



Ministry of **Transport**
TE MANATŪ WAKA

Maritime Transport Act 1994

Marine Protection Rules

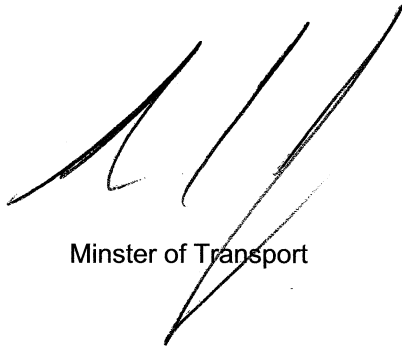
Marine Protection Various Amendments 2010

Pursuant to sections 386, 387, 388 and 390 of the Maritime Transport Act 1994 I, Steven Joyce, Minister of Transport, hereby make the following marine protection rules.

Signed at Wellington

This *28th* day of *August* 2010

By STEVEN JOYCE



Minster of Transport

Contents

Part objective	iv
Extent of consultation	v
Entry into force	v
Subpart A – Substantive Marine Protection Rule Changes	
Part 100 – Port Reception Facilities – Oil, Noxious Liquid Substances and Garbage	
1 Definitions	1
2 Requirements for ports generally	1
3 Requirements for ports handling ships proceeding to or from the Antarctic area	1
Part 103 – Notifications – Oil and Noxious Liquid Substances	
4 Definitions	1
5 Procedure for notifying transfers	2
6 Notification of STS operations	2
Part 122 – Marine Protection Products	
7 Definitions	3
8 Application	3
9 Oily bilge water holding tanks	4
10 Oil residue (sludge) tanks	4
11 Oil residue (sludge) tank piping	4
12 Ships entering the Antarctic area	4
Part 123A – Documents – Oil	
13 Definitions	5
14 Issue, duration and renewal of an International Oil Pollution Prevention Certificate for a New Zealand ship	5
15 Form of Supplement to International Oil Pollution Prevention Certificate – Record of Construction and Equipment	5
16 Requirement to carry Supplement to the International Oil Pollution Prevention Certificate – Record of Construction and Equipment	5
17 Effect of amendments to form of certificate and record of construction and equipment	5
18 Appendices	6
Part 123B – Document (Record Books and Manuals)	
19 Definitions	6
20 Compliance dates –New Zealand ships	7
21 Requirement to carry Oil Record Book(s) – New Zealand ships	7
22 Entries in Oil Record Book(s) – New Zealand ships	7
23 Requirement to carry Oil Record Book(s) – foreign ships	7
24 Compliance dates – small New Zealand tankers	7
25 Requirement to carry Oil Record Book – Small New Zealand tankers	7
26 Appendices	7
Part 125 – Shipboard Operations – Oil	
27 Definitions	8
28 STS operations plan	8
29 Carriage of oil in the Antarctic area	9
Part 200 – Offshore Installations – Discharges	
30 Definitions	9
31 Oil residue (sludge) tanks	9
32 Issue, duration and renewal of an International Oil Pollution Prevention Certificate for an offshore installation	10
33 Schedules	10

Subpart B Minor Corrections To Marine Protection Rules

34	Definitions	11
Part 103 – Notifications – Oil and Noxious Liquid Substances		
35	Part Objective	11
36	Application	11
Part 121A – Ship Design & Construction – Oil Tankers		
37	Oil Tankers of 600 to 5000 Tonnes Deadweight that Carry Heavy Grade Oil as Cargo Heavy Grade Oil as Cargo	11
38	Accidental oil outflow performance	11
39	Limitation of size and arrangement of cargo tanks	11
40	Subdivision and stability	11
41	SCHEDULE – Interpretation	11
42	SCHEDULE – Mean outflow for bottom damage	12
43	SCHEDULE – Side damage probabilities	12
Part 122 – Marine Protection Products - Oil		
44	Definitions	12
45	Oil filtering equipment	12
46	Ships that do not have to carry oil filtering equipment	12
47	Crude oil washing and inert gas systems	12
48	Oil/water interface detectors	12
Part 123A – Documents – Oil		
49	Issue, duration and renewal of an International Oil Pollution Prevention Certificate for a New Zealand ship	13
Part 123B – Documents (Record Books and Manuals)		
50	Commencement	13
51	Entries in Oil Record Book(s)	13
52	Application and compliance dates	13
53	Application and compliance dates	13
54	Operation Manual – dedicated clean ballast tanks	13
55	Operation Manual – dedicated clean ballast tanks	13
56	Operations Manual – oil discharge and monitoring	13
Part 125 –Shipboard Operations - Oil		
57	Commencement	14
58	Definitions	14
59	Application and compliance dates	14
60	Closure of cargo tank valves	14
Part 130B – Oil Transfer Site Marine Oil Spill Contingency Plans		
61	Interpretation	14
62	Schedule: Response to marine oil spills	14
Part 130C – Regional Oil Spill Contingency Plans		
63	Part Objective	15
64	Definitions	15
65	Interface with other plans	15
66	Standard operating procedures	15
67	Oil spill response equipment and supporting resources	15
Part 132 – Dispersants & Demulsifiers		
68	Scope and duration of approval, and packaging requirements for, an approved substance	15
69	Definitions	15

