

Reprint
as at 1 December 2017



**Exclusive Economic Zone and Continental Shelf
(Environmental Effects—Discharge and Dumping)
Regulations 2015**
(LI 2015/228)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 28th day of September 2015

Present:

The Hon Bill English presiding 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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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry for the Environment.

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Forms

Regulations

1 Title

These regulations are the Exclusive Economic Zone and Continental Shelf (Environmental Effects—Discharge and Dumping) Regulations 2015.

2 Commencement

These regulations come into force on 31 October 2015.

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 location means any of the following locations:

- (a) within a circle of 4 nautical miles radius centred on position 34°40'S 174°50'E (38 nautical miles north-east 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 north-east of Lyttelton):
- (e) within a circle of 4 nautical miles radius centred on position 46°00'S 171°13'E (25 nautical miles south-east of Otago Harbour)

cooking oil—

- (a) means any type of edible oil or animal fat used or intended to be used for the preparation or cooking of food; but
- (b) does not include the food that is prepared using the oil or fat

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

domestic waste—

- (a) means any type of waste not covered by any annex to MARPOL other than Annex V that is generated in the accommodation spaces on board the offshore installation; but
- (b) does not include grey water

EPA means the Environmental Protection Authority

ESRP means an emergency spill response plan, which may be a separate plan or be a chapter of or comprise parts of an operator's oil spill contingency plan prepared under the Marine Protection Rules Part 131, that is approved in accordance with regulation 24

existing structure means a structure placed before the commencement of these regulations

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 an offshore installation

garbage—

- (a) means any food waste, domestic waste, operational waste, plastic, incinerator ash, or cooking oil that is generated during the normal operation of the offshore installation 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 facility to shore for processing

grey water—

- (a) means drainage from dishwater, shower, laundry, bath, and washbasin drains; but
- (b) does not include sewage

harmful substance has the meaning given in regulation 4

hydraulic fracturing means any method of inducing fracture in a formation by pumping fluid at very high pressure to exceed the tensile strength of the reservoir rock for the purpose of opening fractures in the rock and injecting proppant to hold the fractures open in order to increase petroleum production rates

incinerator ash means ash and clinkers resulting from the incinerator on board the offshore installation used for the incineration of garbage

international oil pollution prevention certification, in relation to any equipment, means of a design approved in accordance with the requirements set out in Annex I of MARPOL for the purposes of the issue of international oil pollution prevention certification

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

mineral has the meaning given in section 2(1) of the Crown Minerals Act 1991

offshore processing drainage—

- (a) means water from hazardous and non-hazardous deck drains; but
- (b) does not include oil mixed with water 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 waste—

- (a) means any solid waste (including slurry) not covered by any annex to MARPOL other than Annex V that is collected on board during normal maintenance or operations of an offshore installation, or used for cargo stowage and handling; and
- (b) includes any cleaning agent or additive contained in cargo hold and external wash water; but
- (c) does not include grey water, bilge water, or other similar discharges essential to the operation of an offshore installation

owner of an offshore installation has the same meaning as owner in section 132(3)(b) of the Act

petroleum well means any well (including a well for exploration, production, or injection) associated with the extraction of hydrocarbons

plastic—

- (a) means a solid material that contains as an essential ingredient 1 or more high molecular mass polymers and that is formed (shaped) during either the manufacture of the polymer or the fabrication into a finished product by heat or pressure, or both; and
- (b) includes synthetic rope, synthetic fishing net, plastic garbage bags, and incinerator ash from the incineration of plastic

production water means any water extracted from the reservoir

prohibited radioactive material means any material that spontaneously emits ionising radiation that gives it—

- (a) an activity concentration exceeding the greater of 100 kilobecquerels per kilogram and the relevant activity concentration limit specified in Schedule 2; and

- (b) a total activity exceeding the greater of 3 kilobecquerels and the relevant activity limit specified in Schedule 2

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

radionuclide means an isotope of any element that spontaneously emits ionising radiation

sediments means the organic and inorganic material extracted from the seabed by mining activities, and includes tailings

sewage means—

- (a) drainage from toilets, urinals, and toilet scuppers; and
(b) drainage from washbasins, washtubs, or scuppers located in a dispensary, sick bay, or other space used for medical purposes; and
(c) waste water mixed with any drainage described in paragraphs (a) and (b)

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

trial mining means activities normally involved in mining that are undertaken at the exploration stage and on a small scale in order to test equipment and establish the economic value of the resource to justify further work.

