



MINISTRY of TRANSPORT
TE MANATŪ WAKA

WELLINGTON NEW ZEALAND

PURSUANT to Section 386 of the Maritime Transport Act 1994

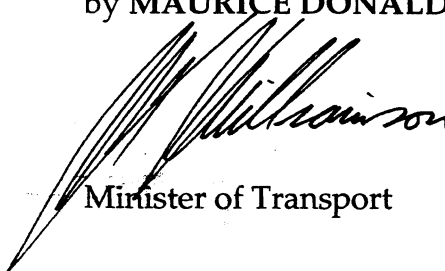
I, MAURICE DONALD WILLIAMSON, Minister of Transport,

HEREBY MAKE the following marine protection rules.

SIGNED AT Wellington

This 20 day of May 1998

by MAURICE DONALD WILLIAMSON


Minister of Transport

Marine Protection Rules

Part 122

Marine Protection Products—Oil

Maritime Transport Act 1994

Marine Protection Rules

PART 122

MARINE PROTECTION PRODUCTS—OIL

Marine Protection Rules

PART 122—MARINE PROTECTION PRODUCTS—OIL

PART OBJECTIVE, EXTENT OF CONSULTATION AND COMMENCEMENT

Objective

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

Specifically, Part 122 applies the requirements of regulations 2(2), 3, 13(6), 13A(3), 13B(1), 13B(2), 13B(3), 15(1), 15(3)(a), 15(3)(b), 15(4), 15(5), 15(6), 15(7), 16, 17, 18, 19, and 23(3)(c) of Annex 1 of MARPOL to the design and fitting of marine protection products to commercial ships (as defined in the Maritime Transport Act 1994) including oil tankers. The requirements include:

- Specifying the fitting and design of oil filtering equipment in ships of 400 tons gross tonnage or more to limit the discharge overboard of the oil content from the bilges and tank washings to 15 parts per million.
- Provision of tanks to hold the oily residues (sludge) which can not be dealt with otherwise, and the means to pump the sludge ashore to reception facilities.
- Fitting pipework to oil tankers for the discharge of dirty ballast water or oil contaminated water overboard, or to reception facilities, and the means for observing and stopping the discharge overboard.
- Requiring crude oil washing and inert gas systems for crude oil tankers of 20,000 tons deadweight and above.
- Specifying the fitting and design of oil content meters for oil tankers operating with dedicated clean ballast tanks.
- Specifying the fitting and design of an oil discharge monitoring and control system and oil/water interface detectors for oil tankers of 150 tons gross tonnage or more fitted with slop tanks.
- Requiring oil tankers of less than 150 tons gross tonnage and other ships of less than 400 tons gross tonnage to retain on board oily mixtures and oil residues for transfer to shore reception facilities, unless they comply with the requirements of this Part applicable to larger ships.

The basis for Part 122 is found in sections 386 and 388 of the Maritime Transport Act 1994.

Extent of Consultation

Informal consultation occurred with the Royal New Zealand Navy.

On or about 20 December 1995 the Maritime Safety Authority published in each of the daily newspapers in the four main centres of New Zealand a notice inviting comments on the proposed Part 122. A notice was also published in the *New Zealand Gazette* on 11 January 1996. The Authority then made its Notice of Proposed Rule Making, draft Part 122 and draft Advisory Circular available to the public with 142 copies being sent automatically to interested parties. Comments on the Part were requested to be made by 29 February 1996.

Six submissions were received on Part 122. All submissions and any verbal comments were considered, and where appropriate, the proposed rules were amended to take account of the comments made.

Commencement

Part 122 as amended was referred to and signed by the Minister of Transport.

Part 122 comes into force 28 days after the date of its notification in the *New Zealand Gazette*.

Marine Protection Rules

Part 122

MARINE PROTECTION PRODUCTS—OIL

General

- 122.1 Entry into force
- 122.2 Definitions
- 122.3 Application

Oil Discharge Monitoring and Control System and Oil Filtering Equipment

- 122.4 Oil discharge monitoring and control systems
- 122.5 Oil filtering equipment
- 122.6 Application to ships delivered before 6 July 1993

Tanks for Oil Residues (Sludge)

- 122.7 Sludge tanks
- 122.8 Sludge tank piping

Pumping, Piping and Discharge Arrangements of Oil Tankers

- 122.9 Application to ships other than oil tankers
- 122.10 Deck discharge manifold
- 122.11 Location of overboard discharge
- 122.12 Means of stopping discharge in new oil tankers
- 122.13 Segregated ballast and crude oil washing arrangements
- 122.14 Discharge of ballast or oil contaminated water from cargo tank areas
- 122.15 Piping serving suction wells

