

## Invitation to Comment

You are invited to comment on draft amendments to the marine protection rules involving:

- Part 100 – Port Reception Facilities – Oil, Noxious Liquid Substances and Garbage
- Part 101B – Survey and Inspections – Noxious Liquid Substances Carried in Bulk
- Part 103 – Notifications – Oil and Noxious Liquid Substances
- Part 121A – Ship Design & Construction – Oil Tankers
- Part 122 – Marine Protection Products – Oil
- Part 123A – Documents – Oil
- Part 123B – Documents (Record Books and Manuals)
- Part 125 – Shipboard Operations – Oil
- Part 130B – Oil Transfer Site Marine Oil Spill Contingency Plans
- Part 130C – Regional Oil Spill Contingency Plans
- Part 132 – Dispersants & Demulsifiers
- Part 140 – Discharge of Noxious Liquid Substances in Bulk
- Part 141 – Ship Design, Construction, Equipment and Operation – Noxious Liquid Substances in Bulk
- Part 142A – Documents (Certificates) – Noxious Liquid Substances
- Part 143 – Shipboard Marine Pollution Emergency Plans for Noxious Liquid Substances
- Part 160 – Prevention of Pollution by Sewage from Ships in the Antarctic Treaty Area
- Part 170 – Prevention of Pollution by Garbage from Ships and Offshore Installations
- Part 180 – Dumping of Waste or Other Matter
- Part 200 – Offshore Installations – Discharges

The draft rules set out in Subpart A, concerned with giving effect to international regulations for the prevention of pollution by oil from ships, are accompanied by explanatory material on the policy, application and projected impact of the amendments. The amendments to the international forms of certificates and records that it is proposed to incorporate by reference into the rules are set out at annex to this invitation.

The amendments in Subpart B are concerned with correcting minor errors and removing redundant provisions.

This invitation is issued to fulfil formal public notification and consultation requirements under the Maritime Transport Act 1994 (MTA).

## Background to marine protection rules

Marine protection rules are delegated legislation made by the Minister of Transport under the MTA for the purpose of implementing New Zealand's obligations under marine protection conventions and protecting the marine environment. The rules establish the minimum standards that participants in the maritime system must meet to protect the marine environment from harmful substances when operating ships, oil transfer sites, offshore installations, and disposing of waste at sea.

Marine protection rules are divided into "Parts" relating to a particular marine protection subject area, such as, for example, the prevention of pollution by oil. Advisory circulars accompany many rule Parts containing information about standards, practices and procedures that Maritime New Zealand (MNZ) has established as an acceptable means of compliance.

A strict process for rules development is prescribed by the MTA, including public notification of the intention to make a rule and stakeholder consultation on the draft text. These tasks are assigned to MNZ by the Ministry of Transport (acting on behalf of the Minister). Under these arrangements, MNZ carries out policy analysis, any informal consultation, preparation of the formal draft rule text and explanatory material, formal consultation, and preparation of the final draft rule.

Once MNZ has finalized a draft rule, it is passed to the Ministry of Transport. The Minister's officials, who apply their own policy and legal scrutiny to all draft rules, arrange for review by the House of Representatives' Regulations Review Committee and Cabinet clearance prior to the Minister signing the rule.

Every signed rule, including details of the consultation carried out in its development, is tabled in the House of Representatives. A copy of this tabling version of the rule is sent by MNZ to all those who made submissions on the draft.

Rule development takes time. A new rule or substantive draft amendment may take up to 18 months or more to develop and to bring into law.

## The problem and preferred solution

Subpart A of these draft amendments is concerned with the prevention of pollution of the sea by oil from ships and offshore installations. They aim to:

- improve management of oily wastes on board ships generated in the machinery space
- minimize risks when oil cargoes are transferred between oil tankers at sea
- eliminate harm from marine oil spills of heavy grades of oil in the Antarctic sea area below 60°S latitude.

The amendments will give effect in New Zealand to changes in the international rules governing such matters. These are set out in the International Convention for the Prevention of Pollution by Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL), to which New Zealand is party.

These draft marine protection rules will bring our law into line with the new international requirements.

Not making these rules, apart from denying New Zealand and adjacent waters the preventive benefits of the MARPOL changes, leave New Zealand technically in breach of its general obligation under article 1 of MARPOL "...that parties to the Convention undertake to give effect to the Convention and those Annexes thereto by which they are bound..." In short, absent a mechanism that automatically updates the marine protection rules when the international rules change, these amendments are the only feasible mechanism to meet the convention obligation.

## How the draft amendment rules will contribute to pollution prevention

The amendment rules concerned with **oily wastes** provide greater clarity for maritime administrations, surveyors, port state control inspectors and ships' crews about the engineering arrangements and operational records of the disposal of such harmful substances. This includes providing more comprehensive definitions of key terms such as "sludge", changes to ships' certification to show the tanks available for the storage of such wastes, and clarity about the methods of keeping track in record books of how such wastes are managed.

None of the changes require new equipment or installations to be fitted on board ships or offshore installations. The changes work in conjunction with other initiatives taken previously by the IMO to improve waste oil management on board ships, including setting higher standards for oil filtering equipment – changes that have already been given effect through earlier amendments to the marine protection rules.

The enhanced recording of oily waste management should aid compliance because enforcement officers will have a more complete picture of how a ship or installation is dealing with its waste and be better placed to identify any anomalies that may indicate unlawful discharges into the sea.

The rules concerned with **ship-to-ship oil cargo transfers** provide for oil tankers to have a plan to effectively manage the risks involved in such operations. Ships are already required to have marine oil spill contingency plans and this new provision should strengthen shipboard capacity to prevent spills from operational transfers. Coastal states will also be better informed of pending STS transfers and take whatever steps they consider appropriate to be prepared to respond to any spills that may occur.

The rules concerned with **heavy grades of oil in the Antarctic sea area** (below latitude 60° S) will prohibit the carriage in bulk as cargo or carriage and use as fuel of heavy oils on board ships in that area, apart from where a ship is engaged in securing the safety of ships or in a search and rescue operation. This will remove the environmental hazard from any spill of heavy oil from a shipping casualty in a region where spills are difficult, if not impossible, to clean up and the impacts on the marine environment could be long lasting.

## Specific amendments

### Oily wastes

For ships, the marine protection rules are amended to comply with the new oily wastes requirements by:

- adding definitions for oil residue (sludge); oil residue (sludge) tank; oily bilge water; and oily bilge water holding tank and aligning usage in various rules with these terms (rules 100.4(2); 100.9; 122.3; 122.7; 122.8; and 123B.5(1))
- clarifying permitted and not permitted connections between sludge tanks and the bilge system and bilge water holding tanks. A specific requirement for a designated pump for the oil residue (sludge) tank is inserted. This is not a new equipment requirement *per se* - rather a direction to have clarity about which pump is to service the tank (rule 122.7)
- amending the form of the International Oil Pollution Prevention Certificates and their supplements, and Parts I and II of the Oil Record Book (Parts 123A and 123B respectively) to:
  - record on supplements the maximum capacity of any incinerator used for oil residue (sludge) disposal. This will aid in tracking the fate of such residues and, in particular, help inspectors to test the credibility of incineration records.
  - require details of any oily bilge water holding tanks to be entered in the supplements. Previously this was voluntary. Now, if provided, the tanks must be listed in the table 3.3 to show their capacity and location etc.
  - insert an instruction to record transfers of oil residues (sludge) and oily bilge water to other tanks within the ship for holding prior to final disposal
  - correct an administrative error (in the current marine protection rules) by removing from Part I section F of the oil record book the reference to discharge monitoring and control systems. These are required only in respect of oil tanker discharges of cargo residues. The use of the term is therefore inappropriate in a record of machinery space oily bilge water disposal.

It is proposed to amend the rules to incorporate the form of the certificates and supplements, and the oil record book by reference. These references will replace the forms from Parts 123A (certificates and supplements); and 123B (oil record book). As the amendments described above will therefore not appear directly in the rules, they are set out in the annex to subpart A of the draft rules.

