DUMPING OF WASTE AND OTHER MATTERS IN THE OCEANS

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INTERNATIONAL AGREEMENT

- The London Convention - 1972
- The London Protocol - 1996
DUMPING

• Deliberate disposal into the sea of wastes from vessels, aircraft, platforms or other man-made structures
• Deliberate disposal of vessels, aircraft, platforms or other man-made structures at sea
• Storage of wastes in the seabed from vessels, aircraft, platforms or other man-made structures at sea
• Abandonment or toppling at site of platforms or other man-made structures at sea, for the sole purpose of deliberate disposal
NOT DUMPING

- Waste derived from the normal operations of vessels, aircraft, platforms or other man-made structures
- Placement or abandonment of matter for purpose other than disposal
SCHEME

- All dumping prohibited unless coming within prescribed classes
- Dumping within class subject to authorisation and controls i.e. permits
- Contracting states responsible for dumping within EEZ and flag ships on High Seas
CLASSES OF MATERIAL - 1

- Dredged material
- Sewage sludge
- Fish waste, or material resulting from industrial fish processing operations
- Vessels and platforms or other man-made structures at sea
- Inert, inorganic geological material
- Organic material of natural origin
CLASSES OF MATERIAL - 2

• Bulky items primarily comprising iron, steel, concrete and similarly unharmed materials for which the concern is physical impact, and limited to those circumstances where such wastes are generated at locations, such as small islands with isolated communities, having no practicable access to disposal options other than dumping

• Carbon dioxide streams from carbon dioxide capture processes for sequestration
NEW ZEALAND DOMESTIC

Dumping Application

Within 12 nm
- Resource Consent under Resource Management Act 1991
- Resource Management (Marine Pollution) Regulations 1998
- Apply to relevant Regional Council

Outside 12 nm
- Dumping permit under Maritime Transport Act 1994
- Marine Protection Rules Part 180
- Apply to Director of Maritime New Zealand
APPLICATION PROCESS

Diagram showing the application process:

1. Applicant submits application to Director
2. Has all information required been sent?
   - Yes
   - No: Request more information
3. Does the application require notification?
   - Yes: Director notifies application and receives any submissions
   - No: Director consults (DoC, MFish, Seaflc, regional councils etc) and receives submissions
4. Are valid concerns raised?
   - Yes: Encourage discussion between applicant and the parties concerned
   - No: Director assesses application and submissions
5. Are requirements of Part 180 met?
   - Yes
   - No: Will conditions placed on the permit satisfy Part 180 and concerns
6. Grant application
7. Director gives notice of decision
   - If application is granted, or if applicant is not satisfied with the conditions attached to the permit, the applicant has right to appeal decision to a District Court
   - If application is declined, or if applicant is not satisfied with the conditions attached to the permit, the applicant has right to appeal decision to a District Court
8. Decline application
ASSESSMENT CRITERIA

- Requirements under the London Convention
- Guidelines for implementation and uniform interpretation adopted under the convention
- Results of Director’s consultation
- New Zealand Guidelines for Sea Disposal of Waste
ASSESSMENT CRITERIA

- May have regard to other guidelines published by IMO, other international organisations or other states
- Cannot grant permit that would breach the London Convention
- Permit conditions
- Emergency dumping permits
PRACTICAL APPLICATION

- Dredge spoil and sediments
- Derelict vessels
- Fish Waste
- "mortal remains"
- Drilling rig anchor system
FUTURE CHALLENGES

- Ocean fertilisation
- Carbon capture and sequestration
- Water hull cleaning – invasive aquatic species
OCEAN FERTILISATION

- Is it dumping?
CARBON CAPTURE AND SEQUESTRATION

- Changing technology caught by legislation
- Storage reservoir straddling jurisdictions
- Pipeline control
- Long time frames
INVASIVE AQUATIC SPECIES

- “organic material of natural origin”
- Normal operations of a vessel exception
- Clarification to ensure disposal of bio-fouling wastes covered