering of hydrocarbons in bulk, there must be in situ, preventatively, the necessary means and elements in optimal use conditions to avoid, in the case of a pollution event, the dissemination and/or containment to other sectors outside the place where the receiving vessel is berthed/anchored. The appointed company shall adopt all suitable and appropriate means of action in order to provide an effective response in the case of a contingency.

Given the characteristics of the operation zone and volumes operated there, it is impossible to provide a correct and professional response if the personnel, equipment and nautical means are not in situ.

In all bunkering operations carried out in the Common Zone and according to Local Provisions of the Argentine Coast Guard the Receiving Vessel must have a Preventative System available that ensures response within 60 minutes from contingency, **regardless of being a Tanker Vessel or not.**

As far as the OSRO Certificate is concerned, said certificate does not provide for the mobilization of equipment, personnel and nautical means for preventative tasks in specific operations.

Therefore, the requirement applied to this type of operations is correct and it is within the powers of the Head of the Coast Guard of La Plata to issue this type of rules aimed at establishing a regulatory framework to support this type of operations.

As an example of the foregoing, in this zone and other zones of our country, under jurisdiction of the Argentine Coast Guard, when hydrocarbons or derivatives are delivered in piers or bunkering areas less than 12 miles from the coast, the deployment of barriers and preventative watches must be in place, where personnel, equipment and means are mobilized by a Spill Control Company authorized pursuant to Ordinance 5/99 (Environmental Protection Directorate).

Yours faithfully,

Dangerous Goods and Wastes Division  
Environmental Protection Directorate  
Argentine Coast Guard

**De:** División Mercancías y Residuos Peligrosos  
**Enviado el:** 21 December 2020 11:39  
**Para:** alberto.trigub@pandi.com.ar  
**Asunto:** RE: CONTRATACION DE EMPRESA DE RESPUESTA

AL SEÑOR ALBERTO TRIGUB:

Con relación al mail cursado por usted con fecha 18/12/20, surgen las siguientes consideraciones:

Con fecha 27 de Mayo de 2020, la Prefectura La Plata, mediante Oficio de Estilo N° 11/20. LPLA,KE.A, notifico a las Agencias Marítimas que en miras a la Prevención de la Contaminación y como Policía de Seguridad de la Navegación, conforme lo establecen las Leyes N° 18.398, N° 22,190, Decreto N° 1886/83, Titulo 8 del REGINAVE Y Ordenanzas complementarias, la PREFECTURA NAVAL ARGENTINA se encuentra facultada para dictar normas tendientes a evitar la contaminación de las aguas marítimas, fluviales y lacustres por hidrocarburos y otras sustancias peligrosas.

En tal Sentido, procedió a notificar de la incorporación de un artículo a las disposiciones que rigen este tipo de operaciones, que no se venía cumplimentando hasta la fecha ,la cual se transcribe, a continuación:

**Artículo 5:** Con el fin de mantener una correcta acción desde el punto de vista de la seguridad de la navegación y de la Prevención de la Contaminación durante las operaciones carga/descarga/alijo de hidrocarburos a granel, se deberá disponer in situ, en forma preventiva, de los medios y elementos necesarios, los que se encontraran en óptimas condiciones de uso a los efectos de evitar, ante la ocurrencia de un hecho contaminante, la propagación y/o contención de los mismos a otros sectores fuera de donde se encuentre amarrado/fondeado el buque receptor” ; la empresa nominada adoptara los modos de acción aptos e idóneos a fin de atender y dar respuesta efectiva, ante cualquier contingencia “

Dadas las características de la zona de operación, y los volúmenes que allí se operan, resulta inevitable dar una respuesta correcta y profesional, si el personal, equipos y medios náuticos, no se encuentran in situ.

Toda operación de transvase de combustibles que se efectúe en el Área de Zona Común, y de acuerdo a Disposiciones Locales de la Prefectura Naval Argentina, el Buque Receptor debe tener disponible un Sistema Preventivo, que garantice la respuesta dentro de los 60 minutos de la ocurrencia, **independientemente de ser Buque Tanque o No.**

Con relación al Certificado OSRO, el mismo no contempla la movilización de equipos, personal y medios náuticos, para realizar tareas preventivas a operaciones puntuales.

Por lo expuesto, la exigencia aplicada para este tipo de Operaciones es correcto y es facultad del Jefe de la Prefectura La Plata, el dictado de este tipo de normas tendientes a brindar un marco normativo para respaldar este tipo de operaciones.

Como ejemplo a lo expresado, en esta zona y en otras de nuestro país, bajo jurisdicción de la Prefectura Naval Argentina, cuando se realizan entregas de hidrocarburos o sus derivados a muelle o en zonas de transferencia a menos de 12 millas de la costa, se debe contar y prever la colocación de Barreras y guardias Preventivas, donde se

movilizan personal, equipos y medios, servicio brindado por una Empresa de Control de Derrames, habilitada acorde Ord. 5/99 (DPAM).

Sin otro particular, saluda atte.

División Mercancías y Residuos Peligrosos

Dirección de Protección Ambiental

Prefectura Naval Argentina