

Reprint
as at 8 September 2017



**Resource Management (Marine Pollution) Regulations
1998**
(SR 1998/208)

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 20th day of July 1998

Present:

His Excellency the Governor-General in Council

Pursuant to section 360(1)(a) and (ha) to (hh) of the Resource Management Act 1991, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

Contents

	Page
1 Title and commencement	3
2 Interpretation	3
Part 1	
Definition prescribed for Act	
3 Definition of harmful substances	6

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry for the Environment.

Part 2		
Dumping and incineration		
4	Dumping of waste or other matter	7
5	Assessment criteria	8
6	Incineration of waste in marine incineration facility	8
7	Record keeping	8
Part 3		
Control of discharges		
8	Discharge of substances for purpose of avoiding, remedying, or mitigating oil spill	8
9	Discharge of oil	9
10	Discharge of noxious liquid substances	9
11	Discharge of sewage in coastal marine area	9
12	Discharge of Grade A treated sewage in coastal marine area	10
12A	Discharge of Grade B treated sewage in coastal marine area	10
13	Discharge of garbage prohibited	11
13A	Exceptions to prohibition on discharge of garbage	11
14	Discharge of ballast water	12
15	Discharges made as part of normal operations of ship or offshore installation	12
16	Regional rules or resource consents for discharges	12
Schedule 1		
Noxious liquid substances		
Schedule 2		
Substances classified as oil		
Schedule 3		
Assessment of waste or other matter		
Schedule 4		
Normal operations of ship or offshore installation		
Schedule 5		
Grade A sewage treatment systems		
Schedule 6		
Grade A sewage treatment systems		
Schedule 7		
Grade B sewage treatment systems		

Regulations

1 Title and commencement

- (1) These regulations may be cited as the Resource Management (Marine Pollution) Regulations 1998.
- (2) These regulations come into force on 20 August 1998.

2 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Resource Management Act 1991

animal carcass means the body of any animal that is carried on board as cargo and that dies or is euthanised during the voyage

cargo residue—

- (a) means the remnants of any cargo that are not covered by any annex to MARPOL other than Annex V and that remain on the deck or in holds following loading or unloading, including loading and unloading excess or spillage, whether in wet or dry conditions or entrained in wash water; but
- (b) does not include cargo dust that remains on the deck after sweeping or dust on the external surfaces of the ship

carrying in bulk means the carriage of a noxious liquid substance in the cargo spaces of a ship without any form of intermediate containment or packaging

clean ballast water means ballast water and contaminants carried in a tank used to carry a noxious liquid substance or oil,—

- (a) where the tank has been thoroughly cleaned since last used to carry a noxious liquid substance, and the residue from that cleaning discharged with the tank being emptied; or
- (b) where the tank has been thoroughly cleaned since last used to carry oil and the ballast water and contaminants, when discharged, would not contain oil exceeding 15 parts per million

cooking oil means any type of edible oil or animal fat used or intended to be used for the preparation or cooking of food, but does not include the food that is prepared using such oil or fat

domestic waste means any type of waste that is not covered by any annex to MARPOL other than Annex V and that is generated in the accommodation spaces on board the ship, but does not include grey water

en route, in relation to a ship, means that the ship is underway at sea on a course that, as far as practicable for navigational purposes, will cause any discharge from the ship to be spread over as great an area as is reasonable and practicable

fishing gear means any physical device or any part of any physical device or combination of items that may be placed on or in the water or on the seabed with the intended purpose of capturing, or controlling for subsequent capture or harvesting, marine or freshwater organisms

food waste means any spoiled or unspoiled food substance, and includes any fruit, vegetable, dairy product, poultry, meat product, and food scraps generated on board a ship or an offshore installation

garbage, in relation to a ship or an offshore installation, means—

- (a) 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 or offshore installation 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 or 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

Grade A treated sewage means sewage discharged from a treatment system included in Schedule 5 or Schedule 6 that is maintained and operated in good working order and in accordance with any instructions of the system's manufacturer