Requirements for Crude Oil Washing

- 122.16 Crude oil washing and inert gas systems

Requirements for Oil Tankers with Dedicated Clean Ballast Tanks

- 122.17 Oil content meter

Retention of Oil on Board

- 122.18 Application to oil tankers of 150 tons gross and above
- 122.19 Oil discharge monitoring and control system
- 122.20 Oil/water interface detectors
- 122.21 Discharge to reception facilities

122.22 Oil tankers of less than 150 tons gross tonnage and other ships of less than 400 tons gross tonnage

Standard Discharge Connection

122.23 Standard deck discharge connection

General

122.1 Entry into Force

Part 122 shall come into force on the 28th day after the date of its notification in the *Gazette*.

122.2 Definitions

In this Part—

“**Act**” means the Maritime Transport Act 1994:

“**Clean ballast**” means ballast carried in a tank which, since it was last used to carry oil, has been so cleaned that the outflow from that tank if it were discharged from a ship which is stationary into clean calm water on a clear day would not produce visible traces of oil on the surface of the water or on adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. Where the ballast is discharged through an oil discharge monitoring and control system approved by the Director, evidence based on such a system to the effect that the oil content of the outflow did not exceed 15 parts per million shall be determinative that the ballast was clean, notwithstanding the presence of visible traces:

“**Combination carrier**” means a ship designed to carry either oil or solid cargoes in bulk:

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

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

“**Crude oil tanker or carrier**” means an oil tanker engaged in the trade of carrying crude oil:

“**Director**” means the person who is for the time being the Director of Maritime Safety under section 439 of the Act:

“**Dedicated clean ballast tank**” means a tank which can be used for the carriage of either ballast or cargo but which, for the time-being, is dedicated solely to the carriage of clean ballast, and is fitted with an approved washing system:

“**Discharge**” includes any release, disposal, spilling, leaking, pumping emitting or emptying; but does not include—

- (a) Dumping in accordance with a permit issued by the Director under section 262 of the Act; or

- (b) Release of harmful substances for the purposes of legitimate scientific research into pollution abatement and control;—

and “to discharge” and “discharge” have corresponding meanings:

“Existing oil tanker” means an oil tanker which is not a new oil tanker:

“Existing ship” means a ship which is not a new ship:

“Major conversion” means a conversion of an existing ship—

- (a) which substantially alters the dimensions or carrying capacity of the ship; or
- (b) which changes the type of the ship; or
- (c) the intent of which in the opinion of the Director is substantially to prolong its life; or
- (d) which otherwise so alters the ship that, if it were a new ship, it would become subject to relevant provisions of this Part:

“MARPOL” means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto; and includes any subsequent protocol or amendment to, or revision of, that convention accepted or ratified by New Zealand:

“New oil tanker”, notwithstanding the definition of “new ship” in this rule, for the purposes of rules 122.12, 122.13, and 122.16, means an oil tanker—

- (a) for which the building contract was placed after 1 June 1979; or
- (b) in the absence of a building contract, the keel of which was laid or which was at a similar stage of construction after 1 January 1980; or
- (c) the delivery of which was after 1 June 1982; or
- (d) which has undergone a major conversion:
 - (i) for which the contract was placed after 1 June 1979; or
 - (ii) in the absence of a contract, the construction work of which was begun after 1 January 1980; or
 - (iii) which was completed after 1 June 1982;

“New ship” means a ship—

- (a) for which the building contract was placed after 31 December 1975; or
- (b) in the absence of a building contract, the keel of which was laid or was at a similar stage of construction after 30 June 1976; or
- (c) the delivery of which was after 31 December 1979; or
- (d) which has undergone a major conversion:
 - (i) for which the contract was placed after 31 December 1975; or

(ii) in the absence of a contract, the construction work of which was begun after 30 June 1976; or

(iii) which was completed after 31 December 1979:

“New Zealand Defence Force” has the same meaning as the term **“Defence Force”** in section 2 (1) of the Defence Act 1990:

“New Zealand jurisdiction” means—

- (a) the internal waters of New Zealand; and
- (b) the territorial sea of New Zealand; and
- (c) the exclusive economic zone of New Zealand; and
- (d) those areas on or under or above or about any ship or offshore installation constructed, erected, placed or used in, on, or above the continental shelf of New Zealand but beyond the outer limits of the exclusive economic zone of New Zealand in connection with the exploration of the continental shelf or the exploitation of its natural resources:

