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**PETROLEUM PRODUCTS ACT, 2016**

**PETROLEUM PRODUCTS (STORAGE FACILITY)  
REGULATIONS, 2020**

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**PETROLEUM PRODUCTS ACT, 2016**

**PETROLEUM PRODUCTS (STORAGE FACILITY)  
REGULATIONS, 2020**

**IN EXERCISE** of the powers conferred on the Minister under Section 33 of the Petroleum Products Act 2016, these Regulations are made.

**PART I – PRELIMINARY**

**1. Citation**

These Regulations may be cited as the Petroleum Products (Storage Facility) Regulations, 2020.

**2. Interpretation**

(1) In these Regulations, unless the context otherwise requires –

“Act” means the Petroleum Products Act, 2016;

“Authority” means the Public Utilities Regulatory Authority;

“boiling point” means the temperature at which a liquid exerts a vapor pressure of 101.3kPa;

“bundling” or “bund wall” means –

(a) a constructed retaining wall which is designed to prevent inundation or breaches from a known source, and

(b) a secondary containment system commonly used to protect environments from spills where chemicals and petroleum products are stored.

“competent authority” means the relevant authority in terms of the applicable law;

“cubic meter” means a volumetric unit, which is used in metric countries;

“facility” means any bulk storage facility or depot and its auxiliary

equipment, which is used for the storage of petroleum products;

"field-constructed overhead tank" means a storage tank which is assembled and constructed on site at the relevant facility and which works at atmospheric pressure, with more than ninety percent of its volume above the ground;

"flash point" means the lowest temperature at which a volatile material can vaporise to form an ignitable mixture in air;

"fuel storage tank system" includes the connecting piping, including pumps, product transfer system, barriers, overfill protection equipment and spill containment system associated with a fuel storage tank;

"geotechnical engineering" includes the analysis, design and construction of foundations, slopes, retaining structures, embankments, roadways, tunnels, levees, wharves, landfills, and other systems that consist of, or are supported by, soil or rock;

"Geotechnical Report" means a report on geotechnical engineering;

"leak" means a gradual discharge or loss of fuel from a fuel storage tank system, tanker or vessel into the environment, other than through the usual function for which the fuel storage tank system is designed;

"liquid" includes a petroleum product, according to the following classification –

- (a) Class 0: liquefied petroleum gases,
- (b) Class I: liquids, which shall be subdivided as follows –
- (c) Class IA: liquids that have a closed-cup flash point of below 23°C and boiling point of below 35°C,
- (d) Class IB: liquids that have a closed-cup flash point of below 23°C and a boiling point of 35°C or above,
- (e) Class IC: liquids that have a closed-cup flash point of 23°C or above, but below 38 °C,
- (f) Class II: liquids that have a closed-cup flash point of 38°C or above, but below 60.5°C,



(g) Class IIIA: liquids that have a closed-cup flash point of 60.5°C or above, but below 93°C, and

(h) Class IIIB: liquids that have a closed-cup flash point of 93°C or above;

"Minister" means the Minister of Petroleum and Energy;

"oil marketing company" means a company that –

(a) owns and operates three or more petroleum retail service stations, and

(b) procures and sells petroleum products to bulk consumers and the public through petroleum product retail stations and reselling outlets;

"overhead tank" means a tank which –

(a) has the capacity to store 150 cubic metres or more of a petroleum product,

(b) is substantially or totally above the surface of the ground, and

(c) does not include a pressure vessel, a pressure boiler, and a tank holding hazardous waste;

"person" includes a natural person and a body corporate or unincorporated;

"pipes that are integrally related" means pipes connected to tanks and which are –

(a) within the dike or containment area,

(b) between the containment area and the first flange or valve outside the containment area, or

(c) connected to the first flange or valve on the exterior of the tank;

"release" means a spill, leak, or discharge of a substance from a storage tank into the environment, and includes –

(a) discharge into the ground underneath the storage tank or into a substance transfer area, and

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(b) pouring, emitting, emptying, discharging, escaping, leaching, or disposing of a substance into the environment;

"remote impounding" means that where one or more of the tanks protected by a dike around the tanks ruptures, the spilled product shall be diverted to an impounding pond far away from the tanks, instead of collecting in the diked area around the tanks;

"storage" or "store" means the containment, handling, or treatment of petroleum, for a period, including on a temporary basis;

"storage capacity" means the aggregate ability of all aboveground tanks at a tank facility;

