

Reprint
as at 1 December 2017



Hazardous Substances (Disposal) Regulations 2001 (SR 2001/119)

Hazardous Substances (Disposal) Regulations 2001: revoked, on 1 December 2017, by regulation 4(1) of the Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233).

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 28th day of May 2001

Present:

Her Excellency the Governor-General in Council

Pursuant to section 76(1)(c) of the Hazardous Substances and New Organisms Act 1996, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council (given on the recommendation of the Minister for the Environment made in compliance with section 141(1) of that Act), makes the following regulations.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry for the Environment.

Disposal requirements for hazardous substances, packages, and containers

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These regulations are the Hazardous Substances (Disposal) Regulations 2001.

2 Commencement

These regulations come into force on 2 July 2001.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Hazardous Substances and New Organisms Act 1996

bioaccumulative has the same meaning as in Schedule 6 of the Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001

discharge into the environment—

- (a) includes release from a treatment facility, incinerator, landfill, or sewage facility; but
- (b) does not include depositing or discharge into a treatment facility, incinerator, landfill, or sewage facility

environmental exposure limit has the same meaning as in regulation 3 of the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001

environmental medium has the same meaning as in regulation 3 of the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001

hazardous fragment has the same meaning as in Part 3 of the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001

ignition source has the same meaning as in regulation 3 of the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001

person in charge, in relation to a place of work, has the same meaning as in regulation 3 of the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001

rapidly degradable has the same meaning as in Schedule 6 of the Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001

sewage facility—

- (a) means a facility or equipment designed to treat sewage; and
- (b) includes any pipework and reticulation system connected to the facility or equipment

tolerable exposure limit has the same meaning as in regulation 3 of the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001.

4 Regulations not to apply to certain fuel gases

- (1) These regulations do not apply to fuel gas supplied or used in a distribution system, gas appliance, or gas installation.
- (2) In subclause (1), **fuel gas**—
 - (a) means any fuel that is supplied through pipes or in containers and is a gas at a temperature of 15°C and an absolute pressure of 101.325 kPa; and
 - (b) includes—
 - (i) biogas, coal gas, natural gas, oil gas, producer gas, refinery gas, reformed natural gas, and liquefied petroleum gas;
 - (ii) any gaseous substance that the Governor-General declares by Order in Council to be a gas for the purposes of the Gas Act 1992;
 - (iii) any gas that is of a composition that complies with regulations made under the Gas Act 1992 for use as a fuel.

- (3) In subclause (1), **distribution system**, **gas appliance**, and **gas installation** have the same meaning as in the Gas Act 1992.

Disposal requirements for hazardous substances, packages, and containers

5 Disposal requirements for class 1 substances

- (1) A class 1 substance must be disposed of—
- (a) by treating the substance using a method that changes the characteristics or composition of the substance so that the substance is no longer a hazardous substance; or
 - (b) by exporting the substance from New Zealand as waste.
- (2) In subclause (1), **treating the substance** does not include—
- (a) depositing the substance in a landfill or a sewage facility; or
 - (b) detonation, deflagration, or burning of the substance unless the detonation, deflagration, or burning is managed to ensure that no person, or place where a person may legally be, is exposed to—
 - (i) a blast overpressure of more than 0.2 kPa; or
 - (ii) more heat radiation than 30% of that described by the following formula:

$$Q = 1.7 + 60t^{-0.9}$$

where—

Q is the heat radiation measured in kilowatts per square metre

t is the time of exposure measured in seconds.

6 Disposal requirements for class 2, 3, and 4 substances

- (1) A class 2, 3, or 4 substance must be disposed of—
- (a) by treating the substance using a method that changes the characteristics or composition of the substance so that the substance is no longer a hazardous substance; or
 - (b) by exporting the substance from New Zealand as waste.
- (2) Subclause (1) applies subject to subclause (4).
- (3) In subclause (1), **treating the substance** does not include—
- (a) depositing the substance in a landfill or a sewage facility; or
 - (b) burning the substance, unless the burning is managed to ensure that no person, or place where a person may legally be, is exposed to—
 - (i) a blast overpressure of more than 9 kPa; or
 - (ii) more heat radiation than,—

- (A) for periods of 1 hour or more in any consecutive 24-hour period, 30% of that described by the formula—

$$Q = 1.7 + 60t^{-0.9}$$

- (B) for periods of 1 hour or less, 80% of that described by the formula—

$$Q = 1.7 + 60t^{-0.9}$$

where—

Q is the heat radiation measured in kilowatts per square metre

t is the time of exposure measured in seconds.