Part 141 – Ship Design, Construction, Equipment and Operation – Noxious Liquid Substances in Bulk	
70	Definitions 16
71	Chemical tankers 16
72	Pumping, piping and unloading arrangements 16
Part 142A – Documents (Certificates) – Noxious Liquid Substances	
73	Application and compliance dates 16
Part 143 – Shipboard Marine Pollution Emergency Plans for Noxious Liquid Substances	
74	Definitions 16
75	Custody of a noxious liquid substances plan 16
Part 160 – Prevention of Pollution by Sewage from Ships in the Antarctic Treaty Area	
76	Definitions 17
Part 170 – Prevention of Pollution by Garbage from Ships and Offshore Installations	
77	Title 17
78	Description of the garbage 17
79	Entries in the Garbage Record Book 17
80	Part objective 17
81	Notification not required in certain cases 17

Part Objective

The objective of Subpart A of the Marine Protection Various Amendments 2010 is to prevent pollution of the sea by oil from ships and offshore installations by rules that will:

- 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 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.

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 International Maritime Organization 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.

The further objective of Subpart A is simplifying the rules and eliminating the need for future amendments by removing the form of the International Oil Pollution Prevention Certificate prescribed by MARPOL from the rules and incorporating the form by reference.

The objective of Subpart B of the Marine Protection Various Amendments 2010 is to correct minor errors and removing redundant provisions.

Rules subject to Regulations (Disallowance) Act 1989

Marine protection rules are subject to the Regulations (Disallowance) Act 1989. 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 the Regulations (Disallowance) Act 1989.

Extent of Consultation

On 26 June 2010, Maritime New Zealand published in each of the daily newspapers in the four main centres of New Zealand a notice inviting comments on the proposed marine protection rules. A notice was also published in the *Gazette* on 24 June 2010. The invitation to comment and draft amendment rules were then made available to the public with copies being sent to 30 interested parties. MNZ also made the draft available on its website. Comments on the draft amendments were requested by 19 July 2010 – subsequently extended to 31 July 2010.

Three submissions were received on the draft rules. The issues raised in the submissions were considered and the draft amendments finalised.

Entry into force

Subpart A of these rules comes into force on 1 January 2011, except for rule 29 which comes into force on 1 August 2011.

Subpart B of these rules comes into force on 1 October 2010.

Subpart A Substantive marine protection rule changes

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

Part 100 is amended as follows:

1 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.”.

2 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”.

3 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:

4 Definitions

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

“FPSO, in relation to a STS operation, mean a floating production, storage, and offloading facility:

FSU, in relation to a STS operation, means a floating storage unit:

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 as defined in section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977; and

- (b) the waters of the exclusive economic zone of New Zealand as defined in section 2(1) of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977:

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

Ship-to-ship (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; FPSOs used for the offshore production and storage of oil; and FSUs used for the offshore storage of produced oil:
- (b) bunkering operations:”.

5 Procedure for notifying transfers

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

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

6 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 the 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 within 48 hours before 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 cargo in the STS operation—
 - (i) is not required to provide the notification within 48 hours before 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—
 - (i) within 48 hours before 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:

7 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:”.

8 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 other ship of the New Zealand Defence Force.”.

9 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”.

10 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.”.

11 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”.

12 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 made to discharge the oily residues at a reception facility after leaving the area.”.

Part 123A – Documents – Oil

Part 123A is amended as follows:

13 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:
- (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.”; and

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

“**Form A**” means the “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.”.

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

Rule 123A.5 is amended by deleting from subrule (2) “Appendix 1” and substituting “MARPOL Annex I Appendix II,”.

15 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).

16 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”.

17 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:

“Savings 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 1 January 2011 shall continue in force, or 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.”.

18 Appendices

The Appendices to Part 123A are amended by—

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

Part 123B – Documents (Record Books and Manuals)

Part 123B is amended as follows:

19 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:”.

20 Compliance dates – New Zealand ships

Rule 123B.3 is amended by:

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

21 Requirement to carry Oil Record Book(s)

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 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.”.

22 Entries in Oil Record Book(s)

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)”.

23 Requirement to carry Oil Record Book(s)

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) 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.”.

24 Application and compliance dates

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

25 Requirement to carry Oil Record Book

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) carried on board the ship.”.

