



Maritime Transport Act 1994

Marine Protection Rules

PART 131: OFFSHORE INSTALLATIONS – OIL SPILL CONTINGENCY PLANS AND OIL POLLUTION PREVENTION CERTIFICATION

Pursuant to sections 386, 387, 388, 390, and 451 of the Maritime Transport Act 1994 I, Simon Bridges, Minister of Transport, having regard to the criteria in section 392 of the Maritime Transport Act 1994, hereby make the following marine protection rules.

Signed at Wellington

This *23rd* day of *September* 2015

By Hon SIMON BRIDGES



Minister of Transport

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Part objective

The objective of Part 131 is to ensure that offshore installations operating in New Zealand continental waters and in the internal waters of New Zealand have oil spill contingency plans that will support an efficient and effective response to an oil spill at sea. It also ensures certain pollution prevention equipment and arrangements on board installations meet international performance standards and in-service maintenance requirements.

Part 131 gives effect to the provisions of the International Convention for the Prevention of Pollution from Ships 1973/78 (MARPOL) concerning certification of certain equipment and arrangements for the prevention of oil pollution on board offshore installations and the International Convention on Oil Pollution Preparedness, Response and Cooperation 1990 (OPRC) in respect of offshore installations.

Amendments made in 2013 to the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act) and the Maritime Transport Act 1994 transferred responsibility for regulating discharges from offshore installations in this area from Maritime New Zealand (MNZ) to the Environmental Protection Authority (EPA). Therefore, Part 200 is being revoked and Part 131 being created.

The authority for Part 131 is found in sections 386, 387, 388, and 390, and also section 451, of the Maritime Transport Act 1994.

Marine protection rules are disallowable instruments under the Legislation Act 2012. Under that Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under that Act.

Extent of consultation

On 1 May 2014, Maritime New Zealand published a copy of the draft Part 131 on its website and advised interested parties of the draft's availability. A notice was also published in the Gazette on 1 May 2014. Comments on the draft amendments were requested by 14 May. This was later extended to 28 May 2014.

One written submission from industry, from the Petroleum Exploration and Production Association New Zealand, was made on the draft Part 131. Maritime New Zealand also met and heard the Association speak to its written comments. Comments on the draft rules were also received from the Ministry for the Environment. All comments were considered and the draft rules finalised.

Entry into force

This Part enters into force on 31 October 2015.

General

131.1 Application

- (1) Subparts A, B, and C apply to every offshore installation within—
 - (a) the internal waters of New Zealand; or
 - (b) New Zealand continental waters.
- (2) Subpart D applies to every offshore installation within the territorial sea.
- (3) Subpart E applies to—
 - (a) any oil spill contingency plan within a discharge management plan approved and current under Part 200 – Offshore Installations – Discharges 2010; and
 - (b) existing applications for approval of a discharge management plan made under Part 200 – Offshore Installations – Discharges 2010.

131.2 Definitions

- (1) In this Part—

Act means the Maritime Transport Act 1994:

Administration means the government of the State—

- (a) under whose authority an offshore installation is operating; or
- (b) whose flag the offshore installation is entitled to fly:

approved means approved by the Director:

authorised organisation means an organisation that has entered into a memorandum of agreement with the Director—

- (a) in accordance with the International Maritime Organization Assembly Resolution A.739(18) and the Annexes thereto entitled *Guidelines for the Authorization of Organizations Acting on Behalf of the Administration*; and
- (b) governing the undertaking of particular survey and certification functions by that organisation's employees under the Act and the rules:

authorised person means a person employed by an authorised organisation who has powers, delegated by the Director under section 444 of the Act, to issue and suspend marine protection documents, including International Oil Pollution Prevention Certificates, under Part 22 of the Act:

coastal marine area has the meaning given to it in section 2 of the Resource Management Act 1991:

continental shelf has the meaning given to it in section 2 of the Continental Shelf Act 1964:

Director has the same meaning as in section 2 of the Act:

discharge—

- (a) includes any release, disposal, spilling, leaking, pumping, emitting or emptying;
- (b) does not include—
 - (i) dumping in accordance with a permit issued by the Director under section 262 of the Act; or

