



# National Oil Spill Contingency Plan

## Chapter 11 – Oily Waste

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## Introduction

The recycling and disposal options selected for oily waste will depend upon: the types and volume of waste generated from the response operation; storage, treatment and disposal technology available; environmental law; and the cost of each option.

There are no standard models for determining the type and volume of oily waste that may be generated from an oil spill response. The type and volume of oily waste generated will depend on a number of factors, such as the:

- volume and type of oil spilled;
- environmental conditions (weather, sea state, etc);
- characteristics of the sites impacted; and
- cleanup or recovery technique adopted.

A review of historical spills overseas indicates three important points that should be recognised by the Incident Command Team. These are:

the total volume of oily waste to be recycled or disposed is likely to be significantly greater than the volume of oil that reaches the shoreline;

only oily liquid waste was amenable to recycling; and

oily solid waste was only amenable to disposal (land-farming or landfill).

## Temporary Storage

Temporary storage sites for oily waste collected from a spill will need to be identified and commissioned in the event of a large spill. Oil and oiled debris collected is to be segregated depending on the type of waste (liquid or solid) and the extent of oiling and stored in suitable containers awaiting disposal.

Oily waste should be temporarily stored in purpose built storage containers. However, other containers such as drums and rubbish skips, which are appropriately lined, may be used. Barges may be used for water storage. Skip bins can be used as long as bungs or holes are welded closed to prevent leakages. These storage containers should be covered when they are full or in between filling activities to prevent overflow from rainfall and to minimise the amount of water to be removed.

Relatively cheap and simple short-term emergency storage can be readily provided by digging pits in the ground and lining them with heavy gauge oil-impermeable material such as PVC, polyethylene or oil resistant rubber sheeting to prevent groundwater and soil contamination. Pre-lining the pit with sand prevents the plastic sheet being punctured by sharp objects. Long narrow pits are the most practical shape since they are easier to dig, fill and empty. They are also easier to maintain. Consideration should be given to some means of fencing off the pits if required. Samples of soil from the pits should be taken prior to any oily waste being placed in the pits and again after the waste has been removed and the area cleaned up. This will show any evidence of contamination of the underlying soils. Photos of the area and an inventory of the site should be undertaken with the owner. Supervision of the site while material is being deposited is required. Sign off of the site after it has been rehabilitated should be by both representatives of Maritime NZ and Owners.

Where the land adjacent to the spill site is not suitable for pits to be dug in the ground, consideration should be given to constructing bund walls. Where the height of the wall is likely to exceed 1 metre, engineering advice should be sought on appropriate soil and method of compacting. The base and walls should be lined with oil-impervious material and the volume of oily liquid waste limited, to avoid the risk of wall breakage by hydrostatic pressure.

Rainwater will accumulate in the storage area, and this will increase the volume of liquid in the pit. Hence, there should be some method to pump or drain water from the bottom of the pit, in order to prevent overflow or wall collapse.

It is possible to filter out any large solids by placing a metal grate at one end of the pit with the vehicle discharging the oil behind the filter.

## **Centralised collection, separation, handling, and storage**

It may be necessary to establish a centralised collection, waste separation, handling, and medium term storage site if the temporary storage sites are inadequate to cope with the volume and type of oil waste or longer-term storage is required in order to process the oily waste prior to recycling or disposal.

## **Transportation**

### **Land transport of oily liquid waste**

It is important to minimise the amount of water required to be transported. This may be achieved in a temporary storage pit by skimming the surface of the pit (provided the oil has not emulsified) using a skimmer and transferring the collected oil into another storage container. To avoid the formation of finely dispersed droplets (as is the case with emulsion), it is important to avoid or minimise the pumping of mixtures of oil and water before gravity separation occurs.

### **Land transport of oily solid waste**

Conventional vehicles for moving solids are generally suitable for transporting oily solid waste. However, attention should be given to the prevention of spillage or seepage from the vehicle (perhaps due to reduced viscosity from exposure to sunlight or an increase in ambient temperature) by the use of suitable oil impervious sheeting. Waste should be covered to avoid any overflow during rain events.

## **Oily Waste Recycling Options**

### **Use Oil Recovery Group**

The oil industry in New Zealand has formed the Used Oil Recovery Group (UORG) to provide for nationwide responsible collection and management of used oil. The UORG comprise: BP Oil NZ Ltd, Shell NZ Ltd, Castrol NZ Ltd, Caltex Oil (NZ) Ltd, Milburn NZ Ltd, the Ministry for the Environment.

