

Hazardous Substances and New Organisms Act 1996

Hazardous Substances (Storage and Disposal of Persistent Organic Pollutants) Notice 2004

EPA Consolidation *February 2018*

Disclaimer

This document is the current consolidated version of the Hazardous Substances (Storage and Disposal of Persistent Organic Pollutants) Notice 2004, Hazardous Substances (Disposal of Persistent Organic Pollutants) Notice 2015, and Hazardous Substances (Storage and Disposal of Persistent Organic Pollutants) Amendment Notice 2016. It is a reference only and compiled from Gazette Notices made under the Hazardous Substances and New Organisms Act 1996.

Pursuant to sections 25B and 66A of the Hazardous Substances and New Organisms Act 1996 (in this notice referred to as the Act), the Environmental Protection Authority gives the following notice.

1. Title

This notice is the Hazardous Substances (Storage and Disposal of Persistent Organic Pollutants) Notice 2004.

2. Commencement

This notice comes into force on 23 December 2004.

3. Interpretation

- (1) In this notice, words and phrases have the meanings given to them in the Act and in regulations made under the Act.
- (2) In this notice, the following words and phrases have the following meanings:
 - a. **collector** means the person, other than the holder, who collects, transports or stores persistent organic pollutants, for the purpose of disposal, in accordance with this notice.
 - b. **environmentally sound disposal** in relation to a persistent organic pollutant means disposal in accordance with clause 5 of this notice.
 - c. **holder** means the person in possession of persistent organic pollutants on or after the date this notice comes into force prior to collection by a collector.
 - d. **NZS 8409:2004** means the *New Zealand Standard on the Management of Agrichemicals*.
 - e. **polychlorinated biphenyls** includes any polychlorinated biphenyls that are present at a concentration of more than 50 parts per million, and includes any equipment or

material that contains polychlorinated biphenyls at a concentration of more than 50 parts per million.

4. Storage of persistent organic pollutants

- (1) No persistent organic pollutant may be stored in New Zealand after the date of this notice unless it is stored in accordance with subclauses (2) and (3).
- (2) Holders must ensure that persistent organic pollutants are stored only in suitable containers and kept in buildings and places which are:
 - a. secure and suitable for the purpose taking into account the quantities stored, moisture control, ventilation and spill containment; and
 - b. sited so that the risk of contamination of people, crops, animals and the environment is minimized.
- (3) While persistent organic pollutants are in their possession and control collectors must comply with:
 - a. except in the case of polychlorinated biphenyls, all relevant requirements of NZS 8409:2004 including in particular section 3 (Land transport of agrichemicals), section 4 (Storage and supply of agrichemicals), and section 7 (Emergency preparedness and management); and
 - b. the controls set out in the schedule to this notice; and
 - c. if collectors are in possession of polychlorinated biphenyls, collectors must have regard to the document *Safe Management of PCB's: Code of Practice*, published by the Authority in January 2017.
- (4) This clause shall not apply to the storage of small amounts of persistent organic pollutants for use as analytical standards or for research and development in a laboratory that are the subject of an approval under section 30 of the Act.

4A. Notification of storage of polychlorinated biphenyls

Any collector who stores polychlorinated biphenyls to which this notice applies must notify the Authority in writing of the following matters:

- (a) the name and address of the collector;
- (b) the location at which the polychlorinated biphenyls are being stored; and
- (c) the amount of polychlorinated biphenyls being stored at that location.

5. Disposal of persistent organic pollutants

- (1) For the purposes of sections 29B(1)(b) and 66A of the Act, the following methods shall comprise environmentally sound disposal of persistent organic pollutants —

- a. by treating the substance using a method that changes the characteristics or composition of the substance so that the substance or any product of such treatment is no longer a persistent organic pollutant and is not a hazardous substance; or
- b. by exporting the substance from New Zealand as waste for environmentally sound disposal provided that such export complies with the relevant requirements of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and the OECD Decision C(2001)107 on the Control of Transboundary Movement of Wastes Destined for Recovery Operations; or
- c. by importing the substance into New Zealand for subsequent export from New Zealand as waste for environmentally sound disposal provided that such export complies with the relevant requirements of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Stockholm Convention on Persistent Organic Pollutants and the OECD Decision C(2001)107 on the Control of Transboundary Movement of Wastes Destined for Recovery Operations.