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

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

“Oil fuel” means any oil used as fuel in connection with the propulsion and auxiliary machinery of the ship in which such oil is carried:

“Oil tanker” means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces; and includes combination carriers and any chemical tanker as defined in rule 141.2 when it is carrying a cargo or part cargo of oil in bulk:

“Oily Mixture” means a mixture with any oil content:

“Owner” includes—

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

“Part” means a group of rules made under the Act:

“Residue” means any harmful substance which remains for disposal:

"Segregated ballast" means the ballast water introduced into a tank which is completely separated from the cargo oil and oil fuel system and which is permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious substances as defined in the marine protection rules:

"Segregated ballast tank" (SBT) means a tank in which segregated ballast is carried:

"Slop tank" means a tank specifically designated for the collection of tank drainings, tank washings and other oily mixtures:

"Special areas" has the same meaning as in Part 120:

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

122.3 Application

- (1) Except as provided in rule 122.3(4), rules 122.4 to 122.8 inclusive and rules 122.20 and 122.23 apply—
 - (a) to every New Zealand ship of 400 tons gross tonnage or more; and
 - (b) to every warship and every other ship of the New Zealand Defence Force that is of 400 tons gross tonnage or more.
- (2) Rules 122.10 to 122.21 inclusive and rule 122.23 apply—
 - (a) to every New Zealand oil tanker of 150 tons gross tonnage or more;
 - (b) to every warship and every other ship of the New Zealand Defence Force that is an oil tanker of 150 tons gross tonnage or more.
- (3) Except as provided in rule 122.3(5), rule 122.22 applies—
 - (a) to every New Zealand oil tanker of less than 150 tons gross tonnage and to every other New Zealand ship of less than 400 tons gross tonnage;
 - (b) to every warship and every other ship of the New Zealand Defence Force that is an oil tanker of less than 150 tons gross tonnage, and to every other warship and other ship of the New Zealand Defence Force of less than 400 tons gross tonnage.
- (4) For New Zealand ships of 400 tons gross tonnage or more and warships and every other ship of the New Zealand Defence Force that is of 400 tons gross tonnage or more, which do not make international voyages, compliance with rules 122.4 to 122.8 inclusive and 122.23 is required within two years of the coming into force of this Part.
- (5) For New Zealand oil tankers of less than 150 tons gross tonnage and other New Zealand ships of less than 400 tons gross tonnage, which do not make international voyages, compliance with rule 122.22 is required within two years of the coming into force of this Part.

Oil Discharge Monitoring and Control System and Oil Filtering Equipment

122.4 Oil Discharge Monitoring and Control Systems

- (1) The owner of a ship to which this rule applies of 400 tons gross tonnage and above but less than 10,000 tons gross tonnage must ensure that—
 - (a) the ship is fitted with oil filtering equipment that has been approved in accordance with rule 122.5(1); and
 - (b) if the ship carries large quantities of oil fuel, it meets the requirements of rule 122.4(2) or rule 121B.4(1).
- (2) The owner of a ship to which this rule applies of 10,000 tons gross tonnage and above must ensure that the ship is fitted with oil filtering equipment that has been approved in accordance with rule 122.5(2).
- (3) The requirements of paragraphs (1) and (2) of this rule shall not apply to any ship this rule applies to which is engaged exclusively on voyages within special areas provided that all of the following conditions are complied with—
 - (a) the ship is fitted with a holding tank large enough to satisfy the Director that it can hold all of the ship's oily bilge water; and
 - (b) all oily bilge water is stored on board for later discharge to reception facilities; and
 - (c) adequate reception facilities, as determined by the Director, are available to receive such oily bilge water in a sufficient number of ports or terminals the ship calls at; and
 - (d) the International Oil Pollution Prevention Certificate, required by Part 123A, is endorsed to the effect that the ship is exclusively engaged on voyages within special areas.
- (4) For the purpose of rule 122.4(1), a ship is considered to carry a large quantity of oil fuel if—
 - (a) the nature of its operation and trade requires it to stay at sea for extended periods; and
 - (b) during such extended periods the ship is required to fill empty oil fuel tanks with water ballast in order to maintain sufficient stability and safe navigation conditions.

