

Marine Protection Rules

Part 200: Offshore Installations – Discharges

MNZ Consolidation

17 January 2013

ISBN 978-0-478

Published by

Maritime New Zealand, PO Box 27006, Wellington 6141, New Zealand

Maritime New Zealand Copyright 2013

Part objective

The objective of Part 200 is to prevent pollution of the marine environment from discharges of harmful substances associated with the operation of offshore installations used in mineral exploration and exploitation.

Part 200 builds on and extends the requirements of the Part 200 rules made in 2006. These include the requirement for operators of offshore installations to manage discharges, and prepare and respond to spills of harmful substances, under a discharge management plan approved by the Director of Maritime NZ. Specifically, the 2010 rules—

- extend the definition of operations to include commissioning and decommissioning activities
- specify the requirement for inspections and audits of installations
- expand the spill notification requirement to include harmful substances other than oil
- increase requirements for training of personnel and provision of records of training and exercising
- amend the monthly average and reporting trigger concentrations of dispersed oil in production water and process drainage from mg/L to parts per million (ppm)
- provide for additional reporting of production water discharges
- include a requirement for environmental monitoring
- clarify the level of detail that is to be included in discharge management plans, particularly that information pertaining to the properties of oil and other harmful substances produced or used on the installation.

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) in respect of offshore installations.

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.

The Part 200 rules made in 2006 are revoked.

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.

Disclaimer:

This document is the current consolidated version of Marine Protection Rules Part 200 produced by Maritime New Zealand, and serves as a reference only. It has been compiled from the official rules that have been signed into law by the Minister of Transport. Copies of the official rule and amendments as signed by the Minister of Transport may be downloaded from the Maritime New Zealand website. www.maritimenz.govt.nz

History of Part 200

Part 200 first came into force on 14 December 2006 and now incorporates the following amendments:

| Amendment | Effective date |
|------------------|-----------------------|
| Amendment 1 | 30 July 2009 |
| Amendment 2 | 1 April 2010 |
| Amendment 3 | 1 January 2011 |
| Amendment 4 | 17 January 2013 |

Summary of amendments

Amendment 1

Marine Protection Amendment Rules 2009

200.2, 200.26(2)(a), Schedule 3,
Schedule 4

Amendment 2

Part 200 – Offshore Installations – Discharges 2010

Revoked and replaced

Amendment 3

Marine Protection Various Amendments 2010

200.2, 200.20, 200.28, Schedule 3,
Schedule 4

Amendment 4

Amendment 2012

200.2, 200.15-200.15C

All signed rules can be found on our website:

<http://www.maritimenz.govt.nz/Rules/List-of-all-rules/Part200-marine-protection-rule.asp>

Contents

Preliminary

| | | |
|-------|------------------|---|
| 200.1 | Entry into force | 1 |
| 200.2 | Definitions | 1 |
| 200.3 | Application | 4 |

Discharge Management Plans

| | | |
|--------|---|---|
| 200.4 | Requirement for a discharge management plan | 4 |
| 200.5 | Application for approval of a discharge management plan | 4 |
| 200.6 | Consultation | 4 |
| 200.7 | Approval and duration of a discharge management plan | 5 |
| 200.8 | Custody of a discharge management plan | 5 |
| 200.9 | Modifications to a discharge management plan | 5 |
| 200.10 | Notification of modifications to a discharge management plan | 6 |
| 200.11 | Implementation of the emergency spill response procedures | 6 |
| 200.12 | Testing and reviewing the emergency spill response procedures | 6 |