26 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:

27 Definitions

Rule 125.2 is amended by inserting the following definitions in the appropriate alphabetical order:

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

“**FPSO**”, in relation to a STS operation, mean a floating production, storage, and offloading facility:

“**FSU**”, in relation to a STS operation, means a floating storage unit:

“**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; FPSOs used for the offshore production and storage of oil; and FSUs used for the offshore storage of produced oil:
- (b) bunkering operations:”.

28 STS operations plan

The following new rule is 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.”.

29 Carriage of oils in the Antarctic area

The following new rule is inserted after rule 125.9:

“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 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 to which this rule applies 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/m³:
 - (b) oils, other than crude oils, having a density at 15°C higher than 900 kg/m³ or a kinematic viscosity at 50°C higher than 180 mm²/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:

30 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.”.

31 Oil residue (sludge) tanks

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

“200.20 Oil residue (sludge) tanks

- (1) The owner of an offshore 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; andthat 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.

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

Rule 200.28 is amended by revoking subrule (3)(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”.

33 Schedules

The Schedules to Part 200 are amended by—

- (a) revoking Schedule 3; and
- (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:

34 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:

35 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”.

36 Application

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

Part 121A – Ship Design & Construction – Oil Tankers

Part 121A is amended as follows:

37 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 numbered “(i)” and substituting it with “(ii)”.

38 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_s”.
- (c) deleting from subrule (4)(a)(ii) “0.30Ds” and substituting “0.30D_s”.

39 Limitation of size and arrangement of cargo tanks

Rule 121A.16(6) is amended by deleting “**vc**” and substituting “**v_c**”.

40 Subdivision and stability

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

41 Schedule - Interpretation

Clause 1(1) of the Schedule is amended by:

- (a) deleting the words “with in” in paragraph (b) of the definition of C₃ and substituting “within”.

- (b) revoking the definition of “load line draught” and substituting it with:
 “**load line draught** has the same meaning as **d_s**”;
- (c) deleting from the definition of **d_s** “or load line draught”;
- (d) deleting the first definition of **P_{Sf}**;
- (e) deleting from the definition of **P_{SI}** “the the” and substituting “the”;
- (f) deleting from the definition of **P_{Sy}** “the the” and substituting “the”.

42 Schedule - Mean outflow for bottom damage

Clause 5(2)(a) of the Schedule is amended by deleting the expression “**d_s**” and substituting it with “**ds**”.

43 Schedule - Side damage probabilities

The table headed “Table of probabilities for side damage” in clause 6 of the Schedule is amended by deleting from the heading of the 4th column the expression “**Z_u/D_s**” and substituting it with “**Z_u/D_s**”.

Part 122 – Marine Protection Products – Oil

Part 122 is amended as follows:

44 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”.

45 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.

46 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)(vi)(aa)” and “(2)(b)(vi)(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.

47 Crude oil washing and inert gas systems

Rule 122.16(2) is amended by deleting “Organization” in the second place it appears and substituting “organisation”.

48 Oil/water interface detectors

Rule 122.20(2) is amended by deleting “Organization” in the second place it appears and substituting “organisation”.

Part 123A – Documents - Oil

Part 123A is amended as follows:

49 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 it with “when an International Oil Pollution Prevention Certificate”.

Part 123B – Documents (Record Books and Manuals)

Part 123B is amended as follows:

50 Commencement

The section headed “Commencement” prior to Rule 123B.1 is amended by deleting from the 3rd bullet point the word “requirements” in the second place it appears.

51 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”.

52 Application and compliance dates

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

53 Application and compliance dates

Rule 123B.15 is amended by revoking subrule (4).

54 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) renumbering the second subrule (3)(a) as (3)(b).

55 Operation Manual – dedicated clean ballast tanks

Rule 123B.19 is amended by:

- (a) deleting from subrule (b)(a) the words “adopted by the adopted by the” and substituting “adopted by the”;
- (b) renumbering subrule (b)(a) as subrule (b)(i).

56 Operations Manual – oil discharge and monitoring

Rule 123B.21 is amended by renumbering subrule (2)(b)(a) as subrule (2)(b)(i).

Part 125 – Shipboard Operations - Oil

Part 125 is amended as follows:

57 Commencement

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

58 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”.

59 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.”.

60 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:

61 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).

62 Schedule

Clause 2 of the Schedule is amended by:

- (a) renumbering subclause (1)(j) as subclause (1)(i):
- (b) renumbering subclause (1)(k) as subclause (1)(j).

Part 130C – Regional Marine Oil Spill Contingency Plans

Part 130C is amended as follows:

63 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."

