

**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

23RD MEMORANDUM OF COUNSEL FOR THE APPLICANT

3 DECEMBER 2020

Counsel Acting

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FEEDBACK ON TAS MODELLING

1. Todoroski Air Sciences (**TAS**) has produced a further modelling report dated 1 December (**the Report**).
2. By Direction & Minute WGT027 the Decision-making Committee has asked parties to provide feedback on the Report by close of business on 17 December 2020.
3. STIMBR is unable to provide full feedback on the Report unless it has access to the modelling files on which the Report is based. STIMBR will be prejudiced if it is required to provide feedback without access to those modelling files.
4. Accordingly, STIMBR requests the DMC to:
 - (a) direct TAS to provide the modelling files, and
 - (b) extend the time period for providing feedback, to provide 10 working days from the time that the modelling files are received by STIMBR.
5. This is not a new issue. Comments by Sullivan Environmental Consulting (**SEC**) on 14 November 2020 identified that full disclosure of the modelling files would be necessary to facilitate review of the Report.¹
6. Further, STIMBR observes that modelling files for SEC's modelling work were required to be provided by SEC prior to the hearing, as part of the process for ensuring the results in SEC's report could be evaluated. It would be inequitable if STIMBR were denied the opportunity to assess the TAS modelling in the same way; and such imbalance would undermine the DMC's ability to place any material weight on the Report.


M J Slyfield
Counsel for STIMBR
3 December 2020

¹ *Review Comments on the Report: Draft Air Dispersion Modeling of Methyl Bromide for Decision-Making Committee Produced by Todoroski Air Sciences, 2 November 2020* (Sullivan Environmental Consulting, 14 November 2020). https://www.epa.govt.nz/assets/FileAPI/hsno-ar/APP203660/APP203660_SECs-review-of-TASs-2020-modelling.pdf