Grade B treated sewage means sewage discharged from a treatment system included in Schedule 7 that is maintained and operated in good working order and in accordance with any instructions of the system's manufacturer

incinerator ash means ash and clinkers resulting from a shipboard incinerator used for the incineration of garbage

MARPOL means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978

noxious liquid substance means any substance specified in Schedule 1; and includes any mixtures of those substances

oil means petroleum in any form, including crude oil, fuel oil, sludge, oil refuse, and refined petroleum products (other than petrochemicals which are noxious liquid substances); and includes the substances specified in Schedule 2

oil spill has the same meaning as in section 281 of the Maritime Transport Act 1994

operational waste—

- (a) means any solid waste (including slurry) that is not covered in any annex to MARPOL other than Annex V and that is collected on board during normal maintenance or operations of a ship or an offshore installation or is used for cargo stowage and handling; and
- (b) includes any cleaning agent or additive contained in cargo-hold and external wash water; but
- (c) does not include grey water, bilge water, or other similar discharges essential to the operation of a ship or an offshore installation

plastic means solid material that contains as an essential ingredient 1 or more high molecular mass polymers and that is formed (shaped) during either manufacture of the polymer or the fabrication into a finished product by heat or pressure, or both, and includes synthetic rope, synthetic fishing net, plastic garbage bags, and incinerator ash from the incineration of plastic

platform drainage means the drainage water from the machinery space on an offshore installation, and—

- (a) includes all water and contaminants from generators, fuel tanks, and pumps; but
- (b) does not include any water or contaminant from processing, production, or displacement associated with exploration, drilling, or production activities which are undertaken by the offshore installation

segregated ballast water means ballast water and contaminants in a ship's tank where that tank is completely separated from cargo oil and fuel oil systems and is permanently allocated to the carriage of ballast water or cargoes other than oil or noxious liquid substances

sewage means, in relation to a ship or offshore installation,—

- (a) drainage and other wastes from any form of toilet, urinal, or toilet scupper:
- (b) drainage from washbasins, washtubs, and scuppers located in any dispensary, sick bay, or other medical premises:
- (c) drainage from spaces containing living animals:
- (d) waste waters mixed with the drainage and wastes specified in paragraphs (a), (b), or (c).

Regulation 2 **animal carcass**: inserted, on 28 August 2014, by regulation 4(4) of the Resource Management (Marine Pollution) Amendment Regulations 2014 (LI 2014/248).

Regulation 2 **cargo residue**: inserted, on 28 August 2014, by regulation 4(4) of the Resource Management (Marine Pollution) Amendment Regulations 2014 (LI 2014/248).

Regulation 2 **cooking oil**: inserted, on 28 August 2014, by regulation 4(4) of the Resource Management (Marine Pollution) Amendment Regulations 2014 (LI 2014/248).

Regulation 2 **domestic waste**: inserted, on 28 August 2014, by regulation 4(4) of the Resource Management (Marine Pollution) Amendment Regulations 2014 (LI 2014/248).

Regulation 2 **en route**: replaced, on 28 August 2014, by regulation 4(1) of the Resource Management (Marine Pollution) Amendment Regulations 2014 (LI 2014/248).

Regulation 2 **fishing gear**: inserted, on 28 August 2014, by regulation 4(4) of the Resource Management (Marine Pollution) Amendment Regulations 2014 (LI 2014/248).

Regulation 2 **food waste**: inserted, on 28 August 2014, by regulation 4(4) of the Resource Management (Marine Pollution) Amendment Regulations 2014 (LI 2014/248).

Regulation 2 **garbage**: replaced, on 28 August 2014, by regulation 4(2) of the Resource Management (Marine Pollution) Amendment Regulations 2014 (LI 2014/248).

Regulation 2 **Grade A treated sewage**: inserted, on 1 July 2002, by regulation 3(1) of the Resource Management (Marine Pollution) Amendment Regulations 2002 (SR 2002/99).

Regulation 2 **Grade B treated sewage**: inserted, on 1 July 2002, by regulation 3(1) of the Resource Management (Marine Pollution) Amendment Regulations 2002 (SR 2002/99).

