



Maritime Transport Act 1994

Marine Protection Rules

PART 200 (OFFSHORE INSTALLATIONS – DISCHARGES)

Pursuant to sections 386, 387, 388 and 390 of the Maritime Transport Act 1994
I, Harry James Duynhoven, Minister for Transport Safety, hereby make the following
marine protection rules.

Signed at Wellington

this *17th* day of *October* 2006

by HARRY JAMES DUYNHOVEN

Minister for Transport Safety

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Part Objective

The objective of Part 200 is to provide rules for offshore installations to prevent pollution of the marine environment by substances used or produced in offshore mineral exploration and exploitation. Part 200 is concerned with discharges of oil, other harmful substances and garbage.

Part 200 gives effect to the provisions of the International Convention for the Prevention of Pollution from Ships 1973/78 (MARPOL) and the International Convention on Oil Pollution Preparedness, Response and Cooperation 1990 (OPRC).

Part 200 introduces the concept of a discharge management plan – a form of environmental management plan – which must be approved for all offshore installations and promotes the application of “best practicable option” to prevent or minimise adverse effects on the environment arising from discharges. Part 200 establishes discharge quality standards in accordance with international best practice.

Part 200 provides, where appropriate, different requirements for installations in the territorial sea from the requirements for offshore installations within the exclusive economic zone or beyond the exclusive economic zone but above the continental shelf of New Zealand.

Part 200 revises the existing requirements for the preparation of offshore installation marine oil spill contingency plans to:

- increase the focus on oil spill risk assessment and spill prevention measures;
- clarify the application of the rules to marine oil transfer facilities that are permanently attached to offshore installations;
- address the discharge of harmful substances other than oil;
- ensure that, in the event of a spill, response options are appropriate to the nature of the oil or harmful substance; and
- remove operational and interpretative difficulties that have arisen in the past.

Rules subject to Regulations (Disallowance) Act 1989

Marine protection rules are subject to the Regulations (Disallowance) Act 1989. Under that Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under the Regulations (Disallowance) Act 1989.

Extent of Consultation

On 4 October 2003, the Maritime Safety Authority published in each of the daily newspapers in the four main centres of New Zealand a notice inviting comments on proposed amendments to the then Part 124. The notice was also published in the New Zealand Gazette on 2 October 2003. The Authority then made its invitation to comment and draft amendment available to the public with electronic and hard copies being sent automatically to interested parties. The draft was also posted on, and available for downloading from, the MSA website. Comments on the draft were requested by 21 November 2003.

On 8 November 2003, the Maritime Safety Authority published in each of the daily newspapers in the four main centres of New Zealand a notice inviting comments on the proposed Part 200. The notice was also published in the New Zealand Gazette on 6 November 2003. The Authority then made its invitation to comment and draft amendment available to the public with electronic and hard copies being sent automatically to interested parties. The draft was also posted on, and available for downloading from, the MSA website. Comments on the draft were requested by 23 January 2004.

One submission was received on the proposed amendments to Part 124 and one submission was received on the proposed Part 200. The submissions and any oral comments were considered, and where appropriate, the proposed rules were amended to take account of the comments made.

The submission on draft Part 124 proposed that all provisions relating to marine pollution from offshore installations should, if possible, appear in one Part. As a result, the proposed Part 200 was revised to incorporate the proposed amendments to Part 124, together with the remaining provisions of Part 124.¹

¹Part 124 was made by the Minister of Transport on 20 May 1998 and came into on 20 August 1998. On 17 February 1996 and 21 February 1996 the Maritime Safety Authority published in each of the daily newspapers in the four main centres of New Zealand a notice inviting comments on the then proposed Part 124. A notice was also published in the New Zealand Gazette on 22 February 1996. The Authority then made its Invitation to Comment and draft Part 124 available to the public with copies being sent automatically to interested parties. Comments on the Part were requested by 19 April 1996. Three submissions were received on Part 124. All submissions and any oral comments were considered, and where appropriate, the proposed rules were amended to take account of the comments made.

Preliminary

200.1 Entry into force

This Part comes into force on 14 December 2006.

200.2 Interpretation

(1) In this Part –

Act means the Maritime Transport Act 1994;

administration means the government of the state –

- (a) under whose authority an offshore installation is operating; or
- (b) whose flag the offshore installation is entitled to fly;

approved means approved by the Director;

authorised organisation means an organisation that has entered into a memorandum of agreement with the Director –

- (a) in accordance with the International Maritime Organisation Assembly Resolution A.739(18) and the Annexes thereto entitled *Guidelines for the Authorisation of Organisations Acting on Behalf of the Administration*; and
- (b) governing the undertaking of particular survey and certification functions by that organisation's employees under the Act and the rules;

authorised person means a person employed by an authorised organisation who has powers, delegated by the Director under section 444 of the Act, to issue and suspend marine protection documents under Part 22 of the Act;

best practicable option means the best method of preventing or minimising adverse effects on the environment having regard to, amongst other things –

- (a) the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects;
- (b) the financial implications and the effects on the environment of that option when compared with other options; and
- (c) the current state of technical knowledge and the likelihood that the option can be successfully applied;

continental shelf has the meaning given to it in section 2 of the Continental Shelf Act 1964;

controlled offshore installation means any offshore installation that is in the waters –

- (a) of the exclusive economic zone; or
- (b) beyond the outer limits of the exclusive economic zone but above the continental shelf;

discharge –

- (a) includes any escape, release, disposal, spilling, leaking, pumping, emitting or emptying;
- (b) does not include –
 - (i) dumping in accordance with a permit issued by the Director under section 262 of the Act; or

- (ii) release of harmful substances for the purposes of legitimate scientific research into pollution abatement and control,

and **discharged** shall be construed accordingly;

dispersant means any substance used or intended to be used for the dispersal or emulsification of an oil spill in the sea;

emergency response procedures means those procedures of an approved discharge management plan prepared or required to be prepared in accordance with clause 2 of Schedule 1; and the emergency response procedures are a site marine oil spill contingency plan for the purposes of Part 23 of the Act;

exclusive economic zone has the meaning given to it in section 9 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977;

garbage –

- (a) means any victual, domestic or operational waste –
 - (i) generated during the normal operation of the ship; and
 - (ii) liable to be disposed of continuously or periodically; but
- (b) does not include –
 - (i) fresh fish or parts of fresh fish;
 - (ii) any substance defined or listed in any Annex to MARPOL other than Annex V;

harmful substance means –

- (a) a substance which is ecotoxic to aquatic organisms and considered hazardous for the purposes of the Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001;
- (b) oil;

installation means offshore installation;

internal waters of New Zealand has the meaning given to it in section 4 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977;

marine oil spill means any actual or probable release, discharge or escape of oil into the internal waters of New Zealand or New Zealand continental waters;

MARPOL means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto; and includes any subsequent protocol, amendment or revision of that convention accepted or ratified by New Zealand;

New Zealand continental waters means –

- (a) New Zealand marine waters; and
- (b) the waters beyond the outer limits of the exclusive economic zone but above the continental shelf;

