

DRAFT FOR CONSULTATION

Exclusive Economic Zone and Continental Shelf (Environmental Effects—Discharge and Dumping) Regulations 2014

Governor-General

Order in Council

At Wellington this day of 2014

Present:
in Council

Pursuant to sections 29A and 29D of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister for the Environment made in compliance with sections 32 and 34A of that Act, makes the following regulations.

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Regulations

1 Title

These regulations are the Exclusive Economic Zone and Continental Shelf (Environmental Effects—Discharge and Dumping) Regulations 2014.

2 Commencement

These regulations come into force on X.

Part 1

Preliminary provisions

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012

authorised dumping ground has the meaning given in regulation 28(2)

contaminated seawater from operational purposes—

- (a) means seawater contaminated with oil, such as—
 - (i) produced oil tank cleaning water; or
 - (ii) produced oil tank hydrostatic testing water; or
 - (iii) water from ballasting of a produced oil tank to carry out inspection by rafting; but
- (b) does not include offshore processing drainage, production water discharges, or displacement water discharges.

displacement water means water displaced from crude oil tanks during oil transfers to or from the tank

EPA means the Environmental Protection Authority

exploration means any activity undertaken for the purpose of—

- (a) identifying mineral deposits or occurrences;
- (b) evaluating the feasibility of mining particular deposits or occurrences of 1 or more minerals

food waste—

- (a) means any spoiled or unspoiled food substance; and
- (b) includes any—

- (i) fruit, vegetable, dairy product, poultry, or meat product; or
- (ii) food scraps generated aboard a ship

garbage—

- (a) means any food waste, domestic waste, operational waste, plastic, cargo residue, incinerator ash, or cooking oil that is generated during the normal operation of the ship and is liable to be disposed of continuously or periodically; but
- (b) does not include—
 - (i) any substance that is defined or listed in any annex to MARPOL other than Annex V; or
 - (ii) fresh fish, and parts of fresh fish, generated as a result of—
 - (A) fishing activity undertaken during a voyage; or
 - (B) aquaculture activity that involves the transport of fish (including shellfish) for placement in an aquaculture facility and the transport of harvested fish (including shellfish) from the facilities to shore for processing

harmful substance has the meaning given in regulation 4

international oil pollution prevention certification, in relation to any equipment, means of a design approved by the Director of Maritime New Zealand or the Administration of another State party to MARPOL in accordance with the requirements set out in Annex I of MARPOL for the purposes of the issue of an international oil pollution prevention certificate

MARPOL means the International Convention for the Prevention of Pollution From Ships, 1973 as modified by the Protocol of 1978

offshore processing drainage—

- (a) means water from hazardous and non-hazardous deck drains; but
- (b) does not include oily waste from machinery spaces

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 of the Marine Protection Rules); and
- (b) includes any substance declared to be oil in the Appendix to Part 120 of the Marine Protection Rules and any oily mixture

operational chemicals from mineral mining operations means chemicals used in mining operations that are ecotoxic within the meaning of regulation 4(a)

owner of 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

production water means any water extracted from the reservoir

prospecting means any activity undertaken for the purpose of identifying seabed or subsoil likely to contain mineral deposits or occurrences

single permit area means an area for which a permit has been granted under the Crown Minerals Act 1991 or an activity is authorised by an existing privilege that is preserved by clause 12 of Schedule 1 of the Crown Minerals Act 1991.

4 Meaning of harmful substance

For the purposes of the Act, unless the context otherwise requires, **harmful substance** means any of the following:

- (a) a substance that is ecotoxic to aquatic organisms and considered hazardous for the purposes of the Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001:

- (b) oil:
- (c) garbage:
- (d) sediments from mineral operations other than petroleum operations:
- (e) tailings from mineral operations other than petroleum operations.

