

**Reprint  
as at 31 August 2012**



**Synthetic Fuels Plant (Effluent  
Disposal) Empowering Act 1983**

Public Act    1983 No 38  
Date of assent    22 November 1983  
Commencement    22 November 1983

Synthetic Fuels Plant (Effluent Disposal) Empowering Act 1983: repealed, on 31 August 2012, by section 3 of the Regulatory Reform (Repeals) Act 2012 (2012 No 71).

**Contents**

	Page
Title	2
1 Short Title	2
2 Interpretation	2
3 Right to discharge plant effluent	2
4 Existing Motunui right cancelled <i>[Repealed]</i>	3
5 Application of Resource Management Act 1991	3
6 Penalty for offences <i>[Repealed]</i>	4
7 Transfer line declared a permitted use	4
<b>Schedule</b>	5
<b>Terms, conditions, restrictions, and prohibitions</b>	

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**This Act is administered by the Ministry of Business, Innovation, and Employment.**

**An Act to grant to New Zealand Synthetic Fuels Corporation Limited the right to discharge plant effluent into natural water at Waitara and to cancel the right to discharge plant effluent at Motunui**

**1 Short Title**

This Act may be cited as the Synthetic Fuels Plant (Effluent Disposal) Empowering Act 1983.

**2 Interpretation**

In this Act, unless the context otherwise requires,—

**grantee** means New Zealand Synthetic Fuels Corporation Limited, a duly incorporated company having its registered office at Motunui

**plant effluent** means treated effluent, namely—

- (a) a maximum of 40 litres per second of process effluent (including effluent generated during cleaning, testing, start up, commissioning, and operation of the grantee's plant);
- (b) a maximum of 30 litres per second of contaminated stormwater; and
- (c) treated domestic sewage

**Regional Water Board** means the Taranaki Catchment Commission and Regional Water Board

**transfer line** means the pipeline to be constructed by the Crown to convey plant effluent from the grantee's plant property to the Waitara Borough Council's marine outfall.

**3 Right to discharge plant effluent**

- (1) Notwithstanding anything in the Resource Management Act 1991 or in any other enactment, New Zealand Synthetic Fuels Corporation Limited is hereby granted the right to discharge plant effluent—

- (a) into the Tasman Sea at or beyond grid reference 717211 North 299312 East (Taranaki Circuit Geodetic, 1949); or
- (b) during any emergency which makes such a discharge impracticable—

- (i) directly from the transfer line into the Waitara River; or
  - (ii) into natural water at such other point as the Regional Water Board may specify—
- subject to the terms, conditions, restrictions, and prohibitions set out in the Schedule.
- (2) The Waitara Borough Council shall at all times do all such things as may be necessary or convenient to facilitate the use of its marine outfall and related facilities to enable the grantee to exercise the right granted by subsection (1) and to enable the Crown to carry out its obligations to the grantee in respect of the provision of facilities for the exercise of that right.
- (3) The right granted by subsection (1) shall continue in force until—
  - (a) the grantee has obtained or been granted, and is able to exercise, the right to dispose of the plant effluent in some other lawful manner; or
  - (b) the expiry of 12 March 1992—whichever first occurs, and shall then expire.

Section 3(1): amended, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

#### **4 Existing Motunui right cancelled**

*[Repealed]*

Section 4: repealed, on 17 December 1986, by section 4(1) of the National Development Act Repeal Act 1986 (1986 No 122).

#### **5 Application of Resource Management Act 1991**

Subject to the provisions of this Act, the right granted by section 3(1) shall have the same force and effect as if it had been granted pursuant to the Resource Management Act 1991; and the provisions of that Act (other than sections 128, 129, 130, 131, and 132), so far as is practicable and with all necessary modifications, shall apply accordingly in respect of that right and of the terms, conditions, restrictions, and prohibitions set out in the Schedule.

Section 5: substituted, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

**6 Penalty for offences***[Repealed]*

Section 6: repealed, on 16 December 1983, by section 15(2) of the Water and Soil Conservation Amendment Act 1983 (1983 No 151).