New Zealand marine waters means –

- (a) the territorial sea; and
- (b) the waters of the exclusive economic zone;

offshore installation includes –

- (a) any artificial structure (including a floating structure that is not a ship) used or intended to be used in or on, or anchored or attached to, the seabed for the purpose of the exploration for, or the exploitation or associated processing of, any mineral;
- (b) for the purposes of rules 200.1 to 200.12, 200.22 and 200.23, a pipeline permanently attached to an offshore installation;

oil –

- (a) means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products (other than petrochemicals subject to the provisions of Part 140);
- (b) includes, for the purposes of this Part and section 222 of the Act –
any substance declared to be oil in the Appendix to Part 120; and
any oily mixture;

oil spill means any actual or probable release, discharge or escape of oil;

oily mixture means a mixture with any oil content;

operated, in relation to an offshore installation, means used in or on, or anchored or attached to, the seabed for the purpose of the exploration for, or the exploitation or associated processing of, any mineral;

owner, in relation to an offshore installation, includes –

- (a) any person having a right, privilege or licence to explore for or exploit minerals in connection with which the installation is being, has been or is to be used;
- (b) any manager, lessee, licensee or operator of the installation;
- (c) any agent or employee of the owner, manager, lessee, licensee or operator of the installation; and
- (d) any person in charge of any operations connected with the installation;

Part means a group of rules made under the Act;

region has the meaning given to it in the Local Government Act 2002;

regional council has the meaning given to it in the Local Government Act 2002 and includes any territorial authority that has the functions, powers and duties of a regional council;

regional on-scene commander means regional on-scene commander appointed under section 318 of the Act;

substance means a chemical element or compound or a mixture or solution composed of two or more elements or compounds;

surveyor means a surveyor employed by an authorised organisation; and

territorial sea has the meaning given to it in section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977.

- (2) In section 225 of the Act, harmful substance includes harmful substance and garbage as defined in subrule (1).

200.3 Application

- (1) This Part applies to every offshore installation operated within –
 - (a) the internal waters of New Zealand; or
 - (b) New Zealand continental waters.
- (2) Nothing in this Part affects any defence that a person may have under section 243 of the Act to an offence under section 237 of the Act.

- (3) Nothing in this Part affects the requirements of the Hazardous Substances (Emergency Management) Regulations 2001 or the Hazardous Substances (Classes 6, 8 and 9 Controls) Regulations 2001.

Discharge Management Plans

200.4 Requirement for a discharge management plan

No person may operate an offshore installation without the Director's written approval of a discharge management plan having the contents prescribed in Schedule 1.

200.5 Application for approval of a discharge management plan

- (1) Every application for approval of a discharge management plan –
- (a) must be in English;
 - (b) may be made by letter or in such other form as the Director may allow;
 - (c) must include the applicant's –
 - (i) address for service in New Zealand;
 - (ii) telephone number;
 - (iii) fax number (if any);
 - (iv) email address (if any);
 - (d) must be made –
 - (i) at least 2 months before the date on which the operations are due to begin or the existing approval expires; or
 - (ii) within such lesser period as the Director considers appropriate;
 - (e) must include the contents of the proposed discharge management plan in –
 - (i) hard copy; and
 - (ii) an electronic form acceptable to the Director;
 - (f) must include evidence of compliance with rule 200.6.
- (2) The Director may require any additional information he or she considers necessary to support an application for approval of a discharge management plan.
- (3) If the Director requires any additional information under subrule (2), the Director must advise the applicant, in writing, of –
- (a) the details of the additional information that is required; and
 - (b) the reason(s) why the information is required,
- no later than 15 working days from the date of receipt of the application.

200.6 Consultation

- (1) Before a discharge management plan is submitted for approval, the owner must consult with –
 - (a) if the site is in a region –
 - (i) the regional on-scene commander; and
 - (ii) the regional office of the Department of Conservation; and
 - (b) if the site is a controlled offshore installation, the persons whose interests in the vicinity of the installation that are likely to be affected by a spill from that installation (including, if appropriate, regional on-scene commanders and regional offices of the Department of Conservation).
- (2) The owner must consult on –
 - (a) the likely fate and movement of oil spilled, taking into account weathering characteristics;
 - (b) the locations, in the region(s), identified as at risk of environmental damage in the event of a marine oil spill;
 - (c) if applicable, the procedure by which the Regional On-Scene Commander should be notified in the event of a marine oil spill; and
 - (d) if applicable, the role of the Regional Council and the Department of Conservation in the event of a marine oil spill.

200.7 Approval and duration of a discharge management plan

- (1) If the Director is satisfied that a proposed discharge management plan complies with the requirements of Schedule 1, the Director may approve the discharge management plan for a period not exceeding 3 years.
- (2) If application is made for the approval of a discharge management plan, at least 2 months before the expiry of an existing approval in respect of the same installation, the existing approval shall continue in force until the application is determined.
- (3) The Director's written approval of a discharge management plan is a marine protection document for the purposes of the Act.

200.8 Custody of a discharge management plan

- (1) The owner must keep the approved discharge management plan together with the Director's written approval at all times and make both documents available to the Director on request.
- (2) A copy of the approved discharge management plan and the Director's written approval must be kept and made available on every installation to which the plan applies.

- (3) If the installation is within a region, the owner must supply a copy of the Director's written approval and the approved discharge management plan to the regional on-scene commander as soon as practicable after the approval is issued.

200.9 Modifications to a discharge management plan

- (1) Except as provided in subrule (3), the owner must apply to the Director for approval of any modification to the discharge management plan, for example, when the owner proposes to –
 - (a) alter the use or layout of the installation in such a way that could increase the risk of a spill of oil or other harmful substance;
 - (b) use a harmful substance not approved in the plan.
- (2) The provisions of rule 200.5 and Schedule 1 apply to an application for modification(s) to a discharge management plan except that if the only modification applied for is for the use of a harmful substance only information pertaining to that substance is required to be submitted in respect of Schedule 1.
- (3) The owner may make the following changes to the discharge management plan without the prior approval of the Director –
 - (a) modifications to the 24 hr contact list;
 - (b) reassignment of personnel responsibilities.

200.10 Notification of modifications to a discharge management plan

- (1) The owner must notify –
 - (a) the Director; and
 - (b) every person holding a copy of the discharge management plan, required to be kept or supplied under rule 200.8,of any modification made to the discharge management plan.
- (2) The owner must keep a record of the action(s) taken to meet the obligation in subrule (1).

200.11 Conditions for New Zealand offshore installation

The owner of an installation must –

- (a) ensure that personnel responsible for implementing the approved discharge management plan and dealing with spills of oil and other harmful substances receive training appropriate to their responsibilities;
- (b) keep a record of that training;
- (c) maintain access to equipment to deal with a spill, at a level appropriate to –
 - (i) the risks presented by the installation; and
 - (ii) the response options identified in the approved discharge management plan; and

- (d) when called upon by the Director, justify any response option, identified in the discharge management plan, as effective and achievable.

200.12 Testing and reviewing the emergency response procedures

- (1) The owner of an installation must –
 - (a) test the emergency response procedures not less than once every 12 months;
 - (b) review the effectiveness of the emergency response procedures as soon as practicable after –
 - (i) every test carried out under paragraph (a);
 - (ii) every use of the emergency response procedures in response to a spill; and
 - (iii) any change in the response procedures or equipment for the site, other than the direct replacement of equipment.
- (2) The owner must make and keep a record of every test and review made under subrule (1) and the results and findings of every such test and review.
- (3) Following every review of the emergency response procedures, the owner must –
 - (a) determine any/all modifications to the discharge management plan that would increase the effectiveness of the plan; and
 - (b) implement those modifications –
 - (i) immediately, in the case of modifications to the 24 hr contact list or reassignment of personnel responsibilities; or
 - (ii) on the approval of the Director.