Operations

| | | |
|---------|---|----|
| 200.13 | Discharge of harmful substances other than oil | 7 |
| 200.14 | Permitted discharges of production water, displacement water and offshore processing drainage | 7 |
| 200.15 | Prohibition on discharge of garbage into the sea from controlled offshore installation | 8 |
| 200.15A | Placards | 8 |
| 200.15B | Garbage management plans | 8 |
| 200.15C | Garbage Record Books | 8 |
| 200.16 | Use of drilling fluids | 9 |
| 200.17 | Permitted discharges of oil and oily mixtures | 9 |
| 200.18 | Oil and oily mixtures that cannot be discharged | 9 |
| 200.19 | Oil filtering equipment | 9 |
| 200.20 | Sludge tanks | 10 |
| 200.21 | Oil record book | 10 |
| 200.22 | Production water records | 12 |
| 200.23 | Reporting of spills | 12 |
| 200.24 | Event reporting | 12 |
| 200.25 | Environmental monitoring and reporting | 13 |

International Oil Pollution Prevention Certificates

| | | |
|--------|---|----|
| 200.26 | Requirement for an offshore installation to have an International Oil Pollution Prevention Certificate | 13 |
| 200.27 | Surveys and inspections prior to the issue, renewal or endorsement of an International Oil Pollution Prevention Certificate | 13 |
| 200.28 | Issue, duration and renewal of an International Oil Pollution Prevention Certificate or an offshore installation | 14 |
| 200.29 | Conditions of the International Oil Pollution Prevention Certificate | 15 |
| 200.30 | Failure to meet standards required for renewal or endorsement of an International Oil Pollution Prevention Certificate | 15 |
| 200.31 | Condition after survey | 15 |

Marine Protection Rules

Final Provisions

| | | |
|--------|-------------------------------------|----|
| 200.32 | Transitional and savings provisions | 15 |
| 200.33 | Revocations | 16 |

Schedules

| | | |
|------------|--|----|
| Schedule 1 | - Contents of a discharge management plan | 17 |
| Schedule 2 | - Requirements for information on harmful substances | 20 |

General

200.1 Entry into force

This Part comes into force 1st April 2010.

200.2 Definitions

(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 Organization 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, including International Oil Pollution Prevention Certificates, 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:

Director has the same meaning as in section 2 of the Act:

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; or
 - (iii) reinjection into geological formations:

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

displacement water means water displaced from crude oil tanks during oil transfers to or from the tank:

emergency spill 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 spill 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:

food waste has the same meaning as in rule 170.1:

FPSO means a floating production storage and offloading facility:

FSU means a floating storage unit:

garbage has the same meaning as in rule 170.1:

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:

National On-Scene Commander means the National On-Scene Commander appointed under section 319 of the Act:

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, oil or gas;
- (b) for the purposes of rules 200.4 to 200.12, 200.23 and 200.24, a pipeline permanently attached to an offshore installation:

offshore processing drainage means water from hazardous and non-hazardous deck drains, but does not include oily waste from machinery spaces:

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 residue (sludge) means the residual waste oil products generated during the normal operation of an offshore installation such as those resulting from the purification of fuel or lubricating oil for main or auxiliary machinery, separated waste oil from oil filtering equipment, waste oil collected in drip trays, and waste hydraulic and lubricating oils:

oil residue (sludge) tank means a tank that holds oil residue (sludge) from which sludge may be disposed directly through the standard discharge connection or any other means of disposal that meets the requirements of the marine protection rules:

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

oily bilge water means water that may be contaminated by oil resulting from things such as leakage or maintenance work in machinery spaces and, for the avoidance of doubt, includes any liquid entering the bilge system, including bilge wells, bilge piping, tank top, or bilge holding tanks:

oily bilge water holding tank means a tank collecting oily bilge water prior to its discharge, transfer, or disposal:

oily mixture means a mixture with any oil content:

operate, in relation to an offshore installation, means to use in or on, or to anchor or attach to, the seabed for the purpose of commissioning or decommissioning the installation, exploring for, or exploiting or processing 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:

pollution incident means an event involving the probable discharge or escape into the sea or seabed of a harmful substance in contravention of this Act or the Resource Management Act 1991:

production water means any water extracted from the reservoir:

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

regional council means a regional council within the meaning of the Local Government Act 2002; and includes—

any territorial authority that has, by reason of the transfer to it under section 17 of the Local Government Act 2002 of a responsibility of a regional council, the functions powers and duties of a regional council; and the Chatham Islands Council:

regional on-scene commander means a 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:

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

- (2) For the purposes of section 225 of the Act, harmful substance means any harmful substance as defined in subrule (1).