- (4) A class 2.1.1, 2.1.2, 3.1, or 4.1.1 substance may be discharged into the environment as waste or deposited in a landfill if—
- (a) the substance will not at any time come into contact with class 1 or class 5 substances; and
 - (b) there is no ignition source in the vicinity of the disposal site that is capable of igniting the substance; and
 - (c) were the substance to ignite, no person, or place where a person may legally be, would be exposed to more blast overpressure or heat radiation than that described in subclause (3)(b).

7 Disposal requirements for class 5 substances

- (1) A class 5 substance must be disposed of—
- (a) by treating the substance using a method that changes the characteristics or composition of the substance so that the substance is no longer a hazardous substance; or
 - (b) by exporting the substance from New Zealand as waste.
- (2) Subclause (1) applies subject to subclause (4).
- (3) In subclause (1), **treating the substance** does not include—
- (a) depositing the substance in a landfill or a sewage facility; or
 - (b) detonation, deflagration, or controlled combustion of the substance unless the detonation, deflagration, or controlled combustion is managed to ensure that no person, or place where a person may legally be, is exposed to—
 - (i) a blast overpressure of more than 9 kPa; or
 - (ii) more heat radiation than,—
 - (A) for periods of 1 hour or more in any consecutive 24-hour period, 30% of that described by the formula—

$$Q = 1.7 + 60t^{-0.9}$$

- (B) for periods of 1 hour or less, 80% of that described by the formula—

$$Q = 1.7 + 60t^{-0.9}$$

where—

Q is the heat radiation measured in kilowatts per square metre

t is the time of exposure measured in seconds.

- (4) A class 5 substance may be deposited in a landfill if the landfill is managed to ensure that—
- (a) the substance does not come into contact with class 1, 2, 3, or 4 substances; and
 - (b) there is no ignition source in the vicinity of the disposal site that is capable of igniting the substance; and
 - (c) if the substance causes or contributes to combustion or combusts, no person, or place where a person may legally be, is exposed to more blast overpressure or heat radiation than that described in subclause (3)(b).

8 Disposal requirements for class 6 and 8 substances

- (1) A class 6 or 8 substance must be disposed of—
- (a) by treating the substance using a method that changes the characteristics or composition of the substance so that the substance is no longer a hazardous substance; or
 - (b) by discharging the substance into the environment so that, after reasonable mixing, the concentration of the substance in an environmental medium does not exceed any tolerable exposure limit set for the substance by the Authority in accordance with the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001; or
 - (c) by exporting the substance from New Zealand as waste.
- (2) Subclause (1) applies subject to subclause (4).
- (3) In subclause (1), **treating the substance**—
- (a) includes depositing the substance in a landfill, incinerator, or a sewage facility if the landfill, incinerator, or sewage facility will treat the substance by changing the characteristics or composition of the substance so that the substance is no longer a hazardous substance; but
 - (b) in relation to class 6 substances, does not include dilution of the substance with any other substance before discharge into the environment.
- (4) A class 6 or 8 substance may be discharged into the environment without complying with subclause (1)(b) if the substance is rapidly degradable and the products of degradation are not hazardous substances.

9 Disposal requirements for class 9 substances

- (1) A class 9 substance must be disposed of—
 - (a) by treating the substance using a method that changes the characteristics or composition of the substance so that the substance is no longer a hazardous substance; or
 - (b) by discharging the substance into the environment in a manner that ensures that the concentration of the substance in an environmental medium, after reasonable mixing, does not exceed any environmental exposure limit set for the substance in accordance with the Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001; or
 - (c) by exporting the substance from New Zealand as waste.
- (2) In subclause (1), **treating the substance**—
 - (a) includes depositing the substance in a landfill, incinerator, or a sewage facility if the landfill, incinerator, or sewage facility will treat the substance by changing the characteristics or composition of the substance so that the substance is no longer a hazardous substance; but
 - (b) does not include dilution of the substance with any other substance before discharge into the environment.
- (3) A class 9.1 substance that is or contains a component that is bioaccumulative and not rapidly degradable must be treated before discharge into the environment to reduce the percentage by volume of the substance in the discharge to 1% or any lesser percentage that may be set by the Authority after consideration of the ecotoxicity of the substance and the extent to which the substance is bioaccumulative.
- (4) The requirements of subclause (3) are in addition to the requirements of subclause (1).