Suitable oil is collected by one of the companies listed below and transported to the Milburn Cement factory in Westport where it is used to as a fuel in the production process of cement.

UORG are able to accept non-hazardous oils, including used lubrication oil, fuel oil, crude oil and oil and water mixes. However, oily waste material as defined in this chapter is unlikely to be accepted due to the level of contamination.

The following companies should be contacted to utilise the UORG system:

- Northern North Island: Salters Cartage Limited, 9 Bolderwood place, Wiri, contact: Ron Salter or David Laing (09) 278 6563;
- Southern North Island: Thurlines Transport Limited, Seaview, Lower Hutt, contact: Ross Thurston (04) 568 2185, or mobile 027 443 7447; and
- South Island: Oil Recovery South Island, Allied Petroleum, Sockburn, Christchurch, contact: Graeme Joyce (03) 348 6086 or mobile 025 343 528.

The recycling option selected will depend on a number of circumstances. Prior to making such a decision, the Incident Command Team should seek expert advice from the companies listed in Maritime NZ Directory Waste Reception Facilities in Australian and New Zealand Ports AMSA. Note that this directory is updated annually. Visit the following website for more information:  
<http://www.hydro.linz.govt.nz/general/waste.html>.

Where dispersant was used prior to recovery, this should be highlighted to the contractor selected to treat or recycle the oily liquid waste recovered during the response.

## Oily Waste Disposal Options

Any oily liquid waste not amenable to recycling and all oily solid waste will need to be disposed of in an appropriate manner. Practicable options for disposal include: high temperature incineration with appropriate flue gas control equipment; land farming; and landfill.

Whichever disposal option is pursued, it will need to comply with the Resource Management Act 1991. High temperature incineration plants will only be able to incinerate oily waste if this activity is allowed by their discharge permit or national environmental standard. Similarly, oily waste will only be able to be deposited at Landfills if this activity complies with the Landfill's land use consent. There is limited capacity for high temperature incineration and land farming in New Zealand.

### Landfill disposal options

Maritime NZ commissioned a report to identify landfills in New Zealand with the necessary resource consents and that are willing to dispose of oil waste material.

Oily waste material includes: sand, shingle or other natural material contaminated with oil from a marine oil spill and which is unable to be reused or recycled. It is likely to also include dead wildlife, and items of response equipment and other debris discarded during and after the response (eg oiled gloves and overalls, containers, etc).

The findings of this report have been updated and are summarised below. Included in the summary is:

- a table which for each landfill highlights; restrictions on waste type, waste volume, key points for waste acceptance, and cost of disposal for each landfill; and
- recommendations for assisting with Oil Waste Material Disposal during a spill response.

## Summary Description of Landfills and Oily Waste Reception Facilities

Name of Landfill	Location	Restriction on Waste Type	Restriction on Volume	Key Points for Waste Acceptance	Cost per Tonne (ex GST)	Contact Details
Redvale Landfill.	Dairy Flat, Auckland.	No free liquids. No PCBs. TPH <10g/kg (1% wet weight).	250 tonnes of material per day.	Completion of Special Waste notification. Waste Mgmt issue a contract to MNZ which includes "Special Waste Manifest" Waste acceptance given by landfill upon delivery (subject to compliance with contract).	\$65.00 for general waste. Oily waste will be at a higher rate.	Waste Management Ph. +64 9 527 8044 Fax. +64 9 570 5595 orders@wastemanagement.co.nz
Whitford Landfill.	Whitford – Maraetai Road, Whitford, Auckland.	Material must be "spade-able" (i.e. not liquid). Maximum concentration of Benzene = 10g/m <sup>3</sup> or Benzene. TCLP of waste must be < 0.14 mg / litre.	30 tonnes per day.	Complete "Controlled Waste Application" form. Approval given by issue of Controlled Waste Delivery Authorisation (usually following 3 days processing).	\$130.00 standard cost of controlled waste.	Waste Management Ph. +64 9 527 8044 Fax. +64 9 570 5595
Hampton Downs Landfill	Hampton Downs, North Waikato	Acceptance criteria is very comprehensive with limit on heavy metals, PCB concentration, pesticides/herbicides, VOC's, SVOC's etc.	No limit on tonnage.	Accept simple hydrocarbon waste contaminated with oils, diesel and petrol directly into the hydrocarbon treatment area. If other contaminants are present then analysis would need to be supplied.	\$50	Envirowaste Services Ltd ph: 0800 240 120 tony.baker@envirowaste.co.nz
Tirohia Landfill	Quarry Road Tirohia, Paeroa	Landfill will only accept non hazardous residential, commercial and industrial solid waste, Non hazardous waste includes special wastes. Sludges with less than 20% weight by weight are prohibited. Bulk liquids are prohibited.	None stated with regard to bulk volumes.	Only pre approved waste is accepted in accordance with Tirohia Landfill waste Acceptance Policy Special Waste Profile Declaration must be filled out. Each load of waste must be accompanied by a special waste manifest, unless specifically exempted in writing by the Landfill Manager.	rate per tonne for loads <10 tonnes \$165.00 +GST for loads >10 tonnes \$148.00+GST	H.G.Leach & Co. Ltd Phone: 07 862 8727 Mobile: 027 452 7535
Colson Road Landfill	Colson Road, New Plymouth	Soils have been weathered so that light oils etc. have volatilised or have been degraded; No free liquid;	Generally the landfill can cope on a one off basis with 250m <sup>3</sup> of contaminated material per month.	Any disposal requires prior -approval from the New Plymouth District Council Solid Waste Engineer.	\$75	TRC Solid Waste Officer Mike Baker Phone: (06) 759 6060 Email: bakerm@nfdc.govt.nz