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- (ii) release of harmful substances for the purposes of legitimate scientific research into pollution abatement and control; or
- (iii) reinjection into geological formations:

dispersant means any substance used or intended to be used in an oil spill response principally, when applied to floating oil, to increase the rate of penetration of oil into the water column and increase the persistence of this dispersed oil below the surface:

emergency spill response procedures means those procedures of an approved oil spill contingency plan prepared or required to be prepared in accordance with clause 2 of the Schedule:

exclusive economic zone has the meaning given to it in section 9 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977:

FPSO means a floating production storage and offloading facility:

FSU means a floating storage unit:

garbage has the same meaning as in rule 170.1:

installation means offshore installation:

internal waters of New Zealand has the meaning given to it in section 4 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977:

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

National On-Scene Commander means the National On-Scene Commander appointed under section 319 of the Act:

New Zealand continental waters means—

- (a) New Zealand marine waters; and
- (b) the waters beyond the outer limits of the exclusive economic zone but above the continental shelf:

New Zealand marine waters means—

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

offshore installation includes—

- (a) any artificial structure (including a floating structure that is not a ship) used or intended to be used in or on, or anchored or attached to, the seabed for the purpose of the exploration for, or the exploitation or associated processing of, any mineral, oil or gas;
- (b) for the purposes of rules 131.21 to 131.29, 131.41 and 131.42, a pipeline permanently attached to an offshore installation:

oil—

- (a) means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products (other than petrochemicals subject to the provisions of Part 140):
- (b) includes, for the purposes of this Part and section 222 of the Act, any substance declared to be oil in the Appendix to Part 120 and any oily mixture:

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:

oil spill means any actual or probable release, discharge or escape of oil in the sea:

oil spill contingency plan means a plan prepared in respect of an offshore installation providing for the measures to be taken in respect of oil spills from the offshore installation:

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:

oily mixture means a mixture with any oil content:

operate, in relation to an offshore installation, means to use in or on, or to anchor or attach to, the seabed for the purpose of commissioning or decommissioning the installation, exploring for, or exploiting or processing any mineral:

owner, in relation to an offshore installation, includes—

- (a) any person having a right, privilege or licence to explore for or exploit minerals in connection with which the installation is being, has been, or is to be used; and
- (b) any manager, lessee, licensee or operator of the installation; and
- (c) any agent or employee of the owner, manager, lessee, licensee or operator of the installation; and
- (d) any person in charge of any operations connected with the installation:

Part means, unless the context otherwise requires, a group of rules made under the Act:

region has the meaning given to it in the Local Government Act 2002:

regional council means a regional council within the meaning of the Local Government Act 2002; and includes any territorial authority that has, by reason of the transfer to it under section 17 of the Local Government Act 2002 of a responsibility of a regional council, the functions powers and duties of a regional council and the Chatham Islands Council:

regional on-scene commander means a regional on-scene commander appointed under section 318 of the Act:

substance means a chemical element or compound or a mixture or solution composed of two or more elements or compounds:

surveyor means a surveyor employed by an authorised organisation:

territorial sea has the meaning given to it in section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977.

- (2) For the purposes of section 225 of the Act, oil is a harmful substance.

Subpart A Oil spill contingency plans

131.21 Requirement for an oil spill contingency plan

A person must not operate an offshore installation without the Director's written approval of an oil spill contingency plan containing the matters prescribed in the Schedule that are appropriate to the operation of that installation.

131.22 Application for approval of an oil spill contingency plan

- (1) Every application for approval of an oil spill contingency plan—
- (a) must be in English; and
 - (b) must be made in writing to the Director; and
 - (c) must include a covering page with the applicant's—
 - (i) address for service in New Zealand; and
 - (ii) telephone number; and
 - (iii) fax number (if any); and
 - (iv) email address (if any); and
 - (d) must be made at least 2 months before the date on which the operations are due to begin or the existing approval expires; and
 - (e) must include the contents of the proposed oil spill contingency plan in—
 - (i) hard copy; and
 - (ii) an electronic form acceptable to the Director; and
 - (f) must include evidence of compliance with rule 131.23.
- (2) The Director may require an inspection or audit of the installation to be carried out, and may require any additional information he or she considers necessary, to support an application for approval of an oil spill contingency plan.
- (3) If under subrule (2) the Director requires an inspection or audit or additional information, the Director must advise the applicant in writing, no later than 15 working days from the date of receipt of the application, of the details required and the reason or reasons for it.