5 Application

These regulations apply in relation to—

- (a) discharges into the exclusive economic zone and into or onto the seabed below it from—
 - (i) structures:
 - (ii) submarine pipelines:
 - (iii) ships, if the discharge is a mining discharge:
- (b) discharges into or onto the continental shelf beyond the exclusive economic zone or into the sea above that part of the continental shelf from—
 - (i) New Zealand structures:
 - (ii) structures (other than New Zealand structures) involved in a mining activity:
 - (iii) submarine pipelines:
 - (iv) ships, if the discharge is a mining discharge:
- (c) the dumping of waste or other matter (other than waste or other matter prohibited by the Act):
- (d) the disposal of human remains other than ashes.

Part 2

Provisions relating to discharge of sediments and tailings

Permitted discharges of sediments

6 Discharge of sediments from iron sand prospecting and exploration classified as permitted activity

- (1) The discharge of sediments from iron sand prospecting and exploration is classified as a permitted activity under the Act if the discharge or discharges total less than 1 000 tonnes of sediment within a single permit area and the conditions set out in subclause (2) are complied with:
- (2) The conditions are that—

- (a) the pre-activity reporting and notification requirements are complied with (*see* regulations 10 and 11); and
- (b) within 24 hours after the date on which the discharge commences, the EPA is notified of the commencement; and
- (c) no more than 100 tonnes of sediment is discharged in a single event; and
- (d) no more than 1 discharge event occurs per hectare for discharges that total between 5 and 100 tonnes; and
- (e) within 24 hours after the date on which the discharge is completed, the EPA is notified of the completion; and
- (f) post-activity reporting requirements are complied with (*see* regulation 12).

7 Discharge of sediments from phosphate nodule prospecting and exploration classified as permitted activity

- (1) The discharge of sediments from phosphate nodule prospecting and exploration is classified as a permitted activity under the Act if—
 - (a) the discharge or discharges—
 - (i) total less than 100 tonnes of sediment within a single permit area; or
 - (ii) are between 100 tonnes and 1 000 tonnes of sediment within a single permit area on condition that the sediment is discharged at a point that is in the bottom 5% of the water column; and
 - (b) the conditions set out in subclause (2) are complied with.
- (2) The conditions are that—
 - (a) the pre-activity reporting and notification requirements are complied with (*see* regulations 10 and 11); and
 - (b) within 24 hours after the date on which the discharge commences, the EPA is notified of the commencement; and
 - (c) within 24 hours after the date on which the discharge is completed, the EPA is notified of the completion; and
 - (d) the post-activity reporting requirements are complied with (*see* regulation 12).

8 Discharge of sediments from seafloor massive sulphide prospecting and exploration classified as permitted activity

- (1) The discharge of sediments from seafloor massive sulphide prospecting and exploration is classified as a permitted activity under the Act if—
 - (a) the discharge or discharges—
 - (i) total less than 10 tonnes of sediment within a single permit area; or
 - (ii) are between 10 tonnes and 100 tonnes of sediment within a single permit area on the condition that the sediment is discharged at the surface of the water; and
 - (b) the conditions set out in subclause (2) are complied with.
- (2) The conditions are that—
 - (a) the pre-activity reporting and notification requirements are complied with (*see* regulations 10 and 11); and
 - (b) within 24 hours after the date on which the discharge commences, the EPA is notified of the commencement; and
 - (c) within 24 hours after the date on which the discharge is completed, the EPA is notified of the completion; and
 - (d) the post-activity reporting requirements are complied with (*see* regulation 12).

Discretionary discharges of sediments and tailings

9 Other discharges of sediments or tailings classified as discretionary activity

The discharge of sediments or tailings from mineral operations other than petroleum operations, other than a discharge to which any of regulations 6 to 8 apply, is classified as a discretionary activity under the Act.

*Reporting and notification requirements***10 Pre-activity reporting requirements**

- (1) A person who intends to undertake a permitted activity must provide the EPA with the following information:
 - (a) a description of the activity; and
 - (b) the date on which the activity is expected to begin; and
 - (c) the activity's expected duration; and
 - (d) the co-ordinates of the area within which the activity will be conducted.
- (2) The information in subclause (1) must be provided—
 - (a) no less than 40 working days before the activity commences; and
 - (b) in form 1 set out in schedule 5 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects—Permitted Activities) Regulations 2013.
- (3) The EPA must provide the person who intends to undertake the permitted activity with a list of iwi, hapū, customary marine title groups, and protected customary rights groups whose existing interests the EPA considers may be affected by the activity.
- (4) The EPA must provide the information specified in subclause (3) within 10 working days after receiving a notice under subclause (1).