122.5 Oil Filtering Equipment

- (1) The Director may approve oil filtering equipment for the purposes of rule 122.4(1) if the equipment is of a design that will ensure that any oily mixture

discharged into the sea after passing through the system has an oil content not exceeding 15 parts per million.

- (2) The Director may approve oil filtering equipment for the purposes of rule 122.4(2)—
 - (a) on the basis of Guidelines and specifications for the pollution prevention equipment for machinery space bilges of ships adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.60(33) as amended by that Organization from time to time; and
 - (b) if the equipment is—
 - (i) of a design that will ensure that any oily mixture discharged into the sea after passing through the system or systems has an oil content not exceeding 15 parts per million; and
 - (ii) provided with an alarm to indicate when this level cannot be maintained; and
 - (iii) provided with arrangements to ensure that any discharge of oily mixtures is automatically stopped when the oil content of the outflow exceeds 15 parts per million.

122.6 Application to Ships Delivered Before 6 July 1993

The owner of a ship delivered before 6 July 1993 to which this rule applies may operate it without complying with the requirements of rules 122.4 to 122.5 inclusive until 6 July 1998, provided that the ship is operated with oily water separating equipment (100 ppm equipment).

Tanks for Oil Residues (Sludge)

122.7 Sludge Tanks

- (1) The owner of a ship to which this rule applies must ensure that the ship is fitted with a tank or tanks large enough to hold all oily residues (sludge), which cannot be dealt with otherwise in accordance with the requirements of the marine protection rules, such as those resulting from the purification of fuel and lubricating oils and oil leakages in the machinery space.
- (2) The owner of every new ship this rule applies to must ensure that the tanks required by rule 122.7(1) are designed and constructed to allow them to be cleaned and emptied at a reception facility.
- (3) The owner of every existing ship this rule applies to must ensure that the tanks required by rule 122.7(1) are designed and constructed to allow their cleaning and the discharge of residues to reception facilities, except so far as this is unreasonable or impracticable.

122.8 Sludge Tank Piping

The owner of a ship to which this rule applies must ensure that the piping to and from sludge tanks has no direct connection overboard, other than the standard discharge connection specified in rule 122.23.

Pumping, Piping and Discharge Arrangements of Oil Tankers

122.9 Application to Ships Other than Oil Tankers

In ships other than oil tankers fitted with cargo spaces which are constructed and used to carry oil in bulk of total capacity of 200 cubic metres or more, the requirements of rules 122.10 to 122.14 inclusive and 122.19 and 122.20 apply to the construction and operation of those spaces. Where the total capacity is less than 1,000 cubic metres, the requirements of rule 122.22 will apply in lieu of rules 122.18 to 122.20 inclusive.

122.10 Deck Discharge Manifold

The owner of an oil tanker to which this rule applies must ensure that the ship has a discharge manifold, located on the open deck on both sides of the ship, for connecting to reception facilities for the discharge of dirty ballast water or oil contaminated water.

122.11 Location of Overboard Discharge

The owner of an oil tanker to which this rule applies must ensure that—

- (a) the ship has pipelines for the discharge to the sea of ballast water or oil contaminated water from cargo tank areas, which may be permitted under Part 120; and
- (b) the pipelines are either:
 - (i) led to the open deck or to the ship's side above the waterline in the deepest ballast condition; or
 - (ii) fitted in a manner to permit operation in accordance with the provisions of rule 125.8 or rule 122.14.

122.12 Means of Stopping Discharge in New Oil Tankers

- (1) The owner of a new oil tanker to which this rule applies must ensure that means are provided for stopping the discharge of ballast water or oil contaminated water from cargo tank areas into the sea, other than those discharges below the waterline permitted under rule 122.14.
- (2) The owner of a new oil tanker to which this rule applies must ensure that the discharge control position is on the upper deck or above and located so that

the manifold in use, required by rule 122.10 and the discharge to the sea from the pipelines required by rule 122.11, may be visually observed.

- (3) Means for stopping the discharge need not be provided at the observation position if a communication system such as telephone or radio is provided between the observation position and the discharge control position.