200.3 Application

- (1) This Part applies to every offshore installation operating 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

A person must not operate an offshore installation without the Director's written approval of a discharge management plan containing the matters prescribed in Schedule 1 that are appropriate to the operation of that installation.

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

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
 - (iii) the persons whose interests in the vicinity of the installation that are likely to be affected by a spill of oil or other harmful substances from that installation; and
- (b) for controlled offshore installations, the persons whose interests in the vicinity of the installation that are likely to be affected by a spill of oil or other harmful substances from that installation (including, if appropriate, regional on-scene commanders, regional offices of the Department of Conservation and tangata whenua).
- (2) The owner must consult on—
- (a) the locations and resources, in the region or regions identified as at risk of environmental damage in the event of a spill of oil or other harmful substances; and
 - (b) the procedure by which the regional on-scene commander should be notified in the event of a spill of oil or other harmful substances; and
 - (c) the role of the regional and national on-scene commander 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) The Director's written approval of a discharge management plan is a marine protection document for the purposes of Part 18 of the Act.

200.8 Custody of a discharge management plan

- (1) The owner must keep the approved discharge management plan and 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 made available on every manned installation to which the plan applies.
- (3) Two hard copies and a copy in an electronic form acceptable to the Director of the approved discharge management plan must be supplied to the Director as soon as practicable after the approval is issued.
- (4) 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; or
 - (b) use a harmful substance not approved in the plan; or
 - (c) make any change as a result of training or review of the emergency spill response procedures.
- (2) Every application for modifications to a discharge management plan—
 - (a) must be in English; and
 - (b) must be made by letter or in an electronic form acceptable to the Director; and
 - (c) must be made at least 2 months before the date on which the modification is to be implemented; and
 - (d) must include the details of the proposed amendments and, if applicable, reference to the provisions in the approved discharge management plan they are to replace; and

- (e) where the proposed change will result in a significantly increased risk of a spill of oil or other harmful substances, evidence of consultation in accordance with rule 200.6.
- (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-hour contact list; and
 - (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 within 2 weeks of the change being made.
- (2) The owner must keep a record of the action or actions taken to meet the obligation in subrule (1).

200.11 Implementation of the emergency spill response procedures

The owner of an installation must—

- (a) ensure that personnel assigned responsibilities under the approved discharge management plan and dealing with spills of oil and other harmful substances are aware of their responsibilities under the discharge management plan and receive training appropriate to their responsibilities; and
- (b) ensure that—
 - (i) training required by paragraph (a) is carried out before any person commences operational duties; and
 - (ii) a record of all training carried out in accordance with paragraph (a) is maintained; and
 - (iii) any training record maintained in accordance with this rule is provided to the Director on request; and
- (c) maintain access to equipment to deal with a spill, at a level appropriate to the emergency spill response procedures identified in the approved discharge management plan; and
- (d) when called upon by the Director, justify any spill response option, identified in the discharge management plan, as effective and achievable.

200.12 Testing and reviewing the emergency spill response procedures

- (1) The owner of an installation must—
 - (a) test the emergency spill response procedures not less than once every 12 months; and
 - (b) review the effectiveness of the emergency spill response procedures as soon as practicable after—
 - (i) every test carried out under paragraph (a); and
 - (ii) every use of the emergency spill response procedures in response to a spill; and
 - (iii) any change in the spill response procedures or equipment for the installation, other than the direct replacement of equipment.
- (2) The owner must—
 - (a) notify the Director of any test or review not less than 14 days prior to the test or review being carried out in accordance with subrule (1); and
 - (b) make and keep a record of every test and review, including the results of any test and review, carried out under subrule (1); and