For offshore installations, Part 200 of the marine protection rules is amended to comply with the new oily wastes amendments by adding definitions for oil residue (sludge); oil residue (sludge) tank; oily bilge water; and oily bilge water holding tank to rule 200.2 and introducing new provisions, in rule 200.20, clarifying the permitted connections between sludge tanks and the bilge system and bilge water holding tanks. A specific requirement for a designated pump is inserted.

As with ships' IOPP Certificates and record of construction and equipment, it is proposed to incorporate these into Part 200 by reference. There are two supplements involved. One is appended to Appendix II to Annex I of MARPOL. The other, applicable to offshore installations that are floating production, storage and offloading facilities (FPSOs), and floating storage units (FSUs), is prescribed by resolution of the International Maritime Organization's Marine Environment Protection Committee.

It should be noted that the oily waste amendments were combined by the IMO in a wider set of changes that also clarified the record of oil tanker construction in the supplement to the Oil Pollution Prevention Certificates issued to such ships. These changes are administrative and technical and do not impose any new requirements. These are detailed in the schedule, along with the other amendments.

A further amendment to Part 122 requires New Zealand ships proceeding to the Antarctic special area (a nil discharge area for oil discharges) to have adequate tanks to retain on board all oily wastes generated during the ship's time in the area. This is a long standing Annex I requirement that has not previously been reflected in the marine protection rules.

## Ship-to-ship oil cargo transfers

The marine protection rules are amended by:

- inserting a requirement for tankers of 150 gross tons and above to carry a STS operations plan, and for the master and the owner to ensure that the plan is followed in any STS operation. The plan must be approved by the flag state. A nominated person is to have overall advisory control of a transfer operation. That person must be appropriately qualified. (Part 125 - Shipboard Oil Operations)
- inserting a requirement for ships to notify RCCNZ of a planned transfer not less than 48 hour prior to the event, though this may be varied in exceptional circumstances. The information required to be notified is prescribed (Part 103 - Notifications - Oil and Noxious Liquid Substances).

## Heavy grades of oil in the Antarctic sea area

Part 125 is amended to incorporate the restriction on the carriage in bulk as cargo or carriage and use as fuel of heavy grades of oil in the Antarctic sea area (below latitude 60°S). These grades of oil are defined as crude oils having a density at 15°C higher than 900 kg/m<sup>3</sup>; oils, other than crude oils, having a density at 15°C higher than 900 kg/m<sup>3</sup> or a kinematic viscosity at 50°C higher than 180 mm<sup>2</sup>/s; and bitumen, tar and their emulsions.

The exception to the rule is where the ship is engaged in securing the safety of ships or in a search and rescue operation.

## Ships and offshore installations affected

The amended rules for **oily waste** will apply to all ships over 400 tons gross tonnage. This includes all the large ships calling at New Zealand ports that are under the flag of other countries (some 500 ships each year), and some 74 New Zealand flag ships, including 28 fishing ships.

Offshore installations operating on the New Zealand continental shelf will be affected by the amended oily waste requirements. Currently, there are seven permanent installations and a small and fluctuating number of installations involved in exploration and development activities.

The new rules on **ship-to-ship transfers of oil cargoes at sea** will have little impact at this time: there are currently no New Zealand flag tankers undertaking such operations, and, so far as is known, no international tankers transferring cargoes in waters within the outer limits of the New Zealand EEZ – 200 nautical miles from the coast – at this time.

It should be noted that the new STS rules do not apply to ship-to-ship transfers of oil fuel (bunkering) or to FPSO operations, both of which occur regularly within 200 nautical miles of the coast.

The Maritime Transport Act already regulates oil transfers (bunkering, oil cargo, and offloading) within internal waters and in the territorial sea, and offloading operations in the EEZ. The relevant provisions are found in section 230, which sets out requirements for notifying the proposed transfer of oil and section 234, which enables the Director to require precautionary measures to be taken. These two sections of the Act apply only within territorial limits.<sup>1</sup> FPSO offloading in the EEZ is covered by marine oil spill contingency planning requirements.

The ban on **heavy grades of oil** in bulk as cargo or carriage and use as fuel will apply to all ships and will impact principally on some fishing ships and cruise ships operating below 60°S latitude. The New Zealand fishing ships that operate in this area, however, typically use marine diesel oil for fuel. There are no New Zealand flag cruise ships currently operating in the area.

## **What will be the costs of the amended rules?**

None of the new rules on oily waste involve direct costs of any significance. The principal indirect costs will be in terms of ships' crew and management time in becoming familiar with the new documentary and recording requirements, and their ongoing fulfilment.

The STS rules' costs will be mainly in terms of developing, maintaining and exercising plans, and in fulfilling requirements to provide prior notification to coastal states of the intention to undertake ship-to-ship transfers. These costs will fall on shipowners and will involve mainly expenditure of management and staff time.

Some costs will fall on MNZ as the New Zealand maritime administration. The principal costs will be in training inspectors to become familiar with the new documentary and oily waste recording requirements. It is not anticipated that additional resources will be required to implement the new requirements.

For all parties, the extent of indirect costs should be minimized by the fact that through the IMO amendment process, the changes have undergone a high level of scrutiny and publicity; affected parties (having been consulted in the development work) should have some appreciation of what is to be required of them; and well-developed markets exist within the shipping industry for specialist services that can provide relevant technical advice and training services.

The ban on the heavy grades of oil in bulk as cargo and carriage and use as fuel in the Antarctic sea area will increase future vessel operating costs for ships in the area that had previously used such oil for fuel. Assuming a difference in cost between residual and distillate fuel types of US\$150 per tonne, a 10 day voyage for a cruise ship previously using a heavy grade as fuel in the area would face additional costs of around US\$75,000, or US\$7,500 per day, equivalent to US\$500 per ticket (assuming fuel use of 50 tonnes per day, and 150 passengers on board).

A fishing ship, using 25 tonnes of fuel a day, on a 30 day voyage would face additional costs of around US\$112,500, or US\$3,750 per day.

The cost of shipping supporting the New Zealand's national programme in the Antarctic could increase due to the ban on heavy grades of oil, either through higher fuel costs incurred by existing ships or the need to charter in alternative tonnage able to use distillate fuel.

There is generally no technical impediment to a ship that uses a heavy grade of oil converting to using distillate fuel, although some additional maintenance and replacement work may be required to fuel pumps in some cases. The probability of distillate fuel causing lubricity problems and leading to an engine seizing is considered remote although technically possible if the fuel used has very low sulphur content such as automotive diesel.

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<sup>1</sup> The Government has taken a policy decision to extend these requirements to the EEZ in an upcoming amendment Bill to the Maritime Transport Act. It is also proposed to enable the Director to issue an instruction that would prohibit any proposed transfer from occurring.

## **What are the likely benefits of the amended rules?**

The oily waste amendment rules will aid monitoring and compliance activities – in other words, in establishing whether actual operations are being conducted in accordance with the international requirements and taking any action, including as appropriate, enforcement action, to bring operations into line.

The rules concerned with ship-to-ship oil cargo transfers should strengthen shipboard capacity to prevent spills from operational transfers. Coastal states will also be better informed of pending STS transfers and take whatever steps they consider appropriate to be prepared to respond to any spills that may occur.

The benefits of the oil cargo transfer rules will be evident in New Zealand only should such operations occur in New Zealand jurisdiction.

The ban on heavy grades of oil in bulk as cargo and carriage and use as fuel in the Antarctic area will eliminate the risk of harm from these types of oil. Such oils are judged to be more harmful to living resources because of their persistence and consequent ongoing physical and other impacts on the environment.

## **Implementation, monitoring, compliance and review**

It is projected that the new rules on ship-to-ship transfers of oil cargoes at sea and machinery space oily waste provisions amendments will come into force on 1 January 2011. The ban on heavy grades of oil in bulk as cargo and carriage and use as fuel in the Antarctic area is expected to come into force on 1 August 2011.