122.13 Segregated Ballast and Crude Oil Washing Arrangements

- (1) The owner of a new oil tanker to which this rule applies, which is a crude oil carrier required by Part 121A to be provided with segregated ballast tanks, or fitted with a crude oil washing system, must ensure that the ship meets the following requirements—
 - (a) it must be equipped with oil piping designed and installed so that oil retention in the lines is minimised; and
 - (b) means must be provided to drain all cargo pumps and all oil lines at the completion of cargo discharge, where necessary by connection to a stripping device; and
 - (c) the line and pump drainings must be capable of being discharged both ashore and to a cargo tank or a slop tank; and
 - (d) for discharge ashore a special small diameter line is to be provided and connected outboard of the ship's manifold valves.
- (2) The owner of an existing oil tanker to which this rule applies, which is a crude oil carrier required by rule 121A.4(2) to—
 - (a) be provided with segregated ballast tanks; or
 - (b) be fitted with a crude oil washing system; or
 - (c) operate with dedicated clean ballast tanks;must ensure the ship meets the requirements of rule 122.13(1)(b) to (d) inclusive.

122.14 Discharge of Ballast or Oil Contaminated Water from Cargo Tank Areas

The owner of an existing oil tanker to which this rule applies, which may discharge dirty ballast water or oil contaminated water from cargo tank areas below the waterline at sea subsequent to or in lieu of discharge by the method referred to in rule 125.8(5); must ensure that—

- (a) a part of the flow of such water is led through permanent piping to a readily accessible location on the upper deck or above where the outflow may be visually observed during the discharge operation; and
- (b) such part flow arrangements comply with the provisions of the "*Specifications for the design, installation and operation of a part flow system for*

control of overboard discharges" contained in Appendix 5 of Annex I of MARPOL 73/78, as revised by the International Maritime Organization from time to time.

122.15 Piping Serving Suction Wells

The owner of every oil tanker this rule applies to, fitted with suction wells in cargo tanks above double bottom tanks as referred to in rule 121A.15(3)(c), must ensure that piping serving such wells, if installed in the double bottom, is—

- (a) fitted with valves or other closing arrangements located at the point of connection to the tank to prevent oil outflow in the event of damage to the piping; and
- (b) installed as high from the bottom shell as possible.

Requirements for Crude Oil Washing

122.16 Crude Oil Washing and Inert Gas Systems

- (1) The owner of a new oil tanker to which this rule applies, which is a crude oil carrier of 20,000 tons deadweight and above must ensure the ship is fitted with a cargo tank cleaning system using crude oil washing.
- (2) The owner of a new oil tanker to which this rule applies, which is a crude oil carrier of 20,000 tons deadweight and above must ensure that the ship's crude oil washing installation, associated equipment and arrangements comply with the *"Revised specifications for the Design, Operation and Control of Crude Oil Washing Systems"* adopted by the International Maritime Organization in resolutions A.446(XI) and amendment A.496(XII), as amended by that Organization from time to time.
- (3) The owner of every oil tanker this rule applies to, fitted with a cargo tank cleaning system using crude oil washing must ensure that an inert gas system is provided in every cargo tank and slop tank in accordance with the appropriate regulations of chapter II-2 of the International Convention for Safety of Life at Sea, 1974, as modified and added to by the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 and as may be further amended.

Requirements for Oil Tankers with Dedicated Clean Ballast Tanks

122.17 Oil Content Meter

The owner of every oil tanker this rule applies to, operating with dedicated clean ballast tanks in accordance with rule 121A.5, must ensure that—

- (a) the ship is equipped with an oil content meter to enable supervision of the oil content in ballast water being discharged; and
- (b) the oil content meter required by rule 122.17(a), is of a type approved by the Director on the basis of recommended specifications adopted by the International Maritime Organization in resolutions A.393(X) and A.568(14), as amended by that Organization from time to time.

Retention of Oil on Board

122.18 Application to Oil Tankers of 150 Tons Gross Tonnage and Above

The owner of an oil tanker to which this rule applies of 150 tons gross tonnage and above must ensure that the ship is provided with arrangements in accordance with the requirements of rules 122.19 and 122. 20, subject to the provisions of paragraphs (2) and (3) of rule 122.21.

122.19 Oil Discharge Monitoring and Control System

- (1) An oil discharge monitoring and control system approved by the Director must be fitted to the oil tanker.¹
- (2) The Director may approve an oil discharge monitoring and control system for the purpose of rule 122.19(1) if the system—
 - (a) is fitted with a recording device to provide a continuous record of the discharge in litres per nautical mile and total quantity discharged, or the oil content and rate of discharge and the record is identifiable as to time and date; and
 - (b) comes into operation when there is any discharge of any oily mixture into the sea; and
 - (c) ensures that any discharge of oily mixtures is automatically stopped when the rate of oil discharge exceeds that permitted by Part 120; and
 - (c) is designed so that any failure of the system stops the discharge and a manually operated alternative method is to be provided for use in the event of such failure; and
 - (d) is designed and installed in compliance with the “*Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers*” adopted by the International Maritime Organization in resolution A.586(14), as amended by that Organization from time to time.