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 is hazardous for the purposes of the Hazardous Substances (Minimum Degrees of Hazard) Notice 2017;
(b) oil;
(c) garbage;
(d) sediments from mining activities other than petroleum extraction.

Regulation 4(a): amended, on 1 December 2017, by regulation 4 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects—Discharge and Dumping) Amendment Regulations 2017 (LI 2017/234).

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)—
 - (i) into the sea within the exclusive economic zone or above the continental shelf beyond the outer limits of the exclusive economic zone; or
 - (ii) into or onto the continental shelf:
- (d) matters related to activities referred to in paragraph (a), (b), or (c).

6 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

Part 2 Provisions relating to discharge of sediments

Classification of discharges of sediments

7 Discharge of sediments from iron sand prospecting and exploration

- (1) The discharge of sediments from iron sand prospecting and exploration other than trial mining is classified as a permitted activity under the Act if the conditions set out in subclause (2) are complied with.
- (2) The conditions are that—
 - (a) pre-activity reporting and notification requirements are complied with (*see* regulations 12 and 13); and
 - (b) within 24 hours after the date on which the discharge commences, the EPA is notified of the commencement; and
 - (c) all reasonable measures are taken to ensure that any discharge occurs in the place where the sediments are extracted; and
 - (d) no more material is discharged than is reasonably necessary; 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 14).
- (3) However, this regulation does not apply to any discharge of sediments that is prohibited by regulation 11.

8 Incidental discharge of sediments from phosphate nodule or placer gold prospecting and exploration

- (1) The discharge of sediments from phosphate nodule or placer gold prospecting and exploration other than trial mining is classified as a permitted activity under the Act if—
 - (a) the discharge is an incidental discharge; and
 - (b) the conditions set out in subclause (2) are complied with.
- (2) The conditions are that—
 - (a) pre-activity reporting and notification requirements are complied with (*see* regulations 12 and 13); and
 - (b) within 24 hours after the date on which the discharge commences, the EPA is notified of the commencement; and
 - (c) all reasonable measures are taken to ensure that any discharge occurs in the place where the sediments are extracted; and
 - (d) no more material is discharged than is reasonably necessary; 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 14).
- (3) However, this regulation does not apply to any discharge of sediments that is prohibited by regulation 11.

9 Discharge of sediments from seafloor massive sulphide prospecting and exploration

- (1) The discharge of sediments from seafloor massive sulphide prospecting and exploration is classified as a permitted activity under the Act if, over the life of the permit,—
 - (a) the discharge or discharges—
 - (i) total less than 10 tonnes of sediment within a single permit area; or
 - (ii) are between 10 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) pre-activity reporting and notification requirements are complied with (*see* regulations 12 and 13); and
 - (b) within 24 hours after the date on which the discharge commences, the EPA is notified of the commencement; and
 - (c) all reasonable measures are taken to ensure that any discharge occurs in the place where the sediments are extracted; and
 - (d) no more material is discharged than is reasonably necessary; 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 14).
- (3) However, this regulation does not apply to any discharge of sediments that is prohibited by regulation 11.

10 Other discharges of sediments

The discharge of sediments, other than a discharge that is permitted by regulation 7, 8, or 9 or prohibited by regulation 11, is classified as a discretionary activity under the Act.

11 Discharges of sediments containing prohibited radioactive material

- (1) The discharge of sediments that are prohibited radioactive material is classified as a prohibited activity under the Act unless the discharge is an incidental discharge.
- (2) *See* Schedule 2 for the specified limits.

Reporting and notification requirements

12 Pre-activity reporting requirements

- (1) A person who intends to undertake a permitted activity in accordance with regulation 7, 8, or 9 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).

13 Pre-activity notification of relevant iwi, hapū, customary marine title group, and protected customary rights group

- (1) A person who intends to undertake a permitted activity in accordance with regulation 7, 8, or 9 must—
 - (a) notify every iwi, hapū, customary marine title group, and protected customary rights group that the EPA has identified under regulation 12(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 12(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 an 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 2 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 an 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.

14 Post-activity reporting requirements

- (1) A person who has undertaken a permitted activity in accordance with regulation 7, 8, or 9 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 applying to the discharge were met.
- (2) A post-activity report must be provided in form 1 of Schedule 3.