131.23 Consultation

- (1) Before an oil spill contingency plan is submitted for approval, the owner of an installation must consult with—
- (a) if the installation is in the territorial sea—
 - (i) the regional on-scene commander; and
 - (ii) the nearest regional office of the Department of Conservation; and
 - (iii) the persons whose interests in the vicinity of the installation that are likely to be affected by a spill of oil from that installation; and
 - (b) if the installation is outside the territorial sea, the persons whose interests in the vicinity of the installation likely to be affected by a spill of oil from that installation including, if appropriate, regional on-scene commanders, regional offices of the Department of Conservation, and tangata whenua.

- (2) The owner must consult on the locations and resources identified as at risk of environmental damage in the event of a spill of oil.

131.24 Approval and duration of an oil spill contingency plan

- (1) If the Director is satisfied that a proposed oil spill contingency plan complies with the requirements of the Schedule, the Director may approve the oil spill contingency plan for a period not exceeding 3 years.
- (2) The Director's written approval of an oil spill contingency plan is a marine protection document for the purposes of Part 22 of the Act.

131.25 Custody of an oil spill contingency plan

- (1) The owner of an installation must keep the approved oil spill contingency plan and the Director's written approval at all times, and make both documents available to the Director on request.
- (2) A copy of the approved oil spill contingency plan and the Director's written approval must be made available on every manned installation to which the plan applies.
- (3) Two hard copies and a copy in an electronic form acceptable to the Director of the approved oil spill contingency plan must be supplied to the Director as soon as practicable after the approval is issued.
- (4) If the installation is within a region, the owner must supply a copy of the Director's written approval and the approved oil spill contingency plan to the regional on-scene commander as soon as practicable after the approval is issued.

131.26 Modifications to an oil spill contingency plan

- (1) Except as provided in subrule (3), the owner of an installation must apply to the Director for approval of any modification to the oil spill contingency plan when the owner proposes to—
 - (a) alter the use or layout of the installation in such a way that could increase the risk of a spill of oil; or
 - (b) make any change as a result of training or review of the emergency spill response procedures.
- (2) Every application for modifications to an oil spill contingency plan—
 - (a) must be in English; and
 - (b) must be made in writing to the Director; and
 - (c) must be made at least 2 months before the date on which the modification is to be implemented; and
 - (d) must include the details of the proposed amendments and, if applicable, reference to the provisions in the approved oil spill contingency plan they are to replace; and
 - (e) where the proposed change will result in a significantly increased risk of a spill of oil, must include evidence of consultation in accordance with rule 131.23.
- (3) The owner may make the following changes to the oil spill contingency plan without the prior approval of the Director:
 - (a) modifications to the 24-hour contact list:
 - (b) reassignment of personnel responsibilities:
 - (c) substitution of another oil product for a product specified in the plan under clause 1(d) of the Schedule provided—

- (i) there is no increase in the overall volume of the oil type stored at the installation; and
- (ii) for each substituted oil product, material safety data sheets that contain complete information on the oil's properties of density, viscosity, ecotoxicity, persistence, biodegradation, and bioaccumulation are held and kept up-to-date at the installation and in all copies of the oil spill contingency plan that are controlled by the owner's internal quality assurance procedures.

131.27 Notification of modifications to an oil spill contingency plan

- (1) The owner of an installation must notify—
 - (a) the Director; and
 - (b) every person holding a copy of the oil spill contingency plan, required to be kept or supplied under rule 131.25—of any modification made to the oil spill contingency plan within 2 weeks of the change being made.
- (2) The owner must keep a record of the action or actions taken to meet the obligation in subrule (1).

131.28 Implementation of the emergency spill response procedures

The owner of an installation must—

- (a) ensure that all personnel who are assigned responsibilities under the approved oil spill contingency plan to deal with spills of oil are aware of their responsibilities under that plan and receive training appropriate to their responsibilities; and
- (b) ensure that—
 - (i) training required by subrule (a) is undertaken before any person commences operational duties; and
 - (ii) a record of all training carried out in accordance with subrule (a) is maintained; and
 - (iii) any training record maintained in accordance with this rule is provided to the Director on request; and
- (c) maintain access to equipment to deal with a spill, at a level appropriate to the emergency spill response procedures identified in the approved oil spill contingency plan; and
- (d) when called upon by the Director, justify any spill response option, identified in the oil spill contingency plan, as effective and achievable.

