

## **Exemption from regulation 10.9(4) of Health and Safety at Work (Hazardous Substances) Regulations 2017**

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In accordance with section 220 of the Health and Safety at Work Act 2015 (the Act), I, Nicole Rosie, Chief Executive, exempt New Zealand Refining Company Limited from compliance with regulation 10.9(4) of the Health and Safety at Work (Hazardous Substances) Regulations 2017.

This exemption applies to the butane bulk storage compound (containing butane spheres V80, V81, and V82) at the New Zealand Refining Company Limited site at Port Marsden, Ruakaka.

I grant this exemption –

- being satisfied that:
  - the extent of the exemption is not broader than is reasonably necessary to address the matters that gave rise to it; and
  - the exemption is not inconsistent with the purpose of the Act; and
- subject to the conditions listed in the Appendix.

The reasons for granting this exemption are:

1. New Zealand Refining Company's flammable vapour detection system used for butane leak detection, if activated, does not comply with requirements of this regulation as the butane spheres are continuously fed from the process units, and activation of an automatic shutdown in the supply to and discharge from all spheres could potentially create a more hazardous operating environment.
2. New Zealand Refining Company's flammable vapour detection system is shutdown manually by the continuously staffed control room to manage the risk posed by butane leaks at the New Zealand Refining Company's butane bulk storage compound.
3. WorkSafe is satisfied that New Zealand Refining Company's alternative flammable vapour detection system implemented provides an equivalent level of safety to that required by regulation 10.9(4).

This exemption takes effect on 1 December 2017 and expires on 1 December 2022 unless it is sooner replaced or revoked.

DATED at WELLINGTON this .....<sup>17</sup>..... day of .....*November*..... 2017



Nicole Rosie  
CHIEF EXECUTIVE

# Appendix

## Exemption conditions

1.	If activated, the flammable vapour detection system must: <ul style="list-style-type: none"><li>a. trigger an automatic alarm in a continuously staffed control room that is located at the site; and</li><li>b. result in competent staff at the site immediately determining if alarm escalation is required.</li></ul>
2.	If alarm escalation occurs, the response system must: <ul style="list-style-type: none"><li>a. trigger an alarm that produces a sound of not less than 105 decibels and gives a visual signal; and</li><li>b. allow remote shutdown of the gas supply (rundown) and suction (discharge) line tight shut off valves, which all will then require a manual reset.</li></ul>
3.	The New Zealand Refining Company Limited must comply with its standard operating procedure for response to a flammable gas leak.
4.	The New Zealand Refining Company Limited must test the standard operating procedure at least every 12 months and revise the standard operating procedure as required to ensure it remains workable and effective.
5.	The piping joints must be compliant with clause 8.2.2 of standard Piping Joints of API 2510 Design and Construction of LPG Installations 2001.
6.	The locations of the detector heads must be in accordance with the site plan in the Annex.

# Annex Site plan

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