

Marine Protection Rules

Part 100 – Port Reception Facilities – Oil, Noxious Liquid Substances and Garbage

MNZ Consolidation

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Marine Protection Rules

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Part objective

The technical standards contained in the International Convention for the Prevention of Pollution from Ships 1973/78 (MARPOL), are being incorporated into New Zealand law by means of marine protection rules. These rules enable New Zealand to be party to the Convention.

The objective of part 100 is to protect the marine environment from ship-sourced oil, noxious liquid substances and garbage by ensuring the provision of port reception facilities to receive waste substances which cannot be discharged into the sea under the controlled conditions prescribed by MARPOL.

The objective of Part 100 is served by setting requirements for reception facilities for the ports providing services to different sizes and types of ship.

The basis for Part 100 is found in sections 236 and 388(h) of the Maritime Transport Act 1994.

Maritime rules are disallowable instruments under the Legislation Act 2012. 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 that Act.

Disclaimer:

This document is the current consolidated version of Marine Protection Rules Part 100 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 100

Part 100 first came into force on 20 August 1998 and now incorporates the following amendments:

Amendment	Effective Date
Amendment 1	4 August 2008
Amendment 2	1 January 2011
Amendment 3	1 April 2015
Amendment 4	1 November 2016
Amendment 5	8 September 2017
Amendment 6	1 February 2018
Amendment 7	27 July 2018

Summary of Amendments

Amendment 1

Marine Protection Amendment – Marpol Annex 2 100.2

Amendment 2

Marine Protection Various Amendments 2010 100.2, 100.4, 100.9

Amendment 3

Marine Protection Rules Various Amendments 2015 Part Objective

Amendment 4

Marine Protection Rules Various Amendments 2016 100.2

Amendment 5

Marine Protection Rules Part 300:
Ballast Water Management 2017 100.2, 100.13

Amendment 6

Marine Protection Rules Various Amendments [Changes
Related to Conventions] 2017 100.2, 100.3

Amendment 7

Amendments to Ballast and Harmful Substances
Provisions 2018 100.2, 100.13

All signed rules can be found on our website:

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General

100.1 Entry into force

Part 100 entered into force on 20 August 1998.

100.2 Definitions

In this Part –

Antarctic area means the sea area south of latitude 60° S:

Ballast water, in relation to a ship, means water with its suspended matter taken on board the ship to control the ship's trim, list, draught, stability, or stresses:

Combination carrier means a ship designed to carry oil and solid cargoes in bulk:

Chemical carrier means any ship engaged in carrying a cargo of noxious liquid substances in bulk and includes a "chemical tanker" as defined in rule 141.2 and an "oil tanker" as defined in rule 121A.2 when carrying a cargo or part cargo of noxious liquid substances in bulk:

Crude oil means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation and includes –

- (a) crude oil from which certain distillate fractions may have been removed; and
- (b) crude oil to which certain distillate fractions may have been added:

Director means the person who is for the time being the Director of Maritime Safety under section 439 of the Maritime Transport Act 1994:

Discharge includes any release, disposal, spilling, leaking, pumping emitting or emptying; but does not include –

- (a) dumping in accordance with a permit issued by the Director under section 262 of the Maritime Transport Act 1994; or
- (b) release of harmful substances for the purposes of legitimate scientific research into pollution abatement and control; –

and "**to discharge**" and "**discharge**" have corresponding meanings:

Garbage—

- (a) means all kinds of food waste, domestic waste, operational waste, plastic, cargo residue, incinerator ash, cooking oil, fishing gear, and any animal carcass generated during the normal operation of the ship and liable to be disposed of continuously or periodically; but
- (b) does not include—
 - (i) any substance that is defined or listed in any annex to MARPOL other than Annex V; or
 - (ii) fresh fish and parts of fresh fish generated as a result of fishing activity undertaken during a voyage, or as a result of aquaculture activity that involves the transport of fish including shellfish for placement in an aquaculture facility and the transport of harvested fish including shellfish from such facilities to shore for processing;