131.29 Testing and reviewing the emergency spill response procedures

- (1) The owner of an installation must—
 - (a) test the emergency spill response procedures not less than once every 12 months in accordance with an oil spill exercise programme approved by the Director for each year; and
 - (b) review the effectiveness of the emergency spill response procedures as soon as practicable after—
 - (i) every test carried out under subrule (a); and
 - (ii) every use of the emergency spill response procedures in response to a spill; and

- (iii) any change in the spill response procedures or equipment for the installation, other than the direct replacement of equipment.
- (2) The owner must—
 - (a) notify the Director of any test or review not less than 14 days prior to the test or review being carried out in accordance with subrule (1); and
 - (b) make and keep a record of every test and review, including the results of any test and review, carried out under subrule (1); and
 - (c) provide the Director with a copy of the results of every test and review carried out under subrule (1).
- (3) Following every review of the emergency spill response procedures, the owner must—
 - (a) determine the modifications to the oil spill contingency plan that would increase the effectiveness of the plan; and
 - (b) submit all modifications, except those to which subrule (c)(i) applies, to the Director for approval; and
 - (c) implement those modifications—
 - (i) immediately, in the case of modifications to the 24-hour contact list or reassignment of personnel responsibilities; and
 - (ii) in all other cases, as soon as practicable after they have been approved by the Director.

Subpart B Reporting

131.41 Reporting of spills

- (1) Immediately after any oil spill, the owner of an installation must report the spill by the fastest means of communication available and with the highest possible priority, using the procedures outlined in the oil spill contingency plan, to—
 - (a) the regional council or the Director, if the spill occurs in a region; or
 - (b) the Director and the Environmental Protection Authority, if the spill occurs beyond the territorial limits of New Zealand.
- (2) If the person responsible for implementing the emergency spill response procedures considers that any oil spill cannot be contained or cleaned up using the resources available to that person, he or she must report that fact by the fastest means of communication available and with the highest possible priority, using the procedures outlined in the oil spill contingency plan, to—
 - (a) the regional council or the Director, if the spill occurs in a region; or
 - (b) the Director and the Environmental Protection Authority, if the spill occurs beyond the territorial limits of New Zealand.

131.42 Event reporting

- (1) The owner of an installation must report any event that occurs to the offshore installation or any defect of the installation that is discovered which substantially affects—
 - (a) the integrity of the installation; or
 - (b) the efficiency or completeness of the equipment covered by this Part.
- (2) The owner must ensure that every report required under subrule (1) is made as soon as possible to—

- (a) the Director; and
 - (b) the authorised organisation that issued the installation's International Oil Pollution Prevention Certificate.
- (3) After a report has been made under subrule (1), the Director or the authorised organisation that issued the installation's International Oil Pollution Prevention Certificate may require that the installation be surveyed to ensure compliance with the requirements of this Part and the installation's International Oil Pollution Prevention Certificate.

Subpart C International oil pollution prevention certificates

131.61 Requirement for an offshore installation to have an International Oil Pollution Prevention Certificate

- (1) The owner of an installation must ensure that a valid International Oil Pollution Prevention Certificate is held in respect of the installation that is—
- (a) issued or renewed in accordance with rule 131.63; or
 - (b) issued by or on behalf of a State party to MARPOL other than New Zealand, and recognised as a marine protection document under section 270 of the Act.
- (2) The owner must ensure that the certificate referred in subrule (1) is—
- (a) made readily available for inspection by the Director; and
 - (b) in the case of a manned offshore installation, available on board the installation at all times; and
 - (c) in the case of an unmanned offshore installation, available on board the installation at all times or, if an alternative location has been approved by the Director, at that location.