Operations

200.13 Discharge of harmful substances other than oil

The owner of a controlled offshore installation must ensure that no harmful substance, nor the degradation or transformation product of any harmful substance, is discharged from any controlled offshore installation, unless that harmful substance is –

- (a) specified in the approved discharge management plan for that installation; and
- (b) discharged in accordance with that plan.

200.14 Permitted discharges of production water, displacement water and offshore processing drainage

- (1) The owner of a controlled offshore installation must, by use of the best practicable option, ensure that the dispersed oil content of production water, displacement water or offshore processing drainage discharged from a controlled offshore installation –
 - (a) is measured –
 - (i) by a method approved by the Director in the discharge management plan; and
 - (ii) at least twice daily, at intervals of approximately 12 hours;
 - (b) does not exceed 50 milligrams per litre; and
 - (c) averages less than 30 milligrams per litre every calendar month.
- (2) If the owner is unable to comply with subrule (1) by use of the best practicable option, the Director may authorise the discharge and require the owner to adopt additional measures to prevent possible pollution of the marine environment.
- (3) For the purposes of subrule (1)(b), the Director may allow a limit greater than 50 milligrams per litre if he or she considers it necessary for geological, technical or safety reasons.
- (4) If the dispersed oil content of production water, displacement water or offshore processing drainage exceeds –
 - (a) 50 milligrams per litre but does not exceed 100 milligrams per litre, the owner must report the excess to the Director as soon as practicable;
 - (b) 100 milligrams per litre, the owner must report the excess as a marine oil spill in accordance with rule 200.22.
- (5) The Director may, at any time, require that the dispersed oil content, of an installation's production water, displacement water or offshore processing drainage, be measured without delay.

200.15 Permitted discharge of garbage from controlled offshore installations

No person may discharge garbage from a controlled offshore installation except food waste that –

- (a) has passed through a comminuter or grinder; and
- (b) is capable of passing through a screen with openings no greater than 25 mm².

Compare: Rules 170.16 and 170.17.

200.16 Use of drilling fluids

- (1) Except as provided in subrule (2), the owner of a controlled offshore installation must ensure that no drilling fluid is used on a controlled offshore installation unless that fluid is –
 - (a) water-based or synthetic-based;
 - (b) specified in the installation's approved discharge management plan; and
 - (c) discharged in accordance with that plan.
- (2) The Director may allow the use of a drilling fluid that is not water-based or synthetic-based if its use is reasonably necessary for geological, technical or safety reasons.

200.17 Permitted discharges of oil and oily mixtures

Except as provided in rule 200.14, oil and oily mixture that drains from the machinery spaces, oil tanks and other parts of the installation may be discharged from a controlled offshore installation, if –

- (a) the oil content of the discharge without dilution does not exceed 15 parts per million; and
- (b) the installation has in operation the equipment required by rule 200.19.

Compare: Rules 124.4 and 124.5.

200.18 Oil residues that cannot be discharged

The owner must ensure that any oil residue that cannot be discharged into the sea in compliance with rule 200.17 is –

- (a) retained on board the installation;
- (b) offloaded as cargo; or
- (c) discharged to a reception facility.

Compare: Rule 124.5(2).

200.19 Oil filtering equipment

- (1) The owner of an offshore installation must ensure that it is fitted with oil filtering equipment –
 - (a) of a design approved by the Director or the Administration of another state party to MARPOL; and
 - (b) to ensure that any oily mixture that –
 - (i) drains from the machinery spaces, oil tanks and other parts of the installation; and
 - (ii) is discharged into the sea, has an oil content not exceeding 15 parts per million, after passing through the equipment.
- (2) In the case of an offshore installation of 10,000 gross tons or more, the oil filtering equipment provided in accordance with subrule (1) must be fitted with –
 - (a) an alarm to indicate; and
 - (b) arrangements to ensure that any discharge of oily mixture is automatically stopped, when the oil content of the effluent exceeds 15 parts per million.
- (3) The requirements of subrules (1) and (2) shall not apply if –
 - (a) the Director is satisfied that oily mixtures can be adequately stored on board and subsequently discharged to reception facilities ashore or otherwise satisfactorily disposed of without being discharged into the sea; and
 - (b) oily mixtures are so stored and disposed or discharged.

Compare: Rule 124.6.

200.20 Sludge tanks

The owner of an offshore installation must ensure that it is fitted with a tank or tanks –

- (a) large enough to hold all oily residues that cannot otherwise be dealt with in accordance with this Part; and
- (b) designed and constructed so as to allow them to be cleaned and emptied at a reception facility.

Compare: Rule 124.7.

200.21 Oil Record Book

- (1) The owner must ensure that the installation is provided with an oil record book in a form approved by –
 - (a) the Director; or
 - (b) the Administration of another state party to MARPOL.

- (2) The owner must ensure that an entry is made in the Oil Record Book on every occasion on which any of the following operations takes place on the installation –
 - (a) ballasting or cleaning of oil fuel tanks;
 - (b) discharge of dirty ballast or cleaning water from oil fuel tanks;
 - (c) discharge overboard or other disposal of oily water that has accumulated in machinery spaces or other parts of the installation;
 - (d) loading of oil;
 - (e) internal transfer of oil;
 - (f) unloading of oil;
 - (g) ballasting of oil storage tanks;
 - (h) cleaning of oil storage tanks;
 - (i) discharge of dirty ballast or cleaning water from oil storage tanks;
 - (j) the dispersed oil content of production water, displacement water or offshore processing drainage –
 - (i) is measured;²
 - (ii) exceeds 50 milligrams per litre; or
 - (iii) averages more than 30 milligrams per litre in any calendar month, and the entry must include the dispersed oil content in milligrams per litre;
 - (k) disposal of oily residues (sludge).
- (3) The owner must ensure that the daily volume in litres of discharged production water, displacement water or offshore processing drainage is recorded in the installation's oil record book.
- (4) The owner must ensure that a statement is made in the installation's oil record book of the circumstances of, and the reasons for –
 - (a) any discharge into the sea of oil or oily mixture for the purpose of –
 - (i) securing the safety of the offshore installation; or
 - (ii) saving life at sea;
 - (b) any escape into the sea of oil or oily mixture resulting from –
 - (i) damage to the offshore installation or its equipment; or
 - (ii) resulting from any other accidental or exceptional occurrence;
 - (c) any discharge into the sea of substances containing oil when being used for the purpose of combating specific pollution incidents.
- (5) Every entry or statement, required to be made in the installation's oil record book, must be –
 - (a) fully recorded without delay;
 - (b) signed by the person or persons in charge of the operation(s) concerned; and
 - (c) in English.

² See rule 200.14(1)(a).

- (6) Every completed page of the oil record book must be signed by the person on board the offshore installation who has overall responsibility for its operations.
- (7) The owner must ensure that the installation's oil record book is kept –
 - (a) on board the installation, except in the case of an unmanned offshore installation under tow; and
 - (b) in such a place as to be readily available for inspection at all reasonable times.
- (8) The owner must ensure that a true copy of every completed page of the installation's oil record book is forwarded to the Director within 15 working days of the end of the month in which it was completed.
- (9) Every oil record book must be preserved by the owner of the installation for a period of three years after the last entry is made in it.