Regulation 2 **incinerator ash**: inserted, on 28 August 2014, by regulation 4(4) of the Resource Management (Marine Pollution) Amendment Regulations 2014 (LI 2014/248).

Regulation 2 **MARPOL**: inserted, on 28 August 2014, by regulation 4(4) of the Resource Management (Marine Pollution) Amendment Regulations 2014 (LI 2014/248).

Regulation 2 **operational waste**: inserted, on 28 August 2014, by regulation 4(4) of the Resource Management (Marine Pollution) Amendment Regulations 2014 (LI 2014/248).

Regulation 2 **plastic**: replaced, on 28 August 2014, by regulation 4(3) of the Resource Management (Marine Pollution) Amendment Regulations 2014 (LI 2014/248).

Regulation 2 **treated sewage**: revoked, on 1 July 2002, by regulation 3(2) of the Resource Management (Marine Pollution) Amendment Regulations 2002 (SR 2002/99).

Part 1

Definition prescribed for Act

3 Definition of harmful substances

The following substances are harmful substances for the purposes of the definition of the term **harmful substances** in section 2(1) of the Act:

- (a) petroleum in any form, including crude oil, fuel oil, sludge, oil refuse, and refined petroleum products (other than petrochemicals which are noxious liquid substances); and includes the substances specified in Schedule 2:
- (b) any substance specified in Schedule 1 and any mixture of those substances if carried in bulk in a ship:
- (c) drainage and other wastes from any form of toilet, urinal, or toilet scupper on a ship or offshore installation:
- (d) drainage from washbasins, washtubs, and scuppers located in the dispensary, sick bay, or other medical premises of a ship or offshore installation:
- (e) drainage from spaces on a ship or offshore installation containing living animals:
- (f) waste water from a ship or offshore installation mixed with the drainage and waste specified in paragraphs (c), (d), or (e):
- (g) 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 a ship or an offshore installation and liable to be disposed of continuously or periodically, except—

- (i) any substance that is defined or listed in any Annex to MARPOL other than Annex V; and
- (ii) fresh fish or 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.

Regulation 3(g): replaced, on 28 August 2014, by regulation 5 of the Resource Management (Marine Pollution) Amendment Regulations 2014 (LI 2014/248).

Part 2

Dumping and incineration

4 Dumping of waste or other matter

- (1) The dumping of waste or other matter, other than the waste or other matter specified in subclauses (2) and (3), in the coastal marine area from any ship, aircraft, or offshore installation is deemed to be a prohibited activity in any regional coastal plan or proposed regional coastal plan.
- (2) In the coastal marine area the dumping of the following waste or other matter from any ship, aircraft, or offshore installation is deemed to be a discretionary activity in any regional coastal plan or proposed regional coastal plan:
 - (a) dredge material:
 - (b) sewage sludge:
 - (c) fish processing waste from an onshore facility:
 - (d) ships and platforms or other man-made structures at sea:
 - (e) inert, inorganic geological material:
 - (f) organic materials of natural origin:
 - (g) bulky items consisting mainly of iron, steel, and concrete.
- (3) This clause does not apply to—
 - (a) the dumping or storage of waste or other matter arising directly from, or related to, the exploration, exploitation, and associated offshore processing of, seabed mineral resources; or
 - (b) a discharge made in accordance with section 15B of the Act or Part 3 of these regulations.

Regulation 4(2): amended, on 1 July 2002, by regulation 4 of the Resource Management (Marine Pollution) Amendment Regulations 2002 (SR 2002/99).

5 Assessment criteria

- (1) Every application under section 88 of the Act for a coastal permit to dump any waste or other matter specified in regulation 4(2) must include the information specified in Part 1 of Schedule 3.
- (2) The consent authority must, when considering an application under section 88 of the Act for a coastal permit for any waste or other matter specified in regulation 4(2), have regard to the matters set out in Parts 1 and 2 of Schedule 3 in addition to any other requirement of sections 104 and 138A of the Act.