Internal waters of New Zealand means the internal waters of New Zealand as defined by section 4 of the Territorial Sea and Exclusive Economic Zone Act 1977:

New Zealand continental waters means –

- (a) New Zealand marine waters; and

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- (b) the waters beyond the outer limits of the exclusive economic zone of New Zealand but over the continental shelf of New Zealand:

New Zealand marine waters means –

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

Noxious liquid substance means –

- (a) any category X substance;
- (b) any category Y substance;
- (c) any category Z substance;
- (d) any other substance, except –
 - (i) clean ballast;
 - (ii) segregated ballast;
 - (iii) any category OS substance; and
- (e) any mixture containing a noxious liquid substance; and a noxious liquid substance, as defined here, is a harmful substance and a noxious liquid substance for the purposes of section 225 of the Act:

Oil for the purposes of the marine protection rules and section 222 of the Maritime Transport Act 1994 means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined production (other than petrol chemicals that are subject to the provisions of Part 140). Without limiting the generality of the foregoing, “oil” includes the substances declared to be oil in the appendix to Part 120. “Oil” as defined here is a “harmful substance” for the purposes of this Part and section 225 of the Maritime Transport Act 1994:

Oil residue (sludge) means the residual waste oil products generated during the normal operation of a ship 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 tanker means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces; and includes combination carriers and any “chemical tanker” as defined in rule 141.2 when it is carrying a cargo or part cargo of oil in bulk:

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 mixture means a mixture with any oil content:

Oily waste means waste containing oil or oily water:

Part means a group of rules made under the Maritime Transport Act 1994:

Port includes place and harbour:

Reception facility means a facility for the reception of harmful substances from ships:

Residue means any harmful substance which remains for disposal:

Rules includes maritime rules and marine protection rules:

Ship means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes –

- (a) a barge, lighter, or other vessel:
- (b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates:
- (c) a submarine or other submersible:

Tank means an enclosed space which is formed by the permanent structure of a ship and which is designed for the carriage of liquid in bulk:

Waste means useless, unneeded or superfluous matter which is to be discarded.

100.3 Application

Rules 100.4 to 100.11 inclusive and rule 100.13 apply to a person who operates a port in New Zealand, the internal waters of New Zealand, or New Zealand continental waters who has been required by notice in writing under section 236 of the Maritime Transport Act 1994, to provide at that port a reception facility for the reception of harmful substances from ships.

Facilities for the reception of oil

100.4 Requirements for ports generally

- (1) A person to whom this rule applies must ensure that, if the port handles ships with oily mixtures and oily wastes which cannot be discharged in accordance with Part 120, there are reception facilities available at the port with sufficient capacity to receive, without causing undue delay to ships, oily bilge water and other residues which cannot be discharged in accordance with Part 120.
- (2) A person to whom this rule applies must ensure that if the port handles ships of 400 tons gross tonnage or more there are reception facilities available at the port with sufficient capacity to receive, without causing undue delay to ships, all oil residue (sludge) from oil residue (sludge) tanks from all such ships that may reasonably be expected to call at that port.

100.5 Requirements for oil cargo loading ports

- (1) A person to whom this rule applies must ensure that, if crude oil is loaded into oil tankers at the port where such tankers have, immediately prior to arrival, completed a ballast voyage of not more than 72 hours or not more than 1,200 nautical miles, there are reception facilities available at the port with sufficient capacity to receive, without causing undue delay to ships, oil and oily mixtures which cannot be discharged in accordance with the provisions of Part 120, from oil tankers on such voyages.
- (2) A person to whom this rule applies must ensure that if oil, other than crude oil in bulk, is loaded at the port at an average quantity of more than 1,000 metric tons per day there are reception facilities available at the port with sufficient capacity to receive, without causing undue delay to ships, oil and oily mixtures which cannot be discharged in accordance with the provisions of Part 120 from oil tankers loading such oil.