It is proposed that implementation of the new oily waste documentary and recording requirements be phased in. The issue of amended records of construction and equipment supplements to the International Oil Pollution Prevention Certificates would coincide with the issue of renewal certificates (certificates are generally valid for 5 years) for existing ships. Where ships come into the system for the first time, typically when transferring from another flag, the new supplements will be issued as part of initial certification.

The new oil record book forms, it is proposed, would be used on board ships from the date that the rules come into force.

Monitoring of MARPOL machinery space oily provisions is already part of MNZ compliance activities.

The new requirements for STS transfer of oil cargoes will be notified to the oil companies currently serving New Zealand. Given that there are currently no known operations covered by these requirements, coastal state implementation is not an issue at this time.

Implementation of the ban on heavy grades of oil in bulk as cargo and carriage and use as fuel in the Antarctic area is not a flag state issue at present given that there are no New Zealand ships known to be affected by the ban.

It is not proposed that New Zealand be strict in scheduling any review of the outcome of the new MARPOL amendments. Given their international character, it is expected that states' experience in working with the new requirements will be mediated through the IMO and any refinements and extensions to the standards will be developed in the usual manner under the organisation's Marine Environment Protection Committee and its subsidiary bodies.

## **Marine Protection (Offences) Regulations 1998**

Offences under the existing regulations and the MTA sufficiently cover enforceability of new requirements for oily waste management.

New offences will be proposed for oil tankers failing to have an STS plan or notify proposed STS transfers.

A new offence will be proposed for any breaches of the ban on carriage of heavy grades of oil in bulk as cargo and carriage and use as fuel in the Antarctic sea area by the owners and the masters of New Zealand ships.

## Stakeholders

- Antarctic tour operators and operators of chartered ships
- Antarctica New Zealand
- Environmental non-governmental organisations
- International oil companies shipping oil into New Zealand and the operators of the oil tankers carrying their cargoes
- New Zealand Defence Force
- New Zealand fishing industry (Seafood Industry Council of New Zealand)
- New Zealand offshore sector (Petroleum Exploration & Production Association of New Zealand)
- New Zealand shipping industry (New Zealand Shipping Federation)

## Making submissions

The deadline for making comments on the draft amendment rules is 19 July 2010 (i.e. your comments must be received by that date). You may make comments by:

- e-mail to [rules.coordinator@maritimenz.govt.nz](mailto:rules.coordinator@maritimenz.govt.nz)
- ordinary post to PO Box 27006, Wellington 6011
- fax to (04) 494 8901
- delivery to Maritime New Zealand, Level 10, Optimisation House, 1 Grey Street, Wellington.

Submissions are public information

Please indicate clearly if your comments are commercially sensitive, or if, for some other reason, you consider they should not be disclosed. In addition, if you are an individual (i.e. your comments are made personally and not on behalf of a company or an organization) please indicate if you consider for some reason that your identity should not be disclosed.

We will acknowledge all submissions that we receive and once the rule is finalised you will receive a summary of the full consultation.

Subject to the provisions of the Privacy Act and the Official Information Act, you may view the submissions made by other people at the Wellington office of Maritime New Zealand between 8.30 am and 4.30 pm on weekdays (except statutory holidays). Please arrange this beforehand with the Manager, Environmental Research and Analysis, on (04) 494 1242.

## Annex to invitation to comment

### Amendments to certificate supplements and oil record books

Amendments to material it is proposed to incorporate by reference in Subpart A of this omnibus amendment to the marine protection rules are detailed below. The material comprises:

- the record of construction and equipment that supplements the International Oil Pollution Prevention Certificate, which is prescribed in Appendix II of Annex I of MARPOL (to be incorporated by reference into Part 123A and Part 200).
- the record of operations involving oil from the machinery space of ships (Oil Record Book Part I), which is prescribed in Appendix III of Annex I of MARPOL (to be incorporated by reference into Part 123B).

The amendments appear in shaded text.

1 The existing Section 3 of the Supplement to the IOPP Certificate, Form A (ships other than oil tankers) and Form B (oil tankers), is replaced by the following:

“3 Means for retention and disposal of oil residues (sludge) (regulation 12) and oily bilge water holding tank(s)<sup>\*</sup>

3.1 The ship is provided with oil residue (sludge) tanks for retention of oil residues (sludge) on board as follows:

Tank identification	Tank location		Volume (m <sup>3</sup> )
	Frames (from)-(to)	Lateral position	
Total volume.....m <sup>3</sup>			

3.2 Means for the disposal of oil residues (sludge) retained in oil residue (sludge) tanks:

3.2.1 Incinerator for oil residues (sludge), maximum capacity kW or kcal/h (delete as appropriate) .....

3.2.2 Auxiliary boiler suitable for burning oil residues (sludge).....

3.2.3 Other acceptable means, state which.....

<sup>\*</sup> Oily bilge water holding tank(s) are not required by the Convention; if such tank(s) are provided they shall be listed in Table 3.3.

3.3 The ship is provided with holding tank(s) for the retention on board of oily bilge water as follows:

Tank identification	Tank location		Volume (m <sup>3</sup> )
	Frames (from)-(to)	Lateral position	
Total volume.....m <sup>3</sup>			

2 The term “(double bottom requirements)” at the end of paragraph 5.8.2 of Form B is deleted.

3 Paragraphs 5.8.5 and 5.8.7 of Form B are replaced by the following:

“5.8.5 The ship is not subject to regulation 20 (check which box(es) apply):

- .1 The ship is less than 5,000 tonnes deadweight.....
- .2 The ship complies with regulation 20.1.2 .....
- .3 The ship complies with regulation 20.1.3.....

“5.8.7 The ship is not subject to regulation 21 (check which box(es) apply):

- .1 The ship is less than 600 tonnes deadweight.....
- .2 The ship complies with regulation 19.....   
(Deadweight tonnes ≥ 5,000)
- .3 The ship complies with regulation 21.1.2.....
- .4 The ship complies with regulation 21.4.2.....   
(600 ≤ Deadweight tonnes < 5,000)
- .5 The ship does not carry “heavy grade oil” as defined in regulation 21.2 of MARPOL Annex I.....

4 Delete paragraph 6.1.5.4 from Form B.

5 Sections (C) to (H) of the Oil Record Book Part I are replaced by the following:

“(C) Collection, transfer and disposal of oil residues (sludge and other residues)

11 Collection of oil residues (sludge).

Quantities of oil residues (sludge and other residues) retained on board. The quantity should be recorded weekly<sup>♦</sup>: (this means that the quantity must be recorded once a week even if the voyage lasts more than one week):

- .1 identity of tank(s)
- .2 capacity of tank(s) ..... m<sup>3</sup>
- .3 total quantity of retention..... m<sup>3</sup>
- .4 quantity of residue collected by manual operation..... m<sup>3</sup>

♦ 2 Tanks listed in item 3.1 of forms A and B of the Supplement in the IOPP Certificate used for sludge. Only those tanks listed in item 3.1 of Forms A and B of the Supplement to the IOPP Certificate used for oil residues (sludge).

(Operator initiated manual collections where oil residue (sludge) is transferred into the oil residue (sludge) holding tank(s).)

12 Methods of transfer or disposal of oil residues (sludge).

State quantity of oil residues transferred or disposed of, the tank(s) emptied and the quantity of contents retained in m<sup>3</sup>:

- .1 to reception facilities (identify port) \*;
- .2 transferred to another (other) tank(s) (indicate tank(s) and the total content of tank(s));
- .3 incinerated (indicate total time of operation);
- .4 other method (state which).