- (c) provide the Director with a copy of the results of every test and review carried out under subrule (1).
- (3) Following every review of the emergency spill response procedures, the owner must—
 - (a) determine the modifications to the discharge management plan that would increase the effectiveness of the plan; and
 - (b) submit all modifications to the Director for approval; and
 - (c) implement those modifications—
 - (i) immediately, in the case of modifications to the 24-hour contact list or reassignment of personnel responsibilities; or
 - (ii) when they have been approved by 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 ensure that the oil content of production water, displacement water, or offshore processing drainage discharged from a controlled offshore installation is measured continuously before dilution by a method in the approved discharge management plan.
- (2) The owner of a controlled offshore installation must, by use of the best practicable option, ensure that the oil content of production water, displacement water or offshore processing drainage discharged before dilution from a controlled offshore installation—
 - (a) does not exceed 50 parts per million; and
 - (b) averages less than 30 parts per million every calendar month.
- (3) If the owner is unable to comply with subrule (2) 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.
- (4) For the purposes of subrule (2)(a), the Director may allow a limit greater than 50 parts per million if he or she considers it necessary for geological, technical or safety reasons.
- (5) If the oil content of production water, displacement water or offshore processing drainage exceeds—
 - (a) 50 parts per million but does not exceed 100 parts per million, the owner must report the excess to the Director as soon as practicable;
 - (b) 100 parts per million, the owner must report the excess as a marine oil spill in accordance with rule 200.23.
- (6) The owner of a controlled offshore installation must ensure there is a means of detecting and immediately stopping all discharges from the installation where the oil content of the discharge exceeds 100 parts per million.
- (7) The Director may, at any time, require that the oil content before dilution of an installation's production water, displacement water, or offshore processing drainage be measured and reported to the Director without delay.

- (8) The owner of a controlled offshore installation must ensure that a record is maintained of all oil content before dilution of an installation's production water, displacement water or offshore processing drainage discharged from the installation and supply this information to the Director on request.

200.15 Prohibition on discharge of garbage into the sea from controlled offshore installations

- (1) The discharge of garbage into the sea from a controlled offshore installation is prohibited, except as provided in this rule.
- (2) The prohibition on the discharge of garbage in subrule (1) does not apply to the discharge of food waste if—
- (a) the food waste has been passed through a comminuter or grinder; and
 - (b) the comminuted or ground food waste is capable of passing through a screen with openings no greater than 25 millimetres.
- (3) Nothing in this rule prohibits or restricts any person from discharging garbage from a controlled offshore installation if—
- (a) the discharge is necessary for the purpose of securing the safety of an installation and those on board or saving life at sea; or
 - (b) the discharge is an accidental loss of garbage resulting from damage to an installation or its equipment, and all reasonable precautions have been taken before and after the occurrence of the damage to prevent or minimise the accidental loss.

200.15A Placards

The owner of an offshore installation must ensure that placards in the working language of the crew and in English are displayed to notify all persons on board the installation of the discharge requirements set out in rule 200.15 that are applicable to the installation.

200.15B Garbage management plans

- (1) The owner of an offshore installation must ensure that—
- (a) the installation has a garbage management plan that complies with this rule; and
 - (b) an up-to-date copy of the installation's garbage management plan is carried on board the installation; and
 - (c) all persons on board comply with the garbage management plan at all times.
- (2) The garbage management plan required under this rule must—
- (a) prescribe written procedures for minimising, collecting, storing, processing, and disposing of garbage, including the use of garbage related equipment on board; and
 - (b) designate the person or persons in charge of carrying out the plan; and
 - (c) be written in the working language of the crew and in English.¹
- (3) Every person on board an installation to which this rule applies must comply with the garbage management plan at all times.