(2) In subclause (1)(a), treating the substance does not include—

- a. application to or discharge to any environmental medium; or
- b. dilution of the substance with any other substance before discharge into the environment; or
- c. depositing the substance in a landfill or a sewage facility; or
- d. depositing the substance in an incinerator unless in doing so the substance is treated in accordance with subclause (1)(a).

6. Controls on collectors of persistent organic pollutants

The obligations and restrictions specified in the schedule to this notice are imposed as controls on collectors of persistent organic pollutants under sections 77 and 77A of the Act.

Schedule

Controls on collectors of persistent organic pollutants

Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001

In the case of persistent organic pollutants with a hazard classification that is class 3, a collector must comply with the controls in the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001.

Hazardous Substances (Classes 6, 8 and 9 Controls) Regulations 2001

- (1) A collector must ensure that equipment used to handle the substance complies with regulation 7 of the Hazardous Substances (Class 6, 8, and 9 Controls) Regulations 2001.

A collector who handles a persistent organic pollutant must comply with regulation 8 of the Hazardous Substances (Class 6, 8, and 9 Controls) Regulations 2001.
- (2) Regulation 9 of the Hazardous Substances (Class 6, 8, and 9 Controls) Regulations 2001 applies to any quantity of a persistent organic pollutant.
- (3) For the purposes of regulation 10 of the Hazardous Substances (Class 6, 8, and 9 Controls) Regulations 2001, no persistent organic pollutant in any quantity may be carried on any passenger service vehicle.
- (4) When stored for the purpose of environmentally sound disposal, a persistent organic pollutant must not be mixed with any other persistent organic pollutant or any other substance.

Packaging of persistent organic pollutants

- (1) The Hazardous Substances (Packaging) Regulations 2001 apply to persistent organic pollutants as if they are deemed to have a hazard classification that is class 6.1B.
- (2) In the case of polychlorinated biphenyls, if the quantity is less than 1 litre for liquids or 1kg for solids, Schedule 4 of the Hazardous Substances (Packaging) Regulations 2001 apply.

Transport of persistent organic pollutants

- (1) Transport of persistent organic pollutants by land within New Zealand shall comply with all relevant requirements of the Land Transport Rule: Dangerous Goods 2005 (Rule 45001).
- (2) Transport of persistent organic pollutants by sea within New Zealand shall comply with all relevant requirements of either the Maritime Rules: Part 24A – Carriage of Cargoes – Dangerous Goods (MR024A) or the International Maritime Dangerous Goods Code.
- (3) Transport of persistent organic pollutants by air within New Zealand shall comply with all relevant requirements of Part 92 of the Civil Aviation Rules.
- (4) The Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004 apply to a persistent organic pollutant stored or transported in a tank, tank wagon or transportable container as those terms are defined in those regulations.

Tracking of persistent organic pollutants

The location and movement of a persistent organic pollutant must be recorded in accordance with the Hazardous Substances (Tracking) Regulations 2001.

Emergency management

The Hazardous Substances (Emergency Management) Regulations 2001 apply to persistent organic pollutants as if they are deemed to have hazard classifications that are class 6.1B and 9.1A, except in the case of polychlorinated biphenyls, which will be deemed to have hazard classifications of 6.8A, 6.9A and 9.1A.

Identification duties of collectors

The Hazardous Substances (Identification) Regulations 2001 apply to persistent organic pollutants as if they are deemed to have hazard classifications that are class 6.1B and 9.1A, except in the case of polychlorinated biphenyls which will be deemed to have hazard classifications of 6.8A, 6.8A and 9.1A.