"tanker" means a motor vehicle which is designed to carry liquefied loads, dry bulk cargo or gases on roads;

"tank facility" means one or more overhead storage tanks, and includes any pipes that are integrally related to the tanks, which hold petroleum products and are used by an owner or operator at a specific location or site;

"tank out of service" means a storage tank which a licensee has chosen as not being available for use and has duly notified the Authority of that status;

"tank permanently out of service" means a tank which is permanently not available for operational use;

"tank temporarily out of service" means a storage tank which a licensee has taken out of service for a specified period with an intention to put it back into service;

"throughput contract" means an agreement signed between an importer and a facility, which states the conditions of operations including health, safety, and environmental requirements; and

"vehicle" includes a trailer, a vessel, and a thing, other than a pipeline, which is used to transport petroleum products for supply.

(2) Unless the general context otherwise requires, the words and expressions used in these Regulations shall have the same meanings as in the Act.

(3) 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.

#### **1. Application**

(1) These Regulations shall apply to all civilian installations.

(2) These Regulations shall not apply to -

(a) petroleum products storage facilities owned or operated by the armed and security services or specialised departments of the Government if these operations are directly linked with the country's national security;

(b) the storage of petroleum products for non-commercial use in quantities not exceeding 150 m<sup>3</sup>; and

(c) such other entity as the Authority may determine.

(3) Notwithstanding, sub-regulation (2), the armed and security services and specialised departments of the Government shall comply with operational standards relating to petroleum products storage facilities for safeguarding public safety.

### **PART II – DESIGN AND CONSTRUCTION OF STORAGE FACILITIES, ETC.**

#### **4. Design of storage facilities**

(1) A person who intends to construct a storage facility shall submit a design plan to the Authority for approval.

(2) The plan shall be signed by a professional engineer, who shall certify that the plan complies with the standards specified by the Authority and any other relevant regulatory authority.

(3) The Authority shall give preference to a plan for the construction of a vertical tank, which shall consist of not more than one compartment.

(4) The Authority may approve a plan for the construction of an elevated tank and issue a special permit for that purpose.

(5) A person shall design and construct a tank, a pipe, a valve or a pipe fitting which has a safety factor adequate for its conditions of service and meets the standards specified by the Authority.

(6) A person shall ensure that the materials and construction of a storage tank are compatible with the petroleum products stored in it, and the conditions of storage such as pressure and temperature.

(7) A person shall construct a bulk storage tank installation as a secondary means of containment to provide for the entire capacity of the largest single tank and sufficient freeboard to contain precipitation.

(8) A person who constructs a dike shall ensure that it is able to resist or stop discharged oil from passing through it.

(9) Notwithstanding sub-regulation (8), a person shall construct an alternative retention system consisting of a drainage trench enclosure, a facility catchment basin or a holding pond, to ensure the safe termination and confinement of any discharged oil.

(10) A person shall construct and regularly update a bulk storage container installation in accordance with good engineering practice to avoid discharges.

(11) For the purpose of updating a bulk storage container installation, a person shall install the devices referred to in at least one of the following categories –

- (a) high liquid level alarms with an audible or visual signal, at a constantly attended operation or surveillance station, or audible air vents, at a smaller facility;
- (b) high liquid level pump cut-off 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; and
- (d) where a person is present to monitor gauges and the overall filling of bulk storage containers, a fast response system for determining the liquid level of each bulk storage container such as digital computers, a telepulse, or direct vision gauges.

#### **5. Siting of storage facilities**

(1) A person who intends to construct a bulk storage facility shall apply for a siting permit from the Authority and any other competent

authority.

(2) Before approving an application, the Authority may require an applicant to sign an undertaking to –

- (a) protect the intended facility from fire hazards;
- (b) prevent the destruction of the surrounding environment; and
- (c) prevent disruption to other facilities.

(3) In deciding on an application, the Authority shall consider whether a proposed site for the construction of a bulk storage facility meets several criteria including –

- (a) the location of a site in an isolated area from other facilities and in an urban area, at least three hundred metres from nearby properties;
- (b) the location of a 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 to and around the facility;
- (d) the topography of the ground in respect to various sources of ignition and other risky operations that may render the facility insecure;
- (e) the availability of water supply;
- (f) the drainage system especially where these links up with the drainage system of the local authority;
- (g) the location of any existing boreholes, aquifers or artesian wells within five hundred metres of the site, and an analysis of the water for hydrogen sulphide 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 its measurement; and
- (l) the potential for future expansion.