200.15C Garbage Record Books

- (1) The owner of an offshore installation must ensure that—
- (a) there is a Garbage Record Book for the installation that is—
 - (i) in the form shown in the Appendix to Part 170; and
 - (ii) in the working language of the crew and in English; and

¹ Guidance on the development of garbage management plans is contained in [insert reference to relevant Advisory Circular]

- (iii) carried on board the installation at all times; and
 - (iv) readily available for inspection by the Director at all reasonable times; and
 - (b) for each discharge of garbage, and each completed incineration of garbage, an entry is promptly made in the Garbage Record Book that includes—
 - (i) the date and time of the discharge or incineration; and
 - (ii) the position of the installation at the time of the discharge or incineration; and
 - (iii) the category of the garbage discharged or incinerated; and
 - (iv) the estimated amount of garbage discharged or incinerated; and
 - (v) the signature of the officer in charge of the discharge or incineration; and
 - (c) for each discharge or accidental loss referred to in rule 200.15(3), an entry is made in the Garbage Record Book that includes—
 - (i) the location, circumstances of, and reasons for the discharge or loss; and
 - (ii) details of the items discharged or lost; and
 - (iii) the reasonable precautions taken to prevent or minimise such discharge or accidental loss.
- (2) Each completed page of the Garbage Record Book must be signed by the person on board the installation who has overall responsibility for its operations.
- (3) The Garbage Record Book required by subrule (1) must be preserved by the owner of the installation for 24 months after the last entry has been made.

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; and
 - (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

Oil and oily mixtures that drain from the machinery spaces and other parts of the installation, or from ballasting or cleaning of oil fuel tanks, 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.

200.18 Oil and oily mixtures that cannot be discharged

- (1) The owner must ensure that any oil and oily mixtures that cannot be discharged into the sea in compliance with rule 200.17 is—
- (a) retained on board the installation; or
 - (b) offloaded as produced oil; or
 - (c) discharged to a reception facility.
- (2) The owner of an offshore installation must ensure that a record is maintained of the quantities of all oil and oily mixtures retained, offloaded, or discharged in accordance with subrule (1).

200.19 Oil filtering equipment

- (1) The owner of an offshore installation must ensure that it is fitted with oil filtering equipment—

Marine Protection Rules

- (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 and other parts of the installation, or from ballasting or cleaning of oil fuel tanks; 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 specified in subrule (1) must be fitted with—
 - (a) an alarm to indicate when the oil content of the effluent exceeds 15 parts per million; and
 - (b) arrangements to ensure that any discharge of oily mixture is automatically stopped when the alarm is activated.
- (3) The requirements in subrules (1) and (2) do 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.

200.20 Oil residue (sludge) tanks

- (1) The owner of an offshore installation that is not a fixed offshore installation must ensure that it is fitted with an oil residue (sludge) tank—
 - (a) that is large enough to hold all oil and oily mixtures that cannot otherwise be dealt with in accordance with this Part; and
 - (b) that is designed and constructed so as to allow it to be cleaned and emptied and the contents transported to shore or discharged to a reception facility; and
 - (c) that has a designated pump for disposal that is capable of taking suction from the tank; and
 - (d) that has no discharge connections to the bilge system (except as provided for in subrule (2)), tank top, or oily water separators.
- (2) The oil residue (sludge) tank of an offshore installation that is not a fixed offshore installation may be connected to the oily bilge water holding tank by drains, with manually operated self-closing valves and arrangements for subsequent visual monitoring of the settled water, or connected to that tank by an alternative arrangement, provided that the arrangement has no connection directly to the bilge piping system.
- (3) The owner of a fixed offshore installation must ensure that it is fitted with an oil residue (sludge) tank—
 - (a) that is large enough to hold all oil and oily mixtures that cannot otherwise be dealt with in accordance with this Part; and
 - (b) that is designed and constructed so as to allow it to be cleaned and emptied and the contents transported to shore; and

that has a designated pump for disposal that is capable of taking suction from the tank.
- (4) Any arrangement connecting an oil residue (sludge) tank of a fixed offshore installation to the installation's drainage systems must be approved by the Director.