131.62 Surveys and inspections prior to the issue, renewal or endorsement of an International Oil Pollution Prevention Certificate

- (1) The owner of an installation must ensure that the installation undergoes the following surveys carried out by a surveyor:
- (a) an initial survey before the International Oil Pollution Prevention Certificate is issued for the first time;
 - (b) renewal surveys at five yearly intervals or any such lesser period specified by the Director;
 - (c) an annual survey within three months before or after every anniversary date of the International Oil Pollution Prevention Certificate;
 - (d) an intermediate survey within three months before or after either the second or third anniversary date of the International Oil Pollution Prevention Certificate, in place of the respective annual survey.
- (2) Initial and renewal surveys must be carried out to ensure that the structure, equipment, systems, piping, fittings, arrangements, emergency spill response procedures and material fully comply with the requirements of this Part.
- (3) Annual surveys must be carried out to ensure that the structure, equipment, systems, piping, fittings, arrangements, emergency spill response procedures and material—
- (a) have been properly maintained; and
 - (b) have not been altered without the approval of the Director or a surveyor as required; and

- (c) remain satisfactory for service.
- (4) Intermediate surveys must be carried out to ensure that—
 - (a) the equipment and associated pump and piping systems, including oil discharge monitoring and control systems, oily water separating equipment and oil filtering systems are in good working order and fully comply with the requirements of this Part; and
 - (b) the structure, equipment, systems, piping, fittings, arrangements, emergency spill response procedures and material have not been altered without the approval of the Director or a surveyor.
- (5) The owner must ensure that a copy of the report of any survey carried out in accordance with subrule (1)(c) or (d) is forwarded to the Director as soon as possible following the completion of the survey.

131.63 Issue, duration and renewal of an International Oil Pollution Prevention Certificate for an offshore installation

- (1) The owner of an installation must apply to the Director for the issue, renewal or endorsement of an International Oil Pollution Prevention Certificate in respect of the installation in accordance with section 269 of the Act.
- (2) The Director must, as appropriate, issue, renew, or endorse the International Oil Pollution Prevention Certificate in accordance with section 270 of the Act, if satisfied that the offshore installation—
 - (a) meets the requirements of this Part; and
 - (b) has undergone an initial survey, a renewal survey, an annual survey or an intermediate survey as appropriate in accordance with rule 131.62 and to the satisfaction of the surveyor.
- (3) An International Oil Pollution Prevention Certificate, including a supplement—
 - (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 the International Maritime Organization from time to time; and
 - (b) may be issued for a period not exceeding 5 years; and
 - (c) is subject to the following conditions—
 - (i) no significant alterations may be made in the installation’s structure, equipment, systems, piping, fittings, arrangements and material without the approval of a surveyor, except the direct replacement of such equipment and fittings; and
 - (ii) the surveys required under rule 131.62 must be completed; and
 - (iii) if a manned installation, the installation must have on board an approved oil spill contingency plan.

131.64 Conditions of the International Oil Pollution Prevention Certificate

A surveyor may give his or her approval to the issue, renewal or endorsement of an International Oil Pollution Prevention Certificate subject to such conditions as the surveyor sees fit in the interests of maritime safety and marine environment protection.

131.65 Failure to meet standards required for renewal or endorsement of an International Oil Pollution Prevention Certificate

- (1) Subrule (2) applies if, as a result of an annual or renewal survey, the surveyor determines that—
 - (a) the condition of the offshore installation does not correspond substantially with the particulars of the installation's International Oil Pollution Prevention Certificate; or
 - (b) the equipment presents a reasonable threat of harm to the marine environment.
- (2) The surveyor must—
 - (a) immediately instruct the owner of the installation to take corrective action; and
 - (b) notify the Director of the corrective action required; and
 - (c) not renew or endorse the installation's International Oil Pollution Prevention Certificate.
- (3) If the corrective action required under subrule 2(a) is not taken, the Director may, in accordance with section 272 of the Act, suspend or impose conditions on the installation's International Oil Pollution Prevention Certificate.

131.66 Condition after survey

- (1) The owner of an installation must ensure that the installation's equipment is maintained in a condition that—
 - (a) complies with the provisions of this Part; and
 - (b) corresponds substantially with its International Oil Pollution Prevention Certificate; and
 - (c) does not present an unreasonable threat of harm to the marine environment.
- (2) The owner must ensure that no change is made to an installation's structure, equipment, systems, piping, fittings, arrangements or material covered by a survey, without the approval of a surveyor, except the direct replacement of such equipment and fittings.

Subpart D Operations

131.81 Placards

The owner of an installation must ensure that placards in the working language of the crew and in English are displayed to notify all persons on board the installation that the discharge of garbage is prohibited in the coastal marine area under regulation 13 of the Resource Management (Marine Pollution) Regulations 1998.