(D) Non-automatic starting of discharge overboard, transfer or disposal otherwise of bilge water which has accumulated in machinery spaces

13 Quantity discharged, transferred or disposed of, in m<sup>3</sup>.<sup>▲</sup>

14 Time of discharge, transfer or disposal (start and stop).

15 Method of discharge, transfer, or disposal:

- .1 through 15 ppm equipment (state position at start and end);
- .2 to reception facilities (identify port)\*;
- .3 transfer to slop tank or holding tank or other tank(s) (indicate tank(s); state quantity retained in tank(s), in m<sup>3</sup>).

(E) Automatic starting of discharge overboard, transfer or disposal otherwise of bilge water which has accumulated in machinery spaces

16 Time and position of ship at which the system has been put into automatic mode of operation for discharge overboard, through 15 ppm equipment.

17 Time when the system has been put into automatic mode of operation for transfer of bilge water to holding tank (identify tank).

18 Time when the system has been put into manual operation.

(F) Condition of the oil filtering equipment ~~discharge monitoring and control system~~

19 Time of system failure.<sup>f</sup>

20 Time when system has been made operational.

21 Reasons for failure

(G) Accidental or other exceptional discharges of oil

22 Time of occurrence

23 Place or position of ship at time of occurrence.

24 Approximate quantity and type of oil.

25 Circumstances of discharge or escape, the reasons therefor and general remarks.

(H) Bunkering of fuel or bulk lubricating oil

26 Bunkering:

- .1 Place of bunkering.

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<sup>▲</sup> 3 In case of discharge or disposal of bilge water from holding tank(s), state identity and capacity of holding tank(s) and quantity retained in holding tank.

\* The ship's master should obtain from the operator of the reception facilities, which includes barges and tank trucks, a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of the transfer. This receipt or certificate, if attached to the Oil Record Book Part I, may aid the master of the ship in proving that the ship was not involved in an alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book Part I.

<sup>f</sup> The condition of the oil filtering equipment covers also the alarm and automatic stopping devices, if applicable.

- .2 Time of bunkering.
- .3 Type and quantity of fuel oil and identity of tank(s) (state quantity added, in tonnes, and total content of tank(s)).
- .4 Type and quantity of lubricating oil and identity of tank(s) (state quantity added, in tonnes and total content of tank(s))."

6 Section (J) of the Oil Record Book Part II is replaced by the following:

- "(J) **Collection, transfer and** disposal of residues and oily mixtures not otherwise dealt with
- 55 Identity of tanks.
  - 56 Quantity **transferred or** disposed of from each tank. (State the quantity retained, in m<sup>3</sup>.)
  - 57 Method of **transfer or** disposal:
    - .1 **disposal to** reception facilities (identify port and quantity involved);
    - .2 mixed with cargo (state quantity);
    - .3 transferred to or from (an) other tank(s) **including transfer from machinery space oil residue (sludge) and oily bilge water tanks** (identify tank(s); state quantity transferred and total quantity in tank(s), in m<sup>3</sup>); and
    - .4 other method (state which); state quantity disposed of in m<sup>3</sup>."

## SUBPART A SUBSTANTIVE MARINE PROTECTION RULE CHANGES

### Rules

#### 1 Title

These rules are the Marine Protection (Various Amendments) Rules 2010.

#### 2 Commencement

These rules come into force on the 28th day after the date of its notification in the *Gazette*.

#### 3 Principal rules amended

These rules amend the marine protection rules.

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

Part 100 is amended as follows:

#### 4 Definitions

Rule 100.2 is amended by inserting the following definitions in their appropriate alphabetical order:

“**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:”

“**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:”

#### 5 Requirements for ports generally

Rule 100.4 is amended by:

- (a) in subrule (1) deleting “oily bilge waters” and substituting “oily bilge water”:

- (b) in subrule (2) deleting “oily residues” and substituting “oil residue (sludge)”:
- (c) in subrule (2) deleting “sludge tanks” and substituting “oil residue (sludge) tanks”.

## **6 Requirements for ports handling ships proceeding to or from the Antarctic area**

Rule 100.9 is amended by:

- (a) deleting “sludge” and substituting “oil residue (sludge)”:
- (b) deleting “residues and”.

## **Part 103 – Notifications – Oil and Noxious Liquid Substances**

Part 103 is amended as follows:

### **7 Definitions**

Rule 103.2 is amended by inserting the following definitions in their appropriate alphabetical order:

“**Internal waters of New Zealand** means the internal waters of New Zealand as defined in section 4 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977:”

“**New Zealand marine waters** means –

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

“**Rescue Coordination Centre of New Zealand** means the search and rescue coordination centre established under section 14B of the Civil Aviation Act 1990:”

“**STS operations** means operations involving the transfer of oil cargo between oil tankers at sea; but do not include:

- (a) oil transfer operations associated with fixed or floating platforms including drilling rigs; floating production, storage and offloading facilities (FPSOs) used for the offshore production and storage of oil; and floating storage units (FSUs) used for the offshore storage of produced oil;
- (b) bunkering operations:”

### **8 Procedure for notifying transfers**

Rule 103.4 is amended by adding the following new subrule after subrule (e):

“(e) STS operations to which rule 103.6 applies;”

### **9 Notification of STS operations**

The following new rule is inserted after rule 103.5:

**“Notification of STS operations**

**103.6 Procedure for notifying of STS operations**

- (1) This rule applies to each owner and master of the following ships within the internal waters of New Zealand and New Zealand marine waters:
  - (a) every New Zealand oil tanker of 150 gross tonnage and above:
  - (b) every foreign oil tanker of 150 gross tonnage and above.
  
- (2) Except as provided in subrule (3), each owner and master shall ensure that, when planning an STS operation, notification of the intended STS operation is provided, containing the information required by subrule (4), to the Rescue Coordination Centre of New Zealand not less than 48 hours in advance of the operation.
  
- (3) Where, due to exceptional circumstances, all the information specified in subrule (4) is not available to be provided in the notification within the time required by subrule (2) –
  - (a) each owner and master of an oil tanker that is to receive the discharge oil cargo in the STS operation –
    - (i) is not required to notify not less than 48 hours in advance of the operation; and
    - (ii) must provide the notification required by subrule (2) as soon as practicable before the STS operation; and
  
  - (b) the owner and master of an oil tanker that is to discharge the oil cargo in the STS operation must ensure that notification is provided the Rescue Coordination Centre of New Zealand –
    - (i) not less than 48 hours in advance of the operation that the STS operation will occur; and
    - (ii) notifying that all the information specified in subrule (4) is not available; and
    - (iii) outlining the exceptional circumstances why all the information is not available; and
    - (iv) as soon as practicable before the STS operation containing all the information specified in subrule (4).
  
- (4) The notification required by subrule (2) must contain the following information:
  - (a) the name, flag, call sign, IMO number, and estimated time of arrival of the oil tankers involved in the STS operation at the location of the operation:
  - (b) the date, time, and geographical location at the commencement of the STS operation:
  - (c) whether the STS operation is to be conducted at anchor or underway:
  - (d) the oil type and quantity:
  - (e) the planned duration of the STS operation:
  - (f) the person nominated under rule 125.9(2)(d) who has overall advisory control of STS operations applicable to the oil tanker:
  - (g) confirmation that the applicable STS operations plan, required by rule 125.9, is onboard the oil tanker.
  
- (5) If, after notification is given under subrule (2), the estimated time of arrival of the oil tanker to the location of the STS operation changes by more than 6 hours, the owner and master of the oil tanker must ensure that a revised

estimated time of arrival at the location is communicated to the Rescue Coordination Centre of New Zealand.”

## Part 122 – Marine Protection Products

Part 122 is amended as follows:

### 10 Definitions

Rule 122.2 is amended by inserting the following definitions in their appropriate alphabetical order:

“**Antarctic area** means the Antarctic area comprising the area south of latitude 60° S:

**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:

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

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

### 11 Application

Rule 122.3 is amended by inserting the following new subrule after subrule (3):

“(4) Rule 122.24 applies to every New Zealand ship and every warship and every other ship of the New Zealand Defence Force.”.