Name of Landfill	Location	Restriction on Waste Type	Restriction on Volume	Key Points for Waste Acceptance	Cost per Tonne (ex GST)	Contact Details
Schrider Landfarm	off Geary Rd, Manutahi	SBM & WBM drilling wastes, and oily wastes accepted	2,000 m3 of stockpiled material	As per conditions of consent 6135-1	Unknown	Amanda Lambert Origin Energy Resources NZ Ltd 06 769 9861 Amanda.Lambert@originenergy.co.m.au
Spence Road Landfarm	Spence Rd, Kakaramea	SBM & WBM drilling wastes, and oily wastes accepted	No limit	As per conditions of consent 5935-1	Unknown	As above
Omaranui Landfill Hastings District Council	Omaranui Road RD 3 Napier	Can accept these types of waste in general but has limitations e.g. cannot accept liquid waste – must have a solids content of at least 20% and liberate no free liquids when transported (MfE guidelines). Also needs to comply with MfE guidelines on Hazardous / contaminated waste.	Can make provision to accept a reasonable volume at one time, but would need to be considered on a case by case basis.	Operate a hazardous waste manifest system for acceptance of special wastes.	\$81 per tonne (ex govt waste levee)	Hastings District Council Ph: (06) 871 5000 davejb@hdc.govt.nz
Bony Glen Land fill	Wanganui Road, Marton	Contact to discuss material to be disposed of -	Contact to discuss restrictions on volume.	TLCP test required		Midwest Disposals Ltd Ph 06 327 5620 Land fill Ph/Fax 06 327 5620 Kerry Thompson 027 644 4292 Paul Mullinger 027 281 6522
Spicer Valley Landfill.	Broken Hill Road, Porirua.	No hazardous substances unless no other practical treatment or disposal option, and then only by prior arrangement. Large concentrations of oil cannot be accepted due to leachate treatment requirements. Cannot be quantified.	Contact to discuss restrictions on volume.	standard acceptance criteria is that we will only accept one of the many wastes that are asterisked on the NZ Waste List (Min for Environment) if the customer provides documentation to confirm that the waste does not exceed Class B Landfill leachability limits		Porirua City Council Ph: (04) 237 1477