6 Incineration of waste in marine incineration facility

- (1) The incineration of waste or other matter in any marine incineration facility in the coastal marine area is deemed to be a prohibited activity in any regional coastal plan or proposed regional coastal plan.
- (2) This clause does not apply to a discharge made in accordance with section 15B or Part 3 of these regulations.

7 Record keeping

- (1) Every holder of a coastal permit to carry out an activity that would otherwise contravene section 15A of the Act must keep records describing—
 - (a) the types and sources of the waste or other matter dumped;
 - (b) the location of dump sites;
 - (c) the method of dumping;
 - (d) the quantity (in cubic metres) of the waste or other matter dumped.
- (2) The records for the preceding calendar year must be provided to the Director of Maritime New Zealand before 1 February in each year.

Regulation 7(2): amended, on 1 July 2005, by section 11(4) of the Maritime Transport Amendment Act 2004 (2004 No 98).

**Part 3
Control of discharges****8 Discharge of substances for purpose of avoiding, remedying, or mitigating oil spill**

- (1) Any person may, in the coastal marine area, discharge from a ship or offshore installation any substance for the purpose of avoiding, remedying, or mitigating the adverse effects of an oil spill.
- (2) This regulation does not authorise the discharge of any substance in contravention of Part 23 of the Maritime Transport Act 1994 or any marine protection rules made under Part 27 of that Act.

9 Discharge of oil

- (1) Any person may, in the coastal marine area, discharge oil, or mixtures containing oil, from any ship if—
 - (a) the oil is not derived from the cargo of the ship; and
 - (b) the ship is proceeding en route; and
 - (c) the oil content of the discharge before dilution with any other substance does not exceed 15 parts per million.
- (2) Any person may, in the coastal marine area, discharge oil, or mixtures containing oil, from an offshore installation, if—
 - (a) the oil content of the discharge before dilution with any other substance does not exceed 15 parts per million; and
 - (b) the discharge is platform drainage.

10 Discharge of noxious liquid substances

Any person may, in the coastal marine area, discharge from any ship carrying in bulk a noxious liquid substance, any noxious liquid substance if that noxious liquid substance is part of a discharge of clean ballast water or segregated ballast water.

11 Discharge of sewage in coastal marine area

- (1) Before 1 July 2000, any person may discharge sewage in the coastal marine area from a ship or offshore installation, unless that discharge is within 500 metres (0.27 nautical miles) of a marine farm.
- (2) On or after 1 July 2000, no person may discharge sewage in the coastal marine area from a ship or offshore installation unless that discharge occurs—
 - (a) more than 500 metres (0.27 nautical miles) seaward from mean high water springs; and
 - (b) more than 500 metres (0.27 nautical miles) from a marine farm; and
 - (c) in water depths greater than 5 metres; and
 - (d) more than 200 metres (0.108 nautical miles) from a marine reserve, except the marine reserve constituted by the Marine Reserve (Kermadec Islands) Order 1990; and
 - (e) more than 500 metres (0.27 nautical miles) from an area that the Minister of Fisheries has declared by notice in the *Gazette* to be a mataitai reserve under regulations made under section 186 of the Fisheries Act 1996.
- (3) A rule may only be included in a regional coastal plan or a proposed regional coastal plan relating to the discharges under this regulation if—
 - (a) the rule increases the distances seaward or increases the depth specified in subclause (2) for any harbours, estuaries, embayments, or other parts

of a region, or increases the distances from a marine farm, marine reserve, or mataitai reserve specified in subclause (2), for all or any part of the year; and

- (b) the rule takes effect on or after 1 July 2000.

Regulation 11(2)(c): amended, on 1 July 2002, by regulation 5(1) of the Resource Management (Marine Pollution) Amendment Regulations 2002 (SR 2002/99).

Regulation 11(2)(d): added, on 1 July 2002, by regulation 5(1) of the Resource Management (Marine Pollution) Amendment Regulations 2002 (SR 2002/99).