### 12 Oily bilge water holding tanks

Rule 122.5 is amended by inserting in subrules (1)(a) and (2)(b)(i) the words “oily bilge water holding tank” in place of the words “holding tank”.

### 13 Oil residue (sludge) tanks

Rule 122.7 is amended by:

(a) deleting the heading before rule 122.7 and inserting the following new heading:

“**Oil residue (sludge) tanks**”

- (b) revoking subrule (1) and substituting the following new subrule:

“(1) The owner of a ship to which this rule applies must ensure that the ship is fitted with an oily residue (sludge) tank or tanks large enough to hold all oil residue (sludge) that cannot be dealt with otherwise in accordance with the requirements of the marine protection rules.”

- (c) Inserting the following new rules after subrule (3):

“(4) Oil residue (sludge) may be disposed of directly from the oil residue (sludge) tank through the standard discharge connection referred to in rule 122.23, or any other means of disposal that meets the requirements of the marine protection rules:”

- (5) The owner of a ship to which this rule applies must ensure that the oil residue (sludge) tank –

- (a) is provided with a designated pump for disposal that is capable of taking suction from the oil residue (sludge) tank; and
- (b) has no discharge connections to the bilge system, oily bilge water holding tank, tank top, or oily water separators except that the tank may be fitted with drains, with manually operated self-closing valves and arrangements for subsequent visual monitoring of the settled water, that lead to an oily bilge water holding tank or bilge well, or an alternative arrangement, provided such arrangement does not connect directly to the bilge piping system.”.

## 14 Oil residue (sludge) tank piping

Rule 122.8 is amended by:

- (a) deleting the heading and substituting it with:

**“Oil residue (sludge) tank piping”**

- (b) deleting the words “sludge tanks” and substituting it with “oil residue (sludge) tanks”.

## 15 Ships entering the Antarctic area

The following new rule is inserted after rule 122.23:

**“122.24 Ships entering the Antarctic area**

The owner of a ship to which this rule applies must ensure that, before entering the Antarctic area –

- (a) the ship is fitted with a tank or tanks of sufficient capacity on board for the retention of all oil residue (sludge), dirty ballast,

tank washing water, and other oily residues and mixtures while operating in the area; and

- (b) arrangements have been concluded to discharge the oily residues at a reception facility after leaving the area.”

## Part 123A – Documents – Oil

Part 123A is amended as follows:

### 16 Definitions

Rule 123A.2 is amended by:

- (a) deleting the definition of **International Oil Pollution Prevention Certificate** and substituting it with :

“**International Oil Pollution Prevention Certificate** means—”

- (a) in respect of a New Zealand ship, the marine protection document contained in MARPOL Annex I Appendix II, that is required under rule 123A.4 and issued pursuant to section 270 of the Maritime Transport Act 1994 and rule 123A.5; or
  - (b) in respect of a foreign ship registered in a state party to MARPOL, the certificate contained in MARPOL Annex I Appendix II that is required under rule 123A.8 and accepted as a marine protection document pursuant to section 271 of the Maritime Transport Act 1994 and rule 123A.8:
- (b) inserting the following definitions in their appropriate alphabetical order:

“**Form A** means “Supplement to the International Oil Pollution Prevention Certificate - Record of Construction and Equipment for Ships Other Than Oil Tankers” that is contained in MARPOL Annex I Appendix II Appendix Form A:

“**Form B** means the “Supplement to the International Oil Pollution Prevention Certificate - Record of Construction And Equipment for Oil Tankers” that is contained in MARPOL Annex I Appendix II Appendix Form B:”

### 17 Issue, duration and renewal of an International Oil Pollution Prevention Certificate for a New Zealand ship

Rule 123A.5 is amended by:

- (a) deleting from subrule (2) “Appendix 1” and substituting “MARPOL Annex I Appendix II,”.

### 18 Form of Supplement to International Oil Pollution Prevention Certificate – Record of Construction and Equipment

Rule 123A.6 is amended by:

- (a) deleting “and specified in Appendix 2 of Part 123A” from subrule (1)(a):
- (b) deleting “and specified in Appendix 3 of Part 123A” from subrule (1)(b).

## **19 Requirement to carry Supplement to the International Oil Pollution Prevention Certificate – Record of Construction and Equipment**

Rule 123A.9 is amended by:

- (a) revoking subrules (1)(b)(i) and (ii) and substituting the following new subrules:
  - “(i) Form A in the case of a ship other than a ship referred to in rule 123A.9(1)(b)(ii); or
  - (ii) Form B in the case of an oil tanker, or a ship other than an oil tanker carrying oil as cargo in bulk, as defined in Part 121B; and”.

## **20 Effect of amendments to form of certificate and record of construction and equipment**

Part 123A is amended by inserting after rule 123A.12 the following:

### **“Final provision**

#### **123A.13 Saving as to form of certificates, records and documents**

A valid International Oil Pollution Prevention Certificate and record of construction and equipment issued to a New Zealand ship or, in the case of a foreign ship registered in a state party to MARPOL, accepted, and an equivalent oil pollution prevention document recognised before [insert date of entry into force of rule] shall continue in force, or to be accepted, or recognised until the earliest of:

- (a) the certificate or document expires; or
- (b) the certificate or document is suspended, revoked or withdrawn; or
- (c) a new certificate or document is issued, or accepted, or recognised.”

## **21 Appendices**

The Appendices to Part 123A are amended by:

- (a) revoking Appendix 1:
- (b) revoking Appendix 2:

- (c) revoking Appendix 3.

## Part 123B – Document (Record Books and Manuals)

Part 123B is amended as follows:

### 22 Definitions

Rule 123B.2 is amended by:

- (a) inserting the following definition in the appropriate alphabetical order:

“**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:”

- (b) deleting the definition of **Oil Record Book** and substituting it with:

“**Oil Record Book** means—

- (a) for every New Zealand ship and every New Zealand Defence Force ship referred to in rule 123B.3, the Oil Record Book, Part I, “Machinery space operations” prescribed in MARPOL Annex I Appendix III, required under rule 123B.4(1); and in addition
- (b) for every New Zealand ship that is an oil tanker and every New Zealand Defence Force ship that is an oil tanker, referred to in rule 123B.3, the Oil Record Book, Part II, “Cargo/ballast operations” prescribed in MARPOL Annex I Appendix III, required under rule 123B.4(2); and
- (c) for every foreign ship referred to in rule 123B.6, the Oil Record Book, Part I, “Machinery space operations” prescribed in MARPOL Annex I Appendix III, required under rule 123B.7(1); and in addition
- (d) for every foreign ship that is an oil tanker referred to in rule 123B.6, the Oil Record Book, Part II, “Cargo/ballast operations” prescribed in MARPOL Annex I Appendix III required under rule 123B.7(2); and
- (e) for every New Zealand ship that is an oil tanker referred to in rule 123B.9, the oil record book required under rule 123B.10; and
- (f) for every foreign ship that is an oil tanker referred to in rule 123B.12, the oil record book required under rule 123B.13 and in a form required by the Administration of the flag state or other form recognised by the Director:”

### 23 Compliance dates –New Zealand ships

Rule 123B.3 is amended by:

- (a) revoking subrule (2):
- (b) Renumbering subrule (3) as subrule (2).

## **24 Requirement to carry Oil Record Book(s) – New Zealand ships**

Rule 123B.4 is amended by:

- (a) revoking subrule (1) and substituting the following new subrule :
  - “(1) The owner and the master of any ship to which to which this rule applies must ensure that an Oil Record Book is carried on board the ship”:
- (b) deleting from subrule (2)(b) the last paragraph and substituting it with:
  - “to which this rule applies, must ensure that an Oil Record Book is carried on board the ship.”.

## **25 Entries in Oil Record Book(s) – New Zealand ships**

Rule 123B.5 is amended by:

- (a) deleting from subrule (1)(a)(iii) “oily residues (sludge)” and substituting “oil residue (sludge)”:
- (b) deleting from subrule (1)(b)(x) “oily residues” and substituting “oil residue (sludge)”.