Name of Landfill	Location	Restriction on Waste Type	Restriction on Volume	Key Points for Waste Acceptance	Cost per Tonne (ex GST)	Contact Details
Silverstream Landfill.	Reynolds Bach Rd, Silverstream.	Complex: No PCBs, Bulk Liquids, Sludges (with free liquids present, < 20% solids & >200mm slump), see Section 8.3 for list of hazardous waste restrictions.	None. Rate and timing of waste deliveries must be agreed with landfill manager prior to delivery. Total Petroleum Hydrocarbons, C6-C9 < 2600 mg/kg, C10-C36 < 10,000 mg/kg Restrictions on levels of BTEX, Xylenes, Styrene, PAH and Benzo(a)pyrene	Complete "Application for Disposal of Special/Hazardous Waste" form. Allow at least 3 working days for approval. Upon approval, Council complete a Disposal Permit / Tracking Record and forward to MNZ. MNZ complete the Record and forward it to transporter to also complete. Transporter gives 1 days notice and presents Record to landfill kiosk attendant. Rate and timing of waste deliveries must be agreed with landfill manager prior to delivery.	As at Dec 09: \$95.25 for general waste, \$131.25 (inc GST) for special/hazardous waste.	Hutt City Council Ph: (04) 570 6666
Bluegums Landfill	Taylor Pass Rd, Blenheim	No hazardous waste as defined by CAE Guidelines Disposal of Hazardous Waste May be reluctant to accept oily waste material due to potential aggressiveness of it on the landfills synthetic liner.		Oily waste material is assessed under the Waste Acceptance Criteria. Refusal can be based upon volume and toxicity. We require assessment of any oily waste material prior to disposal in the landfill. Assessment will be to quantify total hydrocarbon content and TCLP thresholds. When necessary Council will engage research laboratories to accurately analyse waste material (at applicant's cost).		Marlborough District Council Ph: (03) 520 7400
Kate Valley Landfill	554 Mt Cass Rd, Waipara North Canterbury	Must meet Kate Valley waste acceptance criteria as defined by consents	No limit for compliant waste	Must meet acceptance criteria and TCLP test analysis (where appropriate) Must be generated in Canterbury No liquid waste Minimum 20% solids content No untreated hazardous waste Must be transported in 'hook-lift' containers unless exceptional and pre-arranged circumstances	Special waste not requiring special handling: \$90.88 / tonne (incl. GST) Special waste requiring special handling (deep burial): \$109.05 / tonne (incl. GST) These rates apply until 30 June 2007 and do not include transport costs	Canterbury Waste Services Ltd Ph: 3 359 1800

Name of Landfill	Location	Restriction on Waste Type	Restriction on Volume	Key Points for Waste Acceptance	Cost per Tonne (ex GST)	Contact Details
Redruth Sanitary Landfill.	Shaw St, Timaru.	Application by waste manifest	Application by waste manifest	MFE waste acceptance All waste will be considered, but not necessarily accepted for disposal We do not accept out of district waste	\$ 130 + \$10 gov waste levy /tonne. Waste requiring special treatment is \$249/tonne + \$10 waste levy/tonne	Timaru District Council 03 687 7200
Green Island Landfill.	Brighton Road, Green Island.	No oil liquid accepted. Extremely odorous waste (e.g. carcasses) will be refused without prior approval, unless there is an emergency. Oil contaminated sand, shingle and other natural material is "Contaminated Soil". Other oil waste material is considered to be "Special Waste" and therefore should be separated prior to disposal.	No restriction on volume of Contaminated Soil, but TPH must be <500ppm. If above this then dilution with clean soil or bio-remediation required. Will consider acceptance of large quantities in emergencies.	Contaminated Soil: Complete "Contaminated Soil – Petroleum Hydrocarbons Application to Dispose" form. Allow 5 working days for approval. TPH figures required at least 5 working days prior to disposal Special Waste: Complete "Special Waste Disposal Enquiry" form. If accepted, "Special Waste Disposal Instruction for Landfill's" form will be issued to MNZ and landfill. Transport of special waste shall be in covered and water tight containers – subject to the waste type. This would only apply if the waste is a liquid waste.	\$140 per tonne (if 20% or more is solid content min\$70) \$171 per tonne (if less than 20% solid content) (minimum for both \$85.50). 09-10 financial year ending 30 June 10. This fee will no doubt increase in the 2010-11 year Costs include GST but exclude any costs the contractor may incur in treating the waste to make it suitable for land filling purpose.	Dunedin City Council Ph (03) 477 4000 david.hannan@4delta.co.nz
Macleans Pit	Greymouth	Contact to discuss waste type restrictions.	Contact to discuss restrictions on volume.	Contact to discuss waste acceptance.	\$100 per ton plus gst, waste oil \$0.20 per litre.	Grey District Council Ph: 03 768 1700
Kings Bend Landfill	Corner of Bend and Cahill Roads Winton	NO BULK LIQUID WASTE (ie. liquid or solid with < 20% solids content) or hazardous waste (including flammable or ecotoxic)	Contact to discuss restrictions on volume.	Contact to discuss waste acceptance.		AB Lime Ltd Ph: (03) 236 7577
IPetroleum Waste Solutions	17 Mason Street, Dunedin	Specialists in Petroleum Waste Disposal including fuels, oils and contaminated soil. Will take product at less than 50ppm PCB with supporting documentation	No restriction on volume		Charges quoted per job	