¹ The Director may, on the basis of any recommendation from the International Maritime Organization and in accordance with section 395 of the Act, waive compliance with the requirement to have the equipment specified in rule 122.19, if such equipment is not obtainable for monitoring the discharge of light refined products (white oils). Under MARPOL the waiver would be subject to the condition that discharge is made in compliance with procedures established by the International Maritime Organization which satisfy the conditions of rule 120.5(1), except the obligation to have an oil discharge monitoring and control system in operation.

- (3) The owner of an oil tanker to which this rule applies of 150 tons gross tonnage and above must—
 - (a) keep the record produced by the recording device required by rule 122.19(2)(a) for at least three years; and
 - (b) in the event of a failure referred to in rule 122.19(2)(c) ensure the failure is noted in the Oil Record Book.

122.20 Oil/Water Interface Detectors

- (1) The owner of a ship to which this rule applies fitted with slop tanks or other tanks for separating oil and water and from which it is intended to discharge any oily mixture to the sea, must ensure that oil/water interface detectors approved by the Director are provided, for a rapid and accurate determination of the oil/water interface in these tanks.
- (2) The Director may approve an oil/water interface detector for the purpose of rule 122.20 if the detector meets the specifications for oil/water interface detectors adopted by the Marine Environment Protection Committee of the International Maritime Organization in resolution MEPC.5(XIII), as amended by that Organization from time to time.

122.21 Discharge to Reception Facilities

- (1) The requirements of rules 122.19 and 122.20 shall not apply to an oil tanker this rule applies to if—
 - (a) the tanker is engaged exclusively on voyages of 72 hours or less in duration; and
 - (b) the tanker is within 50 miles from the nearest land; and
 - (c) the oil tanker is engaged exclusively in trades between ports or terminals within New Zealand or a State Party to MARPOL; and
 - (d) all oily mixtures are kept on board for later discharge to reception facilities.
- (2) The requirements of rules 122.19 and 122.20 shall not apply to oil tankers that this rule applies to other than those referred to in paragraph (1) of this rule, in cases where—
 - (a) the tanker is an existing oil tanker of 40,000 tons deadweight or above, as referred to in rule 121A.6, engaged solely in trade between ports, or to offshore terminals or offshore installations under New Zealand jurisdiction, and the conditions specified in rule 121A.6 are complied with; or
 - (b) the tanker is engaged exclusively in one or more of the following categories of voyages:
 - (i) voyages within special areas; or

- (ii) voyages within 50 miles from the nearest land outside special areas where the tanker is engaged in:
 - (aa) trades between ports or terminals of a State Party to MARPOL; or
 - (bb) restricted voyages as determined by the Director, and of 72 hours or less in duration;

provided that the following conditions are complied with:

- (iii) all oily mixtures are kept on board for later discharge to reception facilities; and
 - (iv) the International Oil Pollution Prevention Certificate, required by part 123A, is endorsed to the effect that the ship is exclusively engaged in one or more of the categories of voyages specified in subparagraphs (b)(i) and (b)(ii)(2) of this paragraph.
- (3) The requirements of rules 122.19 and 122.20 do not apply to oil tankers carrying asphalt or other products subject to the provisions of Part 120, which through their physical properties inhibit effective product/water separation and monitoring.²

122.22 Oil Tankers of Less Than 150 Tons Gross Tonnage and Other Ships of Less Than 400 Tons Gross Tonnage

The owner of an oil tanker to which this rule applies of less than 150 tons gross tonnage and every other ship this rule applies to of less than 400 tons gross tonnage, must ensure the ship—

- (a) is provided with a holding tank of adequate capacity for the ship's operational needs to keep on board oily mixtures and oil residues, and also provided with means for transferring the contents of the tank to shore reception facilities; or
- (b) meets the full requirements of this Part—
 - (i) for oil tankers of 150 tons gross tonnage or more, if the ship is an oil tanker; and
 - (ii) for other ships of 400 tons gross tonnage or more, if the ship is not an oil tanker; or
- (c) where the alternatives in paragraphs (a) and (b) are not reasonable and practicable, has arrangements approved by the Director for preventing the discharge of oily water and oil residues.

² The control of discharge must be done by keeping the residues on board with discharge of all contaminated washings to reception facilities under rule 120.10.

