

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 WGT033 of the Decision-making Committee (DMC) – 21 April 2021

Background

1. The hearing for the modified reassessment of methyl bromide was held between 11 and 17 August 2020, in which the DMC heard from the applicant, Environmental Protection Authority (EPA), submitters, and the associated witnesses nominated by those parties.
2. On 17 August 2020, the DMC adjourned the hearing to consider all of the evidence before it, including the information provided at the hearing.
3. Following the adjournment, the DMC requested Todoroski Air Sciences (TAS) to undertake additional air dispersion modelling to inform their deliberations (in Directions and Minutes WGT023 and WGT024). Parties to the reassessment were able to provide feedback on this modelling, with the deadline extended, upon request, to 29 January 2021.
4. In their Direction and Minute WGT032, the DMC directed TAS and Atmospheric Science Global (ASG) to independently review a new air dispersion modelling report by Golder Associates (New Zealand) Limited (“Golder”) provided with the 25th Memorandum of Counsel.
5. In addition, the DMC agreed in WGT023 to accept comments provided by the Bay of Plenty Regional Council (BOPRC).

27th Memorandum of Counsel

6. In the 27th Memorandum of Counsel for the Applicant, the applicant sought clarity on why only the Golder report is to be independently reviewed, and not the Sullivan Environmental Consultants’ (SEC) report.
7. This Memorandum also sought the opportunity to comment on the monitoring works from WorkSafe and the EPA’s Update Report.

Modelling reviews

8. The DMC did not request the Golder or the SEC reports. Rather, Counsel for the Applicant provided those reports in attachments to its 25th Memorandum for the DMC’s consideration. The

DMC is not obliged to receive, nor review either report unless it is so minded. The DMC has reviewed both reports and noted that they do contain additional information and analysis.

9. Golder used CALPUFF methodology in their report. In section 2.3 of their report, Golder notes that they have “examined the extent of mitigation required to ensure that the MB [methyl bromide] guideline concentration can be met at the boundary, for all current stack locations. This has been completed by re-scaling the emission rates assumed by TAS and then using the emission rates to determine maximum log pile volumes for various MB doses and recapture rate.” Should this prove material in the DMC’s deliberations, the DMC considers it prudent to subject the Golder report to the same independent review that the TAS report underwent, and so the direction in WGT032.
10. The SEC reports notes at page 4 that, due to internal capacity issues, “[i]n order to validate the AERMOD modeling [sic] results, SEC has collaborated with Golder Associates to produce CALPUFF modeling [sic] results. The outcome of that work is documented in a separate report from Golder Associates to STIMBR”. If the DMC is minded to have the SEC report independently reviewed, it will issue directions to that effect.

Opportunity to comment

11. As stated in WGT032, the DMC’s receipt of the BOPRC’s comments, was in response to a request from the BOPRC for them to provide the DMC with their comment, rather than the DMC extending an opportunity to BOPRC to provide a comment.
12. Since the TAS modelling report, the independent review of the TAS modelling report, and comments from parties to the modified reassessment hearing, the DMC has received SEC and Golder modelling reports (via Counsel for the Applicant), WorkSafe’s monitoring results, and the EPA’s Update Report (collectively ‘additional information’). Similar to BOPRC’s comment, and Counsel’s request in its 27th Memorandum, the DMC considers that other parties to the modified reassessment hearing may wish to provide comment. So, the DMC now asks parties to the modified reassessment hearing to provide comment on this additional information.
13. Parties are requested to focus their feedback on the additional information. There is no need to repeat evidence already provided in the 2019 written submissions or at the 2020 hearing.

Directions

14. The DMC directs the following:
 - a. The EPA is to provide the additional information on its website, or direct parties to that part of the website, and to make this Direction and Minute available to the parties.
 - b. Feedback from all parties is due **within 10 working days** (that is, by the close of business on 6 May 2021).
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

21 April 2021

Date