

Marine Protection Rules

Part 160 – Prevention of Pollution by Sewage from Ships in the Antarctic Treaty Area

MNZ Consolidation

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Part objective

The requirements of Part 160 relating to discharge of sewage fulfil the requirements of the Protocol of Environmental Protection to the Antarctic Treaty to which New Zealand is a signatory.

For New Zealand ships sailing in the Antarctic Treaty area, or any ship departing from a New Zealand port for the Antarctic Treaty area, Part 160 brings into New Zealand law the MARPOL Regulations for the Prevention of Pollution by Sewage by Ships (Annex IV of MARPOL 73/78).

Part 160 consists of survey and certificate requirements, and includes a requirement to maintain a sewage record book. Part 160 prohibits the discharge of untreated sewage unless it is beyond 12 miles from the land or ice shelves of the Antarctic Treaty area, and if the discharge is from holding tanks, the discharge must be at a moderate rate and the ship must be enroute at a speed of 4 knots or more.

The basis for Part 160 is found in sections 226, 386, 387, 388(a), 388(i)(i), and 388(i)(ii) of the Maritime Transport Act 1994.

Marine protection 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 160 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 160

Part 160 first came into force on 20 August 1998 and now incorporates the following amendments:

| Amendment | Effective date |
|------------------|-----------------------|
| Amendment 1 | 1 October 2010 |
| Amendment 2 | 1 January 2015 |
| Amendment 3 | 1 April 2015 |
| Amendment 4 | 13 December 2019 |

Summary of amendments

Amendment 1

Marine Protection Various Amendments 2010 160.2

Amendment 2

Marine Protection Rules Various Amendments 2014 160.2, 160.4(2)(a)

Amendment 3

Marine Protection Rules Various Amendments 2015 Part Objective

Amendment 4

Marine Protection Rules Various Amendments 2019 Part Objective

All signed rules can be found on our website:

<https://www.maritimenz.govt.nz/Rules/>

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General

160.1 Entry into force

Part 160 comes into force on the 28th day after the date of its notification in the *Gazette*.

160.2 Definitions

In Part 160—

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

authorised organisation means an organisation which has entered into a memorandum of agreement with the Director in compliance with the International Maritime Organization Assembly Resolution A.739(18) and the Annexes thereto entitled *Guidelines for the Authorisation of Organizations Acting on behalf of the Administration*, governing the undertaking of particular survey and certification functions by the organisation's employees under the Maritime Transport Act 1994 and the rules:

authorised person means a person employed by an authorised organisation who has delegated powers from the Director to issue and suspend or to issue or to suspend certain marine protection documents under Part XXII of the Maritime Transport Act 1994, pursuant to an instrument of delegation made under section 444 of the Maritime Transport Act 1994:

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

Foreign ship means any ship that is not a New Zealand ship:

holding tank means a tank used for the collection and storage of sewage:

International Sewage Pollution Prevention Document of Compliance means the marine protection document shown in the Appendix to Part 160 that is required under rule 160.5 and issued pursuant to section 270 of the Maritime Transport Act 1994 and rule 160.6:

International Sewage Pollution Prevention Certificate (1973) means the certificate in the form prescribed in regulation 6 of Annex IV to MARPOL and accepted as a marine protection document pursuant to section 271 of the Maritime Transport Act 1994:

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 or amendment to, or revision of, that convention accepted or ratified by New Zealand:

master means any person (except a pilot) having command or charge of any ship:

moulded depth means the vertical distance measured from the top of the keel to the top of the freeboard deck beam at side, provided that—

- (a) in wood and composite ships the distance is measured from the lower edge of the keel rabbet; and
- (b) where the form at the lower part of the midship section is of hollow character, or where thick garboards are fitted, the distance is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel; and
- (c) in ships having rounded gunwales, the distance is measured to the point of intersection of the moulded lines of the deck and sides, the lines extending as though the gunwale were of angular design; and
- (d) where the freeboard deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, the distance is measured to a line of reference extending from the lower part of the deck along a line parallel with the raised part:

