

**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

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**24<sup>TH</sup> MEMORANDUM OF COUNSEL FOR THE APPLICANT**

**13 JANUARY 2021**

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**Counsel Acting**  
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## REQUEST FOR EXTENSION OF DUE DATE FOR COMMENTS ON MODELLING

1. By Direction & Minute WGT028 the Decision-making Committee (**DMC**):
  - (a) directed Todoroski Air Sciences (**TAS**) to make its modelling files available to the applicant and interested parties or their nominated experts on request, and
  - (b) extended the deadline for parties to make comment until 5pm on 22 January 2021.
2. TAS provided Mr Gear and Mr Sullivan with a link to access the modelling files on 17 December 2020. The link provided access exclusively to its recipients (they could not use it to enable access for other individuals).
3. However, in addition to Mr Sullivan, STIMBR has engaged Ms Nieuwenhuijsen to review TAS's modelling and assist STIMBR to prepare comments. Ms Nieuwenhuijsen is another of the air dispersion modelling experts who participated in the expert conferencing.<sup>1</sup>
4. Accordingly, Mr Gear responded to TAS on 17 December 2020 by email, requesting that TAS provide an further link to Ms Nieuwenhuijsen to enable her to access the material. Mr Gear repeated this request to EPA staff by email on 18 December 2020.
5. TAS sent a link to Ms Nieuwenhuijsen on 4 January 2021.
6. By emails on 18 December 2020<sup>2</sup> and 5 January 2021<sup>3</sup> STIMBR expressed a desire to have 10 working days to comment on the TAS modelling. This would make STIMBR's comments due by either:
  - (a) 29 January 2021, if 10 working days is calculated from the date on which the information was provided to Ms Nieuwenhuijsen; or
  - (b) 27 January 2021, if 10 working days is calculated from the date on which the information was provided to Mr Gear.

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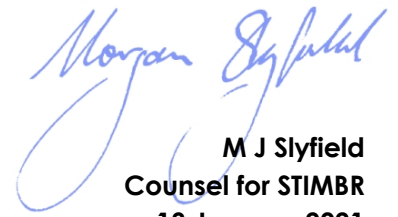
<sup>1</sup> On 30 January 2020, 19 March 2020 and 18 June 2020.

<sup>2</sup> From Counsel for STIMBR, Mr Slyfield, to Ms McKenzie at the EPA.

<sup>3</sup> From Mr Gear for STIMBR to Mr Bailey at the EPA.

In its emails to EPA staff, STIMBR expressed a preference for the former, and requested confirmation of the position. No formal response to those requests has yet been received.

7. For the reasons outlined above, STIMBR respectfully requests the DMC to issue a further direction extending the due date for STIMBR's comments on the TAS modelling to 29 January 2021.



**M J Slyfield**  
**Counsel for STIMBR**  
**13 January 2021**