10 Disposal requirements for packages

- (1) This regulation applies to a package that—
 - (a) contained a hazardous substance; and
 - (b) was in direct contact with the hazardous substance; and
 - (c) is no longer to be used to contain the hazardous substance.
- (2) A package must—
 - (a) be rendered incapable of containing any substance; and
 - (b) be disposed of in a manner that—
 - (i) is not inconsistent with the requirements for disposal of the substance it contained; and
 - (ii) takes into account the material the package is manufactured from.
- (3) However, subclause (1) does not apply to a package that contained—

- (a) a class 1, 2, 3, 4, or 5 substance if the package has been treated to remove any residual contents of the hazardous substance:
- (b) a class 6, 8, or 9 substance if the package has been treated so that the residual contents of the package are below the minimum degree of hazard specified for a class 6, 8, or 9 substance in the Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001.

Regulation 10(3)(a): amended, on 28 August 2003, by regulation 3 of the Hazardous Substances (Disposal) Amendment Regulations 2003 (SR 2003/182).

Regulation 10(3)(b): substituted, on 23 September 2004, by regulation 3 of the Hazardous Substances (Disposal) Amendment Regulations 2004 (SR 2004/251).

Information requirements

11 Information requirements for manufacturers, importers, and suppliers

- (1) This regulation applies to the sale or supply of a hazardous substance that exceeds the quantity specified in Schedule 1 for the hazardous substance.
- (2) A person who manufactures a hazardous substance in New Zealand or imports a hazardous substance into New Zealand or supplies a hazardous substance in New Zealand must not sell or supply the hazardous substance to another person unless the person provides to the other person information on the appropriate method of disposal of the substance in accordance with these regulations.
- (3) The information may include warnings to assist a person disposing of the substance to avoid methods of disposal that are not in accordance with these regulations.
- (4) The information must be supplied in a manner that enables a person handling the substance to gain access to the information within 10 seconds.
- (5) The information must comply with regulations 34 to 36 of the Hazardous Substances (Identification) Regulations 2001.

12 Information requirements for person in charge of hazardous substances

A person in charge of a hazardous substance must ensure that the information supplied under regulation 11 continues to be available in a manner that enables a person handling the substance to gain access to the information within 10 seconds.

13 Documentation requirements for manufacturers, importers, and suppliers

- (1) This regulation applies to the sale or supply of a hazardous substance that exceeds the quantity specified in Schedule 2 for the hazardous substance.
- (2) A person who manufactures a hazardous substance in New Zealand or imports a hazardous substance into New Zealand or supplies a hazardous substance in New Zealand must not sell or supply the hazardous substance to another person for use in a place of work unless the other person is provided with documenta-

tion containing information about how the substance may be disposed of in accordance with these regulations.

- (3) The information in the documentation must—
 - (a) describe 1 or more methods of disposal that comply with these regulations for each hazardous substance concerned; and
 - (b) describe any precautions that a person must take when disposing of the substance.
- (4) The documentation provided under subclause (1) must comply with regulation 48(2), (3), and (4) of the Hazardous Substances (Identification) Regulations 2001.

14 Person in charge of place of work to make information available

- (1) A person in charge of a place of work must keep, at the place of work where a hazardous substance is present, documentation containing information on the methods of disposal for the hazardous substance.
- (2) The documentation must be available in a manner that enables a person who uses the hazardous substance at the place of work to gain access to the documentation within 10 minutes.

Schedule 1
Quantities of hazardous substances in relation to which sale or supply of more than specified quantity must comply with regulation 11

r 11

Schedule 1: substituted, on 23 September 2004, by regulation 4 of the Hazardous Substances (Disposal) Amendment Regulations 2004 (SR 2004/251).

In this schedule, references to liquid volumes are to liquid volumes as at 20°C.