New Zealand ship means a ship that is registered under the Ship Registration Act 1992; and includes a ship that is not registered under that Act but is required or entitled to be registered under that Act:

owner, in relation to any ship, includes—

- (a) any person who is the legal or equitable owner, or both, of the ship; and
- (b) any person in possession of the ship, and includes any salvor in possession of the ship, and any servant or agent of any salvor in possession of the ship; and
- (c) any charterer, manager, or operator of the ship, or any other person (other than a pilot) responsible for the navigation or management of the ship:

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

rules includes maritime rules and marine protection rules:

sewage means any—

- (a) drainage or other wastes from any form of toilets, urinals, and scuppers located in spaces containing toilets and urinals; or
- (b) drainage from medical premises (such as a dispensary or sick bay) via wash basins, wash tubs and scuppers located in such premises; or
- (c) drainage from spaces containing living animals; or
- (d) other waste waters when mixed with drainages defined in any of paragraphs (a) to (c) of this definition:

surveyor means a surveyor—

- (a) employed by an authorised organisation; or
- (b) holding a valid marine protection document as a surveyor issued under section 270 of the Maritime Transport Act 1994.

untreated sewage means any sewage that has not been subject to a system meeting the standards specified in rule 160.4(2)(a) or (b); “Untreated sewage” as defined here is a “harmful substance” for the purposes of section 225 of the Maritime Transport Act 1994.

160.3 Application and compliance dates

- (1) Section 1 of Part 160 applies to every ship described in rule 160.3(3) that is—
 - (a) a New Zealand ship on a voyage in the Antarctic Treaty area; or
 - (b) a New Zealand ship in a port in New Zealand before departing for the Antarctic Treaty area; or
 - (c) a warship or other ship of the New Zealand Defence Force on a voyage in the Antarctic Treaty area; or
 - (d) a warship or other ship of the New Zealand Defence Force in a port in New Zealand before departing for the Antarctic Treaty area.
- (2) Section 2 of Part 160 applies to every foreign ship in a port in New Zealand before departing for the Antarctic Treaty area that is a ship described in rule 160.3(3).
- (3) Subject to rule 160.3(1) and (2), Part 160 applies to—
 - (a) ships of 200 tons gross tonnage or more; and
 - (b) ships of less than 200 tons gross tonnage that are carrying more than 10 persons; and
 - (c) ships which do not have a measured gross tonnage that are carrying more than 10 persons.
- (4) Where a rule in Part 160 places an obligation on the master of any New Zealand ship, the same obligation will also apply to the master of any warship or any other ship of the New Zealand Defence Force to which that rule applies.

- (5) Compliance with rules 160.4 to 160.6 inclusive is not required until six months after the date on which Part 160 enters into force.