## **26 Requirement to carry Oil Record Book(s) – Foreign ships**

Rule 123B.7 is amended by:

- (a) revoking subrule (1) and substituting the following new subrule:
  - “(1) The owner and the master of any ship to which this rule applies must ensure that an Oil Record Book is carried on board the ship.”:
- (b) deleting from subrule (2)(b) the last paragraph and substituting it with:
  - “to which this rule applies, must ensure that an Oil Record Book is carried on board the ship.”.

## **27 Compliance dates – small New Zealand tankers**

Rule 123B.9 is amended by revoking subrule (2).

## **28 Requirement to carry Oil Record Book – Small New Zealand tankers**

Rule 123B.10 is revoked and substituted with the following new rule:

“123B.10 **Requirement to carry Oil Record Book**

The owner and the master of any ship to which this rule applies must ensure that an Oil Record Book defined as applicable to this rule is –

- (a) in a form prescribed by the Director; and
- (b) is carried on board the ship.”.

**29 Appendices**

The Appendices to Part 123B are amended by:

- (a) revoking Appendix 1:
- (b) revoking Appendix 2:
- (c) revoking Appendix 3.

**Part 125 – Shipboard Operations – Oil**

Part 125 is amended as follows:

**30 Definitions**

Rule 125.2 is amended by:

- (a) inserting the following definitions in the appropriate alphabetical order:

“**Antarctic area** means the Antarctic area comprising the area south of latitude 60° S:

**best practice guidelines for STS operations** means –

- (a) IMO’s “Manual on Oil Pollution, Section I, Prevention”; and
- (b) The ICS and OCIMF “Ship-to-Ship Transfer Guide, Petroleum”, fourth edition, 2005:

**STS operations** means operations involving the transfer of oil cargo between oil tankers at sea; but do not include:

- (a) oil transfer operations associated with fixed or floating platforms including drilling rigs; floating production, storage and offloading facilities (FPSOs) used for the offshore production and storage of oil; and floating storage units (FSUs) used for the offshore storage of produced oil;
- (b) bunkering operations:”.

**31 STS operations plan**

The following new rules are inserted after rule 125.8:

## **“STS operations plan**

### **125.9 STS operations plan**

- (1) This rule applies to the following ships:
  - (a) every New Zealand oil tanker of 150 gross tonnage and above;
  - (b) every warship and every other ship of the New Zealand Defence Force that is an oil tanker of 150 gross tonnage and above;
  - (c) every foreign oil tanker of 150 gross tonnage and above that is within New Zealand jurisdiction.
- (2) Each owner and master must ensure that an STS operations plan is carried on board that—
  - (a) prescribes how to conduct STS operations; and
  - (b) has been developed taking into account the information contained in the best practice guidelines for STS operations; and
  - (c) is written in the working language of that ship; and
  - (d) nominates the person who has overall advisory control of STS operations.
  - (e) for a ship referred in either subrule (1)(a) or (1)(b), is approved by the Director; and
  - (f) for a ship referred in subrule (1)(c), is approved by the maritime authority of the flag State of the ship.
- (3) Each owner and master must ensure that the person referred to in subrule (2)(d), who has overall advisory control of STS operations, is qualified to perform all relevant duties, taking into account the qualifications contained in the best practice guidelines for STS operations.
- (4) Each owner and master must comply with the applicable STS operations plan.

## **Carriage of oils in the Antarctic area**

### **125.10 Carriage of oils in the Antarctic area**

- (1) This rule applies to the following ships:
  - (a) every New Zealand ship;
  - (b) every warship and every other ship of the New Zealand Defence Force.
- (2) Except as provided in subrules (3) and (4), the owner and the master of a ship must ensure that the ship does not carry in bulk as cargo or carry and use as fuel the following in the Antarctic area:
  - (a) crude oils having a density at 15°C higher than 900 kg/m<sup>3</sup>;
  - (b) oils, other than crude oils, having a density at 15°C higher than 900 kg/m<sup>3</sup> or a kinematic viscosity at 50°C higher than 180 mm<sup>2</sup>/s;
  - (c) bitumen, tar, or their emulsions.
- (3) When prior operations have included the carriage or use of oils listed in subrule (2), the cleaning or flushing of tanks or pipelines is not required.

- (4) Subrule (2) does not apply to ships engaged in securing the safety of ships or in a search and rescue operation.”.

## Part 200 – Offshore Installations – Discharges

Part 200 is amended as follows:

### 32 Definitions

Rule 200.2 is amended by inserting the following definitions in the appropriate alphabetical order:

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

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

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

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

### 33 Oil residue (sludge) tanks

Rule 200.20 is revoked and substituted with the following new rule:

**“200.20 Oil residue (sludge) tanks**

The owner of an offshore installation must ensure that it is fitted with an oil residue (sludge) tank –

- (a) large enough to hold all oil and oily mixtures that cannot otherwise be dealt with in accordance with this Part; and
- (b) designed and constructed so as to allow it to be cleaned and emptied for transport to shore or at a reception facility; and
- (c) provided with a designated pump for disposal that is capable of taking suction from the tank; and
- (d) having no discharge connections to the bilge system, oily bilge water holding tank, tank top, or oily water separators except that the tank may be fitted with

drains, with manually operated self-closing valves and arrangements for subsequent visual monitoring of the settled water, that lead to an oily bilge water holding tank or bilge well, or an alternative arrangement, provided such arrangement does not connect directly to the bilge piping system.”

### **34 Issue, duration and renewal of an International Oil Pollution Prevention Certificate for an offshore installation**

Rule 200.26 is amended by revoking subrule (2)(a) and substituting it with the following new subrule:

- (a) must be in the form contained in MARPOL Annex I Appendix II and the appended Form A, or if an FPSO or an FSU supplement, either in that form or in the form specified in resolution MEPC.139(53) “Guidelines for application of the revised MARPOL Annex I requirements to FPSOs and FSUs” as may be amended by IMO from time to time; and”.

### **35 Schedules**

The Schedules to Part 200 are amended by:

- (a) revoking Schedule 3:
- (b) revoking Schedule 4.

## **SUBPART B      MINOR CORRECTIONS TO MARINE PROTECTION RULES**

### **Part 101B – Survey and Inspections – Noxious Liquid Substances Carried in Bulk**

Part 101B is amended as follows:

#### **36 Definitions**

Rule 101B.2 is amended by:

- (a) deleting the “.” (full stop) after the definition of “anniversary date” and substituting it with a “:” (colon);
- (b) deleting the “.” (full stop) after the definition of “noxious liquid substance” and substituting it with a “:” (colon).

### **Part 103 – Notifications – Oil and Noxious Liquid Substances**

Part 103 is amended as follows:

#### **37 Part Objective**

The Part Objective in Part 103 is amended by:

- (a) deleting “form” from the first bullet point and substituting it with “from”;
- (b) deleting “substances” from the second bullet point and substituting it with “substance”.

#### **38 Application**

Rule 103.3 is amended by deleting from subrule (2) “of” after warship and substituting it with “or”.

### **Part 121A – Ship Design & Construction – Oil Tankers**

Part 121A is amended as follows:

#### **39 Oil Tankers of 600 to 5000 Tonnes Deadweight that Carry Heavy Grade Oil as Cargo**

Rule 121A.10B(3)(a) is amended by deleting the second subrule reference “(i)” and substituting it with “(ii)”.

#### **40 Accidental oil outflow performance**

Rule 121A.10D is amended by:

- (a) deleting from subrule (2)(c)(iii)(bb) “cargo cargo” and substituting “cargo”.
- (b) deleting from subrule (4)(a)(i) “0.30Bs” and substituting “0.30B<sub>s</sub>”.
- (c) deleting from subrule (4)(a)(ii) “0.30Ds” and substituting “0.30D<sub>s</sub>”.

#### **41 Limitation of size and arrangement of cargo tanks**

Rule 121A.16 is amended by deleting from subrule (6) “vc” and substituting “v<sub>c</sub>”.