**6. Construction of storage facilities**

- (1) A person who intends to construct a facility shall apply for a permit.
- (2) The applicant shall complete the relevant form issued by the Authority, and shall –
  - (a) in the case of a body corporate or unincorporated, submit the form to the Authority, together with the following documents –
    - (i) proof of payment of the relevant permit fee,
    - (ii) a certified copy of its registration certificate, certificate of incorporation, memorandum and articles of association, deed or such other documents that provide evidence of its legal status,
    - (iii) a copy of its Tax Identification Number (TIN) certificate; or
  - (b) in the case of a natural person, submit the form to the Authority, together with the following documents –
    - (i) proof of payment of the relevant permit fee,
    - (ii) a certified copy of the person's national identity card or passport,
    - (iii) a copy of his or her Tax Identification Number (TIN) certificate.
- (3) The applicant shall in addition submit to the Authority the required number of copies of –
  - (a) the plans and specifications for that class of facility;
  - (b) approvals from any other competent authority; and

(c) an Environmental Impact Assessment Report relating to the intended construction.

(4) The Authority shall verify the accuracy of the information provided by an applicant and may request for such additional information from a person as may be necessary to enable the Minister to decide regarding the issuing of a license.

(5) Before issuing a permit, the Minister shall consider factors such as –

- (a) the relevant Government policies and regulations;
- (b) the extent to which an application complies with environmental management and safety codes and standards;
- (c) the applicant's proposal to mitigate any impacts identified in the Environmental Impact Assessment Report, which the applicant had submitted as part of the application;
- (d) occupational health and safety procedures;
- (e) the relevant Gambia standards and measurements;
- (f) the financial capability of the applicant and the methods of financing the proposed facility; and
- (g) the size and use of land, including access to roads or highways.

(6) The Minister shall issue a license to an applicant in the appropriate form issued by the Authority and shall state the conditions of the license, including –

- (a) the duration of the permit;
- (b) the persons authorised to execute the works;
- (c) the area in which the works shall be executed; and
- (d) the conditions to be satisfied before the commencement of the works.

(7) Where the Minister refuses to grant a permit, he or she shall notify the applicant of the refusal in writing and specify reasons for the refusal.

(8) A license issued in terms of these Regulations –

- (a) remains the property of the Authority;
- (b) may be modified, suspended, revoked or amended at any time subject to compliance with the Act;
- (c) may not be tampered with or defaced in any manner; and
- (d) is not transferable without the consent in writing of the Authority.

**7. General provisions relating to storage facilities**

(1) A facility layout shall consist of, but not be limited to, the following structures -

- (a) a car park;
- (b) a tank farm;
- (c) an adequate fire protection or fighting system;
- (d) a drainage system;
- (e) buildings;
- (f) entrances; and
- (g) exits.

(2) For security purposes, a facility shall be so enclosed as to prevent access by an unauthorised person.

(3) A person shall ensure that –

- (a) the minimum shell-to-shell spacing for a horizontal tank that contains a Class I, Class II or Class IIIA liquid; and
- (b) the minimum distance between each facility,

complies with the relevant Gambia standards where available or as approved by the Authority.

(4) A person shall ensure that an atmospheric storage tank is



adequately vented to prevent –

(a) in the case of a cone-roof tank, the development of a vacuum or pressure that could distant the roof; or

(b) in the case of other atmospheric tanks, the design pressure from being exceeded because of filling or emptying the tank, or temperature changes.

(5) A person shall ensure that the overpressure in a pump is not discharged into a tank or a vessel, where the pump discharge pressure can exceed the design pressure of the tank.

(6) A person shall fit a tank for storing a Class IA liquid, a Class IB liquid or a Class IC liquid with a venting device that is normally closed, except –

(a) when venting under pressure;

(b) when venting under vacuum conditions; or

(c) when venting with listed flame arrestors.

(7) A person shall ensure that –

(a) a tank for storing a Class I liquid which is fitted with a blanket, vents freely; and

(b) a tank for storing a Class II liquid or a Class III petroleum product is fitted with open vents.

(8) A person shall ensure that all vents comply with the relevant Gambia standards where available or as approved by the Authority.

(9) A person shall provide a tank farm with adequate artificial lighting facilities that comply with the relevant Gambia standards where available or as approved by the Authority.

