

# 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 WGT035 of the Decision-making Committee (DMC) – 17 May 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 response, the 25th Memorandum of Counsel provided, as attachments, new air dispersion modelling by Sullivan Environmental Consultants and Golder Associates (New Zealand) Limited (“Golder”).
5. In their Direction and Minute WGT032, the DMC directed TAS and Atmospheric Science Global (ASG) to independently review this Golder modelling.
6. Subsequently, the DMC directed all parties to the hearing to provide feedback on a suite of additional information (consisting the SEC and Golder modelling, the EPA’s Update Report, and WorkSafe New Zealand’s monitoring programme) in Direction and Minute WGT033.

### Modelling review

7. The DMC acknowledge receipt of the reports reviewing the Golder modelling from TAS and ASG.
8. The DMC acknowledge that TAS identified an error in their own (2020) modelling which affects the subsequent work by Golder. The DMC appreciates that TAS contacted the EPA, ASG and Golder to discuss the implications of this error.

9. The DMC understands that this error affects the amount of methyl bromide released when scaling for the percentage of log stacks subject to recapture, such as that in TAS's scenarios 2 and 12 used by Golder.
10. The DMC understands that this error therefore results in the emission rates from the log stacks calculated by Golder scenarios being too high, by a factor of 2.43.
11. To understand the log stack sizes required to meet the 100 m buffer zone proposed in the Golder report, the DMC direct the EPA to provide an update report providing versions of Golder's Tables 3 to 6 divided by this factor of 2.43.
12. The DMC also direct that this updated report be independently reviewed by the same experts that reviewed the TAS 2020 and Golder 2021 modelling. The purpose of this review is to provide feedback on the revised calculations only, and is not an opportunity to provide further information.

### 29th Memorandum of Counsel

13. The DMC acknowledge receipt of the 29th Memorandum of Counsel relating to the issue discussed above.
14. The DMC note that Counsel has asked for the deadline for comments (as directed in WGT033) to be delayed until the modelling errors are corrected.
15. The DMC considers that there are solutions to the error that do not require further modelling, and the subsequent delays that would entail.
16. The DMC, consequently, declines Counsel's request.
17. In addition, the DMC notes that the order of events related to the discovery of the modelling error described in the 29th Memorandum of Counsel, does not match its own understanding (as described in paragraph 8).

### Directions

18. The DMC directs the following:
  - a. The EPA is to provide an updated report with amended versions of Tables 3 to 6 in the Golder 2021 modelling report to take into account the overestimation factor of 2.43.
  - b. The EPA's update report is to be expertly reviewed by ASG, SEC, and TAS, as described in paragraph 12, with the reviews to be provided within 2 working days (that is, by the end of business on 18 May 2021).
19. 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

**17 May 2021**

**Date**