Section 1 - New Zealand ships

Surveys and certificates

160.4 Initial and renewal surveys

- (1) The owner of a ship to which this rule applies must ensure that a surveyor has carried out the following surveys on that ship—
- (a) an initial survey before the ship was put into service or before the certificate required by rule 160.6 was issued for the first time; and
 - (b) a renewal survey at five yearly intervals, or any lesser period specified by the Director. The Director may allow the renewal survey to be delayed by—
 - (i) a maximum of five months if the ship is not in a port in New Zealand when the certificate expires, to allow the ship to complete its voyage to a port in New Zealand or to the place where it is to be surveyed; or
 - (ii) up to one month where the period of extension under rule 160.4(1)(b)(i) is not granted.
- (2) A surveyor performing an initial survey required by rule 160.4(1)(a) must—
- (a) if the ship is fitted with a sewage treatment plant, be satisfied that the plant meets the operational requirements specified by the International Maritime Organization Marine Environmental Protection Committee Resolution MEPC.2(VI) entitled *Recommendations on international effluent standards and Guidelines for the performance of tests for sewage treatment plants*; and
 - (b) if the ship is fitted with a system to comminute and disinfect the sewage, be satisfied that the system is of a type approved by the Director; and
 - (c) if the ship is equipped with a holding tank, be satisfied that—
 - (i) the capacity of the holding tank is satisfactory for the retention of all sewage having regard to the operation of the ship, the number of persons on board and other relevant factors; and
 - (ii) the holding tank has a means to indicate visually the contents of the tank; and
 - (d) be satisfied that the ship is equipped with a pipeline—
 - (i) leading to the exterior convenient for the discharge of sewage to a reception facility; and
 - (ii) that is fitted with a standard shore connection in compliance with rule 160.12; and
 - (e) be satisfied that the equipment, fittings, arrangements, and material on board the ship fully comply with the requirements of Part 160.
- (3) A surveyor performing a renewal survey required by rule 160.4(1)(b) must be satisfied that the equipment, fittings, arrangements, and material on board the ship continues to comply with the requirements of Part 160.

160.5 Condition after survey

The owner and the master of a ship to which this rule applies must ensure that after a survey of the ship required by rule 160.4 has been completed—

- (a) the ship and its equipment is maintained to conform with the provisions of Part 160; and
- (b) no significant change (other than the direct replacement of equipment or fittings) is made in the equipment, fittings, arrangements or material covered by the survey without the prior approval of a surveyor.

Certificates

160.6 Requirement of a New Zealand Ship to have an International Sewage Pollution Prevention Document of Compliance

- (1) The owner and the master of any ship to which this rule applies must ensure that a valid International Sewage Pollution Prevention Document of Compliance is held in respect of the ship.
- (2) The owner and the master of any ship to which this rule applies must ensure that the International Sewage Pollution Prevention Document of Compliance held in respect of the ship is—
 - (a) carried on board the ship at all times; and
 - (b) made readily available for inspection by the Director.

160.7 Issue and duration of an International Sewage Pollution Prevention Document of Compliance for a New Zealand ship

- (1) If—
 - (a) the owner of a ship to which this rule applies makes an application under section 269 of the Act for an International Sewage Pollution Prevention Document of Compliance in respect of the ship; and
 - (b) the Director (if the application is made to the Director) or an authorised person (if the application is made to that person) is satisfied that—
 - (i) the ship has undergone an initial or renewal survey in accordance with rule 160.4 to the satisfaction of the surveyor; and
 - (ii) rule 160.5 has been complied with;the Director (if the application is made to the Director) or the authorised person (if the application is made to that person) must issue or renew for that ship an International Sewage Pollution Prevention Document of Compliance in accordance with section 270 of the Act.
- (2) An International Sewage Pollution Prevention Document of Compliance issued to a New Zealand ship—
 - (a) must be in the form shown in the Appendix; and
 - (b) except as provided in rule 160.6(3), is valid for a period specified by the Director where the certificate is issued by the Director, or valid for a period specified by an authorised person where the certificate is issued by that person, up to, in either case, a maximum period of five years from the date of issue; and
 - (c) is subject to the following conditions—
 - (i) no significant alterations may be made to the construction, equipment, systems, fittings, arrangements or material required in the ship under Part 160 without the approval of a surveyor in accordance with rule 160.5(b), except the direct replacement of such equipment and fittings; and
 - (ii) the ship carries on board and maintains the sewage record book in accordance with rule 160.9.
- (3) The Director may extend the duration of an International Sewage Pollution Prevention Document of Compliance by—
 - (a) a maximum of five months if the ship is not in a port in New Zealand when the certificate expires, to allow the ship to complete its voyage to a port in New Zealand or to the place where it is to be surveyed for the renewal of its document; or
 - (b) a maximum of one month where the period of extension under rule 160.6(3)(a) is not granted.