Standard Deck Discharge Connection

122.23 Standard Deck Discharge Connection

The owner of every ship to which rule 122.7 and/or rule 122.10 applies must ensure that the discharge pipeline for residues is fitted with a standard discharge connection in accordance with the following table:

Standard Dimensions of Flanges for Discharge Connections

Description	Dimension
Outside diameter	215 mm
Inner diameter	According to pipe outside diameter
Bolt circle diameter	183 mm
Slots in flange	6 holes 22 mm in diameter equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width to be 22 mm
Flange thickness	20 mm
Bolts and nuts: quantity, diameter	6, each of 20 mm in diameter and of suitable length
The flange is designed to accept pipes up to a maximum internal diameter of 125 mm and must be of steel or other equivalent material having a flat face. This flange, together with a gasket of oil proof material, must be suitable for a service pressure of 6 kg/cm ² .	

Marine Protection Rules

PART 122

Consultation Details

(This text does not form part of the rules contained in Part 122. It provides details of the consultation undertaken in making the rules.)

Summary of Consultation

Six organisations and individuals provided written comments on the draft of "Part 122 Marine Protection Products—Oil." One of these responses expressed general agreement with and support for the rules, while the remaining five contributors raised issues which we have responded to below.

General Comments

Auckland Regional Council Environment raise the question of application of Part 122 to two oil bunkering vessels and a tank cleaning barge based in Auckland.

The first of the bunkering vessels "Tolema I" is a 588 ton gross tonnage motor ship to which this part would apply fully. The second is a 675 ton gross tonnage barge "Hinuwaka" and the tank cleaning barge "TCV 01" is operated by the Royal New Zealand Navy and of same dimensions as "Hinuwaka". The two latter vessels will be required to comply with those rules in this Part which may be applicable to their arrangements and any auxiliary machinery installed.

Union Shipping have suggested that the word "effluent" which is normally associated with sewage and appears in several rules is inappropriate and should be replaced with "any oily mixture".

The word "effluent" is used in the text of MARPOL, however it would appear that it is used there in relation to "outflow" rather than to the nature of the "substance" being discharged. Therefore we are replacing the word "effluent" in rule 122.19(3), rule 122.20 and Item 5(b) of the Advisory Circular by the term "any oily mixture", but in the definition of "clean ballast" and in rule 122.5(2) we are replacing "effluent" with "outflow".

Auckland Regional Council Environment have pointed out that the term "every ship" in some of the rules needs to be qualified to make it clear that the rule only applies to those ships which a prior application rule indicates that rule applies to.

We agree. Amendments have been made where needed to the rule to say "[every ship] this rule applies to".

Mr. W Waters submission deals with a number of issues which relate to safety matters which will be covered by the maritime rules, particularly Parts 24A and 40C.

Rule 122.2

The New Zealand Shipping Federation commented on the "New Zealand ship" definition.

An opinion of the Solicitor-General has confirmed that a foreign registered ship on demise charter to a New Zealand-based operator falls within the definition of "New Zealand ship." The consequences of this interpretation are currently being assessed by officials. This assessment may result in a recommendation to the Government that the definition be amended.

Royds Consulting comment that the definition of "Clean Ballast" throws up an interesting quandry, because of the permitted options allowing a ship without oil control/monitoring systems to discharge such ballast without visible sheen or, where oil control/monitoring systems are fitted, discharging such ballast at not more than 15 ppm. It is suggested that owners are encouraged to install such systems to meet a lesser standard (sheen permitted?), and question if the 15 ppm is too high.

The present 15 ppm it is assumed is a reasonably achievable limit given available technology for control equipment, until 1992 amendments the oily-water separator requirement was 100 ppm. For practical and economic reasons it probably is not possible to achieve tank cleanliness so that a no sheen condition exists on discharge of the ballast water.

Rule 122.3

Auckland Regional Council Environment, in respect of the application of this Part to ships of less than 400 tons, suggest that it is important to know to what ships the Ship Registration Act 1992 applies.

The definition of New Zealand ship includes any ship which is entitled to be registered under the Ship Registration Act. There is no minimum size limit on a ship that may be registered, the exclusion is in respect of foreign ownership.

Rule 122.4

Royds Consulting suggest that subsection (2)(b) is redundant because it is more clearly set out in 122.5, to which this rule specifically refers.