131.82 Garbage management plans

- (1) The owner of an installation located inside the outer limits of the territorial sea must ensure that—
 - (a) the installation has a garbage management plan that complies with this rule; and
 - (b) an up-to-date copy of the installation's garbage management plan is carried on board the installation; and
 - (c) all persons on board comply with the garbage management plan at all times.

- (2) The garbage management plan required under this rule must—
 - (a) prescribe written procedures for minimising, collecting, storing, processing, and disposing of garbage, including the use of garbage related equipment on board; and
 - (b) designate the person or persons in charge of carrying out the plan; and
 - (c) be written in the working language of the crew and in English.
- (3) Every person on board an installation to which this rule applies must comply with the garbage management plan at all times.

131.83 Garbage Record Books

- (1) The owner of an installation must ensure that—
 - (a) there is a Garbage Record Book for the installation that is—
 - (i) in the form shown in the Appendix to Part 170; and
 - (ii) in the working language of the crew and in English; and
 - (iii) carried on board the installation at all times; and
 - (iv) readily available for inspection by the Director at all reasonable times; and
 - (b) following each completed incineration of garbage, an entry is made in the Garbage Record Book that includes—
 - (i) the date and time of the incineration; and
 - (ii) the position of the installation at the time of the incineration; and
 - (iii) the category of the garbage incinerated; and
 - (iv) the estimated amount of garbage incinerated; and
 - (v) the signature of the officer in charge of the incineration; and
 - (c) for each discharge or accidental loss, an entry is made in the Garbage Record Book that includes—
 - (i) the location, circumstances of, and reasons for the discharge or loss; and
 - (ii) details of the items discharged or lost; and
 - (iii) the reasonable precautions taken to prevent or minimise such discharge or accidental loss.
- (2) Each completed page of the Garbage Record Book must be signed by the person on board the installation who has overall responsibility for its operations.
- (3) The Garbage Record Book must be preserved by the owner of the installation for 24 months after the last entry has been made.

131.84 Oil filtering equipment

- (1) The owner of an installation must ensure that it is fitted with oil filtering equipment—
 - (a) of a design approved by the Director or the Administration of another State party to MARPOL; and
 - (b) to ensure that any oily mixture that—
 - (i) drains from the machinery spaces and other parts of the installation, or from ballasting or cleaning of oil fuel tanks; and

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- (ii) is discharged into the sea—
has an oil content not exceeding 15 parts per million, after passing through the equipment.
- (2) In the case of an offshore installation of 10,000 gross tonnage or more, the oil filtering equipment described in subrule (1) must be fitted with—
 - (a) an alarm to indicate when the oil content of the effluent exceeds 15 parts per million; and
 - (b) arrangements to ensure that any discharge of oily mixture is automatically stopped when the alarm is activated.
- (3) The requirements in subrules (1) and (2) do not apply if—
 - (a) the Director is satisfied that oily mixtures can be adequately stored on board and subsequently discharged to reception facilities ashore or otherwise satisfactorily disposed of without being discharged into the sea; and
 - (b) oily mixtures are adequately stored on board and are subsequently discharged to reception facilities ashore or otherwise satisfactorily disposed of without being discharged into the sea.

131.85 Oil residue (sludge) tanks

- (1) The owner of an installation that is not a fixed offshore installation must ensure that it is fitted with an oil residue (sludge) tank—
 - (a) that is large enough to hold all oil and oily mixtures that cannot otherwise be dealt with in accordance with this Part; and
 - (b) that is designed and constructed so as to allow it to be cleaned and emptied and the contents transported to shore or discharged to a reception facility; and
 - (c) that has a designated pump for disposal that is capable of taking suction from the tank; and
 - (d) that has no discharge connections to the bilge system (except as provided for in subrule (2)), tank top, or oily water separators.
- (2) The oil residue (sludge) tank of an offshore installation that is not a fixed offshore installation may be connected to the oily bilge water holding tank by drains, with manually operated self-closing valves and arrangements for subsequent visual monitoring of the settled water, or connected to that tank by an alternative arrangement, provided that the arrangement has no connection directly to the bilge piping system.
- (3) The owner of a fixed offshore installation must ensure that it is fitted with an oil residue (sludge) tank—
 - (a) that is large enough to hold all oil and oily mixtures that cannot otherwise be dealt with in accordance with this Part; and
 - (b) that is designed and constructed so as to allow it to be cleaned and emptied and the contents transported to shore; and
 - (c) that has a designated pump for disposal that is capable of taking suction from the tank.
- (4) Any arrangement connecting an oil residue (sludge) tank of a fixed offshore installation to the installation's drainage systems must be approved by the Director.