Regulation 11(2)(e): added, on 1 July 2002, by regulation 5(1) of the Resource Management (Marine Pollution) Amendment Regulations 2002 (SR 2002/99).

Regulation 11(3)(a): amended, 1 July 2002, by regulation 5(2) of the Resource Management (Marine Pollution) Amendment Regulations 2002 (SR 2002/99).

12 Discharge of Grade A treated sewage in coastal marine area

- (1) Any person may discharge Grade A treated sewage in the coastal marine area from a ship or offshore installation, but must not discharge it within 100 metres of a marine farm.
- (2) Despite subclause (1), a rule may be included in a regional coastal plan or a proposed regional coastal plan if the rule—
- (a) relates to discharges of Grade A treated sewage in the internal waters of Fiordland (as defined in section 4 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977); and
- (b) restricts where those discharges may take place, being a distance of at least 100 metres from a marine farm; and
- (c) does not relate to vessels operated by the New Zealand Defence Force.
- (3) For the purposes of subclause (2), **Fiordland** means the coastal marine area between Awarua Point and Sandhill Point.

Regulation 12: substituted, on 1 July 2002, by regulation 6 of the Resource Management (Marine Pollution) Amendment Regulations 2002 (SR 2002/99).

12A Discharge of Grade B treated sewage in coastal marine area

- (1) Any person may discharge Grade B treated sewage in the coastal marine area from a ship or offshore installation, but must not discharge it—
- (a) within 500 metres (0.27 nautical miles) of a marine farm; or
- (b) within 500 metres (0.27 nautical miles) of an area that the Minister of Fisheries has declared by notice in the *Gazette* to be a mataitai reserve under regulations made under section 186 of the Fisheries Act 1996.
- (2) A rule may only be included in a regional coastal plan or a proposed regional coastal plan relating to discharges under this regulation if the rule does either or both of the following:

- (a) specifies the distances from mean high-water springs or the depth where those discharges may take place for all or any part of the year, being distances of at least 500 metres (0.27 nautical miles) from—
 - (i) a marine farm; or
 - (ii) a mataitai reserve:
- (b) increases the distance from a marine farm or a mataitai reserve where those discharges may take place for all or any part of the year, being at a distance of more than 500 metres (0.27 nautical miles).

Regulation 12A: inserted, on 1 July 2002, by regulation 6 of the Resource Management (Marine Pollution) Amendment Regulations 2002 (SR 2002/99).

13 Discharge of garbage prohibited

Except as provided in regulation 13A, the discharge of garbage in the coastal marine area from any ship or offshore installation is prohibited.

Regulation 13: replaced, on 28 August 2014, by regulation 6 of the Resource Management (Marine Pollution) Amendment Regulations 2014 (LI 2014/248).

13A Exceptions to prohibition on discharge of garbage

- (1) The prohibition in regulation 13 on the discharge of garbage from a ship in the coastal marine area does not apply to a discharge that is—
 - (a) necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or
 - (b) an accidental loss of garbage resulting from damage to a ship or its equipment, if all reasonable precautions have been taken before and after the occurrence of the damage to prevent or minimise the accidental loss; or
 - (c) an accidental loss of fishing gear from a ship, if all reasonable precautions have been taken to prevent such loss; or
 - (d) a discharge of fishing gear from a ship for the protection of the marine environment or for the safety of that ship or its crew; or
 - (e) food waste, if the discharge occurs—
 - (i) while the ship is en route; and
 - (ii) at least 5 500 metres (3 nautical miles) seaward of the inner limits of the territorial sea; and
 - (iii) at least 500 metres (0.27 nautical miles) from any offshore installation; and
 - (iv) after the food waste has been ground or reduced to a particle size no greater than 25 millimetres; or
 - (f) cleaning agents or additives contained in cargo-hold, deck, and external surfaces wash water, if those substances are not harmful to the marine

environment, taking into account guidelines developed by the International Maritime Organization.