Compare: Rule 124.13.

200.22 Reporting of spills

- (1) Immediately after any marine oil spill, the owner of an offshore installation must report the spill by the fastest means of communication available and with the highest possible priority to –
 - (a) the regional council, if the spill occurs in a region; or
 - (b) the Director, if the spill occurs beyond the territorial limits of New Zealand,using the procedures outlined in the discharge management plan.
- (2) Immediately after any spill of a harmful substance other than oil, the owner of a controlled offshore installation must report the spill by the fastest means of communication available and with the highest possible priority to the Director using the procedures outlined in the discharge management plan.
- (3) If the person responsible for implementing the emergency response procedures considers that any marine oil spill cannot be contained or cleaned up using the resources available to that person, he or she must report that fact by the fastest means of communication available and with the highest possible priority to –
 - (a) the regional council, if the spill occurs in a region; or
 - (b) the Director, if the spill occurs beyond the territorial limits of New Zealand,using the procedures outlined in the discharge management plan.

200.23 Accident Reporting

- (1) The owner must report –
 - (a) any accident that occurs to the offshore installation; or
 - (b) any defect that is discovered,

which substantially affects the integrity of the installation or the efficiency or completeness of the equipment covered by this Part.

- (2) The owner must ensure that every report required under subrule (1) is made as soon as possible to –
 - (a) the Director; and
 - (b) the authorised organisation that issued the installation's International Oil Pollution Prevention Certificate.
- (3) After a report has been made under subrule (1), the Director or the authorised organisation that issued the installation's International Oil Pollution Prevention Certificate may require that the installation be surveyed to ensure compliance with the requirements of this Part and the installation's International Oil Pollution Prevention Certificate.

International Oil Pollution Prevention Certificates

200.24 Requirement for an offshore installation to have an International Oil Pollution Prevention Certificate

- (1) The owner of an offshore installation must ensure that there is, held in respect of the installation, a valid International Oil Pollution Prevention Certificate –
 - (a) issued or renewed in accordance with rule 200.26; or
 - (b) issued by or on behalf of a state party to MARPOL other than New Zealand, and recognised as a marine protection document under section 270 of the Act.
- (2) The owner must ensure that the International Oil Pollution Prevention Certificate held in respect of the installation is –
 - (a) carried on board the installation at all times; and
 - (b) made readily available for inspection by the Director.

Compare: Rule 124.11.

200.25 Surveys and inspections prior to the issue, renewal or endorsement of an International Oil Pollution Prevention Certificate

- (1) The owner of an offshore installation must ensure that the installation undergoes the following surveys carried out by a surveyor –
 - (a) an **initial survey** before the International Oil Pollution Prevention Certificate is issued for the first time;
 - (b) **renewal surveys** at five yearly intervals or any such lesser period specified by the Director;

- (c) an **annual survey** within three months before or after every anniversary date of the International Oil Pollution Prevention Certificate; and
 - (d) an **intermediate survey** within three months before or after either the second or third anniversary date of the International Oil Pollution Prevention Certificate, in place of the respective annual survey.
- (2) Initial and renewal surveys must be carried out to ensure that the structure, equipment, systems, piping, fittings, arrangements, record books, emergency response procedures and material fully comply with the requirements of this Part.
- (3) Annual surveys must be carried out to ensure that the structure, equipment, systems, piping, fittings, arrangements, record books, emergency response procedures and material –
- (a) have been properly maintained;
 - (b) have not been altered without the approval of the Director or a surveyor as required; and
 - (c) remain satisfactory for service.
- (4) Intermediate surveys must be carried out to ensure that –
- (a) the equipment and associated pump and piping systems, including oil discharge monitoring and control systems, oily water separating equipment and oil filtering systems are in good working order and fully comply with the requirements of this Part; and
 - (b) the structure, equipment, systems, piping, fittings, arrangements, record books, emergency response procedures and material have not been altered without the approval of the Director or a surveyor as required.

Compare: Rule 124.8.

200.26 Issue, duration and renewal of an International Oil Pollution Prevention Certificate for an offshore installation

- (1) If the owner applies, under section 269 of the Act, for the issue, renewal or endorsement of an International Oil Pollution Prevention Certificate in respect of the installation, and the Director (if the application is made to the Director) or an authorised person (if application is made to that person) is satisfied that the offshore installation –
- (a) meets the requirements of this Part; and
 - (b) has undergone an initial survey, a renewal survey, an annual survey or an intermediate survey in accordance with rule 200.25 and to the satisfaction of the surveyor,
- he or she must (respectively) issue, renew or endorse the International Oil Pollution Prevention Certificate in accordance with section 270 of the Act.
- (2) An International Oil Pollution Prevention Certificate, including a supplement –
- (a) must be in the form shown in Schedule 3;
 - (b) may be issued for a period not exceeding 5 years; and
 - (c) is subject to the following conditions –

- (i) no significant alterations may be made in the installation's structure, equipment, systems, fittings, arrangements and material without the approval of a surveyor, except the direct replacement of such equipment and fittings;
- (ii) the satisfactory completion of the surveys required under rule 200.25;
- (iii) the installation has on board the oil record book(s) required to be kept by rule 200.21; and
- (iv) the installation has on board an approved discharged management plan.

Compare: Rule 124.12.

200.27 Conditions of the International Oil Pollution Prevention Certificate

A surveyor may give his approval to the issue, renewal or endorsement of an International Oil Pollution Prevention Certificate –

- (a) unconditionally; or
- (b) subject to such conditions as the surveyor sees fit in the interests of maritime safety and marine environment protection.

Compare: Rule 124.10(3).

200.28 Failure to meet standards required for renewal or endorsement of an International Oil Pollution Prevention Certificate

- (1) If a surveyor, who has carried out a renewal or annual survey of an offshore installation, determines that the condition of the offshore installation's equipment –
 - (a) does not correspond substantially with the particulars of the installation's International Oil Pollution Prevention Certificate; or
 - (b) presents an unreasonable threat of harm to the marine environment, the surveyor must –
 - (i) immediately instruct the owner of the offshore installation to take corrective action;
 - (ii) notify the Director of the corrective action required; and
 - (iii) not renew or endorse the installation's International Oil Pollution Prevention Certificate.

- (2) If the corrective action required under subrule (1) is not taken, the Director may, in accordance with section 272 of the Act, suspend or impose conditions on the installation's International Oil Pollution Prevention Certificate.

Compare: Rule 124.9.

200.29 Condition after survey

- (1) The owner of an offshore installation must ensure that the installation's equipment is maintained in a condition that –
 - (a) complies with the provisions of this Part;

- (b) corresponds substantially with its International Oil Pollution Prevention Certificate; and
 - (c) does not present an unreasonable threat of harm to the marine environment.
- (2) The owner must ensure that no change is made to an installation's structure, equipment, systems, fittings, arrangements or material covered by a survey, without the approval of a surveyor, except the direct replacement of such equipment and fittings.

Compare: Rule 124.10.