100.6 Requirements for ports unloading high density oils

A person to whom this rule applies must ensure that if oil tankers unload asphalt or other oil products which through their physical properties inhibit effective oil/water separation and monitoring there are reception facilities available at the port with sufficient capacity to receive, without causing undue delay to ships, cargo residues and solvents arising from any cleaning of tanks carrying such products undertaken at that port.

100.7 Requirements for ports with ship repair yards and tank cleaning facilities

A person to whom this rule applies must ensure that if the port has ship repair yards or tank cleaning facilities there are reception facilities available at the port with sufficient capacity to

receive, without causing undue delay to ships, oily residues and oily mixtures which remain on board for disposal from ships prior to entering such yards or facilities.

100.8 Requirements for dry bulk cargo terminals used by combination carriers

A person to whom this rule applies must ensure that if dry bulk cargoes are loaded at the port there are reception facilities available at the port with sufficient capacity to receive, without causing undue delay to ships, oil residues from combination carriers which cannot be discharged in accordance with Part 120 and that those facilities take account, as appropriate, of the fact that combination carriers may carry either oil or dry bulk cargoes.

100.9 Requirements for ports handling ships proceeding to or from the Antarctic area

A person to whom this rule applies must ensure that if ships depart from the port *en route* to or arrive from the Antarctic area there are reception facilities available at the port with sufficient capacity to receive, without causing undue delay to ships, all oil residue (sludge), dirty ballast, tank washing water, and other oily mixtures from ships on such voyages.

Facilities for the receptions of noxious liquid substances

100.10 Facilities for the reception of noxious liquid substances

- (1) A person to whom this rule applies must ensure that if ships carrying noxious liquid substances in bulk load and unload cargo at the port there are reception facilities available at the port with sufficient capacity to receive, without causing undue delay to ships, all residues and mixtures of noxious liquid substances that remain for disposal from such ships as a consequence of the application of Part 140.
- (2) A person to whom this rule applies must ensure that if repairs to chemical carrier are undertaken at the port there are reception facilities available at the port with sufficient capacity to receive residues and mixtures containing noxious liquid substances from those chemical carriers being repaired at the port.

Facilities for the reception of garbage

100.11 Facilities for the reception of garbage

A person to whom this rule applies must ensure that if the port handles ships with garbage which cannot be discharged in accordance with Part 170 there are reception facilities available at the port with sufficient capacity to receive, without causing undue delay to ships, the garbage which cannot be discharged in accordance with Part 170.

Unloading port arrangements for noxious liquid substances

100.12 Unloading port arrangements

- (1) A person who operates a port in New Zealand, the internal waters of New Zealand, or New Zealand continental waters at which noxious liquid substances are unloaded must ensure that there are arrangements provided at the port to facilitate stripping of cargo tanks of ships unloading noxious liquid substances at that port.
- (2) A person who operates a port in New Zealand, the internal waters of New Zealand, or New Zealand continental waters at which noxious liquid substances are unloaded must ensure that cargo hoses and piping systems of the port terminal containing noxious liquid substances received from ships unloading these substances are not drained back to the ships.

Facilities for the reception of ballast water and sediment

100.13 Facilities for the reception of ballast water and sediment

- (1) A person to whom this rule applies must ensure that, if ships carrying ballast water are at the port, there are reception facilities available at the port—

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- (a) with sufficient capacity to receive, without causing undue delay to ships, all dirty ballast water and sediment for disposal from such ships as a consequence of the application of Part 300; and
 - (b) designed in accordance with guidelines developed by the IMO for such facilities.
- (2) A person to whom this rule applies must ensure that, if repairs to a ship carrying ballast water are undertaken at the port, the reception facilities have sufficient capacity to receive any dirty ballast water and sediment from the ship being repaired at the port.
- (3) For the purposes of this rule 100.13—
- (a) **dirty ballast water** means non-permanent ballast water that is specified as a harmful substance under rule 300.2(2); and
 - (b) **sediment** means sediment that is specified as a harmful substance under rule 300.2(3).