131.86 Oil record book

- (1) The owner of an installation must ensure that the installation is provided with an oil record book in a form approved by—
 - (a) the Director; or
 - (b) the Administration of another State party to MARPOL.
- (2) The owner must ensure that an entry is made in the appropriate part of the installation's oil record book in accordance with the provisions of MARPOL, Annex I, Appendix III on every occasion on which any of the following operations takes place on the installation:
 - (a) ballasting or cleaning of oil fuel tanks:
 - (b) discharge of dirty ballast or cleaning water from oil fuel tanks:
 - (c) discharge overboard or other disposal of oily water that has accumulated in machinery spaces or other parts of the installation:
 - (d) loading of oil:
 - (e) internal transfer of oil:
 - (f) unloading of oil:
 - (g) ballasting of produced oil storage tanks:
 - (h) cleaning of produced oil storage tanks:
 - (i) discharge of dirty ballast or cleaning water from produced oil storage tanks:
 - (j) disposal of oily residues (sludge).
- (3) The owner must ensure that a statement is made in the appropriate part of the installation's oil record book of the circumstances of, and the reasons for—
 - (a) any discharge into the sea of oil or oily mixture for the purpose of—
 - (i) securing the safety of the offshore installation:
 - (ii) saving life at sea; and
 - (b) any escape into the sea of oil or oily mixture resulting from—
 - (i) damage to the offshore installation or its equipment; or
 - (ii) any other accidental or exceptional occurrence; and
 - (c) any discharge into the sea of substances containing oil used for the purpose of combating specific pollution incidents.
- (4) Every entry or statement, required to be made in the installation's oil record book, must be—
 - (a) fully recorded without delay; and
 - (b) signed by the person or persons in charge of the operation or operations concerned; and
 - (c) in English.
- (5) Every completed page of the oil record book must be signed by the person on board the offshore installation who has overall responsibility for its operations.
- (6) The owner must ensure that an oil record book is readily available for inspection at all reasonable times and is kept—
 - (a) on board the installation, in the case of a manned offshore installation; or

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- (b) at a reasonably accessible location for inspection, in the case of an unmanned offshore installation under tow or a normally unmanned installation.
- (7) The owner must ensure that a true copy of every completed page of the installation's oil record book is forwarded to the Director within 15 working days of the end of the month in which it was completed.
- (8) Every oil record book must be kept by the owner of the installation for a period of three years after the last entry is made in it.

Subpart E Revocation and transitional and savings provisions

131.101 Transitional and savings provisions

- (1) The oil spill contingency plan provisions of a discharge management plan approved under Part 200 – Offshore Installations – Discharges 2010 must be treated as an oil spill contingency plan approved under rule 131.24 for a term that is the same as the remaining duration of the approval of the discharge management plan under rule 200.7.
- (2) During the remaining duration of an oil spill contingency plan under subrule (1), the plan remains subject to the relevant provisions of Part 200 as if that Part had not been revoked.
- (3) Every application for approval of a discharge management plan covering the matters (other than those that apply only to controlled installations) in Schedule 1 of Part 200 – Offshore Installations – Discharges 2010 made before this Part came into force but not determined by that date must be continued and completed under Part 200.

131.102 Revocation

Marine Protection Rules Part 200 is revoked.