Final Provisions

200.30 Transitional and Savings Provisions

- (1) This Part shall not apply to an existing offshore installation, in respect of which a site marine oil spill contingency plan was in force immediately before these rules came into force, until –
- (a) three years after this Part comes into force;
 - (b) the plan's original expiry date;
 - (c) the date on which a discharge management plan is approved under this Part; or
 - (d) in the case of a controlled offshore installation, one year after this Part comes into force,
- whichever is the earlier date and Part 124 shall continue to apply to such an installation until that date, as if those rules had not been revoked.
- (2) Every application for approval of a site marine oil spill contingency plan made under Part 124 before this Part came into force but not determined by that date may be continued and completed, so far as is practicable, as an application under this Part for a discharge management plan.
- (3) An International Oil Pollution Prevention Certificate that was –
- (a) issued under Part 124; and
 - (b) in force immediately before this Part applies to the relevant installation,
- shall continue in force as if it has been issued under this Part.

200.31 Revocations

Part 124 (Offshore Installations – Oil) is revoked.

Schedule

Contents of a Discharge Management Plan

1 Risk identification, assessment and prevention

- (1) Every discharge management plan must include –
 - (a) details of the location of the offshore installation and of the field to which the application relates;
 - (b) up to date and accurate drawings or plans showing –
 - (i) the general arrangement of the installation, in particular, the places and systems associated with the storage or transfer of fuels including tank capacity, filling arrangements, isolation valves and drainage systems highlighting the critical isolation points;
 - (ii) those areas or parts of the installation identified as presenting the greatest risk of a marine oil spill; and
 - (iii) locations in the vicinity of the installation identified as at risk of environmental damage should a marine oil spill occur;
 - (c) details of the proposed operations at the installation;
 - (d) particulars of all oils stored at the installation including characteristics, specifications, material safety data sheets and the maximum volume for each type of fuel to be held on site;
 - (e) information on the nature and effectiveness of dispersants on individual oils;³
 - (f) information on the likely fate of spilled oil including weathering characteristics and the likely movement of any oil spilled from the installation;
 - (g) a detailed description of all the processes and activities which present a risk of pollution from an oil spill, with a list of specific procedures to reduce the risk of an oil spill; and
 - (h) a detailed description of those areas identified as at risk of environmental damage as a result of an oil spill including possible social, cultural and economic implications.
- (2) The discharge management plan of a controlled offshore installation must also include, in respect of every harmful substance to be used on the installation –
 - (a) particulars of the substance;
 - (b) such details as the Director may require of any or all the degradation and transformation products of the substance (that may arise as a result of the operation for which the harmful substance is used);
 - (c) the maximum volumes of the substance that can be stored on the installation and the method of storage;
 - (d) the purpose of the substance;
 - (e) the maximum concentration of the substance to be used in combination with any other substance;
 - (f) the maximum amounts of the substance to be used in specific periods;

³ To inform a national response in the event of a spill.

- (g) a completed chemical data sheet –
 - (i) in a form acceptable to the Director; and
 - (ii) containing as a minimum the information set out in Schedule 2;
 - (h) the ecotoxic nature of the substance, with reference to schedule 6 of the Hazardous Substances (Classification) Regulations 2001; and
 - (i) a detailed description of those processes and activities that present a risk of accidental discharge of the substance and a list of actions to be taken and procedures in place to reduce the risk of a spill.
- (3) The discharge management plan for a controlled offshore installation must explain how the production water, displacement water, offshore processing drainage and any other water emanating from the well product, is to be managed, including –
- (a) selection of the least hazardous chemicals to minimise the toxicity of that water;
 - (b) the options to be used to reduce the volume of production water discharged to the marine environment;
 - (c) the method to be used to monitor the concentration of dispersed oil in production water; and
 - (d) the procedure by which dispersed oil content, which exceeds the limits laid down in rule 200.14, is to be recorded in the Oil Record Book or reported in accordance with that rule.

2 Emergency response procedures for spills of oil and harmful substances

- (1) Every discharge management plan must contain emergency response procedures for oil spills.
- (2) The discharge management plan of a controlled offshore installation must also contain emergency response procedures for spills of harmful substances.
- (3) Emergency response procedures must include –
 - (a) guidance to ensure the safety of personnel;
 - (b) information to help personnel at the installation deal with a spill by detailing the actions necessary to stop, minimise or mitigate the effects of a spill, including procedures for –
 - (i) determining what action to take in response to a spill;
 - (ii) preventing escalation of the spill;
 - (iii) stopping the discharge at its source, if possible;
 - (iv) identifying the safety and environmental consequences of any remedial action; and
 - (v) determining whether the spill can be contained or cleaned up using the resources available to the owner or any other person responsible for implementing the emergency response procedures;
 - (c) details of the response options available to the installation;
 - (d) the procedure by which spills are to be reported in accordance with rule 200.22;
 - (e) the procedure by which spills that the person responsible for implementing the emergency response procedures considers cannot be cleaned up or contained using the resources available to him or her, are to be reported in accordance with rule 200.22;

- (f) a list of 24-hour contact information, including that of –
 - (i) the owner or the owner’s representative;
 - (ii) the Director;
 - (iii) the regional council, if the installation is within a region;
 - (iv) any organisation contracted to respond to spills at the installation;
 - (v) the person responsible for implementing the plan;
 - (vi) the person co-ordinating response activities;
 - (vii) off-duty personnel with responsibilities for dealing with spills; and
 - (viii) all other persons who have interests in the vicinity of the installation that are likely to be affected by a spill from the installation;
- (g) the organisational response structure for the installation, including –
 - (i) duties of all personnel responsible for dealing with spills; and
 - (ii) positions consistent with the national civil defence emergency plan made from time to time under section 39 of the Civil Defence Emergency Management Act 2002; and
- (h) an inventory of response equipment held on the installation and personnel responsibilities for the deployment, survey and maintenance of that equipment.

Schedule 2

Contents of a Chemical Data Sheet

A Chemical Data Sheet must contain the following information, in respect of every harmful substance –

- (1) **names**
 - (a) chemical name;
 - (b) trade name(s); and
 - (c) alternative name(s);
- (2) **identification numbers**
 - (a) UN number;⁴
 - (b) CAS number;⁵
 - (c) ERMA Approval number;⁶ and
 - (d) EHS number;⁷
- (3) **chemical properties**
 - (a) physical state; and
 - (b) water reactivity;
- (4) **physical properties**
 - (a) density at 20°C;
 - (b) flash point;
 - (c) boiling point;
 - (d) melting (pour) point; and
 - (e) water solubility;
- (5) **composition**
 - (a) name of component(s); and
 - (b) proportion of component(s) as a percentage of the total substance;
- (6) **marine pollution properties**
 - (a) acute toxicity as measured by a method acceptable to the Director;
 - (b) chronic toxicity as measured by a method acceptable to the Director;
 - (c) biodegradation as measured by a method acceptable to the Director; and
 - (d) bioaccumulation as measured by a method acceptable to the Director.

⁴ United Nations number.

⁵ Chemical Abstract Service registry number.

⁶ Environmental Risk Management Authority approval number.

⁷ GESAMP Working Group on the Evaluation of the Hazards of Harmful Substances Carried by Ships number.