11 Pre-activity notification of relevant iwi

- (1) A person who intends to undertake a permitted activity must—
 - (a) notify every iwi, hapū, customary marine title group, and protected customary rights group that the EPA has identified under regulation 10(3) that the person proposes to undertake the activity; and
 - (b) provide those persons with a copy of the information provided to the EPA under regulation 10(1).
- (2) The notification in subclause (1) must be made at least 25 working days before the activity commences.
- (3) The person who intends to undertake the permitted activity must provide the EPA with—
 - (a) a report detailing—
 - (i) the persons notified under subclause (1); and

- (ii) how and when those persons were contacted; and
 - (iii) the information that was provided to them; and
 - (iv) the name and contact details of every respondent; and
 - (v) a copy, or accurate summary, of every response received; and
 - (vi) the outcome of any dialogue that was entered into between the person who intends to undertake the permitted activity and the respondents; and
 - (b) details of any change that is proposed to the activity as a result of the notification process.
- (4) The information in subclause (3) must be provided—
- (a) no less than 5 working days before the activity commences; and
 - (b) in form 1 set out in schedule 5 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects—Permitted Activities) Regulations 2013.
- (5) The information in subclause (3)(a)(v) must include a copy or accurate summary of any information provided by a respondent regarding—
- (a) the respondent’s environmental policies or environmental strategy plans; and
 - (b) any culturally sensitive areas, including waahi tapu, that may be affected by the proposed permitted activity; and
 - (c) the likely impacts of the proposed permitted activity; and
 - (d) the respondent’s concerns about the proposed permitted activity.

12 Post-activity reporting requirements

- (1) A person who has undertaken a permitted activity must, within 60 working days after completing the activity, provide the EPA with a report containing—
- (a) a description of the activity undertaken; and
 - (b) the dates on which the activity began and ended; and
 - (c) the co-ordinates of the location of each discharge; and
 - (d) a statement setting out how the conditions on the discharge were met.

- (2) A post-activity report must be provided in form 1 in the Schedule.

Part 3

Provisions relating to discharge of oil

Discharges from petroleum extraction

13 Discharge from petroleum extraction classified as discretionary activity

- (1) The discharge of harmful substances described in regulation 4(a) and (b) from offshore processing drainage, displacement water, and production water is classified as a discretionary activity under the Act, unless subclause (2) applies.
- (2) The discharge of harmful substances described in regulation 4(a) and (b) from production water for the purpose of a test flow of an exploration well is classified as a non-notified discretionary activity under the Act.

Oily waste

14 Discharge of oily waste within prescribed limits from machinery space classified as permitted activity

- (1) The discharge of oily waste from a machinery space on a structure is classified as a permitted activity under the Act if—
- (a) the discharge is processed by oil filtering equipment that has international oil pollution prevention certification in accordance with the requirements set out in Annex I of MARPOL for the purposes of the issue of an international oil pollution prevention certificate; and
 - (b) the oil content, without dilution, does not exceed 15 parts per million of the total discharge; and
 - (c) an oil record book is kept and a true copy submitted to the EPA within 15 working days after the end of the month in which it was completed.
- (2) If the structure is 10,000 gross tonnes or more, the oil filtering equipment specified in subclause (1)(a) 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 discharge of oily waste from a machinery space where the oil content exceeds 15 parts per million of the total discharge is classified as a prohibited activity under the Act.