- (2) The prohibition in regulation 13 on the discharge of garbage from an offshore installation in the coastal marine area does not apply to a discharge that is—
- (a) necessary for the purpose of securing the safety of an offshore installation and those on board or saving life at sea; or
 - (b) an accidental loss of garbage resulting from damage to an offshore installation or its equipment, if all reasonable precautions have been taken before and after the occurrence of the damage to prevent or minimise the accidental loss.

Regulation 13A: inserted, on 28 August 2014, by regulation 7 of the Resource Management (Marine Pollution) Amendment Regulations 2014 (LI 2014/248).

14 Discharge of ballast water

- (1) Any person may discharge in the coastal marine area, from a ship or offshore installation, clean ballast water or segregated ballast water.
- (2) This regulation does not authorise the discharge of clean ballast water or segregated ballast water in contravention of the Biosecurity Act 1993, regulations made under that Act, or import health standards made under section 20 of that Act or in contravention of section 246B of the Maritime Transport Act 1994 or rules made under that Act.

Regulation 14(2): amended, on 8 September 2017, by section 88 of the Biosecurity Law Reform Act 2012 (2012 No 73).

15 Discharges made as part of normal operations of ship or offshore installation

Any person may discharge, in the coastal marine area, a contaminant that is incidental to, or derived from, or generated during, the operations listed in Schedule 4 as the normal operations of a ship or offshore installation, except a contaminant that is garbage and for which no exception is provided in regulation 13A.

Regulation 15: amended, on 28 August 2014, by regulation 8 of the Resource Management (Marine Pollution) Amendment Regulations 2014 (LI 2014/248).

16 Regional rules or resource consents for discharges

No rule may be included in any regional coastal plan, or proposed regional coastal plan, nor any resource consent granted relating to a discharge to which regulations 9, 10, 12, 13, 14, and 15 apply.

Schedule 1

Noxious liquid substances

rr 2, 3(b)

Schedule 1: substituted, on 23 June 2011, by regulation 4 of the Resource Management (Marine Pollution) Amendment Regulations 2011 (SR 2011/149).

- 1 Any substance that—
 - (a) is listed in the first column of a table referred to in clause 2; and
 - (b) is given a pollution category of X, Y, or Z in the relevant column of the table.
- 2 The tables are as follows:
 - (a) the tables of substances in Chapters 17 and 18 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk in the form of those chapters set out in the Annex of the International Maritime Organization resolution MEPC.225(64) adopted on 5 October 2012 (*see*, for example, Annex 12 of the Report of the Marine Environment Protection Committee on its Sixty-fourth Session dated 11 October 2012);
 - (b) the tables of substances in Annexes 1 to 4 of the International Maritime Organization circular dated 17 December 2013 about provisional categorization of liquid substances (MEPC.2/Circ.19).

Schedule 1 item 2: replaced, on 28 August 2014, by regulation 9 of the Resource Management (Marine Pollution) Amendment Regulations 2014 (LI 2014/248).

Schedule 2

Substances classified as oil

r 2

Ashphalt solutions

Blending Stocks

Roofers Flux

Straight run residue

Gasoline blending stocks

Alkylates - fuel

Reformats

Polymer - fuel

Gasoline

Casinghead (natural)

Automotive

Aviation

Straight Run

Fuel oil no. 1 (kerosene)

Fuel oil no. 1 - D

Fuel oil no. 2

Fuel oil no. 2 - D

Jet fuels

JP - 1 (kerosene)

JP - 3

JP - 4

JP - 5 (kerosene, heavy)

Turbo fuel

Kerosene

Mineral spirit

Oils

Clarified

Crude oil

Mixtures containing crude oil

Diesel oil

Fuel oil no. 4

Fuel oil no. 5

Fuel oil no. 6

Residual fuel oil

Road oil

Transformer oil

Aromatic oil (excluding vegetable oil)