Rule 200.26(2)(a)

Schedule 3

Form of the International Oil Pollution Prevention Certificate

INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE

(Note: This Certificate shall be supplemented by a Record of Construction and Equipment)

Issued under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and as amended by resolution MEPC.39(29), (hereinafter referred to as "the Convention") under the authority of the Government of:

.....
(full designation of the country)

by

(full designation of the competent person or organisation authorised under the provisions of the Convention)

Particulars of ship

Name of ship	Distinctive number or letters	Port of registry	Gross tonnage

Type of ship:*

- Oil tanker
- Ship other than an oil tanker with cargo tanks coming under regulation 2(2) of Annex I of the Convention
- Ship other than any of the above

THIS IS TO CERTIFY:

1. That the ship has been surveyed in accordance with regulation 4 of Annex I of the Convention.
2. That the survey shows that the structure, equipment, systems, fittings, arrangement and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of Annex I of the Convention.

* Delete as appropriate

This certificate is valid until subject to surveys in accordance with regulation 4 of Annex I of the Convention.

Issued at

(Place of issue of certificate)

.....

(Date of issue)

.....

(Signature of duly authorised official issuing the certificate)

[Seal or stamp of the authority, as appropriate]

ENDORSEMENT FOR ANNUAL AND INTERMEDIATE SURVEYS

THIS IS TO CERTIFY that at a survey required by regulation 4 of Annex I of the Convention the ship was found to comply with the relevant provisions of the Convention:

Annual survey: Signed.....
(Signature of duly authorised official)
Place.....
Date.....

[Seal or stamp of the authority, as appropriate]

Annual/Intermediate* survey: Signed.....
(Signature of duly authorised official)
Place.....
Date.....

[Seal or stamp of the authority, as appropriate]

Annual/Intermediate* survey: Signed.....
(Signature of duly authorised official)
Place.....
Date.....

[Seal or stamp of the authority, as appropriate]

Annual survey: Signed.....
(Signature of duly authorised official)
Place.....
Date.....

[Seal or stamp of the authority, as appropriate]

* Delete as appropriate

**Supplement to the International Oil Pollution Prevention Certificate
(IOPP Certificate)**

**RECORD OF CONSTRUCTION AND EQUIPMENT FOR SHIPS
OTHER THAN OIL TANKERS**

in respect of the provisions of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (hereinafter referred to as “the Convention”).

Notes:

- 1 This form is to be used for the third type of ship categorised in the IOPP certificate, i.e. “ships other than any of the above”. For oil tankers and ships other than oil tankers with cargo tanks coming under regulation 2(2) of Annex I of the Convention, Form B shall be used.
- 2 This Record shall be permanently attached to the IOPP Certificate. The IOPP Certificate shall be available on board the ship at all times.
- 3 If the language of the original Record is neither English nor French, the text shall include a translation into one of these languages.
- 4 Entries in boxes shall be made by inserting either a cross (x) for the answers “yes” and “applicable” or a dash (-) for the answers “no” and “not applicable” as appropriate.
- 5 Regulations mentioned in this Record refer to regulations of Annex I of the Convention and resolutions refer to those adopted by the International Maritime Organisation.

1 Particulars of ship

- 1.1 Name of ship.....
- 1.2 Distinctive number or letters.....
- 1.3 Port of registry.....
- 1.4 Gross tonnage
- 1.5 Date of build:
 - 1.5.1 Date of building contract
 - 1.5.2 Date on which keel was laid or ship was at a similar stage of construction
 - 1.5.3 Date of delivery
- 1.6 Major conversion (if applicable):
 - 1.6.1 Date of conversion contract

- 1.6.2 Date on which conversion was commenced
.....
- 1.6.3 Date of completion of conversion
- 1.7 Status of ship:
 - 1.7.1 New ship in accordance with regulation 1(6)
 - 1.7.2 Existing ship in accordance with regulation 1(7)
 - 1.7.3 The ship has been accepted by the Administration as an
"existing ship" under regulation 1(7) due to unforeseen
delay in delivery
- 2 Equipment for the control of oil discharge from machinery space
bilges and oil fuel tanks (regulations 10 and 16)**
 - 2.1 Carriage of ballast water in oil fuel tanks:
 - 2.1.1 The ship may under normal conditions carry ballast
water in oil fuel tanks
 - 2.2 Type of oil filtering equipment fitted:
 - 2.2.1 Oil filtering (15 ppm) equipment (regulation 16(4))
 - 2.2.2 Oil filtering (15 ppm) equipment with alarm and
automatic stopping device (regulation 16 (5))
 - 2.3 The ship is allowed to operate with the existing equipment
until 6 July 1998 (regulation 16(6)) and fitted with:
 - 2.3.1 Oil filtering (15 ppm) equipment without alarm
 - 2.3.2 Oil filtering (15 ppm) equipment with alarm and manual
stopping device
 - 2.4 Approval standards:
 - 2.4.1 The separating/filtering equipment:
 - .1 has been approved in accordance with resolution
A.393(X)
 - .2 has been approved in accordance with resolution
MEPC.60(33)
 - .3 has been approved in accordance with resolution
A.233(VII)
 - .4 has been approved in accordance with national
standards
not based upon resolution A.393(X) or A.233(VII)
 - .5 has not been approved.
 - 2.4.2 The process unit has been approved in accordance with
resolution A.444(XI)
 - 2.4.3 The oil content meter:
 - .1 has been approved in accordance with resolution
A.393(X)

.2 has been approved in accordance with resolution MEPC.60(33). □

2.5 Maximum throughput of the system is m³/h

2.6 Waiver of regulation 16:

2.6.1 The requirements of regulation 16(1) or (2) are waived in respect of the ship in accordance with regulation 16(3)(a). The ship is engaged exclusively on voyages within special area(s)

2.6.2 The ship is fitted with holding tank(s) for the total retention on board of all oily bilge water as follows: □

Tank identification	Tank Location		Volume (m ³)
	Frames (from)-(to)	Lateral Position	
Total volume.....m ³			

3 Means for retention and disposal of oil residues (sludge) (regulation 17) and bilge water holding tank(s)*

3.1 The ship is provided with oil residue (sludge) tanks as follows:

Tank identification	Tank Location		Volume (m ³)
	Frames (from)-(to)	Lateral Position	

* Bilge water holding tank(s) are not required by the Convention.

Total volume.....m ³

- 3.2 Means for the disposal of residues in addition to the provision of sludge tanks:
- 3.2.1 Incinerator for oil residues, capacity.....l/h
 - 3.2.2 Auxiliary boiler suitable for burning oil residues
 - 3.2.3 Tank for mixing oil residues with fuel oil, capacity m³
 - 3.2.4 Other acceptable means:.....
- 3.3 The ship is fitted with holding tank(s) for the retention on board of oily bilge water as follows:

Tank identification	Tank Location		Volume (m ³)
	Frames (from)-(to)	Lateral Position	
			Total volume.....m ³

- 4 Standard discharge connection** (regulation 19)
- 4.1 The ship is provided with a pipeline for the discharge of residues from machinery bilges to reception facilities, fitted with a standard discharge connection in accordance with regulation 19
- 5 Shipboard oil pollution emergency plan** (regulation 26)
- 5.1 The ship is provided with a shipboard oil pollution emergency plan in compliance with regulation 26
- 6 Exemption**
- 6.1 Exemptions have been granted by the Administration from the requirements of chapter II of Annex I of the Convention in accordance with regulation 2(4)(a) on those items listed under paragraph(s) of this Record
- 7 Equivalentents** (regulation 3)
- 7.1 Equivalentents have been approved by the Administration for certain requirements of Annex I on those items listed under

paragraph(s) of this
Record



THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at
(Place of issue of the Record)

.....
(Date of issue) (Signature of duly authorised officer issuing the Record)

[Seal or stamp of the issuing authority, as appropriate]

Marine Protection Rules

Part 200

Consultation Details

(This text does not form part of the rules contained in Part 200. It provides details of the consultation undertaken in making the rules.)