Contaminated seawater

15 Discharge of contaminated seawater within prescribed limits from operations classified as permitted activity

- (1) The discharge of contaminated seawater from operational purposes is classified as a permitted activity under the Act if—
 - (a) the discharge is processed by oil filtering equipment that has international oil pollution prevention certification in accordance with the requirements set out in Annex I of MARPOL for the purposes of the issue of an international oil pollution prevention certificate; and
 - (b) the oil content of the discharge, without dilution, does not exceed 15 parts per million; and
 - (c) an oil record book is kept and a true copy submitted to the EPA within 15 working days after the end of the month in which it was completed.
- (2) The discharge of contaminated seawater from operational purposes is classified as a prohibited activity under the Act if the oil content of the discharge exceeds 15 parts per million.

Oil records

16 Oil record books

- (1) For every offshore installation, an oil record book must be kept in a form that corresponds to the oil record book required by regulation 17 of Annex I of MARPOL.
- (2) The EPA must make an appropriate form for an oil record book available on an Internet site maintained by or on behalf of the EPA.
- (3) In accordance with Appendix III of Annex I of MARPOL, Part I of the Oil Record Book must be completed on each occasion whenever any of the following machinery space operations takes place on the installation:

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- (a) ballasting or cleaning of oil fuel tanks:
 - (b) discharge of dirty ballast or cleaning water from oil fuel tanks:
 - (c) collection, transfer and disposal of oil residues (sludge):
 - (d) discharge overboard or disposal otherwise of bilge water which has accumulated in machinery spaces:
 - (e) bunkering of fuel or bulk lubricating oil:
 - (f) accidental or other exceptional discharges of oil.
- (4) In accordance with Appendix III of Annex I of MARPOL, Part II of the Oil Record Book must be completed on each occasion whenever any of the following cargo and ballast operations takes place on the installation:
- (a) loading of oil cargo:
 - (b) internal transfer of oil cargo during voyage:
 - (c) unloading of oil cargo:
 - (d) ballasting of cargo tanks and dedicated clean ballast tanks:
 - (e) cleaning of cargo tanks including crude oil washing:
 - (f) discharge of ballast except segregated ballast tanks:
 - (g) discharge of water from slop tanks:
 - (h) closing of all applicable valves or similar devices after slop tank discharge operations:
 - (i) closing of valves necessary for isolation of dedicated clean ballast tanks from cargo and stripping lines after slop tank discharge operations:
 - (j) disposal of residues:
 - (k) accidental or other exceptional discharges of oil.
- (5) 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.
- (6) 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.
- (7) The owner must ensure that the installation's oil record book is kept—

- (a) on board the installation, except in the case of an unmanned offshore installation under tow; and
 - (b) in a place where it is readily available for inspection at all reasonable times.
- (8) The owner must ensure that a true copy of every completed page of the installation's oil record book is forwarded to the EPA within 15 working days after the end of the month in which it was completed.
- (9) Every record book must be kept by the owner of an offshore installation for 3 years after the last entry is made in it.

Part 4

Discharges relating to ecotoxic substances

Operational chemicals

- 17 Discharge of operational chemicals from mineral mining activities classified as non-notified discretionary activity**
The discharge of operational chemicals from mineral mining activities is classified as a non-notified discretionary activity under the Act.

Drilling fluids

- 18 Discharge of drilling fluids classified as non-notified discretionary activity**
The discharge of harmful substances contained in drilling fluids (also known as drilling muds) is classified as a non-notified discretionary activity under the Act.

Part 5

Provisions relating to discharge of garbage

- 19 Discharge of food waste classified as permitted activity**
The discharge of food waste is classified as a permitted activity under the Act on condition that—
- (a) the food waste has been passed through a comminuter or grinder; and

- (b) the comminuted or ground food waste is capable of passing through a screen with openings no greater than 25 mm.

20 Discharge of garbage classified as prohibited activity

The discharge of garbage, including food waste discharged other than in accordance with the conditions in regulation 19, is classified as a prohibited activity, unless—

- (a) the discharge is necessary for the purpose of securing the safety of an installation and those on board, or saving life at sea; or
- (b) the discharge is an accidental loss of garbage resulting from damage to an installation or its equipment, and all reasonable precautions have been taken before and after the occurrence of the damage to prevent or minimise the accidental loss.