Part 3

Provisions relating to discharge of oil and ecotoxic substances

Classification of discharges

15 Discharge down petroleum well

- (1) The discharge of harmful substances described in regulation 4(a) and (b) into a petroleum well (being a discharge into the seabed or continental shelf) that are generated during or used for the operation of an offshore installation is classified as a permitted activity under the Act if the conditions set out in subclause (2) are complied with.
- (2) The conditions are that—
 - (a) none of the discharge occurs in the water column; and
 - (b) a record of the discharge is kept in form 2 of Schedule 3; and
 - (c) the person on board the offshore installation who has overall responsibility for its operations must ensure that the following information is provided to the EPA in form 2 of Schedule 3 within 15 days after the end of every period of 3 consecutive calendar months in which the discharge occurs:
 - (i) the period of time over which the discharge occurred;
 - (ii) a description of the harmful substance and its purpose;
 - (iii) the quantity of the discharge (in litres or cubic metres):

- (iv) the intended ultimate fate of the substance (as categorised in item 4 of the form);
 - (v) details of actions taken to ensure the discharge would not make its way into the water column.
- (3) Paragraphs (b) and (c) of subclause (2) do not apply to the discharge of production water down a well.
 - (4) This regulation does not apply to the discharge of any harmful substances that involves hydraulic fracturing.
 - (5) This regulation overrides regulations 16, 20, and 21.

16 Discharge from petroleum extraction activities

- (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) or (3) 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 activity under the Act.
- (3) The discharge of harmful substances described in regulation 4(a) and (b) from offshore processing drainage, displacement water, and production water from an existing structure is classified as a non-notified activity under the Act.

17 Discharge of oil mixed with water from machinery space

- (1) The discharge of oil mixed with water from a machinery space on an offshore installation 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; and
 - (b) the oil content, without dilution, does not exceed 15 parts per million; and
 - (c) an oil record book is kept in accordance with regulation 23 and a copy of it submitted to the EPA within 15 working days after the end of the month in which it was completed.
- (2) If the offshore installation 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 exceeds 15 parts per million; and
 - (b) arrangements to ensure that the discharge is automatically stopped when the alarm is activated.
- (3) For the purpose of subclause (2),—

- (a) the gross tonnage of a floating platform is the gross tonnage of the entire structure;
 - (b) the gross tonnage of a fixed platform (a platform anchored or attached to the seabed) is the weight of the structure above the steel frame supporting the deck and the topsides.
- (4) The discharge of oil mixed with water from a machinery space that does not meet the requirements of subclause (1) is a prohibited activity under the Act.

18 Discharge of seawater contaminated with oil

- (1) The discharge of seawater used for operational purposes that is contaminated with oil 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; 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 in accordance with regulation 23 and a copy submitted to the EPA within 15 working days after the end of the month in which it was completed.
- (2) Subclause (1)(a) does not apply if the discharge is made through oil processing equipment for offshore processing drainage, displacement water, or production water.
- (3) The discharge of seawater used for operational purposes that is contaminated with oil from floating production storage and offloading facilities and floating storage units that exceeds 15 parts per million, without dilution, is a non-notified activity for existing structures or a discretionary activity for new structures if—
- (a) the discharge is made through oil processing equipment for offshore processing drainage, displacement water, or production water; and
 - (b) the requirements of subclause (1)(c) are met.
- (4) The discharge of seawater used for operational purposes that is contaminated with oil is classified as a prohibited activity under the Act if the requirements of subclause (1) or (3) are not met.
- (5) This regulation does not apply to the discharges covered by regulations 16 and 17.

19 Discharge of segregated ballast water contaminated with oil

- (1) The discharge of segregated ballast water contaminated with oil from a ship is classified as a prohibited activity under the Act.
- (2) For the purposes of this regulation, ballast water is **segregated ballast water** if the ship's tank in which the water is held is—
- (a) completely separated from the ship's cargo oil and fuel oil systems; and

- (b) permanently allocated to the carriage of ballast water or cargoes other than harmful substances described in regulations 4(a) and (b).

20 Discharge of harmful substances described in regulation 4(a) from mining activities

The discharge of harmful substances described in regulation 4(a) from mining activities is classified as a non-notified activity under the Act.

21 Discharge of drilling fluids

The discharge of harmful substances contained in drilling fluids is classified as a non-notified activity under the Act.

22 Discharge of grey water and sewage

The discharge of harmful substances from a structure is classified as a permitted activity if the discharge results from the normal operation of the structure's systems for the disposal of grey water and sewage.