200.21 Oil record book

- (1) The owner of an installation 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 appropriate part of the installation's oil record book in accordance with the provisions of MARPOL Annex I Appendix III 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 produced oil storage tanks;
 - (h) cleaning of produced oil storage tanks;
 - (i) discharge of dirty ballast or cleaning water from produced oil storage tanks;
 - (j) measurement of the discharge of production water, displacement water or offshore processing drainage, in accordance with rule 200.14(1) and, if the oil content exceeds 100 parts per million, measurement of:
 - (i) the volume of oil discharged during the incident; or
 - (ii) for continuing incidents, the volume of oil discharged in every 12 hour period that the discharge continues;
 - (k) disposal of oily residues (sludge).
- (3) The owner must ensure that a statement is made in the appropriate part of 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; and
 - (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; and
 - (c) any discharge into the sea of substances containing oil when being used for the purpose of combating specific pollution incidents.
- (4) Every entry or statement, required to be made in the installation's oil record book, must be—
- (a) fully recorded without delay; and
 - (b) signed by the person or persons in charge of the operation or operations concerned; and
 - (c) in English.
- (5) 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.
- (6) 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.
- (7) 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.

Marine Protection Rules

- (8) Every oil record book must be kept by the owner of the installation for a period of three years after the last entry is made in it.

200.22 Production water records

- (1) In respect of production water, displacement water, or offshore processing drainage that is discharged, the owner of an installation must record, in a form approved by the Director,—
 - (a) at least twice in every 24 hour period, as close to 12 hours apart as possible, the concentration of oil-in-water; and
 - (b) the total volume of production water, displacement water, or offshore processing drainage discharged every 24 hours; and
 - (c) the total volume of oil discharged in production water, displacement water, or offshore processing drainage every 24 hours, based on continuous monitoring of oil-in-water concentrations; and
 - (d) a list of incidents where oil-in-water exceeded 50 parts per million; and
 - (e) the monthly total volume of oil discharged in production water, displacement water, or offshore processing drainage.
- (2) Every completed page of the production water records must be signed by the person onboard the installation who has overall responsibility for its operation.
- (3) The owner of an installation must ensure that the installation's production water records are kept—
 - (a) on board the installation, except in the case of an unmanned installation under tow; and
 - (b) in such a place as to be readily available for inspection at all reasonable times.
- (4) The owner of an installation must ensure that a true copy of every completed page of the installation's production water records is forwarded to the Director within 15 working days of the end of the month in which it was completed.
- (5) The production water records must be kept by the owner of the installation for a period of 3 years after the last entry is made in it.

200.23 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 or the Director, 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 pollution incident involving 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 spill 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 or the Director, 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.

200.24 Event reporting

- (1) The owner must report—

- (a) any event 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.

200.25 Environmental monitoring and reporting

- (1) The owner of a controlled offshore installation must conduct environmental monitoring programme appropriate to the operation of that installation to detect marine environmental impacts resulting from discharges from the installation, using methods approved by the Director in the discharge management plan.
- (2) The results of environmental monitoring undertaken in accordance with subrule (1) must be reported to the Director at the earliest opportunity.

International Oil Pollution Prevention Certificates

200.26 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 200.28; 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) in the case of manned installations, kept on board the installation at all times; and
 - (b) made readily available for inspection by the Director.

200.27 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; and
 - (b) renewal surveys at five yearly intervals or any such lesser period specified by the Director; and
 - (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.

Marine Protection Rules

- (2) Initial and renewal surveys must be carried out to ensure that the structure, equipment, systems, piping, fittings, arrangements, record books, emergency spill 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 spill response procedures and material—
 - (a) have been properly maintained; and
 - (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 spill response procedures and material have not been altered without the approval of the Director or a surveyor.
- (5) The owner of an offshore installation must ensure that a copy of the report of any survey carried out in accordance with subrule (1)(c) or (d) are forwarded to the Director as soon as possible following the completion of the survey.