21 Placards

The owner of an offshore 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 of the discharge requirements set out in this Part that are applicable to the structure.

22 Garbage management plans

- (1) The owner of an offshore installation must ensure that—
 - (a) the installation has a garbage management plan that complies with this regulation; 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 regulation 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 the installation must comply with the garbage management plan at all times.

23 Garbage record books

- (1) The owner of an offshore installation must ensure that there is a garbage record book for the installation that is—
 - (a) in form 2 in the Schedule; and
 - (b) in the working language of the crew and in English; and
 - (c) carried on board the installation at all times; and
 - (d) readily available for inspection by the EPA at all reasonable times.
- (2) For each discharge of garbage, and each completed incineration of garbage, an entry must be promptly made in the garbage record book that includes—
 - (a) the date and time of the discharge or incineration; and
 - (b) the position of the installation at the time of the discharge or incineration; and
 - (c) the category of the garbage discharged or incinerated; and
 - (d) the estimated amount of garbage discharged or incinerated; and
 - (e) the signature of the officer in charge of the discharge or incineration.
- (3) For each discharge or accidental loss referred to in regulation 20, an entry must be made in the garbage record book that includes—
 - (a) the location, circumstances of, and reasons for the discharge or loss; and
 - (b) details of the items discharged or lost; and
 - (c) the reasonable precautions taken to prevent or minimise such discharge or accidental loss.
- (4) 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.

- (5) The garbage record book must be preserved by the owner of an offshore installation for 24 months after the last entry has been made.

Part 6

Provisions relating to dumping

- 24 Dumping classified as non-notified discretionary activity**
Dumping of any of the following is classified as a non-notified discretionary activity under the Act:
- (a) fish waste, or organic material resulting from industrial fish processing operations:
 - (b) sewage sludge:
 - (c) organic material of natural origin:
 - (d) structures placed for the purpose of mineral exploration.
- 25 Dumping in authorised dumping ground classified as non-notified discretionary activity**
Dumping in an authorised dumping ground of any of the following is classified as a non-notified discretionary activity under the Act:
- (a) dredged material:
 - (b) vessels.
- 26 Dumping classified as discretionary activity**
Dumping of any of the following is classified as a discretionary activity under the Act:
- (a) dredged material, unless the activity is classified under regulation 25 as a non-notified discretionary activity under the Act:
 - (b) vessels, unless the activity is classified under regulation 25 as a non-notified discretionary activity under the Act:
 - (c) structures, unless the activity is classified under regulation 24 as a non-notified discretionary activity under the Act:
 - (d) carbon dioxide streams from carbon dioxide capture processes for sequestration:
 - (e) inert, inorganic geological material:

- (f) bulky solid waste from locations where dumping is the only practicable disposal option.

27 Dumping classified as prohibited activity

Any dumping of waste or other matter that is not classified by these regulations as a non-notified activity or a discretionary activity under the Act is classified as a prohibited activity under the Act.

28 Disposal of human remains in authorised dumping grounds

- (1) A person may dispose of human remains under section 20J of the Act subject to the following conditions:
 - (a) the person must provide the EPA with a copy of the death certificate prior to burial; and
 - (b) the casket or containment must be of a nature that it will sink to the seafloor on disposal and will not resurface; and
 - (c) the disposal is made in an authorised dumping ground; and
 - (d) the person provides the EPA with the proposal for disposal for certification at least 3 working days before the burial is to take place; and
 - (e) the person provides the EPA with evidence that the disposal took place in accordance with the conditions in paragraphs (b) and (c).
- (2) The authorised dumping grounds are—
 - (a) within a circle of 4 nautical miles centred on position 34°40'S 174°50'E (38 nautical miles northeast of Cape Brett):
 - (b) within a circle of 4 nautical miles radius centred on position 36°28'S 176°20'E (27 nautical miles east of Cuvier Island):
 - (c) within a circle of 4 nautical miles radius centred on position 41°44'S 175°01'E (30 nautical miles south of Wellington):
 - (d) within a circle of 4 nautical miles radius centred on position 43°15'S 174°00'E (55 nautical miles northeast of Lyttelton):

- (e) within a circle of 4 nautical miles radius centred on position 46°00'S 171°13'E (25 nautical miles southeast of Otago Harbour).
- (3) As soon as practicable after issuing a certificate of compliance in accordance with section 20J(1)(b) of the Act, the EPA must notify every iwi, hapū, customary marine title groups, and protected customary rights groups whose existing interests the EPA considers may be affected by the activity of the date and location of the burial.