#### **42 Subdivision and stability**

Rule 121A.17 is amended by deleting from subrule (4) “121.17(3)(b) and 121.17(3)(c)” and substituting it with “121A.17(3)(b), and 121A.17(3)(c)”.

#### **43 SCHEDULE - Interpretation**

SCHEDULE 1(1) is amended by:

- (a) deleting the words “with in” in the definition of C<sub>3</sub> and substituting “within”.
- (b) revoking the definition of “load line draught” and substituting it with:  
“**load line draught** has the same meaning as **ds**”;
- (c) deleting from the definition of **ds** “or load line draught”;
- (d) deleting the first definition of **Ps**;
- (e) deleting from the definition of **Ps<sub>1</sub>** “the the” and substituting “the”;
- (f) deleting from the definition of **Ps<sub>y</sub>** “the the” and substituting “the”.

#### **44 SCHEDULE - Mean outflow for bottom damage**

Clause (2)(b) of Part 121A SCHEDULE 5 is amended by deleting the expression “d<sub>s</sub>” and substituting it with “ds”.

#### **45 SCHEDULE - Side damage probabilities**

The Table headed “Table of probabilities for side damage” in Part 121A SCHEDULE 6 is amended by deleting from the heading of the 4<sup>th</sup> column of the Table the expression “**Z<sub>u</sub>/D<sub>s</sub>**” and substituting it with “**Z<sub>u</sub>/D<sub>s</sub>**”.

## **Part 122 – Marine Protection Products - Oil**

Part 122 is amended as follows:

### **46 Definitions**

Rule 122.2 is amended by inserting the following new definition in the appropriate alphabetical order:

“**IOPP Certificate** means an International Oil Pollution Prevention Certificate”.

### **47 Oil filtering equipment**

Rule 122.4 is amended by renumbering subrules “(3)(b)(ii)” and “(3)(b)(iii)” to “(3)(b)(i)” and “(3)(b)(ii)” respectively.

### **48 Ships that do not have to carry oil filtering equipment**

Rule 122.5 is amended by:

- (a) renumbering subrule “(1)(b)(iii)” to “(1)(b)(ii)”.
- (b) renumbering subrules “(2)(b)(iv)(i)” and “(2)(b)(iv)(ii)” to “(2)(b)(iv)(aa)” and “(2)(b)(iv)(bb)” respectively.
- (c) renumbering, in subrule (2)(b), after the words “on condition that”, the 4 subrules “(2)(b)(i)”, “(2)(b)(ii)”, “(2)(b)(iii)”, “(2)(b)(iv)”, and “(2)(b)(v)” to the new numbers “(2)(b)(iii)”, “(2)(b)(iv)”, “(2)(b)(v)”, “(2)(b)(vi)”, and “(2)(b)(vii)” respectively.

### **49 Crude oil washing and inert gas systems**

Rule 122.16 is amended by deleting from subrule (2) the last use of the word “Organization” and substituting it with “organisation”.

### **50 Oil/water interface detectors**

Rule 122.20 is amended by deleting from subrule (2) the last use of the word “Organization” and substituting it with “organisation”.

## **Part 123A – Documents - Oil**

Part 123A is amended as follows:

### **51 Issue, duration and renewal of an International Oil Pollution Prevention Certificate for a New Zealand ship**

Rule 123A.5 is amended by:

- (a) deleting from subrule (3)(a)(i) “existing Oil Pollution Prevention Certificate” and substituting “existing International Oil Pollution Prevention Certificate”:

- (b) deleting from subrule (3)(a)(ii) each of the three (3) occurrences of “Oil Pollution Prevention Certificate” and substituting each occurrence with “International Oil Pollution Prevention Certificate”:
- (c) deleting from subrule (3)(a)(iii) each of the two (2) occurrences of “Oil Pollution Prevention Certificate” and substituting each occurrence with “International Oil Pollution Prevention Certificate”:
- (d) deleting from subrule (3)(b) the first use of the word “a” and substituting it with “an”:
- (e) deleting from subrule (3)(c) “existing Oil Pollution Prevention Certificate” and substituting with “existing International Oil Pollution Prevention Certificate”:
- (f) deleting from subrule (3)(d), in the first line, “when a International Oil Pollution Prevention Certificate” and substituting with “when an International Oil Pollution Prevention Certificate”.

## **Part 123B – Documents (Record Books and Manuals)**

Part 123B is amended as follows:

### **52 Commencement**

The section headed “Commencement” prior to Rule 123B.1 is amended by deleting from the 3rd bullet point the word “requirements” that occurs in the expression “Part 120 requirements”.

### **53 Entries in Oil Record Book(s)**

Rule 123B.8 is amended by deleting from subrule (1)(b) “,” (comma) after the expression “other than oil tankers”.

### **54 Application and compliance dates**

Rule 123B.9 is amended by revoking subrules (2)(a) and (b).

### **55 Application and compliance dates**

Rule 123B.15 is amended by revoking subrules (4)(a) and (b).

### **56 Operation Manual – dedicated clean ballast tanks**

Rule 123B.16 is amended by:

- (a) deleting from subrule (1)(a) “by the by the” and substituting “by the”:
- (b) deleting from the second instance of subrule (3)(a) “adopted by the adopted by the” and substituting “adopted by the”:
- (c) deleting from the second instance of subrule (3)(a) the reference “(a)” and substituting “(b)” so the rule becomes 123B.16(3)(b).

## **57 Operation Manual – dedicated clean ballast tanks**

Rule 123B.19 is amended by:

- (a) deleting from subrule (b)(a) “by the by the” and substituting “by the”:
- (b) deleting from subrule (b)(a) the words “adopted by the adopted by the” and substituting “adopted by the”:
- (c) deleting from the reference number in subrule (b)(a) “(a)” and substituting “(i)” so the rule becomes 123B.19(b)(i).

## **58 Operations Manual – oil discharge and monitoring**

Rule 123B.21 is amended by deleting from the reference number in subrule (2)(b)(a) “(a)” and substituting “(i)” so the rule becomes 123B.21(2)(b)(i).

## **Part 125 –Shipboard Operations - Oil**

Part 125 is amended as follows:

### **59 Commencement**

The commencement section in Part 125 is amended by deleting “twenty four” and substituting “twenty-four”.

### **60 Definitions**

Rule 125.2 is amended by:

- (a) moving the definition of “Dedicated clean ballast tank” from before the definition of “Deadweight (DW)” to after the definition of “Deadweight (DW)”:
- (b) deleting from the definition of “Dedicated clean ballast tank” the word “time-being” and substituting “time being”.

### **61 Application and compliance dates**

Rule 125.3 is amended by revoking subrule (3) and substituting the following new subrules:

- “(3) Subject to subrule (4), compliance with rules 125.4 and 125.6 is not required until six months after the date on which Part 125 enters into force.
- (4) In respect of any ship referred to in rule 125.3 or rule 125.5 which does not make an international voyage, compliance with rules 125.4 and 125.6 is not required until twenty-four months after the date on which Part 125 enters into force.
- (5) Where a rule in Part 125 places an obligation on the master of any New Zealand ship, the same obligation will apply to the master of any warship or any other ship of the New Zealand Defence Force to which that rule applies.”.

## **62 Closure of cargo tank valves**

Rule 125.7 is amended by:

- (a) deleting from subrule (1) “cargo oil. Except that” and substituting “cargo oil, except that”;
- (b) deleting from subrule (2) “cargo oil. Except that” and substituting “cargo oil, except that”.

## **Part 130B – Oil Transfer Site Marine Oil Spill Contingency Plans**

Part 130B is amended as follows:

### **63 Interpretation**

Rule 130B.2 is amended by:

- (a) deleting the heading “Interpretation” and substituting it with “Definitions”;
- (b) deleting from subrule (1) the subrule reference “(1)”;
- (c) inserting after the defined term “oil” and before the “–” (em-dash) the words “is a harmful substance for the purpose of section 225 of the Act, and”;
- (d) revoking subrule (2).