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

- (1) The owner of an installation must apply to the Director for the issue, renewal or endorsement of an International Oil Pollution Prevention Certificate in respect of the installation in accordance with section 269 of the Act.
- (2) The Director must, as appropriate, issue, renew, or endorse the International Oil Pollution Prevention Certificate in accordance with section 270 of the Act, if 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 as appropriate in accordance with rule 200.27 and to the satisfaction of the surveyor.
- (3) An International Oil Pollution Prevention Certificate, including a supplement—
 - (a) must be in the form contained in MARPOL Annex I Appendix II and the appended Form A, or if an FPSO or an FSU supplement, either in that form or in the form specified in resolution MEPC.139(53) "Guidelines for application of the revised MARPOL Annex I requirements to FPSOs and FSUs" as may be amended by IMO from time to time; and
 - (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; and
 - (ii) the surveys required under rule 200.27 must be completed; and
 - (iii) the installation must have on board the oil record book or books required to be kept by rule 200.21; and
 - (iv) if a manned installation, the installation must have on board an approved discharge management plan.

200.29 Conditions of the International Oil Pollution Prevention Certificate

A surveyor may give his or her 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.

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

- (1) Subrule (2) applies if, as a result of an annual or renewal survey the surveyor determines that—
 - (a) the condition of the offshore installation does not correspond substantially with the particulars of the installation's International Oil Pollution Prevention Certificate; or
 - (b) the equipment presents a reasonable threat of harm to the marine environment.
- (2) The surveyor—
 - (a) must immediately instruct the owner of the offshore installation to take corrective action; and
 - (b) must notify the Director of the corrective action required; and
 - (c) must not renew or endorse the installation's International Oil Pollution Prevention Certificate.
- (3) 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.

200.31 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; and
 - (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.

Final Provisions

200.32 Transitional and savings provisions

- (1) Part 200 – Offshore Installations – Discharges 2006 continues to apply as if not revoked to an existing offshore installation with an approved discharge management plan in force immediately before the commencement of this Part, until the earliest of:
 - (a) the plan's original expiry date; or
 - (b) the date on which the new discharge management plan is approved under this Part; or
 - (c) three years after the commencement of this Part.
- (2) Every application for approval of a discharge management plan made under Part 200 – Offshore Installations – Discharges 2006 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 Certificate that was issued and in force before the commencement of this Part continues in force as if issued under this Part.

Marine Protection Rules

200.33 Revocation

Part 200 (Offshore Installations—Discharges) 2006 is revoked.

Rule 200.4

Schedule 1

Contents of a discharge management plan

1 Risk identification, assessment and prevention

- (1) Every discharge management plan must include—
 - (a) location details 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) the most likely sources of any spill that may result in a pollution incident; and
 - (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 oil to be held on the installation;
 - (e) information on the oils produced by the installation, including—²
 - (i) physical properties including pour point, viscosity, density, API gravity, wax content and asphaltene content measured by a method approved by the Director;
 - (ii) weathering information including evaporation rates, emulsion-forming tendencies and changes in oil properties measured at 12, 24 and 48 hours by a method approved by the Director; and
 - (iii) effectiveness on selected dispersants as required by the Director on fresh oil and oil weathered for 12, 24 and 48 hours measured by a method approved by the Director;
 - (f) information on the likely fate of spilled produced oil taking into account 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;
 - (h) a detailed description of all identified potential environmental impacts, including any possible social, cultural and economic implications that may result from any operational discharges or spill of oil or other substances from the installation.
- (2) The discharge management plan of a controlled offshore installation must also include information about every harmful substance that is ecotoxic in the aquatic environment (as classified in Schedule 6 of the Hazardous Substances (Classification) Regulations 2001).
- (3) In fulfilment of subclause (2), the discharge management plan must include, in a form acceptable to the Director, the information set out in Schedule 2, if the following is held on a controlled offshore installation:
 - (a) 20 litres or more of a harmful substance that is ecotoxic in the aquatic environment (as defined by Schedule 6 of the Hazardous Substances (Classification) Regulations 2001); or
 - (b) 100 litres or more of any other harmful substance.
- (4) 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, will be managed to avoid any risk of environmental impacts as identified in clause 1(h), including—

² To inform a national response in the event of a spill.