Oil record books

23 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 offshore installation:
 - (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 that 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 offshore 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 offshore installation's oil record book must—
- (a) be fully recorded without delay; and
 - (b) be signed by the person or persons in charge of the operation or operations concerned; and
 - (c) be in English.
- (6) Every completed page of the oil record book must be signed by the person who has overall responsibility for the operation of the offshore installation.
- (7) The owner of an offshore installation must ensure that the offshore installation's oil record book is kept—
- (a) on board the offshore installation, except in the case of an unmanned offshore installation; and
 - (b) in a place where it is readily available for inspection at all reasonable times.
- (8) The owner of an offshore installation must ensure that a copy of every completed page of the offshore 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 oil record book must be kept by the owner of an offshore installation for 3 years after the last entry is made in it.

Emergency spill response procedures

24 ESRP for spills of harmful substances described in regulation 4(a)

- (1) The owner of an offshore installation must not operate the offshore installation without an ESRP approved by the EPA.
- (2) The owner of an offshore installation must ensure that there is an appropriate ESRP for the offshore installation and that the ESRP is—
 - (a) in the working language of the crew and in English; and
 - (b) approved by the EPA and, if changed, re-approved by the EPA; and

- (c) kept up to date; and
 - (d) kept on board the offshore installation, except in the case of an unmanned offshore installation; and
 - (e) kept in a place where it is readily available for inspection at all reasonable times.
- (3) The ESRP must contain emergency spill response procedures for harmful substances described in regulation 4(a) that are held on board the offshore installation in volumes exceeding the following:
- (a) 20 litres, if the substance is ecotoxic or very ecotoxic in the aquatic environment (as those terms are defined in the Hazardous Substances (Classification) Notice 2017);
 - (b) 100 litres, for any other harmful substance described in regulation 4(a).
- (4) Emergency spill response procedures must include—
- (a) information about the harmful substances on board the offshore installation, including—
 - (i) a list of harmful substances stored on the offshore installation; and
 - (ii) the maximum volumes of the substances likely to be stored on the offshore installation; and
 - (iii) a description of the processes and activities that present a risk of a spill of a substance; and
 - (b) guidance to ensure the safety of personnel; and
 - (c) measures to prevent the occurrence of a spill; and
 - (d) information to help personnel at the installation deal with a spill by detailing the actions necessary to stop, minimise, or mitigate the effects of a spill, including procedures for—
 - (i) determining what action to take in response to a spill; and
 - (ii) preventing escalation of the spill; and
 - (iii) stopping the discharge at its source, if possible; and
 - (iv) identifying the safety and environmental consequences of any remedial action; and
 - (v) determining whether the spill can be contained or cleaned up using the resources available to the owner or any other person responsible for implementing the emergency spill response procedures; and
 - (e) details of the response options available for the offshore installation; and
 - (f) the procedure by which any pollution incident involving a harmful substance described in regulation 4(a) is to be reported in accordance with regulation 25; and

- (g) the organisational emergency response structure for the offshore installation, including the duties of all personnel responsible for dealing with spills; and
 - (h) an inventory and the location of response equipment held on the offshore installation; and
 - (i) a list of 24-hour contact information, including that of—
 - (i) the owner or the owner’s representative; and
 - (ii) the EPA; and
 - (iii) any organisation contracted to respond to spills at the offshore installation; and
 - (iv) the person responsible for implementing the plan; and
 - (v) the person co-ordinating response activities; and
 - (vi) off-duty personnel with responsibilities for dealing with spills; and
 - (vii) persons with existing interests that are likely to be affected by a spill from the offshore installation; and
 - (j) personnel responsibilities for the deployment, survey, and maintenance of the equipment referred to in paragraph (h).
- (5) The ESRP must be submitted to the EPA for approval,—
- (a) if the ESRP is being approved for the first time, at least 2 months before the date on which operations are due to begin; or
 - (b) if the ESRP is to replace an ESRP that is due to expire, at least 2 months before the date of expiry of the ESRP that is being replaced.
- (6) Before an ESRP is submitted for approval, the owner of an offshore installation must consult any person with an interest in the vicinity of the installation that is likely to be affected by a spill into the sea of any harmful substances described in regulation 4(a) from the installation.
- (7) If the EPA is satisfied that the ESRP complies with the requirements of this regulation, the EPA may approve the ESRP for a period not exceeding 3 years.
- (8) All changes to the approved ESRP must be submitted to the EPA for re-approval, except changes to the information required by subclause (4)(i) and (j). Any changes to the information required by subclause (4)(i) and (j) must instead be notified to the EPA.