Name of Landfill	Location	Restriction on Waste Type	Restriction on Volume	Key Points for Waste Acceptance	Cost per Tonne (ex GST)	Contact Details
ChemWaste Industries, Auckland	21 Miami Pde, Onehunga,	Able to accept most waste types.	Provision can be made to accept large volumes	Operate a Hazardous Waste Manifest and Disposal Agreement System	Varies case by case	
ChemWaste Industries, Wellington	2 Waterman St, Seaview, Lower Hutt	Able to accept most waste types.	Provision can be made to accept large volumes	Operate a Hazardous Waste Manifest and Disposal Agreement System	Varies case by case	
ChemWaste Industries, Christchurch	10 Barton St, Woolston	Able to accept oil and oil/water wastes. Unable to accept oil contaminated soils due to new Landfill restrictions.	Provision can be made to accept large volumes	Operate a Hazardous Waste Manifest and Disposal Agreement System	Varies case by case	

### Acronyms

**BTEX** Benzene, Toluene, Ethyl Benzene, Xylene

**CAE** Centre for Advanced Engineering

**PAH** Polycyclic Aromatic Hydrocarbon

**PCB** Polychlorinated Biphenyl

**SVOC** Semi Volatile Organic Compound

**TCLP** Toxicity Characteristic Leaching Procedure

**TPH** Total Petroleum Hydrocarbons

**VOC** Volatile Organic Compound

## Recommendations for Assisting with Oil Waste Material Disposal during a Spill Response

To assist with the disposal of oily waste material, the Incident Command Centre Team should:

- appoint a suitably qualified waste management company or person to oversee all waste generation, collection, containment, temporary storage and disposal, and to advise the OSC accordingly;
- establish a contract with a recognised waste management company to manage collection, containment, temporary storage and disposal;
- adopt policies and practices during the spill response to minimise the amount of oily waste material generated and collected (e.g. beach clean-up techniques should minimise the amount of sand or other material collected);
- conduct site inspections prior to use and when the site has been rehabilitated. These inspections should be carried out by both owner/operator and Maritime NZ/Regional Council and should include photos and a written record of the state of the site; and
- sign off each waste site as required by the owner/manager of the site and a representative of Maritime NZ/Regional Council.

No resource consent is required for temporary storage as long as the storage facility is provided to “assist with the control and clean up of the marine oil spill”. The temporary storage facility must be adequate to contain oil for this period of time. The recycling and disposal options require appropriate resource consents

## Procedures

The preferred approach to recycling and disposal of oily waste is to link into the existing network of organisations and facilities, in New Zealand, that already have the appropriate resource consents to treat, recycle or dispose of oily waste. This is the most cost effective approach as it avoids: the necessity to construct purpose built oily waste disposal facilities for oil spills (that are likely to be under utilised); and the need to obtain resource consents post event.

The following procedures should be used for recycling or disposing of recovered oily waste and for cleaning and disposing of oil spill response equipment.

### Procedure for recycling or disposal of recovered oily waste

During the oil spill response:

1. contact the owner of the oil to determine their preference for recovery/ disposal (the final decision should still be made by the NOSC); and
  - contact one of the oil reception companies listed in the AMSA/Maritime NZ “Waste Reception Facilities in Australian and New Zealand Ports” or in the Regional Oil Spill Contingency Plan or one of the UORG contacts, with respect to collecting the recovered oily waste for re-use and recycling.
2. If the oil spill reception companies agree to collect the recovered oily waste for recycling / disposal then once it is collected no further action on this matter will be required by the Maritime New Zealand.
3. If the companies do not agree to collect the recovered oily waste for recycling / disposal then it must be contained within temporary storage facilities or centralised handling facility awaiting disposal.
4. Where possible, temporary storage facilities should be operated under a system of controlled segregation and inventory (e.g. liquids and solids separated).
5. Recovered oil and associated matter that is contained in temporary storage should remain in temporary storage until the appropriate recycling or disposal option has been decided.