Part 7

Miscellaneous provisions

29 EPA to monitor permitted activities

The EPA must monitor permitted activities to determine whether the activities are being undertaken in accordance with conditions imposed by these regulations.

30 Forms

Use of a form for the purposes of these regulations is not invalid only because it contains minor differences from a form prescribed or required by these regulations as long as the form that is used has the same effect as the prescribed form and is not misleading.

31 Transitional provision about discharge of tailings and sediments

- (1) This regulation applies to the discharge of any tailings and sediments if—
 - (a) an application to undertake an activity was lodged with the EPA in accordance with the Act before the commencement of these regulations and the application described the discharge and the effects of the discharge; and
 - (b) a marine consent for the activity was granted before, or is granted after, the commencement of these regulations.

- (2) Nothing in these regulations requires that a new marine consent be obtained for any discharge described in the application to undertake the activity or affects the marine consent.

Forms

Form 1

r 12(2)

Form for post-activity requirements

To the Environmental Protection Authority, Private Bag 63002, Wellington 6140.

Details of person undertaking permitted activity

Name:

Address:

Telephone number:

Email address:

Fax number:

Contact person:

Description of permitted activity

Type of activity:

Period during which activity was undertaken:

Details of each discharge

Co-ordinates of location of each discharge:

Total weight of sediment discharged at each location (in tonnes):

Location of the discharge within the water column (if relevant)*:

*for example: distance from the surface or seabed

Date:

Signature of authorised contact person:

Name:

Title:

Form 2

r 23(1)

Garbage record book

- (1) Details to be entered about ship:
- name of structure or ship and IMO number of ship:
 - distinctive numbers or letters:
 - period: from [*insert date*] to [*insert date*].

(2) Details to be entered about particular occasions:

When garbage is discharged into the sea

- amount of garbage discharged in cubic metres:
- date and time of discharge:
- position of the structure:
- category of garbage discharged:
- signature of officer in charge of the operation.

When garbage is discharged to ships

- date and time of discharge:
- name of ship:
- category of garbage discharged:
- estimated amount discharged for each category in cubic metres:
- signature of officer in charge of the operation.

When garbage is incinerated

- date and time of start and stop of incineration:
- position of the structure (latitude and longitude):
- estimated amount incinerated in cubic metres:
- signature of officer in charge of the operation.

Accidental or other exceptional discharges of garbage

- time of occurrence:
- position of the structure at time of occurrence (latitude and longitude):
- categories of garbage discharged or lost:
- estimated amount and category of garbage:
- circumstances of disposal, escape, or loss, the reason for it, and general remarks:
- signature of officer with responsibility for the garbage.

(3) Description of garbage:

The garbage is to be grouped into categories for the purpose of this book as follows:

- plastics:
- floating dunnage, lining or packing material:

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- ground-down paper products, rags, glass, metal, bottles, crockery, etc:
- cargo residues, paper products, rags, glass, metal, bottles, crockery, etc:
- food waste:
- incinerator ash.

(4) Receipts or certificates:

The master should obtain from the master of the ship receiving the garbage a receipt or certificate specifying the amount of garbage transferred. The receipts or certificates must be kept on board the ship with the Garbage Record Book for 2 years.

(5) Amount of garbage on board:

The amount of garbage on board should be estimated in cubic metres, if possible separately according to category. The Garbage Record Book contains many references to estimated amount of garbage. It is recognised that the accuracy of estimating amounts of garbage is left to interpretation. Volume estimates will differ before and after processing. Some processing procedures may not allow for a usable estimate of volume, eg, the continuous processing of food waste. Such factors should be taken into consideration when making and interpreting entries made in a record.