Lubricating oil and blending stocks

Mineral oil

Motor oil

Penetrating oil

Spindle oil

Turbine oil

Distillates

Straight run

Flashed feed stocks

Gas oil

Cracked

Naptha

Solvent

Petroleum

Heartcut distillate oil

Schedule 3
Assessment of waste or other matter

r 5

Part 1

Additional matters to be included in application under section 88

- 1 The application must include a detailed description and characterisation of the waste to enable a proper assessment to be made of its potential impacts on human health and the environment. The description must include any material capable of creating floating debris or otherwise contributing to an adverse effect on the environment.
- 2 The characterisation of the wastes and their constituents must include—
 - (a) the origin, total amount, form, and average composition:
 - (b) the properties: physical, chemical, biochemical, and biological:
 - (c) the toxicity:
 - (d) the persistence: physical, chemical, and biological:
 - (e) the accumulation and biotransformation in biological materials or sediments.
- 3 The application must include information about—
 - (a) the types, amounts, and relative hazard of wastes generated; and
 - (b) the details of the production process and the sources of wastes within that process; and
 - (c) the feasibility of the following waste reduction or prevention techniques:
 - (i) product reformulation:
 - (ii) clean production technologies:
 - (iii) process modification:
 - (iv) input substitution:
 - (v) on-site, closed-loop recycling.

- 4 For dredged material and sewage sludge, the application must identify the sources of contamination and waste prevention strategies that may be used to control that contamination.
- 5 Applications to dump waste or other matter must include information about the consideration that has been given to the following hierarchy of waste management options:
 - (a) re-use:
 - (b) off-site recycling:
 - (c) destruction of hazardous constituents:
 - (d) treatment to reduce or remove the hazardous constituents:
 - (e) disposal on land, into air, and in water.
- 6 The application must include the following information about the proposed dump site:
 - (a) the physical, chemical, and biological characteristics of the water column and the seabed:
 - (b) identification of values and other uses of the sea in the area under consideration:
 - (c) an assessment of the constituent fluxes associated with dumping in relation to existing fluxes of substances in the marine environment:
 - (d) the economic and operational feasibility.
- 7 The application must include an assessment of the potential effects of sea or land disposal options.
- 8 The application for dumping must integrate information on waste characteristics, conditions at the proposed dump site(s), fluxes, and proposed disposal techniques. The application must specify the potential effects on the environment and define the nature, temporal, and spatial scales and duration of expected effects and state any assumptions.

Part 2

Additional matters to be considered by the consent authority

- 9 Consideration of an application must have regard to the avoidance, remedying, or mitigation of environmental disturbance and detriment. Consideration of an application must also have regard to the imposing of conditions specifying—
 - (a) the types and sources of materials to be dumped:
 - (b) the location of the dump site(s):
 - (c) the method of dumping:
 - (d) monitoring and reporting requirements.

- 10 Consideration of an application must have regard to the imposition of monitoring programmes as a condition of a resource consent.

Schedule 4

Normal operations of ship or offshore installation

r 15

- 1 Ship propulsion.
- 2 Heat exchange systems, including engine cooling systems, air conditioning, refrigeration, and condensers.
- 3 Stormwater drainage from systems and scuppers, except from those areas used for the storage of any harmful substance.
- 4 The use of washing facilities in the accommodation areas producing greywater from showers, handbasins, baths, galleys, dishwashers, and laundries but does not include use of any dispensary, sick bay, or other medical premises.
- 5 The cleaning of the ship or offshore installation, except for the exterior of the hull below the load line or parts of the ship used for carrying cargo.
- 6 The incineration of waste or other matter generated from a ship or offshore installation.
- 7 Firefighting.
- 8 The operation of a weapon system on any ship of the New Zealand Defence Force.

Schedule 5

Grade A sewage treatment systems

r 2

Schedule 5: substituted, on 23 June 2011, by regulation 5 of the Resource Management (Marine Pollution) Amendment Regulations 2011 (SR 2011/149).

Any treatment system described in the first 5 columns of the table of treatment systems in Annex 5 of the International Maritime Organization circular dated 31 August 2005 about pollution prevention equipment required by MARPOL 73/78 (MEPC.5/Circ.9).