6. Recycle or dispose of the recovered oil in accordance with the organisation's resource consents.

## **Procedure for cleaning and disposing of Oil Spill Response Equipment and associated gear**

1. If the oil spill response equipment and associated gear needs to be cleaned during the response operation then no resource consent would be needed because this work is required to "control and clean up the marine oil spill" (Refer s311 MTA 1994). However, this should be carried out in a responsible manner whereby the oil that is being cleaned off the equipment is captured and contained in temporary storage facilities.
2. An inspection of the premise before and after use with the owner/manager of the property is to be carried out. Written documentation is required on the state of the site prior to use and following rehabilitation. Photos should be taken if possible. A representative of the site owner and Maritime NZ should sign off the site after use.
3. Where possible, final cleaning of oil spill response equipment and associated gear should be carried out at a site with appropriate resource consents. Care should be taken to ensure that no oil is lost during transportation to the cleaning site.
4. Procedures are to be put in place for receiving equipment and dispatching cleaned items back to the correct facility. Major items that are on hire should be cleaned and returned to the hire centre before minor items owned by the local authority (except those required by the response). A receive and dispatch co-ordinator should be appointed to liaise with the site supervisor for items to be cleaned and dispatched to reduce traffic congestion and risk of accidents.
5. Oil spill response equipment and associated gear that requires disposal should be retained in temporary storage until the appropriate disposal option has been determined. No resource consent is required for temporary storage as long as the storage facility is provided to "assist with the control and clean up of the marine oil spill".
6. Dispose of the oil spill response equipment and associated gear in accordance with the disposal organisation's resource consents.
7. It is recommended that an Equipment Decontamination Plan be prepared. An example of one is shown below.

## EXAMPLE ONLY

# Equipment Decontamination Plan

**Date:**

**Time:**

## Objective

To prevent secondary contamination of any area of the ..... Region by undertaking cleaning and management of oiled equipment in an environmentally appropriate manner which results in no contamination of uncontaminated areas.

## Method

- Inspection done of premise before and after use with owner/manager of the property. Written documentation required of the state of the site prior to use and after rehabilitation (photos helpful).
- Sign off after the site has been used by both representative of owner and representative of Maritime NZ/ District/Regional Council.
- Procedures put in place for receiving the dirty equipment and dispatching clean items back to the correct areas/owners.
- Equipment to be given a level of priority:
  - Major items that are on hire to be returned to the hire centre;
  - minor items owned by local authority unless called for by ICT; and
  - Maritime New Zealand Equipment.
- A receive and dispatch co-ordinator should be appointed to liaise with supervisor for items to be cleaned and dispatched, thereby reducing traffic congestion and risk of accidents.
- Collect all oiled equipment when it is no longer required in the field (an assessment needs to be made at the same time - undertaken by the Operations Manager).
- Use polythene to line transporters. Sand or zeolite may be required for soakage. Take smaller items (RIB, floats and buoys) to appropriate sites for cleaning as required.
- Wash all equipment using the following cleaning technique:
  - Kerosene pre-wash.
  - Wipe as necessary,
  - Water blast.
  - Leave to dry on drained pad.
- Store all gear that is oiled and that does not need to be immediately cleaned on a polythene-based bund. This can be made by using silage wrap and 4 x 2 timber that will prevent any liquid contamination of land or potential entry into stormwater systems.
- Collect all contaminated water and direct it to an oily water separator.
- Cover skip / jumbo bins each night.
- Segregate oiled liquid and solids from non-oiled liquid and solids.
- Inspect premise and organize cleaning of oily water separator at the end of cleaning the gear.

## EXAMPLE ONLY

### Temporary storage areas

Gear can be stored on site (out of water) provided the gear is placed onto polythene and as much as is possible of any contamination is contained within this. DON'T wash down any oil contaminated equipment anywhere other than a bunded site or at approved site.

Bunded areas need to be covered to prevent rainfall intrusion.

PPE gear that requires cleaning should be taken to..... All gear that is not able to be cleaned there should be stored in containers or in containment at .....

For un-oiled equipment only

The.....can be used for drying and packing.

### Transportation of oiled equipment

The larger items and booms will be transported out of the area by truck and trailer units utilising the following methods:

- Sand, zeolite or sorbent roll shall be used in the bottom of the truck/trailer;
- polythene line the sides of the trailer and bottom of the truck/trailer;
- a second layer of sawdust or sorbent roll; and
- items wrapped in polythene.

