

DIRECTION & MINUTE OF THE DECISION-MAKING COMMITTEE

Hazardous Substances and New Organisms Act 1996 (“HSNO Act”)

Application APP203660: modified reassessment of methyl bromide

Direction & Minute WGT009 of the Decision-making Committee (DMC) – 25 February 2020

Lead-in times

1. The applicant has provided information from Genera Science and Innovation regarding the timeframe which they require to upscale the technology that would be required should the applicant's request for a change to the recapture definition be approved.
2. We thank them for providing this information.

Monitoring

3. WorkSafe New Zealand (“WorkSafe”) are in the process of conducting methyl bromide monitoring in the vicinity of the Port of Tauranga. They have made the initial results available to the Environmental Protection Authority (EPA), though they note that this is only a limited dataset and is marked as draft, and that further monitoring events are intended.
4. This information has been noted, and the DMC thank WorkSafe for providing it.

Expert conferencing

5. Following the expert conferencing on 30 January 2020, we acknowledge that the applicant is now trying to source additional information for the experts to consider.
6. The DMC note that the applicant's expert and counsel have requested that the directed additional expert conferencing be delayed until **2-4 March 2020** so that the above additional information can be shared with the experts. The DMC consider this an acceptable proposal.
7. For clarity, the information relating to modelling and monitoring provided to the EPA and available on the EPA website is listed in the annex to this Direction and Minute.

Air dispersion modelling

8. The applicant has indicated, in response to our request, that the additional modelling required to better understand how methyl bromide moves through the air around selected ports will take up to

eight weeks to conduct with an additional two-three weeks to prepare the report, following the completion of the expert conferencing.

9. Pursuant to these timeframes provided by the applicant the required modelling will not be available until approximately 29 May 2020.
10. As noted in our previous Direction and Minute (WGT008), the EPA and the DMC will need time to review this information. As such, the earliest date that all of the available information that parties to the hearing are expected to review prior to that hearing would be **10 July 2020**. This will have an impact on the current proposed hearing dates.

Proposed hearing date

11. Due to the timeframe within which the applicant has indicated that the directed additional air dispersion modelling will be provided, the date for the hearing proposed in the Direction and Minute WGT002 is no longer achievable.
12. Based on the dates indicated above, and pursuant to the time extension under s59 HSNO set out in paragraph 11 of WGT001 (which provides for the extension of the statutory timeframe for a hearing to commence) the DMC proposes that the hearing provisionally commences on **27 July 2020**.
13. The DMC notes that the applicant is aware of the time implications in respect of above.

Directions

14. The DMC directs the following.
 - a. The applicant to share the additional information they are collating with the other experts, and the EPA, **at least five working days prior** to the further expert conferencing.
 - b. The EPA to share the monitoring results provided by WorkSafe New Zealand with the experts.
 - c. The experts to mutually agree a suitable date for the additional conferencing they have requested as soon as practicable; with the date of conferencing to be confirmed to the DMC on or before **3 March 2020**.
 - d. The process for this additional expert conferencing shall follow the process outlined in direction 11b of WGT003.
15. The DMC will continue to issue Directions and Minutes as necessary to advise parties to the process of further communications or procedural matters.

For the Decision-making Committee:



Tipene Wilson
Chairperson

Date 25 February 2020

Annex

Recently received information

- STIMBR Response to further information request about lead time for implementing new recapture control
- 8th Memorandum of Counsel
- Pattle Delamore Partners Ltd (PDP) Interim monitoring report for WorkSafe

Please note that these will be added to the EPA website shortly.

Information provided to the EPA and already available on their website

Air dispersion modelling reports

- Sullivan's Air Dispersion Modelling Report (2018, Appendix 7A to the application)
- Sullivan's Air Dispersion Modelling Report Addendum (2019, Appendix 7B to the application)
- Todoroski Air Sciences' (TAS's) Additional air dispersion modelling (on behalf of EPA)
- Golder's Technical Air quality assessment (on behalf of Genera)

Air dispersion modelling reviews

- TAS's Review of Sullivan reports (2019, on behalf of EPA)
- PDP's Review of TAS report (2019, on behalf of EPA)
- Atmospheric Global Sciences (ASG's) Review of Sullivan reports (2019, included within Bay of Plenty Regional Council (BOPRC's) submission)
- ASG's Review of TAS report (2019, for BOPRC)
- ASG's Review of Beca-Golder-ESR report (2019, for BOPRC)

Methyl bromide monitoring reports

- Massey University Personal Air sampling letter November 2015 (for C3 Limited)
- Environmental monitoring update Port of Tauranga (2017-18; author and client not clear, though appears to be used in Genera "Recapture and monitoring presentation")
- Environmental monitoring update (2018; location, author and client not clear, though similar to material used in Genera "Recapture and monitoring" presentation)
- Genera Recapture and monitoring presentation
- Ecocific Environmental assessment report (2019, for Genera), including
 - Appendix
- Genera Volatile Compounds Assessment Port of Tauranga (2018, Appendix 6 to the application)

Fumigation procedures

- Genera response to WGT003, including
 - Appendix A – Attached graphs
 - Berge Rishiri General arrangement and Berge Rishiri Stow Plan
 - Northport fumigation map
 - Napier fumigation map
 - Port of Tauranga fumigation map
- Minimum procedures at Northport (Appendix 12 to the application)

- Procedures at Port of Tauranga (Appendix 13 to the application)
- Fumigation Action Plan for Genera at Port of Tauranga

Resource Management Act Discharge Consent materials

- Beca report (Port of Tauranga, October 2019, on behalf of Genera), including
 - Appendix A – Existing consents
 - Appendix B – Site plan
 - Appendix C – Fumigation management plan
 - Appendix D – Golder’s Technical air quality assessment
 - Appendix E – BOPRC recommendation report
 - Appendix F – ESR Assessment of fumigants used in timber treatment
 - Appendix G – Dr Bruce Graham Review of ethanedinitrile for log fumigation (for the EPA in a different application)
 - Appendix H – Proposed conditions
- Beca report (Port of Tauranga, January 2015, on behalf of Ulrich Milne Lawyers, UML), including
 - Appendix 1 – Low rate ventilation zones
 - Appendix 2 – Dispersion modelling inputs
 - Appendix 3 – Predicted log row concentration contour plots
 - Appendix 4 – Comparisons of mechanical and passive ventilation procedures
 - Appendix 5 – Ventilation rate look-up tables
 - Appendix 6 – Comparison of predicted and modelled concentrations
 - Appendix 7 – Consultation
 - Appendix 8 – Proposed consent conditions
- Dr Hall Review of methyl bromide recapture report (for BOPRC)