(10) A person shall ensure that the design and construction of bund walls, loading equipment, platforms and all buildings comply with such Building Regulations as may from time to time be issued by the Department of Physical Planning, the relevant Gambia standards where available or as approved by the Authority.

(11) A person shall ensure that administrative buildings are 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 facility.

(12) The walls of the administrative buildings may form part of the outer boundary of the facility.

(13) A person shall ensure that –

- (a) the spacing of filling sheds and pump slabs comply with the relevant Gambia standards where available or as approved by the Authority;
- (b) the outer surface of an overhead pipeline is protected by a suitable coating;
- (c) an underground pipeline is protected with suitable corrosion resistant materials;
- (d) any cathodic protection system complies with the relevant Gambia standards where available or as approved by the Authority;
- (e) hydrants and fire-fighting equipment are –
  - (i) located where they can be approached from different directions,
  - (ii) located where they can enable any fire to be combated irrespective of the direction of the wind.
  - (iii) distinctly marked and can be easily seen, and
  - (iv) coated of reflective material to promote visibility at night.

(14) A person shall ensure that the layout of a bulk storage depot, such as traffic arrangements, drainage and interceptors, tank farm areas, loading and discharging facilities, comply with the relevant Gambia standards where available or as approved by the Authority.

(15) A person shall ensure that a buried pipeline is pressure-tested at least once in every year of its service life and an overhead tank at least once in every five years of its service life.

(16) A person shall provide spillage control in a facility by -

- (a) remote impounding;
- (b) impounding around tanks;
- (c) bunding; or
- (d) a combination of the methods listed in paragraphs (a), (b), and (c).

(17) A person shall protect an impoundment area by using an adequately designed system, which can prevent the contamination of ground water if such a risk exists.

(18) A person who protects adjoining property and waterways by using a system of drainage to a remote impounding area or impounding by building bund walls around tanks shall ensure that that system complies with the relevant Gambia standards where available or as approved by the Authority.

(19) A person shall append the following labels to a tank –

- (a) Flammable – Keep Fire and Flame Away; and
- (b) the name of the petroleum product, such "Gasoil," and "Petroleum".

(20) A person shall label a petroleum product storage facility tank containing diesel fuel with a diesel fuel warning label that indicates the sulphur content of the fuel.

(21) A person shall in addition append the following labels to a dispenser –

(a) warnings, including –

- (i) "It is unlawful and dangerous to dispense petrol into unapproved containers",
- (ii) "No Smoking",
- (iii) "Stop Motor",
- (iv) "No filling of a portable container in or on a motor vehicle",
- (v) Place portable container on the ground before filling

It",

- (b) operating instructions for the dispensers, if they are self-service dispensers;
- (c) emergency instructions, in case of a fire or a spill, including –
  - (i) "Use emergency stop button", and
  - (ii) "Report an accident by calling emergency phone number 119 to report any case of fire or spill and the its location"; and
- (d) if applicable, the diesel fuel warning label shall indicate the sulphur content of the fuel.

**8. Inspection and testing of overhead tanks, etc.**

- (1) A person shall regularly inspect and test an overhead tank.
- (2) A person shall consider the size and design of a tank and whether it has undergone any material repairs before deciding on the frequency and type of testing.
- (3) A person may combine visual inspection with a testing technique such as –
  - (a) hydrostatic testing;
  - (b) radiographic testing;
  - (c) ultrasonic testing;
  - (d) acoustic emissions testing; or
  - (e) any other system of non-destructive shell testing.
- (4) A person shall keep a comparison record of any visual inspection carried out and any testing technique combined with it.
- (5) A person shall frequently inspect the supports, the foundations and the outer shell of an overhead tank for signs of deterioration, discharges, or accumulation of oil inside diked areas.
- (6) A person shall regularly test a liquid level sensing device to ensure its proper operation.

(7) A person shall regularly inspect an effluent treatment facility to detect possible system upsets that may cause a discharge.

(8) A person shall –

(a) inspect and test a field-constructed overhead tank for a discharge, the risk of a discharge, or failure, due to brittle fracture or other catastrophe, whenever the tank has undergone a repair, an alteration, a reconstruction, or a change in service; and

(b) take appropriate action.