Discharge

160.8 Permitted discharges of untreated sewage (harmful substances)

Untreated sewage may only be discharged from a ship to which this rule applies if¹—

- (a) the ship is outside 12 miles from the land or ice shelves of the Antarctic Treaty area; and
- (b) where the discharge is from holding tanks, the discharge is performed—
 - (i) at a moderate rate; and
 - (ii) where practicable, while the ship is enroute at a speed of no less than four knots.

160.9 Record book

- (1) While in the Antarctic Treaty area, the master of a ship to which this rule applies must maintain a sewage record book containing the following information—
 - (a) the total capacity of sewage holding tanks; and
 - (b) the level of the holding tanks when entering the Antarctic Treaty area; and
 - (c) the level of the holding tanks when leaving the Antarctic Treaty area; and
 - (d) daily recordings of—
 - (i) the level of the holding tanks; and
 - (ii) the number of people on board; and
 - (iii) the position of the ship; and
 - (iv) the operation of the ship²; and
 - (e) for any sewage tank pumping operation—
 - (i) the position, course, and speed of ship at the time pumping is commenced and ended, and at 4-hourly intervals from the time of commencement; and
 - (ii) the rate of pumping; and
 - (f) the total amount of sewage discharged each time the sewage tanks are pumped; and
 - (g) the reason for any discharges not permitted by rule 160.8.
- (2) Each record in the sewage record book shall—
 - (a) be made without delay; and
 - (b) be signed by the master and the person responsible for sewage operations; and
 - (c) include the date and time of entry, using Universal Coordinated Time, or local time provided the logbook gives a clear indication of the local time's relation to Universal Coordinated Time.
- (3) The information required by the sewage record book may be contained in the Official Log Book required by Part 73.

160.10 Availability and retention of the sewage record book

- (1) The owner and the master of any ship to which this Part applies must ensure that the sewage record book is—
 - (a) kept on board the ship, except in the case of uncrewed ships under tow; and
 - (b) available for inspection at all reasonable times by:
 - (i) the Director; and

¹ Note that section 226(c) of the Maritime Transport Act 1994 prohibits the discharge of all harmful substances (including untreated sewage) except in accordance with the Marine Protection Rules. As all discharges of harmful substances by New Zealand ships are prohibited unless permitted by Marine Protection Rules, rule 160.8 is worded in a permissive manner.

² For example: ice breaking, working cargo along side an ice shelf, working cargo at a wharf, working cargo at anchor, working cargo standing off a base, standing-by at anchor, standing off a base, deep sea or coastal or ice navigation.

- (ii) any person delegated powers of inspection by the Director; and
 - (iii) the port state authority at a port, offshore terminal or offshore installation under the jurisdiction of a state other than New Zealand.
- (2) The sewage record book required by rule 160.9 must be preserved by the owner of the ship for three years after the last entry was made.

160.11 Ship's discharge connections

- (1) The owner of a ship to which this rule applies must ensure that the ship's discharge pipeline for connection with a reception facility is fitted with a standard discharge connection that complies with the dimensions and requirements in Table 1:

Table 1: Standard dimensions of flanges for discharge connections

| Description | Dimension |
|---|--|
| Outside diameter | 210 mm |
| Inner diameter | According to pipe outside diameter |
| Bolt circle diameter | 170 mm |
| Slots in flange | 4 holes 18 mm in diameter equidistantly placed on a bolt circle of 170 mm diameter, slotted to the flange periphery. The slot width must be 18 mm |
| Flange thickness | 16 mm |
| Bolts and nuts: quantity and diameter | 4, each of 16 mm in diameter and of suitable length |
| The flange is designed to accept pipes up to a maximum internal diameter of 100 mm and must be of steel or other equivalent material having a flat face. This flange, together with a suitable gasket, must be suitable for a service pressure of 6 kg/cm | |

- (2) For a ship to which this rule applies which has a moulded depth of 5 metres or less, the inner diameter of the discharge connection may be 38 millimetres.