### Potential cleaning facilities

- Truck Stops (BP, Caltex) and Tank Farms. These have oil interceptors but have run off to stormwater and the use of kerosene and detergent may be a concern to Council.
- Cleaning for larger items will be undertaken at Marsden Point or at an approved cleaning site to be announced by OSC.
- Cleaning of "clean gear" can taken place at.....

### Additional information

Contact Regional/District Council to discuss Trade Waste Bylaws or discharges into stormwater.

### Procedure for obtaining resource consents

Should any resource consents be necessary, contact the Regional/District Council Planning team for assistance.

# Legislative Requirements: The MTA/RMA Interface

## Sections 9, 12, 15, 15A and 15B of the RMA

Sections 9, 12, 15, 15A and 15B of the RMA will need to be considered when managing, particularly in the longer term, the oil, oily waste and debris collected during a spill response operation.

The landfill operators outlined in the discussion of disposal options above and/or the regional council are best placed to advise the On-Scene Commander of the local plan(s) rules, and consent requirements, and the options available for disposal of waste etc. during an emergency in their region.

## Section 467 of the Maritime Transport Act 1994 (MTA)

Section 467 of the Maritime Transport Act 1994 (MTA), provides an immunity from the need to comply with sections 9, 12, 15, 15A and 15B of the RMA during an oil spill clean up. However, section 467 may not be wide enough to cover every long-term waste disposal operation in terms of sections 305 and 311 of the MTA.

### Application of Maritime Transport Act section 467

Section 467 of the Maritime Transport Act 1994 (MTA), provides that sections 9, 12, 15, 15A, and 15B of the Resource Management Act do not apply to anything done by or on behalf of the Director under sections 248, 249, 305 and 311 of the MTA, or by or on behalf of an On-Scene Commander under sections 305, 310 and 311.

Sections 248 and 249 of the MTA cover the Director's powers in relation to hazardous ships, structures and operations. These provisions are not relevant to waste disposal.

Section 305 contains the powers of an On-Scene Commander to direct persons, restrict access to sites, remove ships, vehicles and other things and carry out inspections. None of these powers relate directly to storage and disposal of oil or equipment cleaning. Although, section 305(a) empowers the On-Scene Commander to direct an owner of a New Zealand ship "to do anything that the... commander considers necessary or desirable to...clean up the marine oil spill." This provision could be used to force a ship owner to collect up any waste oil. It is doubtful that this power would extend to forcing the owner to dispose of the oil or arrange for equipment washing.

Section 310 covers the Minister's powers of direction and is not relevant to this discussion.

Section 311 contains the additional powers of an On-Scene Commander. In particular, section 311 (b) and (c) allow the On-Scene Commander to "carry out such works as will control and clean up the marine oil spill...and provide any facility to assist with the control and clean up of the marine oil spill".

It is considered that this section would cover storing oil, and cleaning oil spill equipment. Therefore, the provisions of the RMA would not need to be applied to these activities. However, the long-term disposal of oil and oily waste is not so clearly covered by section 311 and so this activity is probably not immune from the RMA provisions.

## Section 330 of the RMA

Section 330 of the RMA provides that in certain cases sections 9, 12 and 15 of the RMA do not have to apply where activities are undertaken in an emergency to remove or mitigate harmful effects on the environment. However Section 330(4) of the RMA specifically provides that:

*"Nothing in this section shall authorise any person to do anything in relation to an emergency involving a marine oil spill or suspected marine oil spill within the meaning of section 281 of the MTA."*

This section was inserted to avoid confusion between potentially overlapping emergency response operations under both pieces of legislation. Hence, response activities with respect to oil spills are not covered by emergency works provisions of the RMA.

## **Section 18(1) of the RMA**

Section 18(1) of the RMA provides that anyone prosecuted for a breach of section 9, 12, 15, 15A or 15B of the RMA may raise the defences in sections 341, 341A or 341B of the RMA.

For example, the Regional On-Scene Commander could dispose of waste oil or wash down oily equipment without a consent and in contravention of a regional or district plan. Then if prosecuted he/she could rely on a defence provided by section 341 et al.

The On-Scene Commander could defend the charge, under section 341, on the grounds that the action was necessary for the purposes of avoiding an actual or likely adverse effect on the environment, the conduct was reasonable in the circumstances, and the effects of the action were adequately mitigated by the On-Scene Commander afterwards.

While this defence is available, relying on it is not recommended. Any waste disposal action should not deliberately contravene the RMA, a statute designed to protect the environment, merely because the Act provides possible defences.