### **PART III – FACILITY ALLOCATION MECHANISM**

#### **9. General considerations relating to allocation**

(1) The Authority shall –

(a) prioritise the allocation of storage space at petroleum products storage facilities;

(b) ensure the provision of national security stock; and

(c) enable liberalisation of the petroleum industry in The Gambia by –

(i) ensuring the creation of a conducive environment for fair competition by actors in the petroleum products supply chain,

(ii) removing barriers to new entrants in the petroleum products supply chain,

(iii) preventing any participant in the petroleum products supply chain from enjoying a monopoly position or undue commercial advantage, and

(iv) enabling equitable and transparent access to the facilities by oil marketing companies, importers and third parties that intend to use them to store petroleum products.

(2) A person who owns a facility shall be prepared to allow an oil marketing company, a petroleum products importer or a third party

to store a petroleum product at that facility, in an equitable, transparent and non-discriminatory manner, where the petroleum product to be stored meets the specifications approved by the Authority.

**10. The Authority to establish allocation mechanism**

(1) The Authority shall establish an allocation mechanism, which shall ensure –

- (a) guaranteed national safety stock;
- (b) equitable sharing of the “Un Pump” stock; and
- (c) space allocation for –
  - (i) importers, whose products are transferred into The Gambia customs territory by ship or in tank transfer,
  - (ii) third parties, whose products are stored in the bonded warehouse outside The Gambia customs territory that can either be imported or re-exported, and
  - (iii) new players and aspirants, who can enter the industry.

(2) The Authority shall determine and publicise the details of the allocation mechanism and the terms for space usage.

**11. Triggering the allocation mechanism**

(1) A person who intends to store a petroleum product at a facility shall –

- (a) request for a throughput contract from the owner of the facility in writing;
- (b) state the details of his or her specific storage needs; and
- (c) send a copy of the request to the Authority.

(2) If the owner of the facility determines that –

- (a) enough storage space is available at the facility to satisfy a request, the owner shall accept the request within a reasonable time after receiving it; or
- (b) enough storage space is not available at the facility to satisfy

a request, reject the request immediately or as soon as possible and provide the reasons for not being able to provide the storage space requested for.

(4) If the parties are not able to agree on storage space allocation within thirty days after the submission of the request, either party may submit a request in writing to the Authority for mediation.

(5) In mediating between the parties, the Authority shall –

- (a) request from the owner, access to the facility for fact-finding;
- (b) arrange for a meeting between the parties and the Authority;
- (c) afford an opportunity for the parties to dialogue and try to find things they can both agree to; and
- (d) take such further action as it considers necessary to enable the parties to arrive at a mutually acceptable agreement

#### **PART IV – PREPARATION AND IMPLEMENTATION OF REQUIRED PLANS**

##### **12. Spill prevention, control and countermeasures plan**

(1) The owner or operator of a facility shall prepare and implement a spill prevention, control and countermeasures plan in accordance with the Petroleum Products (Health, Safety and Environment) Regulations, 2018 the relevant adopted International Standard, or as determined by the Authority or other competent authority.

(2) A spill prevention control and countermeasures plan may contain but shall not be limited to –

- (a) a facility map showing the location of the tanks, buildings, and site utilities;
- (b) the general location of area receptors and points of exposure such as surface water bodies, natural resources, and residential communities;
- (c) the names, addresses, and phone numbers of persons qualified to act in emergencies together with a description of their roles and responsibilities;
- (d) an up-to-date list of all emergency equipment at the facility

such as fire extinguishing systems, spill control equipment, communications and alarm systems;

(e) 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;

(f) fire, explosions, health and safety contingency plans; and

(g) measures to be used to notify members of the public who may be adversely affected by an emergency.

(3) The owner or operator of a facility shall –

(a) update the plan from time to time;

(b) keep copies of the plan readily available for perusal by the implementers of the plan, the Authority, or any person designated in writing by the Authority as its agent;

(c) conduct a daily visual inspection of any storage tank storing petroleum products;

(d) allow the Authority or any person designated in writing by the Authority as its agent to conduct a periodic inspection of the tank facility; and

(e) when the Authority determines installation of secondary containment is necessary for the protection of the waters of the community, install a secondary means of containment for each tank or group of tanks where the secondary containment shall, at a minimum, contain the entire contents of the largest tank protected by the secondary containment plus precipitation.

(4) The Authority shall, at least once every three years, inspect each storage tank or a representative sampling of the storage tanks at each tank facility that has a storage capacity of 150 cubic metres or more of petroleum products, to determine whether the owner or operator is complying with the provisions of this section.