**7 Transfer line declared a permitted use**

For the purposes of the Town and Country Planning Act 1977 and of the district schemes of the Clifton County Council and the Waitara Borough Council, the transfer line is hereby declared to be a use permitted as of right.

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**Schedule**  
**Terms, conditions, restrictions, and**  
**prohibitions**

s 3(1)

- 1 The terms, conditions, restrictions, and prohibitions in this Schedule shall apply in respect of plant effluent components as measured, prior to the entry of the effluent into the transfer line, at a designated sampling point, within the grantee's plant property, approved by the Regional Water Board.
- 2 The grantee shall supply to the Regional Water Board for the approval of the Manager plans and specifications of all works within the plant property of the grantee associated with the exercise of the right, showing that the conditions of the right are able to be met. Before applying for approval, prior consultation on techniques and methods shall take place between the grantee and the Regional Water Board and, where there is dispute as to the techniques or methods of implementing an approval, the matter shall be referred for independent arbitration, the arbitration to be conducted in such manner as the Regional Water Board and the grantee may agree upon or failing agreement in accordance with the Arbitration Act 1908. Such arbitration procedure shall not apply to the final approval by the Regional Water Board.
- 3 The design and maintenance of any works within the plant property of the grantee relating to the right shall be to a standard adequate to meet the conditions of the right, so that the works are not likely to cause damage to any property or injury to any person.
- 4 The full reasonable costs incurred by the Regional Water Board in carrying out supervision, certification, and approval procedures shall be met by the grantee.
- 5 Before carrying out any of the conditions involving monitoring, and before the commencement of any programme, the Regional Water Board and the grantee shall confer to enable an agreement to be reached between the Regional Water Board and the grantee on the said programme, provided that if any dispute arises concerning the matters to be dealt with under this condition, the dispute shall be referred to an independent arbitrator to be mutually agreed upon, the arbitration to be conducted in such a manner as the Regional Water Board and

grantee may agree upon or failing agreement in accordance with the Arbitration Act 1908, subject to the Regional Water Board being able to monitor without prior agreement with the grantee in the case of emergencies.

- 6 The grantee shall keep such records as may reasonably be required by the Regional Water Board and shall, if so requested, supply such information to the Board. The grantee shall, at its own expense, if the Regional Water Board so requests, install such measuring devices as are considered reasonably necessary by the Board for the keeping of such records.
- 7 The Regional Water Board or its employees or agents shall be permitted access at all reasonable times for the purpose of carrying out inspections and measurements in connection with the right.
- 8 The maximum daily discharge of biochemical oxygen demand and suspended solids shall be 350 kilograms and 200 kilograms, respectively, in dry weather.
- 9 The median number of faecal coliform bacteria based on 5 or more samples per calendar month shall not exceed 2500/100 ml measured in snap samples taken immediately prior to entry into the transfer line.
- 10 The domestic waste-water effluent shall not contain free residual chlorine.
- 11 On the basis of 24-hour flow-proportioned composite samples, components of the effluent stream shall not exceed the following total concentrations:

<b>Component</b>	<b>Maximum concentration (g/m<sup>3</sup>)</b>
Iron	3.00
Zinc	0.70
Chromium	0.30
Cadmium	0.02
Lead	0.10
Nickel	0.50
Copper	0.30
Phenols	0.01
Free chlorine residual	0.20