Regulation 24(3)(a): amended, on 1 December 2017, by regulation 5 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects—Discharge and Dumping) Amendment Regulations 2017 (LI 2017/234).

25 Reporting of spills

- (1) Immediately after any spill into the sea of any harmful substance described in regulation 4(a), the owner of an offshore installation must provide a report to

the EPA detailing the spill and the actions taken or to be taken in accordance with the ESRP for the installation.

- (2) The report to the EPA must be made by the fastest means of communication available and with the highest possible priority using the procedures outlined in the ESRP.

Part 4

Provisions relating to garbage

Classification of discharges

26 Discharge of food waste

The discharge of food waste from an offshore installation 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.

27 Discharge of garbage

The discharge of garbage from an offshore installation, including food waste discharged otherwise than in accordance with the conditions in regulation 26, is classified as a prohibited activity.

Related requirements

28 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 offshore installation of the discharge requirements set out in this Part that are applicable to the offshore installation.

29 Garbage management plans

- (1) The owner of an offshore installation must ensure that—
 - (a) the offshore installation has a garbage management plan that complies with this regulation; and
 - (b) an up-to-date copy of the offshore installation's garbage management plan is carried on board the offshore installation, except in the case of an unmanned offshore installation; and
 - (c) all persons on board the offshore installation 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 offshore installation must comply with the garbage management plan at all times.

30 Garbage record books

- (1) The owner of an offshore installation must ensure that there is a garbage record book for the offshore installation that—
- (a) is in form 3 of Schedule 3; and
 - (b) is in the working language of the crew and in English; and
 - (c) is kept on board the offshore installation, except in the case of an unmanned offshore installation; and
 - (d) is 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 and must include—
- (a) the date and time of the discharge or incineration; and
 - (b) the position of the offshore 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 unauthorised discharge or accidental loss, an entry must be made in the garbage record book and must include—
- (a) the location and 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 offshore installation who has overall responsibility for its operations.
- (5) The garbage record book must be kept by the owner of an offshore installation for 2 years after the last entry is made in it.

Part 5

Provisions relating to dumping

31 Dumping classified as non-notified activity

Dumping of any of the following is classified as a non-notified 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:
- (e) structures placed for the purpose of marine scientific research.

32 Dumping in authorised location classified as non-notified activity

Dumping in an authorised location of any of the following is classified as a non-notified activity under the Act:

- (a) dredged material:
- (b) vessels.

33 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 32 as a non-notified activity under the Act:
- (b) vessels, unless the activity is classified under regulation 32 as a non-notified activity under the Act:
- (c) structures, unless the activity is classified under regulation 31 as a non-notified activity under the Act:
- (d) carbon dioxide streams from carbon dioxide capture processes for sequestration:
- (e) inert, inorganic geological material:
- (f) bulky solid waste, on condition that the waste is from a location where dumping is the only practicable disposal option.

34 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.

Part 6

Miscellaneous provisions

Impact assessments

35 Matters that must be included in impact assessment for marine discharge consent

In addition to the matters required under section 39 of the Act, an impact assessment included in an application for a marine discharge consent must describe the effects on human health of the activity.

36 Matters that must be included in impact assessment for marine dumping consent

In addition to the matters required under section 39 of the Act, an impact assessment included in an application for a marine dumping consent must—

- (a) describe the effects on human health of the activity; and
- (b) describe any alternative method of disposal that could be used; and
- (c) specify any practical opportunities to reuse, recycle, or treat the waste.

Monitoring

37 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.

Forms

38 Forms

Use of a form for the purposes of these regulations is not invalid only because the form that is used 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.

Schedule 1

Transitional, savings, and related provisions

r 6

1 Discharge of oil mixed with water

Any discharge of seawater used for operational purposes that is contaminated with oil that exceeds the 15 parts per million limit in regulation 18 and that is authorised by an exemption granted under section 395 of the Maritime Transport Act 1994 is treated as a permitted activity under the Exclusive Economic

Zone and Continental Shelf (Environmental Effects) Act 2012 while that exemption remains in force.