(5) The owner or operator of a facility shall –

(a) immediately upon discovery and not later than twenty-four hours after, notify the Authority of the occurrence of a spill or



other release of 0.1cubic metres or more of petroleum products; and

- (b) reimburse any reasonable expenses of the Authority incurred in overseeing or contracting for clean up or abatement efforts that result from a release at a tank facility.

(6) A reasonable expense of the Authority incurred in the circumstances described under paragraph (b) of sub-regulation (5) shall be –

- (a) a debt against the owner or operator of a facility, and
- (b) recoverable in the same manner as an obligation under a contract, expressed or implied.

(7) The owner or operator of a facility whose failure or neglect to prepare, or implement, a spill prevention control and countermeasures plan, results in a spill, shall indemnify the Authority for all damages, liabilities, losses, costs, penalties, fines, claims and expenses (including counsel's fees) of third parties, to the extent caused by the spill.

### **13. Environmental and sustainable management plan**

A person who intends to import petroleum products into The Gambia shall fulfil the requirements of regulation 7 of the Petroleum Products (Importation) Regulations, 2018.

## **PART V – DOWNSTREAM PETROLEUM SKILLS TRAINING AND CERTIFICATION**

### **14. All Persons to be certified for downstream segment**

(1) A person who is engaged in the construction, installation, maintenance or operation of a petroleum storage facility, equipment or appliance shall possess a certificate issued by the relevant regulatory authority or the relevant competent authority.

(2) The certificate shall be evidence that a person is qualified and has the necessary knowledge and skills relating to the downstream petroleum segment to undertake civil works for sites and installations designed purposely for petroleum products.

(3) A person who is employed as a tanker driver shall fulfil the requirements of regulations 24 and 25 of the Petroleum Products

(Road Transport Business) Regulations, 2018.

(4) The owner or operator of a facility shall ensure that his or her staff –

- (a) possess experience and competence, which is a combination of practical and thinking skills, experience and knowledge, to safely carry out normal operational activities and critical activities under emergency conditions; and
- (b) undergo in-house training on the health, safety and environment policies of the facility to enable the staff to effectively implement those policies.

**PART VI – OPERATIONAL REQUIREMENTS**

**15. 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 cubic metres.

(3) A licensee shall not –

- (a) conduct a business of bulk storage of petroleum products in any building constructed of inflammable material; or
- (b) offer hospitality, release or otherwise part with possession of bulk storage of petroleum products to a person unless that person has a valid bulk storage license or an official permission from the ministry responsible for internal security.

(4) A person who intends to obtain a petroleum products bulk storage license shall complete the relevant form issued by the Authority, and submit the form to the Authority, together with the following documents –

- (a) an environmental impact assessment certificate issued by the National Environmental Agency;
- (b) a detailed business plan;

- (c) a fire prevention plan, approved by the Chief Fire Officer, stating 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, stating that there is no seismic activity or an acceptable level of seismic activity, on and around the proposed site;
- (e) a Geotechnical Report;
- (f) a certificate from the Gambia Revenue Authority stating that it shall accord the proposed facility 'bonded warehouse' status;
- (g) evidence of land title registration or a lease agreement with the land owner;
- (h) proof that the proposed 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 requirements of the local authority, together 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 neighbouring buildings,
  - (iii) the position and capacity of all tanks, storage sheds, filling plants, buildings, structures or other works within the installation in which petroleum products are to be stored, and
  - (iv) all lighting arrangements including the position of electric cables, switches, and fuse boxes, the drainage system, water connections, fire hydrants and firefighting appliances, and
- (j) a spill prevention, control and countermeasures plan; and

(k) such other document in such form as may be required by the local authority, other competent authorities and the Authority.

(5) A license for bulk storage of petroleum products shall be –

(a) in the prescribed form as the Authority shall determine;

(b) issued subject to the payment of such fees as the Authority shall determine; and

(c) valid for a period not exceeding fifteen years.

(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 the prior approval of the Authority.

#### **16. Powers of Inspection**

(1) The Authority or any person designated in writing by the Authority as its agent may inspect any vehicle, premises, facility or installation suspected of being engaged in –

(a) the business of refining heavy fuel oil sludge;

(b) the business of refining waste oil;

(c) the transportation of petroleum products, or

(d) the storage of petroleum products

to ascertain compliance with the provisions of these Regulations.

(2) The Authority may give such directions to the owner or person in charge of a facility, an installation, premises or a vehicle, as it considers necessary to ensure compliance with the Act and Regulations made under the Act.