Summary of Consultation

Copies of the proposed Part 124 Amendment and proposed Part 200 were circulated to 13 organisations. These included the Petroleum Exploration Association of New Zealand (PEANZ), its members and those companies currently undertaking oil and gas exploration or production activities in New Zealand waters.

During the first round of consultation, one written submission was received from Shell Todd Oil Services Ltd (STOS) on the draft “Part 124 Amendment (Offshore Installations – Oil)” and two written submissions were received concerning “Part 200 (Offshore Installation – Discharges)” from PEANZ and STOS. However, in their submission STOS noted that their “detailed comments on Part 200 have been forwarded to PEANZ and incorporated into their submission which STOS fully supports and endorses”.

Subsequently, a revised Part 200, combining the provisions of Parts 124, the proposed Part 124 Amendment and the previously proposed Part 200 was sent to the same 13 organisations. Two written submissions were received on the revised Part 200, from URS New Zealand Ltd and PEANZ (also representing the views of STOS, amongst others).

In addition, targeted consultation was undertaken, through PEANZ, in respect of the proposed rule 200.13 (*Permitted discharges of production water, displacement water and offshore processing drainage*) in order to determine the operational feasibility of the proposed oil in water monitoring and reporting framework. As a result, STOS and PEANZ submitted a joint submission on this issue.

Maritime NZ held face-to-face discussions with each of the submitters in order to better understand and seek resolution of the issues raised.

Consultation was also undertaken through the annual Maritime NZ regional stakeholder seminars, where presentations on the proposed amendments were made at the New Plymouth workshop.

In addition, Maritime NZ facilitated an industry workshop in Auckland where a number of industry and government representatives provided input on the revision of Part 200.

Maritime NZ has also been engaged with PEANZ in the development of an Advisory Circular to accompany Part 200.

Part 124 Amendment Rules – Public Consultation Draft

In their written submission, STOS raised several concerns with the draft Part 124 Amendment. In the main, these concerns related to the introduction of an “operating licence” requirement.

STOS regarded the operating licence concept as a fundamental change to the regulatory regime and one that could give rise to many difficulties. In particular, the following concerns were raised:

- the proposed rules prescribed no criteria for granting or refusing an operating licence;
- the proposed rules did not appear to comply with s387(3) which requires that the standards for an operating licence be prescribed;
- the relationship between the requirements for an Operating Licence and other applicable requirements was unclear;
- the proposed Part 200 required similar ‘Emergency Procedures’ to be included in a ‘Discharge Management Plan’ which could lead to unnecessary duplication and the potential for confusion in the event of a spill event (STOS proposed a single spill response plan covering both oil and other harmful substances);
- the procedures for reporting spills should be addressed in the contingency plan which would provide clarity and allow agreement between the Director and the operator as to a level of spill which would justify immediate reporting;
- given the potential scope of the proposed Operating Licence, the proposed maximum duration of 3 years provided little certainty to the operator in terms of long-term regulatory requirements; and
- the proposed entry into force provision (28 days after notification in the Gazette) could cause difficulties if a temporary installation (i.e. associated with exploratory drilling) was due to begin operation less than two months after the date of notification.

Maritime NZ Comments: As a result of the submission and subsequent meetings held with STOS and PEANZ, Maritime NZ agrees that the provisions under Part 124 and Part 200 would be better placed in a single rule, which applies to all discharges from offshore installations.

Further, the requirement for an operating licence has been withdrawn in light of the strong opposition to the concept.

Part 200 – Public Consultation Draft

Entry into Force

PEANZ suggested that a period longer than 28 days following notification in the *Gazette* was appropriate, for new installations, to allow adequate time for compliance.

Maritime NZ Comment: Maritime NZ accepts this argument and has proposed an extended period of 56 days in the amended draft Part 200. This also addresses similar concerns raised by STOS with respect to the Part 124 Amendment.

Part 200.2

PEANZ noted that the definition of “harmful substance” was linked to the Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001 rather than the relevant IMO codes and MARPOL definitions and were unclear of the significance.

Maritime NZ Comment: The purpose of linking the definition to that in the Hazardous Substances (Minimum Degrees of Hazard) Regulations is to harmonise the approval criteria with an existing New Zealand standard. The substances that will be the subject of Part 200 will most likely have already received approval and classification from ERMA and it was considered that such a harmonised approach would give greater certainty to the industry without the need to develop an entirely new regime.

Subsequent discussion with PEANZ confirmed their agreement with this approach.

Part 200.4

PEANZ argued that the proposed rule did not comply with section 387(3) of the Maritime Transport Act, which relates to marine protection documents, as the rule did not clearly prescribe the standards for a discharge management plan.

Maritime NZ Comment: Maritime NZ accepts this argument and has clarified the rule accordingly. Maritime NZ notes, however, that the discharge management plan is NOT the relevant marine protection document. Rather, the Director’s written approval of the discharge management plan is the relevant marine protection document for the purpose of Part 200.

Part 200.5

PEANZ commented that while the rule requires applications be made at least 2 months prior to operations commencing, no time limits were placed on the Director within which a decision had to be made.

Maritime NZ Comment: This provision was meant to address the situation where a discharge management plan was submitted for approval only days before an installation was due to start operations. To date, the Director’s approval has never been withheld unnecessarily and there is no reason to expect this will occur in the future. However, for clarification a new provision has been

added, which specifies the situations in which the Director may request additional information and specifies a maximum time frame within which this must occur.

Part 200.8

PEANZ raised concerns that the proposed limit for produced water oil content was far stricter than comparative internationally accepted limits.

Maritime NZ Comment: Maritime NZ accepts this argument and has revised the limit in accordance with international practice. Subsequent discussions with PEANZ confirm that they are happy with this approach.

Part 200.12

PEANZ maintained that the maximum 3 year duration of an approval of a discharge management plan is not sufficient to give operators certainty in the longer term.

Maritime NZ Comment: The proposed three-year limit is consistent with the period of approval for marine oil spill contingency plans prescribed in the Maritime Transport Act. Since the site marine oil spill contingency plan for an offshore installation forms part of the discharge management plan, the period of approval cannot exceed three years.

Part 200.13

PEANZ raised concerns that the use of a new “harmful substance” appeared to require re-approval of the entire discharge management plan and they considered this unreasonable.

Maritime NZ Comment: Maritime NZ has clarified the rule to indicate that an application may be made for the use of a new substance without submitting the entire plan for re-approval provided all of the required information is provided for that substance.

Revised Part 200 – Informal Consultation Draft (incorporating the provisions of Part 124 and the proposed Part 124 Amendment Rules)

General Comments

PEANZ made a significant number of drafting suggestions in their written submission. Many of these were inconsequential in terms of the outcome of the rule and a large number related to definitions that had been previously accepted or are defined in the Act and therefore were outside the scope of the secondary consultation.

Further, many of the issues raised related to matters of clarification rather than concerns over the rule. Where clarification was sought, these matters will be addressed in the Advisory Circular to Part 200, which is currently being drafted in co-operation with the industry.