		<b>Maximum concentration (g/m<sup>3</sup>)</b>
<b>Component</b>		
Halogenated hydrocarbons		0.01
Methanol		10.00
Molybdenum		0.02
Tin		0.05
Hydrocarbons		5.00
12	The cooling tower chemicals specified below may be used in the plant and their decomposition products may be discharged in plant effluent, but the concentrations as calculated in the plant effluent before discharge shall not exceed the concentrations specified below:	
		<b>Maximum concentration (g/m<sup>3</sup>)</b>
<b>Chemicals</b>		
Nalco 7348 (biodispersant)		3.5
Nalco 7319 (dispersant)		16.0
Alfloc 324 (microbiocide)		35.0
Nalco 8339 (corrosion inhibitor)		60.0
13	Except as specified in this Act or as authorised by any variation made under section 16 of the National Development Act 1979 or section 24B of the Water and Soil Conservation Act 1967, no other plant-generated effluent shall be discharged.	
14	The grantee shall undertake continuous tests on the plant effluent for flow, temperature, pH, free chlorine residual, and, if practicable, concentrations of zinc (the latter measured to a proven accuracy of plus or minus 5%), the results of which are to be made available on a monthly basis to the Regional Water Board or as may be otherwise required by the Board.	
15	The grantee shall undertake daily tests on 24-hour flow-proportioned composite samples of plant effluent for zinc, chemical oxygen demand, biochemical oxygen demand, and suspended and total solids, the results of which are to be made available to the Regional Water Board on a monthly basis or as may be otherwise required by the Board.	

- 16 The Manager of the Regional Water Board may review and amend the frequency of testing upon application.
- 17 The Regional Water Board shall undertake—
  - (a) appropriate monitoring of the performance of the Waitara Borough Council's marine outfall and diffuser:
  - (b) appropriate monitoring of the receiving waters and the surrounding shoreline, including monitoring to determine and record any significant changes in the marine environment due to the exercise of the right:
  - (c) such bioassay testing of the plant effluent as may be reasonably required to determine the risk of any detrimental effects of the discharge on edible marine species.
- 18 The grantee shall pay its full share of the reasonable costs of—
  - (a) the monitoring and testing referred to in clause 17; and
  - (b) any improvements to the performance of the said diffuser which may be lawfully required by the Regional Water Board in accordance with its statutory powers—
 such share of the costs to have due regard to the use of the Waitara Borough Council's marine outfall by persons other than the grantee.
- 19 The grantee shall carry out such additional further monitoring of effluent as may be reasonably required from time to time by the Regional Water Board, including monitoring related to cleaning, testing, start up, and commissioning of the grantee's plant.
20. After 1 year's operation of the plant the grantee shall undertake, within a period of 6 months and in conjunction with the Regional Water Board, a full survey of effluent contaminant levels, and if the grantee or the Regional Water Board require any variation to the conditions contained in clause 11 an application shall be made pursuant to section 15 of the National Development Act 1979 or section 24B of the Water and Soil Conservation Act 1967.
- 21 Any stormwater originating from process or tankage areas, or areas where the level of contamination or likely contamination is significant, shall be retained in the stormwater holding pond for treatment and discharge into the transfer line.
- 22 The grantee shall show to the satisfaction of the Regional Water Board that the stormwater holding ponds are designed



- to retain the expected stormwater flow resulting from a 10-year 24-hour duration storm from all contaminated areas, including that from paved areas.
- 23 The grantee shall forward to the Regional Water Board, prior to the commissioning of the plant, a contingency plan for actions to be taken in the event of a spillage occurring or a pipeline failure.
- 24 The supervisor of the domestic treatment plant shall be required to hold a Grade C waste-water treatment operator's certificate, as issued by the Ministry of Works and Development, as a minimum qualification.
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## **Contents**

- 1 General
  - 2 Status of reprints
  - 3 How reprints are prepared
  - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
  - 5 List of amendments incorporated in this reprint (most recent first)
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## **Notes**

### **1 General**

This is a reprint of the Synthetic Fuels Plant (Effluent Disposal) Empowering Act 1983. The reprint incorporates all the amendments to the Act as at 31 August 2012, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

### **2 Status of reprints**

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### **3 How reprints are prepared**

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4     *Changes made under section 17C of the Acts and Regulations Publication Act 1989***

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5**     ***List of amendments incorporated in this reprint  
(most recent first)***

Regulatory Reform (Repeals) Act 2012 (2012 No 71): section 3

Resource Management Act 1991 (1991 No 69): section 362

National Development Act Repeal Act 1986 (1986 No 122): section 4(1)

Water and Soil Conservation Amendment Act 1983 (1983 No 151):  
section 15(2)

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