2 Discharge of sediments under Continental Shelf Act 1964

- (1) This clause applies to the discharge of sediments from prospecting or exploration that is authorised by a licence granted under section 5 of the Continental Shelf Act 1964.
- (2) Nothing in these regulations requires that a new marine consent be obtained, or that conditions specified in these regulations for permitted activities be complied with, if the discharge of sediments from prospecting or exploration is authorised by a licence granted under section 5 of the Continental Shelf Act 1964.

3 Harmful substances

- (1) This clause applies to the discharge of harmful substances from mineral mining, other than petroleum extraction, 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 that was or will be granted.

4 Permitted activities

The following provisions do not apply to a permitted activity that commences on or before 29 December 2015:

- (a) regulation 12(2)(a) and (4); and
- (b) regulation 13(2) and (4)(a).

5 Emergency spill response procedures in discharge management plan continue to have effect

- (1) This clause applies to the emergency spill response procedures for spills of harmful substances described in regulation 4(a) in a discharge management plan that has any parts that are, by virtue of section 164B of the Act, the deemed marine discharge consent.
- (2) The emergency spill response procedures are treated as if they were an ESRP approved under regulation 24, and, from the commencement of these regulations, regulation 24 applies to the ESRP while the relevant deemed marine discharge consent remains in force.

- (3) The ESRP remains in effect only for the duration of the deemed marine discharge consent.

Schedule 2

Limits of certain prohibited radioactive materials

rr 3, 11

1 Interpretation

- (1) One becquerel is an activity of 1 transformation per second.
- (2) For the purposes of these regulations, when the transformation of the atoms of a radionuclide gives rise to another radionuclide, the activity is measured by the rate of transformation of the first or “parent” radionuclide only.

2 Calculation of limits of certain prohibited radioactive material

The limits referred to in the definition of prohibited radioactive material in regulation 3 are—

- (a) either—
- (i) a radionuclide at an activity concentration not exceeding the activity concentration set for radionuclides in the group in which it appears in the table in clause 3; or
 - (ii) a mixture of radionuclides the sum of the relative activity concentrations of which does not exceed 1; and
- (b) either—
- (i) a quantity of a radionuclide not exceeding in activity the activity concentration set for radionuclides in the group in which it appears in the table in clause 4; or
 - (ii) a mixture of radionuclides the sum of the relative activity concentrations of which does not exceed 1.

3 Groups of radionuclides in relation to activity concentrations

The groups of radionuclides referred to in clause 2(a) and the corresponding activity concentrations are those set out in the following table:

Activity concentration referred to in clause 2(a)	Radionuclides (listed by symbols)
100 kilobecquerels per kilogram	Na-22, Sc-46, Ti-44, V-48, Mn-52, Mn-54, Fe-59, Co-56, Co-58, Co-60, Zn-65, Y-88, Zr-95, Ag-110m, In-111, In-113m, Sb-124, Cs-134, Cs-136, Cs-137, Ba-133, Ba-140, La-138, La-140, Sm-147, Eu-152, Eu-154, Tb-160, Yb-169, Lu-176, Ta-182, Os-185, Ir-192, Pb-210, Bi-206, Bi-207, Po-208, Ra-226, Ra-228, Ac-227, Th-228, Th-230, Th-232, Pa-231, U-232, U-233, U-234, U-235, U-236, U-238, Np-237, Pu-238, Pu-239, Pu-240,