Schedule¹

Contents of an oil spill contingency plan

1 Risk identification, assessment and prevention

Every oil spill contingency plan must include—

- (a) location details of the offshore installation and of the permit(s) to which the application relates; and
- (b) up-to-date and accurate drawings or plans showing—
 - (i) the general arrangement of the installation, in particular, the places and systems associated with the storage or transfer of oils including tank capacity, filling arrangements, isolation valves and drainage systems highlighting the critical isolation points; and
 - (ii) the most likely sources of any oil spill that may result in a pollution incident; and
- (c) details of the proposed operations at the installation; and
- (d) a description of all oils stored at the installation that includes—
 - (i) characteristics; and
 - (ii) specifications; and
 - (iii) material safety data sheets for each oil product containing information on density, viscosity, ecotoxicity, persistence, biodegradation, and bioaccumulation; and
 - (iv) the maximum volume of each oil type to be held on the installation; and
- (e) information on the oils produced by the installation, including-
 - (i) physical properties including pour point, viscosity, density, API gravity, wax content and asphaltene content measured by a method approved by the Director; and
 - (ii) weathering information including evaporation rates, emulsion-forming tendencies and changes in oil properties measured at 12, 24, and 48 hours by a method approved by the Director; and
 - (iii) effectiveness on selected dispersants as required by the Director on fresh oil and oil weathered for 12, 24, and 48 hours measured by a method approved by the Director; and
- (f) information on the likely fate of spilled produced oil taking into account weathering characteristics and the likely movement of any oil spilled from the installation; and
- (g) a detailed description of all the processes and activities which present a risk of pollution from an oil spill, with a list of specific procedures to reduce the risk of an oil spill; and
- (h) a detailed description of the potential environmental, social, and economic receptors that may be affected by an oil spill from the installation and proposed response options, including details of how the receptor may be affected.

¹ Referenced in rules 131.21, 131.24(1), and 131.26(3)(c)

2 Emergency spill response procedures for oil

- (1) The information required in subclauses (2) and (3) must be included as a consolidated section within the oil spill contingency plan.
- (2) Every oil spill contingency plan must contain emergency spill response procedures for oil.
- (3) Emergency spill response procedures must include—
 - (a) guidance to ensure the safety of personnel; and
 - (b) information to help the operator deal with a spill by detailing the actions necessary to stop, minimise or mitigate the effects of a spill, including procedures for—
 - (i) determining what action to take in response to a spill; and
 - (ii) preventing escalation of the spill; and
 - (iii) stopping the discharge at its source, if possible; and
 - (iv) identifying the safety and environmental consequences of any remedial action; and
 - (v) determining whether the spill can be contained or cleaned up using the resources available to the owner or any other person responsible for implementing the emergency spill response procedures; and
 - (c) details of the response options available to the operator; and
 - (d) the procedures by which—
 - (i) oil spills are to be reported in accordance with rule 131.41; and
 - (ii) events and defects are to be reported in accordance with rule 131.42; and
 - (e) a list of 24-hour contact information, including that of:
 - (i) the owner or the owner's representative:
 - (ii) the Director:
 - (iii) the regional council, if the installation is within a region:
 - (iv) any organisation contracted to respond to oil spills at the installation:
 - (v) the person responsible for implementing the plan:
 - (vi) the person co-ordinating response activities:
 - (vii) off-duty personnel with responsibilities for dealing with oil spills:
 - (viii) all other persons who have interests in the vicinity of the installation that are likely to be affected by an oil spill from the installation; and
 - (f) the organisational emergency response structure for the operator, including the duties of all personnel responsible for dealing with oil spills; and
 - (g) an inventory and location of response equipment held by the operator and personnel responsibilities for the deployment, survey and maintenance of that equipment.

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Part 131

Summary of Submissions

This text does not form part of the rules contained in Part 131. It provides details of the consultation undertaken in making the rules. One written submission, from the Petroleum Exploration and Production Association New Zealand Incorporated, was received. In addition, comments were received on aspects of the draft rules from the Ministry for the Environment.

The scope of consultation was intended to be limited to seeking views on whether the legislative intent of the transfer of functions to the Environmental Protection Authority was achieved.

In fact, all the comments addressed other matters, although predicated on the transfer taking place. The matters included proposed amendments that would improve the arrangement, workability and alignment of the rules with the draft Exclusive Economic Zone and Continental Shelf (Environmental Effects – Discharge and Dumping) Regulations 2015.

Maritime New Zealand (MNZ) reviewed the comments and amended the final rules to:

- allow owners, without MNZ approval being required, to modify oil spill contingency plans to substitute oil products provided the total volume of their inventory remains the same and product characteristics relevant to oil spill response are documented at the installation and in contingency plans
- better distinguish, using a new subpart heading, between rules relating to operations that apply only to installations located within the territorial sea and those outside this boundary
- modify the threshold for reporting events
- allow oil record books for normally unmanned installations to be maintained off the installation

Some proposed amendments were not reflected in the final rules. This was for various reasons, such as maintaining consistency with Maritime Transport Act definitions of key terms, and upholding obligations under MARPOL.