Hazardous substance	Physical state	Quantity
All class 1 except—		any amount
(a) fireworks subject to the Hazardous Substances (Fireworks) Regulations 2001:		
(b) safety ammunition, airbag initiators, and seatbelt pretensioners of classes 1.4G and 1.4S:		
(c) emergency flares and signalling devices of classes 1.3G, 1.4G, and 1.4S:		
(d) rocket motors of classes 1.4G and 1.4S:		
(e) cable cutters of class 1.4S (UN 0070):		
(f) power device cartridges of class 1.4S (UN 0323):		
(g) signal or shock tube of class 1.4S (UN 0349):		
(h) cassette degradation devices of class 1.4S (UN 0432):		
(i) igniting fuzes of class 1.4G (UN 0317):		
(j) igniters of class 1.4S (UN 0454)		
2.1.1A	gas	0.2 kg
	permanent gas	0.2 m ³
2.1.1B	gas	0.5 kg
	permanent gas	0.5 m ³
2.1.2A	gas	1.0 L aggregate water capacity
3.1A	liquid	0.5 L
3.1B, 3.1C	liquid	1.0 L
3.1D	liquid	5.0 L
3.2A, 3.2B, 3.2C	liquid	0.2 L

Hazardous substance	Physical state	Quantity
4.1.1A	solid	0.5 kg
4.1.1B	solid	1.0 kg
4.1.2A, 4.1.2B, 4.1.2C, 4.1.2D, 4.1.2E, 4.1.2F, 4.1.2G	liquid	0.2 L
	solid	0.2 kg
4.1.3A	liquid	0.2 L
	solid	0.2 kg
4.1.3B, 4.1.3C	solid	0.2 kg
4.2A	liquid	0.2 L
	solid	0.2 kg
4.2B	solid	0.5 kg
4.2C	solid	1.0 kg
4.3A	liquid	0.2 L
	solid	0.2 kg
4.3B	liquid	0.5 L
	solid	0.5 kg
4.3C	liquid	1.0 L
	solid	1.0 kg
5.1.1A	liquid	0.2 L
	solid	0.2 kg
5.1.1B	liquid	0.5 L
	solid	0.5 kg
5.1.1C	liquid	1.0 L
	solid	1.0 kg
5.1.2A	gas	1.0 kg
	permanent gas	1.0 m ³
5.2A, 5.2B, 5.2C, 5.2D	liquid	0.1 L
	solid	0.1 kg
5.2E, 5.2F	liquid	0.5 L
	solid	0.5 kg
5.2G	liquid	5.0 L
	solid	5.0 kg
6.1A, 6.1B, 6.1C, 6.5A, 6.6A, 6.7A, 6.7B, 6.8A, 6.9A		any amount
6.1D, 6.3A, 6.4A, 6.6B, 6.8B, 6.8C, 6.9B	gas	0.1 kg
	permanent gas	0.1 m ³
	liquid	0.1 L
	solid	0.1 kg
6.1E, 6.3B	liquid	1.0 L
	solid	1.0 kg

Hazardous substance	Physical state	Quantity
8.2A, 8.2B	gas	0.1 kg
	permanent gas	0.1 m ³
8.2C, 8.3A	liquid	0.1 L
	solid	0.1 kg
9.1A, 9.2A, 9.3A, 9.4A	liquid	0.1 L
	solid	0.1 kg
9.1B, 9.2B, 9.3B, 9.4B	liquid	0.2 L
	solid	0.2 kg
9.1C, 9.1D, 9.2C, 9.2D, 9.3C, 9.4C	liquid	1.0 L
	solid	1.0 kg

Schedule 2
Quantities of hazardous substances in relation to which sale or supply of more than specified quantity must comply with regulation 13

r 13

Schedule 2: substituted, on 23 September 2004, by regulation 5 of the Hazardous Substances (Disposal) Amendment Regulations 2004 (SR 2004/251).

In this schedule, references to liquid volumes are to liquid volumes as at 20°C.