### **64 Schedule: Response to marine oil spills**

The Schedule is amended by:

- (a) deleting from clause 2(1) the subclause reference “j” and substituting “i”;
- (b) deleting from clause 2(1) the subclause reference “k” and substituting “j”;

## **Part 130C – Regional Oil Spill Contingency Plans**

Part 130C is amended as follows:

### **65 Part Objective**

The section headed “Part Objective” is amended by inserting after the last paragraph the following subheading and paragraph:

*“Rules subject to Regulations (Disallowance) Act 1989*

Marine protection rules are subject to the Regulations (Disallowance) Act 1989. Under the Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review

Committee is the select committee responsible for considering rules under the Regulations (Disallowance) Act 1989.”.

## **66 Definitions**

Rule 130C.2 is amended by deleting from paragraph (a)(i) of the definition of “approved substance” “clean-up” and substituting “clean up”.

## **67 Interface with other plans**

Rule 130C.6 is amended by deleting after subrule (c) “including, --” and substituting “including—”.

## **68 Standard operating procedures**

Rule 130C.8 is amended by deleting from subrule (b) “clean-up” and substituting “clean up”.

## **69 Oil spill response equipment and supporting resources**

Rule 130C.10 is amended by deleting from subrule (3)(a) “clean-up” and substituting “clean up”.

## **Part 132 – Dispersants & Demulsifiers**

Part 132 is amended as follows:

### **70 Scope and duration of approval, and packaging requirements for, an approved substance**

Rule 132.5 is amended by inserting in subrule (1) a “,” (comma) after the first use of the word “substance”.

## **Part 140 – Discharge of Noxious Liquid Substances in Bulk**

Part 140 is amended as follows:

### **71 Definitions**

Rule 140.2 is amended by:

- (a) inserting at the end of each definition a “:” (colon) except the last defined term (“unloading”);
- (b) revoking the definition of “marine operations” and substituting the following new definition “**marine operation** means any operation connected with the exploration for, or the exploitation or associated processing of, any mineral in the sea or the seabed.”:

- (c) deleting from the definition of “New Zealand marine waters” the paragraph reference “c” and substituting “b”.

## **Part 141 – Ship Design, Construction, Equipment and Operation – Noxious Liquid Substances in bulk**

Part 141 is amended as follows:

### **72 Definitions**

Rule 141.2 is amended by inserting at the end of each definition a “:” (colon) except the last defined term (“Similar stage of construction”).

### **73 Chemical tankers**

Rule 141.4 is amended by

- (a) inserting in subrule (2) a “,” (comma) after “1 July 1986”:
- (b) revoking subrule (4)(b) and substituting it with the following new subrule:
- “(b) “constructed before 1 July 1983 which is solely engaged on voyages between ports or to offshore terminals or offshore installations under New Zealand jurisdiction –”.

### **74 Pumping, piping and unloading arrangements**

Rule 141.6 is amended by:

- (a) revoking subrule (1) and substituting it with the following new subrule:
- “(1) Except as provided in subrules (2) and (11), the owner of every ship to which this rule applies that carries any category X, Y, or Z substance in bulk as cargo must ensure that the ship is provided with pumping and piping arrangements that ensure that every tank that is designated for the carriage of the substance, and its associated piping, does not contain any residue in excess of the quantities specified in table 1.”:
- (b) inserting in subrule (5) a “,” (comma) after “category Z”:
- (c) deleting from subrule (7) the three defined terms “d”, “L<sub>d</sub>”, and “Q<sub>d</sub>” and substituting them respectively with “d”, “L<sub>d</sub>”, and “Q<sub>d</sub>”.

## **Part 142A – Documents (Certificates) – Noxious Liquid Substances**

Part 142A is amended as follows:

### **75 Application and compliance dates**

Rule 142A.3 is amended by deleting from subrule (3)(b) “which does not make an international voyage” and substituting it with “that does not make an international voyage.”.

## **Part 143 – Shipboard Marine Pollution Emergency Plans for Noxious Liquid Substances**

Part 143 is amended as follows:

### **76 Definitions**

Rule 143.2 is amended by:

- (a) deleting from the end of each definition “;” (semi-colon), except the last defined term (“territorial sea of New Zealand”), and substituting them with a “:” (colon);
- (b) deleting from subrule (1) the subrule reference “(1)”;
- (c) inserting after the definition term “noxious liquid substance” and before “means—” “is a harmful substance for the purpose of section 225 of the Act, and”;
- (d) revoking subrule (2).

### **77 Custody of a noxious liquid substances plan**

Rule 143.7 is amended by revoking subrule (c) and substituting the following new subrule:

- “(c) supply a hard copy of the Director’s written approval, together with the noxious liquid substances plan, to the District Chief Fire Officer and Harbourmaster for every region that the ship routinely visits—
  - (i) immediately the written approval is issued; and
  - (ii) prior to arrival in any other port.”.

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

Part 160 is amended as follows:

### **78 Definitions**

Rule 160.2 is amended by deleting from the definition of “Moulded depth” “deck beam at side: Provided” and substituting it with “deck beam at side, provided”.

## **Part 170 – Prevention of Pollution by Garbage from Ships and Offshore Installations**

Part 170 is amended as follows:

## **79 Title**

Deleting from the title the words “and Offshore Installations”.

## **80 Description of the garbage**

The Appendix is amended by deleting from list item number 4 in clause 3 “class” and substituting “glass”.

## **81 Entries in the Garbage Record Book**

The Appendix is amended by deleting from clause 4.1(d)(ii) “port of ” and substituting “port or”.

## **Part 180 – Dumping of Waste or Other Matter**

Part 180 is amended as follows:

### **82 Part objective**

The section headed “Part objective” is amended by inserting after the last paragraph the following subheading and paragraph:

*“Rules subject to Regulations (Disallowance) Act 1989*

Marine Protection rules are subject to the Regulations (Disallowance) Act 1989. Under the Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under the Regulations (Disallowance) Act 1989.”

### **83 Notification not required in certain cases**

Rule 180.7 (b) is amended by inserting at the end the words “and the application will not be granted.”

## **Part 200 – Offshore Installations – Discharges**

Part 200 is amended as follows:

### **84 Extent of consultation**

The footnote 1, referred to in the content under the heading “Extent of consultation”, is amended by inserting in the first line “force” after the words “came into”.

### **85 Definitions**

Rule 200.2 is amended by:

- (a) deleting from the end of each definition “;” (semi-colon), except the last defined term (““territorial sea””), and substituting them with a “:” (colon) :
- (b) deleting from subrule (1) the subrule reference “(1)”:
- (c) inserting after the definition term ““garbage” ” and before the “ –” (em-dash) “is a harmful substance for the purpose of section 225 of the Act, and”:
- (d) inserting after the definition term ““harmful substance”” and before “means—“ “is a harmful substance for the purpose of section 225 of the Act, and”:
- (e) revoking from the definition of ““oil”” subrule (b) and substituting the following new subrule :
  - “(b) includes, for the purposes of this Part and section 222 of the Act—
    - (i) any substance declared to be oil in the Appendix to Part 120; and
    - (ii) any oily mixture:”:
- (f) revoking subrule (2).

## **86 Permitted discharges of production water, displacement water and offshore processing drainage**

Rule 200.14 is amended by deleting subrule (5) and substituting the following new subrule:

- “(5) The Director may, at any time, require that the dispersed oil content of an installation’s production water, displacement water, or offshore processing drainage be measured without delay.”.

## **87 Footnotes**

The footnotes connected to rules 200.17, 200.18, 200.19, 200.20, 200.21, 200.24, 200.25, 200.26, 200.27, 200.28, and 200.29 are revoked.

## **88 Conditions of the International Oil Pollution Prevention Certificate**

Rule 200.27 is amended by inserting “or her” in the first line after “A surveyor may give his”.