We agree. The text of paragraph (2) has been amended to read:

- "(2) The owner of every ship this rule applies to of 10,000 tons gross tonnage and above must ensure that the ship is fitted with oil filtering equipment that has been approved in accordance with rule 122.5(2)."

Rule 122.5

Union Shipping have noted that the design of oil filtering equipment must be approved by the Director and ask if a list of approved designs exist, or if the Director will approve existing designs and fittings.

The Advisory Circular (Item 6) indicates that the Director will, in approving oil filtering equipment, have regard to IMO resolution MEPC.60(33) which provides guidelines and specifications for such equipment. However IMO MEPC also, from time to time, publish a comprehensive list of approved oil filtering equipment. The current listing can be found in MEPC Circular 276. A note to this effect has been added to Item 6 of the Advisory Circular as follows:

"A comprehensive listing of approved pollution prevention equipment is published from time to time by IMO in the form of an MEPC Circular. At the time of preparation of this Advisory Circular the current listing was contained in MEPC/Circ.276 dated 4 May 1994."

Rule 122.7

Royds Consulting have asked what happens if it is not reasonable and practical for existing ships to have sludge tanks which are designed and constructed to allow their cleaning and discharge to reception facilities under rule 122.7(3).

It is highly unlikely that this would eventuate, if it did, other acceptable means of retaining and disposing of the sludge would need to be considered.

Rules 122.11 and 122.23

New Zealand Shipping Federation and Royds Consulting both query the reference to rule 125.X(d) in rules 122.11 and 122.14, and reference to rule 125.Y in the Advisory Circular (Item 8).

Part 125—Shipboard operations—Oil had not been drafted when Part 122 was produced as an invitation to comment. The reference in rule 122.11 is to rule 125.8 and in rule 122.14 is to rule 125.8(5). In the Advisory Circular [Item 8(a)(ii)(2)] the reference is to rule 125.6.

Rules 122.21 and 122.22

Auckland Regional Council Environment ask if there will be a standard method or procedure of notifying regional councils of those oil tankers operating in their region which have the requirements for fitting oil discharge monitoring and control equipment waived by the Director under rule 122.21, or for small oil tankers, which have alternatives approved by the Director under rule 122.22(c). They believe this would allow for improved detection and identification of illegal discharge from these ships.

If there is a waiver in respect of fitting oil discharge monitoring and control equipment (Regulation 16 of MARPOL) this is shown in the Supplement to the IOPP Certificate carried by the ship (see Part 123A). There is no reason why administrative procedures could not be put in place whereby regional councils were notified of such waivers and alternatives permitted by the Director in respect of New Zealand ships.

Proposed Amendments Initiated by the Maritime Safety Authority

Rule 122.1 Entry into Force

It is proposed to amend the entry into force date to the 28th day after notification in the *Gazette*. This will enable final rules to be made without specifying a particular date for entry into force. The compliance dates for different classes of ship have been moved to rule 122.3.

Rule 122.2 Definitions

“Discharge”

The definition of “discharge” has been altered to remove the word “escape”. This is to bring the definition back into line with the Maritime Transport Act. “Escape” will be referred to separately where this is necessary.

“MARPOL”

The definition of “MARPOL” has been altered to reflect the definition in the Maritime Transport Act 1994.

“New Zealand jurisdiction”

The word “ship” has been added to paragraph (d) of the definition of “New Zealand jurisdiction” because the definition was formerly too restrictive in the areas it covered.

“Oil”

The definition of “oil” has been altered to align Part 122 with the other rule Parts.

“Oil tanker”

The reference in this definition to *chemical tankers defined in Part 142* is now wrong because some of the Parts have been rationalised and renumbered. The correct reference is to Part 141.

“Residue”

“Noxious liquid substance” was referred to by mistake in the original draft of this definition. The definition should refer to “any harmful substance”.

Rule 122.4(3), 122.21

The power of waiver from requirements in these rules has been amended to a non application of the rules provided the specified conditions are met.

Rule 122.4(4)

This paragraph was inserted to clarify the meaning of “large quantities of oil fuel”.

Rule 122.5, 122.19, 122.20

The basis for the Director’s approval of the items of equipment has been clarified.

Rule 122.17

This rule has been split into two paragraphs for the purposes of creating offences.

Rule 122.21

The structure of paragraph (2) has been amended to clarify that the proviso applies both to subparagraphs (b)(i) and (b)(ii)(2).

Rule 122.24

This rule was omitted as it is better covered under the provisions of section 395 of the Act. Applications for equivalents should be treated as applications for exemptions under section 395.