

**Before a Decision-Making Committee
Of the Environmental Protection Authority**

APP203660

Under	the Hazardous Substances and New Organisms Act 1996
In the matter of	the modified reassessment of methyl bromide
By	Stakeholders in Methyl Bromide Reduction Inc Applicant

18TH MEMORANDUM OF COUNSEL FOR THE APPLICANT

31 JULY 2020

Counsel Acting

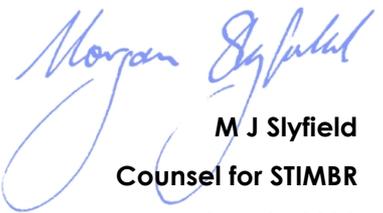
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Hearing time allocation

1. By Direction & Minute WGT016 the DMC directed that STIMBR and its witnesses are to be allocated 90 minutes of presentation time at the commencement of the hearing, with a further 60 minutes allowed for questions (to STIMBR and its witnesses).
2. Since then the Staff Report (and other supporting reports) have become available.
3. There are many matters covered in the Staff Report to which STIMBR wishes to respond at the hearing.
4. For example, there are many criticisms of the latest SEC modelling report, which lead the EPA Staff to discard it altogether for the purposes of assessing the application. Of course it will be for the DMC to determine what weight it wishes to place on SEC's or any other model; but STIMBR will contend that air dispersion modelling has a central role in the assessment, and accordingly STIMBR wishes to address the criticisms made in respect of SEC's latest modelling. This can be done succinctly, but even so it is unlikely this can be done within the 90 minutes presently allowed for the entire presentation of STIMBR's case.
5. A second example is that the staff report recommends many new controls, including a proposed new buffer zone. STIMBR wishes to address those recommendations also, but it is unlikely 90 minutes allows sufficient time to achieve that.
6. STIMBR submits that it would not be appropriate or fair if STIMBR remains constrained to 90 minutes for its entire presentation, given the new information in the Staff Report. STIMBR has had no notice of these matters prior to the Staff Report. Indeed, in April 2019, shortly after the application was lodged, the EPA advised (by letter dated 15 April 2019, copy attached) that buffer zone controls are now part of the Health and Safety at Work regime, and STIMBR would need to progress such matters with WorkSafe and the MBIE. However, STIMBR will be ready to respond to the proposed buffer zone controls (and other matters, such as the criticisms of the SEC modelling) at the hearing, if it is given sufficient hearing time to do so.

7. STIMBR estimates that it would need its presentation time enlarged from 90 to 180 minutes to respond to the matters in the Staff Report.
8. The current hearing schedule provides for the hearing days to end at 2.40pm, 10.50am, 1:20pm, 12:20pm and 11.30am. While these are only estimates, they appear to disclose that there would be ample time within the hearing days for STIMBR to be allocated an additional 90 minutes for its presentation.
9. In all these circumstances STIMBR respectfully requests the DMC to enlarge the allowance for STIMBR's presentation by an additional 90 minutes (such that STIMBR has a total of 180 minutes to present, not including time for questions of STIMBR or its witnesses).
10. To be clear, the two subject matters described above are not the only matters on which STIMBR wishes to respond. They are the focus of this request merely because of their importance to the reassessment, and STIMBR's estimate that even a succinct response to these matters may add materially to the time needed for STIMBR's presentation.


M J Slyfield
Counsel for STIMBR
31 July 2020