

Requirements of oil transfer sites and the link to New Zealand's marine oil spill response

This document explains marine oil spill response structure in New Zealand and oil transfer site obligations within the Coastal Marine Area (CMA).

Marine oil spill response

Response to marine oil spills in New Zealand are carried out under the *OPRC International convention 1990, New Zealand's oil pollution strategy and policy document, Resource Management Act 1991 (RMA)* and *Maritime Transport Act 1994 (MTA)*.

The response system comprises three Tiers depending on the scale of the event. Each Tier is responsible for providing and maintaining contingency plans, setting out response capability appropriate for the different levels of responsibility.

Tier 1 – Industry or oil transfer site

Tier 2 – Regional councils

Tier 3 – Maritime NZ

Maritime New Zealand (MNZ) delegates its authority to regional councils for Tier 2 spill planning and responses. MNZ provides training and equipment stores for regional councils to help ensure efficient 24 hour responses to oil spills in their regions.

Through its partnership with regional councils and overseas organisations, MNZ will respond to a marine oil spill of any size. The *New Zealand Marine Oil Spill Response Strategy* provides the framework to achieve suitable response.

The response system

1. Industry and oil transfer sites

Tier 1 spills are generally small and are associated with oil transfer sites (such as a pump on a wharf or a mobile tanker refuelling a vessel). Any industry transferring oil must provide equipment and personnel capable of handling localised spills. Oil transfer site operators must also provide a suitable *Oil Transfer Site Marine Oil Spill Contingency Plan (OTSMOSCP)* and exercise it annually. Oil spills outside the capability of a Tier 1 response escalate to a Tier 2 oil spill.

2. Regional Councils

Tier 2 oil spills are within 12 nautical miles of the coastline and/or with a likelihood of associated costs of not more than \$250,000 for the response and cleanup. Regional Marine Oil Spill Contingency Plan holders are responsible for approving and auditing *Oil Transfer Site Marine Oil Spill Contingency Plans*

and sites. The *Regional Marine Oil Spill Contingency Plan* is approved by MNZ and exercised annually by carrying out desktop and deployment exercises.

3. Maritime New Zealand

Tier 3 spills are outside the 12 nautical miles from the coastline and/or with a total cleanup cost in excess of \$250,000. Tier 3 spills are also declared when spills are complex, large, of long duration and/or when the capacity of the regional council (Tier 2) to respond is exceeded. These spills are managed directly by MNZ. Regional councils also participate fully in a Tier 3 event. MNZ provides and maintains the *National Marine Oil Spill Contingency Plan*.

The Waikato Regional Council has delegated authority to prepare for and carry out Tier 2 responses in the Waikato region. This delegated authority obliges the Waikato Regional Council to fulfil its obligations to provide a suitable and effective Tier 2 response for the Waikato Region if required. Oil spill preparedness is funded by a levy on industry sectors whose activities pose a threat to New Zealand's marine environment. Any polluter is still liable for all reasonable costs associated with a required response.

Requirements associated with refuelling in the Coastal Marine Area

The transfer of fuel from any structure in the CMA to a vessel by way of pumping, siphoning or gravity fed hose requires prior authorisation under the MTA and the RMA. Consequently, in order to operate either a mobile (trailer or truck unit) or fixed refuelling site for any vessel ('oil transfer site'), it is a requirement that the operator (you) have both an approved Oil Transfer Site Marine Oil Spill Contingency Plan (OTSMOSCP – formerly called a Tier 1 plan) and a current consent to operate an oil transfer site. Both regulatory documents need to be held concurrently. Because an OTSMOSCP is spill response/prevention orientated, WRC will issue an OTSMOSCP approval without consent. To deny an operator spill response capability is environmentally disadvantageous. It is up to the operator to fully comply.

Oil Transfer Site Marine Oil Spill Contingency Plan (OTSMOSCP)

Part 130B of the MTA requires owners of oil transfer sites (defined to include any site where oil is transferred to or from a vessel/ship, or offshore installation in any part of the sea inside the outer boundary of the exclusive economic zone of New Zealand) to have an oil spill contingency plan to assist the operator with an unexpected discharge of oil.

The purpose of an OTSMOSCP is to make the operator aware of site and operationally specific risks, with risk mitigation being the main purpose of the OTSMOSCP and the consent. An OTSMOSCP puts procedures and resources in place while adopting industry best practice to enable the operator to mount an oil spill response if required. The emphasis is on fuel spill recovery before it enters the CMA.

If a mobile refuelling unit transfers fuel from a structure, the structural integrity must be sufficient to handle the weight and structural stress any refuelling activity brings with it.

It is very important the Oil Transfer Site operator takes their responsibilities seriously. If a Tier 2 response (Regional Council marine oil spill response team) is required to contain and recover an oil spill, all costs are passed directly on to the spiller. As all oils are extremely difficult to recover once in the marine environment, spill prevention is the main driver behind both pieces of legislation. Perpetrators of marine oil spills can be prosecuted under both the RMA and the MTA. Waikato Regional Council prefers to work with operators to ensure this does not occur.

Templates are available to assist you in the production of the OTSMOSCP. The fee for Plan approval is totally reliant on the amount of input required from staff members (hourly rate). Advice is freely available and if a comprehensive OTSMOSCP of good quality is produced the fee can be minimal (often at no cost). To initiate the OTSMOSCP approval process please contact the Senior Emergency Response Officer on email ROSC@waikatoregion.govt.nz

Resource Consent

Section 12 of the RMA places restrictions on the use of the CMA. Section 12(3) states that “no person may carry out any activity in, on, under, or over the CMA in a manner that contravenes a rule in a regional coastal plan unless the activity is expressly allowed by a resource consent”.

A resource consent ensures site specific environmental risk has been assessed and appropriate mitigation is in place to prevent a spill from occurring and minimising environmental effects if a spill was to occur. Please be aware that some jetties and wharves in the CMA in the Waikato Region have a resource consent that allows for refuelling vessels from the structure, whilst others specifically prohibit it. Please contact us in the first instance to ascertain whether the location from which you wish to refuel falls into either of these categories.

Any enquiries regarding the consent process, including request for a consent application form, can be forwarded to CoastsandInlandwaterqueries@waikatoregion.govt.nz