

PART VI ANNEXES**Annex 1: Resource Management (Marine Pollution) Regulations 1998**

This annex is Sections 2-15 and Schedules 3-4 of the Resource Management (Marine Pollution) Regulations 1998 (as amended in 2002). It is not part of the Tasman Resource Management Plan but is included for information only.

Regulations**3. Interpretation**

(1) In these regulations, unless the context otherwise requires:

“Act” means the Resource Management Act 1991.

“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.

“En route” means that a ship is under way at sea on a course, or courses.

“Garbage” means all kinds of victual, domestic, and operational waste, excluding fresh fish and parts thereof, generated during the normal operation of the ship or offshore installation and liable to be discharged continuously or periodically; but does not include oil, noxious liquid substances, and sewage.

“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.

“Noxious liquid substance” means any substance specified in Schedule 1; and includes any mixture 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.

“Plastics” includes synthetic ropes, synthetic fishing nets, plastic garbage bags, and incinerator ashes from plastic products that may contain toxic or heavy metal residues.

“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 wash basins, wash tubs and scuppers located in any dispensary, sick bay, or other medical premises;
- (c) drainage from spaces containing live animals;
- (d) waste waters mixed with the drainage and wastes specified in paragraphs (a), (b) or (c).

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 wash basins, wash tubs, 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 victual, domestic, and operational waste (other than fresh fish or parts of fresh fish) generated during the normal operations of a ship or offshore installation and liable to be discharged continuously or periodically.

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.

5. Assessment Criteria

- (4) 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.
- (5) 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

- (6) 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.
- (7) This clause does not apply to a discharge made in accordance with Section 15B or Part 3 of these regulations.

7. Record Keeping

- (8) 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.
- (9) The records for the preceding calendar year must be provided to the Director of Maritime Safety before 1 February in each year.

Part 3: Control of Discharges

8. Discharge of Substances for Purpose of Avoiding, Remediating, 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, remediating, or mitigating the adverse effects of an oil spill.
- (2) This regulation does not authorise the discharge of any substance in contravention of Part XXIII of the Maritime Transport Act 1994 or any marine protection rules made under Part XXVII 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 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.

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.

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).

13. Discharge of Garbage

- (1) The discharge of plastics, dunnage, lining, and packaging materials in the coastal marine area from any ship is prohibited.
- (2) Any person may, in the coastal marine area, discharge from any ship garbage (other than those items specified in subclause (1), including food wastes, paper, rags, glass, metal, bottles and crockery, if:
- (a) the garbage has been comminuted or ground to a particle size of 25 millimetres or less; and
 - (b) the discharge occurs at least:
 - (i) 5,500 metres (3 nautical miles) seaward of the inner limits of the territorial sea; and
 - (ii) 500 metres (0.27 nautical miles) from any offshore installation.
- (3) The discharge of garbage in the coastal marine area from any offshore installation is prohibited.

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.

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.

Schedule 1 lists noxious liquid substances.

Schedule 2 lists substances classed as oil.

Schedule 3: Assessment of Waste or Other Matter

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

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, hand-basins, 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. Fire-fighting.
8. The operation of a weapon system on any ship of the New Zealand Defence Force.

