

BEFORE THE BOARD OF INQUIRY – TAMARIND DEVELOPMENT
DRILLING APPLICATIONS - EEZ100016

IN THE MATTER OF Of the Exclusive Economic Zone and Continental Shelf
(Environmental Effects) Act 2012

AND

IN THE MATTER OF Of a Board of Inquiry appointed under s52 of the
Exclusive Economic Zone and Continental Shelf
(Environmental Effects) Act 2012 to decide on Tamarind
Taranaki Limited's marine consent and marine discharge
consent applications

**SUMMARY STATEMENT OF EVIDENCE BY LUKE CHRISTOPHER JAMES
FAITHFULL**

7 NOVEMBER 2018

1. INTRODUCTION

- 1.1 My name is Luke Christopher James Faithfull and I was engaged by the Board of Inquiry (**BOI**) to prepare the Conditions Report.
- 1.2 Further to the preparation of the Conditions Report, as outlined in the Opening Legal Submissions on behalf of Tamarind Taranaki Limited (**Tamarind**), Dr Alison Lane (on behalf of Tamarind) and I undertook Informal Conferencing on the Proposed Conditions contained within Section 9 of the Conditions Report. The Informal Conferencing document, which identified points of agreement and disagreement, was circulated on the opening day of this hearing. Attachments 1 and 2 of the Informal Conferencing document provide an update (Track Changed and Clean Versions) of conditions provided in Section 9 of the Report.
- 1.3 This statement provides an update on the matters in contention which have been further discussed at this hearing.

2. MATTERS STILL IN CONTENTION

- 2.1 I can confirm that the matters in contention, are those which were outlined in paragraph 18.8 of Tamarind's Opening Legal Submissions. These matters have also been responded to by Tamarind's respective experts in their statements. I have discussed these matters below.
- 2.2 With regard to the Marine Consent Conditions, I provide the following comments (the condition number referenced is that of Attachment 2 of the Informal Conferencing document):
- 2.2.1 Condition 7 (Previous Condition 8) – As outlined in Paragraph 18.8(a) of the Legal Submissions, I am satisfied that Te Korowai o Ngaruahine Trust has expressed that they do not require inclusion in this condition and therefore, support the removal of the party from Condition 7;
- 2.2.2 Condition 12 (Previous Condition 11C) – Based on the evidence of Mr McCallum and Dr Lane, I consider that the use of Water

Based Drilling Fluids will not result in any effects that were not identified and anticipated as part of the technical assessment undertaken in support of the application. Therefore, I consider that it is appropriate to specify 'Water Based Drilling Fluids' within Condition 12. Additionally, I note that the key element of the condition which will control the effects are the second and third paragraphs of the proposed condition.

2.3 With regard to the Marine Consent Conditions, I provide the following comments (the condition number referenced is that of Attachment 2 of the Informal Conferencing document):

2.3.1 Condition 7 (Previous Condition 8) – Paragraph 18.8(c) of the Opening Legal Submissions states that Tamarind consider the requirement for the 'constant monitoring' is 'unworkable and unnecessary' and based on the comments from Mr McCallum and Dr Lane at the hearing, I understand that issue relates to the requirement of monitoring to be 'constant'.

While I accept the position of Tamarind's experts, I consider that the condition should require the drill rig drainage system to meet a performance standard of an 'oil in water content of no more than 15 ppm' prior to being discharged to the ocean but accept that this can be provided for through monitoring prior to any discharge event as opposed to 'constant' monitoring. Therefore, I proposed that the following amendments to Condition 7 (addition underlined and deletion ~~struck through~~):

iv) Directs hazardous and non-hazardous deck drainage runoff through an oil-in-water separator system that achieves a discharge with an oil content of no more than 15 ppm;

v) ~~Constantly monitors, by the use of an oil in water analyser that is calibrated and maintained in accordance with the manufacturer's specifications, hazardous and non-hazardous deck drainage to ensure that discharges do not have an oil content in exceedance of 15ppm,~~

2.3.2 Condition 8 (previous Condition 8A) – Again, paragraph 18.8(d), the Opening Legal Submissions outlines that identifying the specific harmful substances as ‘unworkable and unduly restrictive’. This position has also been supported by various Tamarind experts.

In the event that Condition 8 only contained the table of the six substances I would agree with Tamarind’s position. However, as the condition also contains additional wording that provides for situations where it is appropriate to use other materials that are ‘the least harmful (ecotoxic) substance available that is technically capable ...’, I consider that the condition is not ‘unduly restrictive’ as there is a mechanism within the condition which allows other products to be used.

I also consider that the reporting of substances used is also an important step in the process.

2.4 Finally, I accept the additional correction proposed to Condition 10 of the Marine Consent that changes the intention of restricting the maximum number of anchor placements to ‘each location’ and not ‘at any one time’.

Luke Faithfull

Date: 7 November 2018