Section 2 - Foreign ships

160.12 Foreign Ships registered in a state party to Annex IV of MARPOL

- (1) The owner of a ship to which this rule applies that is registered in a state party to Annex IV of MARPOL must ensure that—
- (a) a valid International Sewage Pollution Prevention Certificate (1973) issued by or on behalf of the state the ship is registered in is held in respect of the ship; and
 - (b) if the language of the ship's International Sewage Pollution Prevention Certificate (1973) is neither English nor French, the text includes a translation into one of these languages.
- (2) The owner and the master of any ship to which this rule applies must ensure that the ship's International Sewage Pollution Prevention Certificate (1973) is—
- (a) carried on board the ship at all times; and
 - (b) made readily available for inspection by the Director.

160.13 Foreign ships registered in a state not party to Annex IV of MARPOL

- (1) The owner of a ship to which this rule applies that is registered in a state not party to Annex IV of MARPOL must ensure that—
- (a) a valid certificate equivalent to the International Sewage Pollution Prevention Certificate (1973) issued by or on behalf of the state the ship is registered in is held in respect of the ship; and

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- (b) if the language of the ship's certificate equivalent to the International Sewage Pollution Prevention Certificate (1973) is neither English nor French, the text includes a translation into one of these languages.
- (2) The owner and the master of any ship to which this rule applies must ensure that the ship's certificate equivalent to the International Sewage Pollution Prevention Certificate (1973) is—
- (a) carried on board the ship at all times; and
 - (b) made readily available for inspection by the Director.

Appendix

FORM OF INTERNATIONAL SEWAGE POLLUTION PREVENTION DOCUMENT OF COMPLIANCE

**INTERNATIONAL SEWAGE POLLUTION PREVENTION
DOCUMENT OF COMPLIANCE**

Issued in accordance with the Provisions of the International Convention for the Prevention of Pollution from Ships, 1973, under the authority of the Government of New Zealand

by
(full designation of the surveyor or organisation authorised by the Government of New Zealand)

| Name of ship | Distinctive number or letter | Port of registry | Gross tonnage | Number of persons which the ship is certified to carry |
|--------------|------------------------------|------------------|---------------|--|
| | | | | |

Date of building contract

Date on which keel was laid or ship was at a similar stage of construction

Date of delivery

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THIS IS TO CERTIFY THAT:

- (1) The ship is equipped with a sewage treatment plant/comminuter/holding tank* and a discharge pipeline in compliance with regulation 3(1)(a)(i) to (iv) of Annex IV of the Convention as follows:
 - *(a) Description of the sewage treatment plant:
Type of sewage treatment plant
Name of manufacturer
The sewage treatment plant is certified by the Director/Authorised Organisation to meet the following effluent standards**
.....
 - *(b) Description of the comminuter:
Type of comminuter
Name of manufacturer
Standard of sewage after disinfection
 - *(c) Description of holding tank equipment:
Total capacity of the holding tankm³
Location
 - (d) A pipeline for the discharge of sewage to a reception facility, fitted with a standard shore connection.
- (2) The ship has been surveyed in accordance with regulation 3 of Annex IV of the International Convention for the Prevention of Pollution from Ships, 1973, concerning the prevention of pollution by sewage and the survey showed that the equipment of the ship and the condition thereof are in all respects satisfactory and the ship complies with the applicable requirements of Annex IV of the Convention.

This certificate is valid until

Issued at

(place of issue of certificate)

.....19.....

(Signature of official issuing the certificate)

(Seal or stamp of the issuing authority, as appropriate)

Under the provisions of regulation 7(2) and (4) of Annex IV of the Convention the validity of this certificate is extended until

.....

Signed

(Signature of duly authorised official)

Place

Date

(Signature or stamp of the authority, as appropriate)

*Delete as appropriate

**Parameters should be incorporated