Activity concentration referred to in clause 2(a)	Radionuclides (listed by symbols)
300 kilobecquerels per kilogram	Pu-241, Pu-242, Pu-244, Am-241, Am-242m, Am-243 Na-24, K-40, Ca-47, Sc-48, Co-57, Ga-67, Ga-72, As-74, Se-75, Br-82, Sr-85, Sr-90, Y-87, Nb-95, Tc-96, Ru-106, Ag-105, Sn-113, Te-131m, Te-132, I-126, I-129, Ba-131, Ce-144, Hf-181, Re-183, Ir-190, Pt-193, Au-195, Hg-203, Tl-202, Po-210, Rn-222, Ra-223, Ra-224, Th-227, U-230
1 megabecquerel per kilogram	Mn-56, Rb-86, Y-91, In-114m, Sn-119m, Sb-122, Sb-125, Te-129m, I-131, I-132, Eu-155, Gd-153, Yb-164, W-181, Au-196, Au-198, Tl-200, Tl-204, Pb-203, Th-234, Pa-230
3 megabecquerels per kilogram	Be-7, F-18, P-32, Cl-36, K-42, Sc-47, Cr-51, Cu-64, As-76, Kr-85, Sr-89, Y-90, Mo-99, Ru-97, Ru-103, Cd-109, Cd-115, Cd-115m, Sn-125, Te-125m, Te-127m, I-125, Cs-131, Ce-141, Ce-143, Nd-147, Dy-166, Tm-170, Os-191, Pt-191, Au-199, Tl-201, Bi-210, Np-239
10 megabecquerels per kilogram	Ca-45, As-73, Tc-97, Tc-99, Tc-99m, Rh-105, Ag-111, I-123, Xe-131m, Xe-133, Pr-143, Pm-149, Sm-153, Ho-166, Yb-175, W-185, Re-186, Re-188, Os-193, Hg-197, Hg-197m, Pa-233
30 megabecquerels per kilogram	C-14, P-33, Ni-63, As-77, Zr-93, Nb-93m, Tc-97m, Pd-103, Cs-135, Pm-147, Sm-151, Er-169, Tm-171, Lu-177
100 megabecquerels per kilogram	S-35, Fe-55, Ni-59, Sr-87m, Pt-193m, Th-231
300 megabecquerels per kilogram	Ar-37, Ge-71
3 gigabecquerels per kilogram	H-3

4 Groups of radionuclides in relation to activity concentrations

The groups of radionuclides referred to in clause 2(b) and the corresponding activity concentrations are those set out in the following table:

Activity concentrations referred to in clause 2(b)	Radionuclides (listed by symbols)
3 kilobecquerels	Ra-226, Ra-228, Ac-227, Th-228, Th-230, Th-232, Pa-231, U-232, Np-237, Pu-238, Pu-239, Pu-240, Pu-242, Pu-244, Am-241, Am-242m, Am-243, Cm-242, Cm-244, Cf-252
10 kilobecquerels	Nd-144, Sm-147, Pb-210, U-233, U-234, U-235, U-236, U-238, Pu-241
30 kilobecquerels	P-32, Ti-44, Rb-86, Sr-89, Sr-90, Y-91, Ru-106, Cd-115m, In-114m, Sn-125, Te-129m, Ce-144, Po-208, Po-210, Ra-223, Th-227, Th-234, U-230
100 kilobecquerels	K-40, As-76, Y-90, Sb-122, Sb-124, Te-132, I-129, I-131, Ba-140, Dy-166, Rn-222, Ra-224
300 kilobecquerels	Na-22, Na-24, K-42, Ca-47, Sc-46, V-48, Mn-52, Fe-59, Co-60, Ga-67, As-74, Y-88, Zr-95, Mo-99, Ag-110m, Cd-115, Te-131m, Cs-134, Cs-136,

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Schedule 2

Reprinted as at
1 December 2017

**Activity concentrations referred to in
clause 2(b)**

Radionuclides (listed by symbols)

	Cs-137, Ba-133, La-140, Ce-143, Eu-152B, Eu-154, Tb-160, Ho-166, Tm-170, Ta-182, Re-188, Os-185, Ir-192, Au-195, Bi-206, Bi-207, Bi-210, Pa-230
1 megabecquerel	Cl-36, Sc-48, Mn-54, Co-56, Co-58, Zn-65, Ga-72, As-73, Se-75, Br-82, Kr-85, Sr-85, Y-87, Nb-95, Tc-96, Ru-103, Ag-105, Ag-111, Sn-113, In-115, Sb-125, Te-127m, I-126, La-138, La-140, Ce-141, Pr-143, Nd-147, Pm-149, Yb-164, Lu-176, Hf-181, W-181, Re-183, Re-186, Os-193, Ir-190, Pt-193m, Pt-193, Au-196, Au-198, Tl-202, Tl-204, Th-231
3 megabecquerels	Ca-45, Sc-47, Cr-51, Mn-56, Co-57, Ge-71, As-77, Rb-87, Zr-93, Tc-97, Tc-97m, Tc-99, Ru-97, Pd-103, Cd-109, In-111, Sn-119m, Te-125m, I-125, Xe-133, Cs-131, Ba-131, Pm-147, Sm-151, Sm-153, Eu-155, Yb-169, Yb-175, Lu-177, W-185, Os-191, Pt-191, Au-199, Hg-197m, Hg-197, Hg-203, Tl-200, Tl-201, Pb-203, Pa-233, Np-239
10 megabecquerels	Be-7, C-14, Fe-55, Ni-63, I-132, Xe-131m, Cs-135, Gd-153, Er-169, Tm-171, Rh-105
30 megabecquerels	F-18, P-33, S-35, Ni-59, Nb-93, I-123, Re-187
100 megabecquerels	Cu-64, Sr-87m, Tc-99m
300 megabecquerels	In-113m
1 gigabecquerel	H-3
300 gigabecquerels	Ar-37