Maritime NZ considered each of the comments on merit, and where appropriate, the draft rule was amended. All significant issues, raised in the submission, are discussed individually below.

200.2 Interpretation

PEANZ made a number of suggestions concerning the definitions set out in Rule 200.2. In particular, they raised concerns over the definition of “offshore installation”. As an alternative, they suggested the following definition:

“any artificial structure other than a ship whilst in transit or in the transitory act of servicing another ship”.

Maritime NZ Comment: No submissions on the public consultation draft of the Part 124 Amendment or Part 200 raised concerns over this definition. Further, offshore installation is defined in the Act. Therefore Maritime NZ has decided to retain the original definition.

200.5 Application for approval of a discharge management plan

PEANZ raised concerns that the proposed timeframe for submission of a discharge management plan for approval may be too long for the drilling programme of, for example, a single well.

PEANZ also proposed alternative wording for Rule 200.5(2). The nature of the suggested rewording would not result in a substantive change to the intent of the rule.

URS New Zealand Ltd made similar comments to PEANZ in regard to the timeframe.

Maritime NZ comment: Given the nature of the industry to which this rule will relate, Maritime NZ accepts this argument and has amended the rule to allow the Director to agree to a lesser period on a case-by-case basis.

200.6 Approval and duration of a discharge management plan

PEANZ suggested alternative wording for Rule 200.6(2), which would limit the time period that an existing approval for a discharge management plan could remain in force on reapplication.

Maritime NZ Comment: Maritime NZ does not consider this appropriate. The purpose of Rule 200.6(2) is to ensure that, provided application is made for approval of a DMP is made at least 2 month prior to the expiry of the current plan, the current plan will remain in force until the new application has been approved. The proposal to limit this timeframe could see an offshore installation operating without an approved discharge management plan if there are delays in the application process.

200.9 Modifications to a discharge management plan

PEANZ queried what process would be followed if the requested modifications were not accepted. They note that for safety reasons, a change might be required that, if not made, could result in a shutdown of the installation. Therefore, the Director's non-approval of a proposed change could cause serious difficulties.

Maritime NZ Comment: It is unlikely that the Director would reject a change that was required for purely safety reasons.

In the event of such a change the operator would need to consult with Maritime NZ and every application would be dealt with on a case-by-case basis.

200.14 Permitted discharges of production water, displacement water and offshore processing drainage

PEANZ suggested that it be clarified that the method of monitoring oil in water content should be the method approved in the DMP. They noted further that while the intention was that produced water discharge monitoring be recorded in the oil record book, this was not explained clearly in the Rule.

Maritime NZ Comment: Maritime NZ accepts these observations and has amended Part 200 accordingly. Considerable work has been put into defining the standards and requirements for monitoring oil in water and Part 200 now defines which additional items must be recorded in the oil record book. These amendments have been made in extensive consultation with PEANZ.

STOS and PEANZ did not agree with the proposed 28-day rolling average for compliance reporting, preferring instead to report on a calendar month basis as this accords with standard reporting practices within the industry. STOS also suggested that compliance reporting should be on an even less frequent basis.

Maritime NZ Comment: Maritime NZ accepts that the 28-day rolling average for compliance reporting will present an additional administrative burden and have amended the requirement to a calendar month basis as suggested. However, Maritime NZ believes that compliance reporting on a monthly basis is important in order for matters of non-compliance to be identified promptly. Reporting on a quarterly basis or less may allow matters of non-compliance to continue unchecked for an unreasonable period. As such, the requirement for reporting on a monthly basis is retained.

STOS advised that its preference was for the adoption of a testing method that is accepted internationally so as to enable accurate performance benchmarking. In this regard, STOS supports the adoption of the testing methods and sample frequency used under OSPAR.

Maritime NZ Comment: Maritime NZ has previously undertaken consultation with the industry over this matter and received feedback that there should be no prescribed standard testing method. As such, Part 200 allows the operator to demonstrate that any testing method is appropriate and to seek the Director's approval for that method. Maritime NZ believes the latter approach is the appropriate way to address this matter.

200.20 Oil Record Book

STOS also raised concerns about the requirement to record produced water monitoring results in the oil record book. In their view the use of the oil record book is not practical for recording and reporting produced water discharges.

Maritime NZ Comment: Maritime NZ does not share this view but accepts that some flexibility may be desirable as different operators may have differing approaches to recording and reporting. As a result, Maritime NZ believes that operators should be able to propose an alternative approach, to recording and reporting in the oil record book, to be considered on merit at the time of application.

200.22 Reporting of spills

PEANZ notes that further definition of incidents and a graded system of reporting spills is required if this clause is to be practical. They argued that with the present wording even a tiny spill would initiate mandatory immediate reporting. They also note that if a graded system is introduced then a recording and reporting system will also be required.

Maritime NZ Comments: Maritime NZ accepts that under the present definition of "oil spill" in the Act even minor discharges of oil have to be reported. However, rather than prescribing such an approach in the rule, it is considered more appropriate that a tiered regime of reporting be proposed by the individual operator as part of the DMP, for consideration by the Director. This is normal practice for offshore installations operating overseas and provides some flexibility to the operator without compromising the overall obligation to report oil spills.

Schedule 1 - Contents of a discharge management plan

URS New Zealand Ltd queried the relationship between subclause (1)(b)(iii) and subclause (1)(h) noting that these two requirements seem to duplicate each other.

URS also queried the amount of detail required noting that Tier 2 (Regional Council) Marine Oil Spill Contingency Plans should also include a detailed description of the key environmental sites and the preferred emergency response approach in the event of an oil spill incident.

Maritime NZ Comment: There is no duplication in the two provisions, Rule 200.6(1)(b)(iii) requires sites to be identified on a plan of the area while Rule 200.6(1)(g) requires a written description of the values of those sites.

The level of detail will be case specific and will depend to some extent on the location of the installation. While many regional councils provide comprehensive information at a regional level, this information is not always detailed at a local level. If the results of oil spill modelling indicate that a particular area is highly vulnerable, the DMP should provide detailed information for that area.

URS questioned whether drilling fluids referred to in 200.15(1)(a) are subject to the requirements of subclause (2). They were concerned that products used as part of a drilling programme might meet the requirements of 200.15 and could therefore be classified as ecotoxic under Rule 200.6 & Schedule 1(2)(h).

Maritime NZ Comment: Drilling fluids are subject to the requirements of 200.6 and Schedule 1(2) and must be assessed to determine whether they exceed the criteria that will classify them as harmful substances. This has been done deliberately to ensure that only the least toxic drilling fluids that are practicable will be selected for specific operations.

In respect of subclause (2), **PEANZ** also raised concerns over the arrangements in relation to planned discharges associated with drilling activities. They consider that the inclusion of “every harmful substance” is a significant undertaking and requested clarification that only those harmful substances identified as spill risks should be included in the discharge management plan.

Maritime NZ Comment: The concerns raised are valid but overlook the fact that a harmful substance as defined under Part 200 meets certain thresholds that are defined under the HSNO Act. Since it is extremely unlikely that all the substances that are used on the installation will meet or exceed these criteria, it follows that not all these substances will be defined as harmful substances for the purposes of Part 200. Since only “harmful substances” are required to be addressed in the discharge management plan, this should address the concerns raised by PEANZ.