(3) Where the Authority directs a licensee, by a notice in writing, to execute any repairs to the licensed premises or ensure full compliance with the Act, these Regulations, and the relevant Gambia standards, the licensee –

(a) shall execute the repairs within such period as may be fixed by the notice; and

- (b) may address its concerns regarding the time fixed by the Authority within ten working days from the day he or she receives the notice.

**(4) A person who –**

- (a) resists, hinders, or obstructs the Authority or any person designated in writing by the Authority as its agent while discharging the duty under the provisions of sub-regulation (1); or

- (b) refuses to obey any order lawfully given under the provisions of sub-regulations (1) and (2),

commits an offence and is liable on conviction to a fine of...Dalasi for each day or part of a day that the offence occurs or continues.

- (5) The Minister may in addition suspend or revoke the license of a person who contravenes the provisions of sub-regulations (1) and (2).

**17. Reporting of accidents and fires**

- (1) A licensee shall, as soon as possible but not later than forty-eight hours after, report to the Authority in writing, any accident involving petroleum products operation which causes –

- (a) injury to employees;

- (b) damage to property;

- (c) injury to other persons;

- (d) an accidental release of petroleum products; or

- (e) a fire in which petroleum products are directly or indirectly involved.

- (2) A person who contravenes the provisions of sub-regulation (1) commits an offence and is liable on conviction to a fine of ... Dalasi for each day or part of a day that the offence occurs or continues.

- (3) The Minister may in addition suspend or revoke the license of a person who contravenes the provisions of sub-regulation (1).

**18. Standard operating procedures**

Petroleum Products (Storage Facility) Regulations, 2020

The owner or operator of a terminal shall –

(a) prepare and implement operations and maintenance plans, which follow the applicable safety and operational standards and regulations on pollution; and

(b) use safe work practices and procedures including –

- (i) understanding petroleum products and their properties,
- (ii) ensuring good ventilation by working in open atmospheres,
- (iii) working at ambient temperatures,
- (iv) providing information, instruction and training to all persons who are working at the terminal,
- (v) reporting of all incidents, such as leaks,
- (vi) providing clean-up and disposal facilities,
- (vii) providing secondary containment solutions, such as bunding or oversize drums,
- (viii) taking special precautions when loading or unloading tankers, and
- (ix) developing a succinct emergency plan; and

(c) try to keep and use in every terminal and on board every tanker the latest edition of the International Safety Guide for Oil Tankers and Terminals (ISGOTT), which is the definitive guide to the safe carriage and handling of crude oil and petroleum products at terminals and on tankers.

**19. Decommissioning of storage tanks**

(1) A person who intends to take a storage tank out of service shall–

(a) consult the Petroleum Products (Health, Safety and Environment) Regulations, 2018 for proper testing procedures and parameters;

(b) make available to the Authority, upon request, the details of all decontamination work and repair work carried out on the

tank.

(c) render the tank's atmosphere vapor-free;

(d) protect the tank from vandalism, by keeping it in a walled or fenced area or an otherwise secured area;

(2) A licensee shall –

(a) notify the Authority at once upon taking a storage tank out of service, unless the licensee has taken the tank out of service only because of scheduled testing or maintenance; and

(b) not place back a fuel storage tank that has temporarily been taken out of service for a period exceeding ninety days without notifying the Authority in writing that the tank complies with the requirements of these Regulations.

(3) Before permanently taking a storage tank out of service, a licensee shall –

(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) dispose of all waste products removed in accordance with the relevant environmental statutory requirements and Authority's approval;

(e) render the tank free of petroleum vapour, which includes ensuring natural breathing of the tank for it to remain vapour-free;

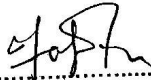
(f) disconnect and remove or securely cap or plug all connecting lines; and

(g) stencil the tank with the date of permanent taking out of service.

(4) After permanently taking a storage tank out of service, a licensee may –

- (a) dismantle and remove it from the site for disposal;
- (b) relocate and isolate it in an appropriate temporary storage area and then remove when the site is decommissioned; or
- (c) permanently close it on the site; and
- (d) assess the soil surrounding the tank to determine whether there is soil and water contamination attributable to the tank.

MADE this 17<sup>th</sup> day of FEBRUARY 2020.



HON. FAFA SANYANG  
MINISTER OF PETROLEUM AND ENERGY