Schedule 3

Forms

rr 14(2), 15(2), 30(1)

Form 1

Form for post-activity requirements

r 14(2)

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

1 Details of person undertaking permitted activity

Name:

Address:

Telephone number:

Email address:

Fax number:

Contact person:

2 Description of permitted activity

Type of activity:

Period during which activity was undertaken:

3 Details of each discharge

Co-ordinates of location of each discharge:

Details of actions taken to ensure no more harmful substances are discharged than is reasonably necessary:

Details of actions taken to ensure each discharge was made in the place where the sediment was extracted:

4 Details of discharge from seafloor massive sulphide prospecting and exploration (complete if relevant)

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

Margin of error for the estimate:

Location of the discharge within the water column*:

*For example, distance from the surface or seabed.

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Schedule 3

Reprinted as at
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Date:

Signature of authorised contact person:

Name:

Title:

Form 2
Discharge down well

r 15(2)

1 Details of person undertaking permitted activity

Name:

Address:

Telephone number:

Email address:

Fax number:

Contact person:

2 Details of offshore installation from which discharges take place

Identification details of offshore installation:

Location of offshore installation:

3 Dates over which discharges occurred

Was each discharge ongoing over the reporting period? Yes/No

If no, specify—

(a) start date(s):

(b) end date(s):

4 Description of discharges

*Specify type of substance(s) discharged, including—

(a) its brand name (if relevant); and

(b) its ecotoxicity.

*For example, by providing the Chemical Abstracts Service Registry Number (CAS number) or Material Safety Data Sheet (MSDS).

Purpose of each discharge:

Quantity discharged (in litres or cubic metres):

Location and depth of each discharge:

Describe whether each discharge will—

(a) remain in the location specified; or

(b) be extracted and stored on board offshore installation; or

(c) be extracted and shipped to shore for disposal or storage; or

(d) be extracted and discharged into the waters of the exclusive economic zone; or

(e) be discharged, disposed of, or stored in any other location.

Details of actions taken to ensure each discharge would not make its way into the water column:

Form 3
Garbage record book

r 30(1)

1 Details to be entered about offshore installation

Name of offshore installation:

Distinctive numbers or letters:

Period: from [date] to [date]

2 Details to be entered about particular occasions

When garbage discharged into sea

Amount of garbage discharged in cubic metres:

Date and time of discharge:

Position of offshore installation:

Category of garbage discharged:

Signature of officer in charge of operation:

When garbage discharged to reception facilities onshore or to ships

Date and time of discharge:

Name of offshore installation:

Category of garbage discharged:

Estimated amount discharged for each category in cubic metres:

Signature of officer in charge of operation:

When garbage incinerated

Date and time of start and stop of incineration:

Position of offshore installation (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 offshore installation 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

Group garbage into categories for the purpose of the record book as follows:

Cooking oil:

Floating dunnage, lining, or packing material:

Food waste:

Ground-down paper products, rags, glass, metal, bottles, crockery, etc:

Incinerator ash:

Paper products, rags, glass, metal, bottles, crockery, etc:

Plastics:

4 Receipts or certificates

The officer responsible for transferring the garbage should obtain from the master or officer in charge of the ship or offshore installation receiving the garbage a receipt or certificate specifying the amount of garbage transferred. The receipts or certificates must be kept on board the offshore installation 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 the 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; for example, the continuous processing of food waste. Such factors should be taken into consideration when making and interpreting entries made in a record.

**Certification/
signature**

Incineration

To reception facility

To sea

**Estimated amount
discharged or incinerated**

Category

Date/Time

Date:

Signature of officer:

Michael Webster,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 1 October 2015.

Reprints notes

1 *General*

This is a reprint of the Exclusive Economic Zone and Continental Shelf (Environmental Effects—Discharge and Dumping) Regulations 2015 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Exclusive Economic Zone and Continental Shelf (Environmental Effects—Discharge and Dumping) Amendment Regulations 2017 (LI 2017/234)