Exclusive Economic Zone and Continental Shelf (Environmental Effects—Discharge and Dumping) Regulations 2014

Schedule

Date/Time	Category	Estimated amount discharged or incinerated	To sea	To reception facility	Incineration	Certification/signature
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Master's signature:

Date:

Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

The regulations, which come into force on [tba], regulate discharges and dumping in the waters of the exclusive economic zone, above the continental shelf, and above the continental shelf beyond the outer limits of the exclusive economic zone.

Regulation 3 defines terms used in the regulations.

Regulation 4 defines the term harmful substance.

Regulation 5 relates to the application of the regulations.

Regulation 6 provides that the discharge of iron sand sediments from prospecting and exploration is classified as a permitted activity if the discharge is within specified limits (less than 1 000 tonnes) of sediment within a single permit area and certain conditions are met.

Regulation 7 provides that the discharge of phosphate nodules sediments from prospecting and exploration is classified as a permitted activity the discharge is within specified limits (less than a 1 000 tonnes) and certain conditions are met.

Regulation 8 provides that the discharge of seafloor massive sulphide sediments from prospecting and exploration is classified as a permitted activity if certain conditions are met.

Regulation 9 provides that any other discharge of sediments is classified as a discretionary activity.

Regulation 10 sets out pre-activity notification requirements that apply for the purposes of *regulations 7 to 9*.

Regulation 11 sets out the pre-activity requirement to notify iwi, hapū, customary marine title groups, and protected customary rights groups.

Regulation 12 sets out post-activity reporting requirements for the purposes of *regulations 7 to 9*.

Regulation 13 provides that the discharge of harmful substances described in *regulation 4(a)* and *(b)* from offshore processing drainage, displacement water, and production water is classified as a discretionary activity under the Act.

Regulation 14 provides that the discharge of oily waste from a machinery space on a structure is classified as a permitted activity if certain conditions are met.

Regulation 15 requires oil record books to be kept for offshore installations.

Regulations 16 provides that the discharge of contaminated seawater from operational purposes is classified as a permitted activity if certain conditions are met.

Regulation 17 provides that the discharge of operational chemicals from mineral mining operations is classified as a non-notified discretionary activity.

Regulation 18 provides that the discharge of drilling fluids (also known as drilling muds) is classified as a non-notified discretionary activity.

Regulation 19 provides that the discharge of food waste is classified as a permitted activity under the Act if certain conditions are met.

Regulation 20 provides that the discharge of garbage (including food waste discharged other than in accordance with the conditions in *regulation 6*) is classified as a prohibited activity except in specified cases.

Regulation 21 requires an owner of an offshore installation to ensure that placards in the working language of the crew and in English are displayed to notify discharge requirements.

Regulation 22 requires an owner of an offshore installation to ensure that the installation has a garbage management plan.

Regulation 23 requires an owner of an offshore installation to keep a garbage record book for the installation.

Regulation 24 provides that the dumping of certain things (such as fish waste) is classified as a non-notified discretionary activity.

Exclusive Economic Zone and Continental Shelf (Environmental Effects—Discharge and Dumping) Regulations 2014

Explanatory note

Regulation 25 provides that the dumping of dredged material or vessels in an existing dumping ground is classified as a non-notified discretionary activity.

Regulation 26 provides that the dumping of certain things (such as dredged material) is classified as a discretionary activity.

Regulation 27 provides that the dumping of waste or other matter that is not classified as a non-notified activity or a discretionary activity under the Act is classified as a prohibited activity.

Regulation 28 provides for the disposal of human remains in authorised dumping grounds.

Regulation 29 requires the EPA to monitor permitted activities.

Regulation 30 provides for minor variations to the prescribed forms.

Regulation 31 contains a transitional provision about discharge of tailings and sediments.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*:

These regulations are administered by the Ministry for the Environment.