64 Definitions

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

65 Interface with other plans

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

66 Standard operating procedures

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

67 Oil spill response equipment and supporting resources

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

Part 132 – Dispersants & Demulsifiers

Part 132 is amended as follows:

68 Scope and duration of approval, and packaging requirements for, an approved substance

Rule 132.5(1) is amended by inserting a ", " (comma) after the word "substance".

Part 140 – Discharge of Noxious Liquid Substances Carried in Bulk

Part 140 is amended as follows:

69 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:

70 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”).

71 Chemical tankers

Rule 141.4 is amended by

- (a) inserting a “,” (comma) in subrule (2) 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—”.

72 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 a “,” (comma) in subrule (5) after “category Z”:
- (c) deleting from subrule (7) the three defined terms “d”, “L_d”, and “Q_d” and substituting them respectively with “d”, “L_d”, and “Q_d”.

Part 142A – Documents (Certificates) – noxious liquid substances

Part 142A is amended as follows:

73 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:

74 Definitions

Rule 143.2 is amended by:

- (a) deleting each “;” (semi-colon) from the end of each definition between “Act” and “owner”:
- (b) deleting “; and” from the definition of “Part” and substituting it with a “:” (colon):
- (c) deleting from subrule (1) the subrule reference “(1)”:
- (d) inserting after the definition term “noxious liquid substance” and before “means—” the words “is a harmful substance for the purpose of section 225 of the Act, and”:
- (e) revoking subrule (2).

75 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:

76 Definitions

Rule 160.2 is amended by deleting “deck beam at side: Provided“ from the definition of “Moulded depth” 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:

77 Title

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

78 Appendix – Form of Garbage Record Book

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

79 Appendix – Form of Garbage Record Book

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

Part 180 – Dumping of Waste or Other Matter

Part 180 is amended as follows:

80 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.”

81 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.”

Marine Protection Various Amendments 2010

Consultation Details

(This text does not form part of the rules contained in the Marine Protection Various Amendments Rules 2010. It provides details of the consultation undertaken before making the rules. The rule numbers are those used in the invitation to comment draft.)

Rule 32 – Definitions

The Petroleum Exploration and Production Association of New Zealand Inc. (PEPANZ) noted its support for the various new terms introduced by this rule.

Shell Todd Oil Services (STOS) registered its support for the definitions.

Rule 33 – Oil residue (sludge) tanks

PEPANZ submitted that the amendment required clarification to avoid creating the impression in subrule (b) that tanks are expected to be removed and transported to shore. It was proposed that the subrule refer to the contents of the tank, not the tank itself.

STOS, noting that on board an installation an oil residue sludge tank is a fixed piece of equipment, which cannot be removed and transported to shore, proposed that subrule (b) be amended to remove the implication that emptying such tanks involves transport of the tank itself to shore.

MNZ comment: The rule has been amended to refer to tank contents.

PEPANZ proposed that wording of subrule (c) be amended to refer to ensuring an "appropriate" pump is provided rather than a "designated" pump, noting that on board some offshore installations the transfer of oil residue (sludge) will use the pump of the offtake vessel.

STOS noted that there is no practical purpose served by having a designated pump if the oil residue sludge tank and its contents are to be transported to shore.

MNZ comment: It is noted that the designated pump is a requirement for the fixed oil residue holding tank, not the tank which, in some arrangements, is used to transport the sludge from the installation. MNZ is not aware that any installations where the content of an oil residue (sludge) tank is emptied directly to an offtake vessel using that ship's pump. No change to the rule has been made.

PEPANZ considered that the wording of subrule (d) confusing and suggested that, while the intent was clear, it could be better worded. STOS also called for greater clarity and observed that references to bilge systems and holding tanks were not applicable to fixed offshore installations.

MNZ comment: The wording of the rule has been edited for clarity and a distinction introduced between fixed offshore installations and other types of installation.

STOS raised concerns with subrule (d), noting that a connection between the oily residue (sludge) tanks (as defined) and the oily water separators was integral to the arrangements for the management of offshore processing drainage on their installations. STOS also proposed that locking valves should be an acceptable alternative to manually operated self-closing drain valves.

MNZ comment: It is acknowledged that the arrangements on board fixed installations may differ from those found on other types of installation. The rule has been amended to enable alternative arrangements to be accepted.

Rules 34 and 35 – Issue, duration and renewal of an International Oil Pollution Prevention Certificate for an offshore installation

PEPANZ and STOS concurred with incorporating into the rule the form of the certificate by reference to the relevant international standard, and consequent revoking of the schedules in Part 200 that had prescribed the forms.

Subpart B – Minor amendments

PEPANZ and STOS noted support for these amendments.

Marine Protection (Various Amendments) Rules

The Royal Forest and Bird Protection Society of New Zealand Inc. registered its full support for the proposed rules and, in particular, the amendments set out in Part A.