Marine Protection Rules

- (a) selection of the least hazardous chemicals to minimise the toxicity of that water; and
 - (b) if re-injection of production water (the preferred option in all cases), is not to be used, the options to be used to reduce the volume of production water discharged into the marine environment; and
 - (c) the method to be used to monitor the concentration of oil in production water; and
 - (d) the procedure by which oil content and volume of production water discharged is to be recorded and reported in accordance with rules 200.14 and 200.23.
- (5) The discharge management plan for a controlled offshore installation must describe measures to be taken to avoid environmental impacts from discharges during commissioning and decommissioning of the installation other than those identified in clause (4).
- (6) The discharge management plan for a controlled offshore installation must include a detailed description of the environmental monitoring programme to be undertaken in accordance with rule 200.25.

2 Emergency spill response procedures for oil and other harmful substances

- (1) The information required in this clause must be included as a consolidated section within the Discharge Management Plan.
- (2) Every discharge management plan must contain emergency spill response procedures for oil.
- (3) The discharge management plan of a controlled offshore installation must also contain emergency spill response procedures for other harmful substances.
- (4) Emergency spill 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 spill response procedures;
 - (c) details of the response options available to the installation;
 - (d) the procedure by which marine oil spills are to be reported in accordance with rule 200.23;
 - (e) in the case of controlled installations, the procedure by which any pollution incident involving a harmful substance other than oil are to be reported in accordance with rule 200.23;
 - (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 emergency response structure for the installation, including the duties of all personnel responsible for dealing with spills;
- (h) an inventory and location of response equipment held on the installation and personnel responsibilities for the deployment, survey and maintenance of that equipment.

Schedule 2

Requirements for information on harmful substances

Information on harmful substances submitted in accordance with clauses 1(2) and 1(3) of Schedule 1 must contain the following information, in respect of every harmful substance—

(1) **Names**

- (a) chemical name;
- (b) trade name or names; and

(2) **Identification numbers**

- (a) UN number³
- (b) CAS number⁴
- (c) ERMA Approval number⁵ and

(3) **Chemical and physical properties**

- (a) physical state;
- (b) reactivity;
- (c) specific gravity;
- (d) flash point;
- (e) boiling point;
- (f) melting (pour) point;
- (g) water solubility; and

(4) **Composition**

- (a) name of components;
- (b) proportion of component or components as a percentage of the total substance;

(5) **Ecotoxicity of the substance** including—

- (a) the ecotoxic ranking of the substance, with reference to schedule 6 of the Hazardous Substances (Classification) Regulations 2001 and, where available, of the substance's Hazard Quotient (HQ), calculated using the CHARM (Chemical Hazard and Risk Management) model;
- (b) acute toxicity;
- (c) chronic toxicity;
- (d) biodegradation;
- (e) bioaccumulation;
- (f) where requested by the Director, details of any or all the degradation and transformation products of the substance (that arise as a result of the operation for which the harmful substance is used);

(6) The purpose or purposes for which the substance is to be used;

(7) The maximum volume of the substance likely to be stored on the installation;

(8) The maximum concentration of the substance to be used in combination with any other substance that is intended to be discharged;

³ United Nations number.

⁴ Chemical Abstracts Service registry number.

⁵ Environmental Risk Management Authority approval number.

- (9) The maximum amount of the substance anticipated to be discharged in specific periods;
- (10) Risk and mitigation, including—
 - (a) a description of the processes and activities that present a risk of accidental discharge of the substance; and
 - (b) a list of procedures in place and action to be taken to reduce the risk of a spill.