Schedule 6

Grade A sewage treatment systems

r 2

Schedule 6: added, on 1 July 2002, by regulation 7(b) of the Resource Management (Marine Pollution) Amendment Regulations 2002 (SR 2002/99).

Schedule 6 heading: amended, on 23 June 2011, by regulation 6(1) of the Resource Management (Marine Pollution) Amendment Regulations 2011 (SR 2011/149).

- 1 Any system that, when tested under International Maritime Organisation Resolution MEPC.2(VI), meets, or exceeds, the following standards:
- (a) a faecal coliform standard where the geometric mean of the faecal coliform count does not exceed 250 faecal coliforms per 100 millilitres of water; and
 - (b) a suspended solids standard where the geometric mean of the total suspended solids content, when suspended solids are analysed by gravimetric methods, does not exceed—
 - (i) 50 milligrams per litre of water when analysed on shore; or
 - (ii) 100 milligrams per litre of water more than the suspended solids content of the ambient water used for flushing when analysed on board a ship; and
 - (c) a biochemical oxygen demand count where the geometric mean of 5-day biochemical oxygen demand of the samples of sewage does not exceed 50 milligrams per litre of water.
- 2 Any system that meets or exceeds the standards in section 4 of the following guidelines, when tested under section 5 of the guidelines: the Revised Guidelines on Implementation of Effluent Standards and Performance Tests for Sewage Treatment Plants set out in the Annex of the International Maritime Organization resolution MEPC.159(55) adopted on 13 October 2006 (*see*, for example, Annex 26 of the report of the Marine Environment Protection Committee on its fifty-fifth session dated 16 October 2006 (MEPC 55/23)).

Schedule 6 clause 2: added, on 23 June 2011, by regulation 6(2) of the Resource Management (Marine Pollution) Amendment Regulations 2011 (SR 2011/149).

Schedule 7

Grade B sewage treatment systems

r 2

Schedule 7: added, on 1 July 2002, by regulation 7(c) of the Resource Management (Marine Pollution) Amendment Regulations 2002 (SR 2002/99).

Schedule 7 heading: amended, on 23 June 2011, by regulation 7(1) of the Resource Management (Marine Pollution) Amendment Regulations 2011 (SR 2011/149).

(Approved in accordance with the United States of America Environmental Protection Agency Federal Water Pollution Control Act, 33 U.S.C. 1322, Part 159—Marine Sanitation Devices as Type 1)

Manufacturing countries	Manufactured by	Type and model	Approximate designed hydraulic loading (m ³ /day)
United States	Galley Maid Marine Products, Inc PO Box 10417 Riviera Beach Florida 33404	Delta Marine Head	2.2
		Central Waste Treatment System	1.5

Manufacturing countries	Manufactured by	Type and model	Approximate designed hydraulic loading (m³/day)
	Raritan Engineering Company, Inc 530 Orange Street PO Box 1157 Millville New Jersey 08332	Lectra/San MC EST12 EST24 EST32	2.7
		Purasan PST PST12v PST24v PST32v	2.2
	Sealand Technology, Inc Fourth Street PO Box 38 Big Prairie Ohio 4461	Saanx One	2.2

Schedule 7: amended, on 23 June 2011, by regulation 7(2)(a) of the Resource Management (Marine Pollution) Amendment Regulations 2011 (SR 2011/149).

Schedule 7: amended, on 23 June 2011, by regulation 7(2)(b) of the Resource Management (Marine Pollution) Amendment Regulations 2011 (SR 2011/149).

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 23 July 1998.

Reprints notes

1 *General*

This is a reprint of the Resource Management (Marine Pollution) Regulations 1998 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Resource Management (Marine Pollution) Amendment Regulations 2014 (LI 2014/248)
Biosecurity Law Reform Act 2012 (2012 No 73): section 88
Resource Management (Marine Pollution) Amendment Regulations 2011 (SR 2011/149)
Maritime Transport Amendment Act 2004 (2004 No 98): section 11(4)
Resource Management (Marine Pollution) Amendment Regulations 2002 (SR 2002/99)