Hazardous substance	Physical state	Quantity
The following class 1:		
(a) airbag initiators and seatbelt pretensioners of classes 1.4G or 1.4S:	any	5.0 kg (gross weight) per package
(b) cable cutters of class 1.4S (UN 0070):	any	5.0 kg (gross weight) per package
(c) power device cartridges of class 1.4S (UN 0323):	any	5.0 kg (gross weight) per package
(d) signal or shock tube of class 1.4S (UN 0349):	any	5.0 kg (gross weight) per package
(e) cassette degradation devices of class 1.4S (UN 0432):	any	5.0 kg (gross weight) per package
(f) emergency flares and signalling devices of classes 1.3G, 1.4G, and 1.4S:	any	5.0 kg (gross weight) per package
(g) model rocket motors of classes 1.4G any and 1.4S:	any	5.0 kg (gross weight) per package
(h) igniting fuzes of class 1.4G (UN 0317):	any	5.0 kg (gross weight) per package
(i) igniters of class 1.4S (UN 0454)	any	5.0 kg (gross weight) per package
The rest of class 1 except—	any	any amount
(a) fireworks subject to the Hazardous Substances (Fireworks) Regulations 2001:		
(b) safety ammunition, including pre-primed cartridges and primers of class 1.4S		
2.1.1A	gas	0.2 kg
	permanent gas	0.2 m ³

Hazardous substance	Physical state	Quantity
2.1.1B	gas	0.5 kg
	permanent gas	0.5 m ³
2.1.2A	gas	1.0 L aggregate water capacity
3.1A	liquid	0.5 L
3.1B	liquid	1.0 L
3.1C	liquid	5.0 L
3.1D	liquid	50.0 L
3.2A, 3.2B, 3.2C	liquid	any amount
4.1.1A	solid	0.5 kg
4.1.1B	solid	3.0 kg
4.1.2A, 4.1.2B, 4.1.2C, 4.1.2D, 4.1.2E, 4.1.2F, 4.1.2G	solid or liquid	any amount
4.1.3A, 4.1.3B, 4.1.3C	solid or liquid	any amount
4.2A	solid or liquid	any amount
4.2B	solid	0.5 kg
4.2C	solid	3.0 kg
4.3A	solid or liquid	any amount
4.3B	solid	0.5 kg
	liquid	0.5 L
4.3C	solid	1.0 kg
	liquid	1.0 L
5.1.1A	solid or liquid	any amount
5.1.1B	solid	0.5 kg
	liquid	0.5 L
5.1.1C	solid	1.0 kg
	liquid	1.0 L
5.1.2A	non-permanent gas	1.0 kg
	permanent gas	1.0 m ³
5.2A	permanent gas	1.0 m ³
5.2B, 5.2C, 5.2D, 5.2E, and 5.2F requiring temperature control under the Hazardous Substances (Classes 1 to 5 Controls) Regu- lations 2001	solid or liquid	any amount
5.2B and 5.2C not requiring temperature control under the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001	solid	0.1 kg
	liquid	25.0 mL
5.2D, 5.2E, and 5.2F not requiring tempera- ture control under the Hazardous Substan- ces (Classes 1 to 5 Controls) Regulations 2001	solid	0.5 kg
	liquid	125.0 mL
5.2G	solid	50.0 kg
	liquid	50.0 L

Hazardous substance	Physical state	Quantity
6.1A, 6.1B	solid, liquid, or gas	any amount
6.1C, 6.6A, 6.7A, 6.8A, 6.9A	solid	0.5 kg
	liquid	0.1 L
	non-permanent gas	0.1 kg
	permanent gas	0.1 m ³
6.1D, 6.5A, 6.5B, 6.6B, 6.7B, 6.8B, 6.8C, 6.9B	solid	3.0 kg
	liquid	1.0 L
	non-permanent gas	1.0 kg
	permanent gas	1.0 m ³
6.1E, 6.3A, 6.3B, 6.4A	solid	50.0 g
	liquid	50.0 L
8.1A, 8.2C, 8.3A	solid	2.0 kg
	liquid	1.0 L
	non-permanent gas	1.0 kg
	permanent gas	1.0 m ³
8.2A	solid, liquid, or gas	any amount
8.2B	solid	1.0 kg
	liquid	0.5 L
	non-permanent gas	0.5 kg
	permanent gas	0.5 m ³
9.1A, 9.1B, 9.1C, 9.2A, 9.2B, 9.2C, 9.3A, 9.3B, 9.3C, 9.4A, 9.4B, 9.4C	solid	5.0 kg
	liquid	5.0 L
9.1D, 9.2D	solid	50.0 kg
	liquid	50.0 L

Martin Bell,
Acting for Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the Hazardous Substances (Disposal) Regulations 2001 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233): regulation 4(1)

Hazardous Substances (Disposal) Amendment Regulations 2004 (SR 2004/251)

Hazardous Substances (Disposal) Amendment Regulations 2003 (SR 2003/182)