

Notice of Exemption

In accordance with section 220 of the Health and Safety at Work Act 2015 (the Act), Channel Terminal Services Limited is exempted from compliance with regulation 17.6(1), 17.18, 17.102(6) of the Health and Safety at Work (Hazardous Substances) Regulations 2017 for stationary tank T40 in compound P6 at Port Marsden Highway, Ruakaka ('the site') subject to the following conditions:

Channel Terminal Services Limited must –

- (1) ensure the substances contained in tank T40 are limited to petroleum fuels, biofuels, refinery crudes or refinery intermediates with a flammable hazard class no higher than 3.1D; and
- (2) in respect to Regulation 17.6(1):
 - (a) ensure the tank floor plates are measured and assessed for the impact of corrosion during out of service inspections. Channel Terminal Services must ensure that the floor will endure until each next planned out of service inspection, and
 - (b) install an impervious barrier beneath T40 if any major works¹ are undertaken on the floor of T40, and
- (3) in respect of Regulation 17.18:
 - (a) comply with regulation 17.18 to the extent practicable at the earlier of:
 - (i) a tank within compound P6 being decommissioned; or
 - (ii) tank T40 being re-founded, and
 - (b) ensure the inter-tank separation distances are no lesser than those prevailing at 20 July 2023.
- (4) in respect of 17.102(6), remedy compound P6 in accordance with the provision of compliance plan COM2022; and
- (5) provide a copy of this exemption to any compliance certifier engaged to issue a location compliance certificate; and
- (6) hold a copy of this exemption at the site.

This exemption takes effect from the date specified in the *Gazette* notice required by section 221 of HSWA, which will be 4th August 2023 and expires on 4th August 2028 unless it is replaced sooner or revoked. This exemption is given the reference HS2203.

Signed at Wellington this 2nd day of August 2023



Michael Hargreaves
Acting Chief Executive
WorkSafe New Zealand

¹ Major works includes replacement of the floor, replacement of the annular or similar works. In this context, it does not relate to works associated with upgrading the compound floor or walls.