

# **Tamarind Taranaki Limited - Discussion of Conditions**

**Topic:** Planning / conditions

**EPA Application Number:** EEZ100016

**Date:** 30 October 2018

**Venue:** Teleconference

**Facilitator:** None

## **Witnesses in attendance:**

- Alison Lane on behalf of Tamarind Taranaki Ltd; and
- Luke Faithfull on behalf of the Board of Inquiry for the EPA.

## **Introduction**

1. Parties were advised by the Board of Inquiry that it was acceptable to hold informal discussions ahead of the commencement of the hearing via email to Mr Faithfull on 15 October 2018.
2. The purpose of the discussions was for the parties to identify and reach agreement on the issues/matters on which they agree and disagree, including reasoning where agreement was not reached.
3. This discussion has focused on the proposed Marine Consent and Marine Discharge Consent Conditions provided in Section 9 of Mr Faithfull's Marine Consent And Marine Discharge Consent Application – Conditions Report, Prepared for the Tamarind Board of Inquiry, September 2018 and matters arising from these associated with the application.

## **Outcomes of the discussion**

4. A clean and tracked change version of the proposed Marine Consent and Marine Discharge Consent Conditions including Dr Lane's comments on the proposed conditions (including points of agreement, proposed amendments and justifications) and Mr Faithfull's responses (including identification of agreed points and remaining matters of disagreement including reasoning) are attached as Attachment 1 (Track Changed) and Attachment 2 (Clean) respectively.
5. For the purposes of the tables, the following colour schemes have been applied –

## **Track Changed Version -**

- Green – Parties agreed that the Proposed Condition from the Mr Faithfull's Conditions Report is acceptable;
- Yellow – Parties agree that the proposed amendment by Dr Lane are acceptable;

- Orange with blue highlights in Mr Faithfull's comments – Parties agree with the proposed amendment provided Tamarind can provide evidence to support the proposed amendment at the hearing; and
- Red – Parties disagree on the proposed condition and further information is to be presented at the hearing.

**Clean Version –**

- Green – Both parties agree on the Condition Wording, which is either taken from the conditions report or has been amended following further input from Tamarind;
- Yellow – The Condition Wording is yet to be agreed. These items include the proposed wording from Mr Faithfull's Conditions Report, Mr. Faithfull's comments on the basis for the wording, responses and requests for amendments from Dr Lane, and further comments from Mr. Faithfull following informal discussions.

Please note that the condition numbers on the clean version have been amended to consecutive numbering and to remove duplication.

6. We agree that the table provides an accurate record of the outcomes discussed.



**Dr Alison Lane on behalf of Tamarind Taranaki Ltd**



**Luke Faithfull on behalf of the Board of Inquiry for the EPA**

**Date: 5 November 2018**

ATTACHEMENT 1: PROPOSED MARINE  
CONSENT AND MARINE DISCHARGE  
CONSENT CONDITIONS TABLE – TRACK  
CHANGED VERSION

DRAFT EEZ100016 Conditions – MARINE CONSENT				
Condition Number	Tamarind Proffered Condition and Recommended Amendments	Comments	TAMARIND COMMENTS - AL	Response Comments from LF – 30 Oct 2018
1	<p>The consent holder shall ensure that the activities authorised by this marine consent are undertaken in general accordance with the application for marine consent and the IA dated xxxx, and further information dated xxxxxx as provided by Tamarind Taranaki Limited, except as modified by the conditions below:</p> <p><u>Subject to compliance with these consent conditions, the activities authorised by this Marine Consent shall be undertaken in general accordance with:</u></p> <p><u>The application document entitled “Tui Field Drilling Activities – Impact Assessment</u></p> <p><u>to Support Notified Marine Consent and Marine Discharge Consent Applications” (dated March 2018) prepared by ERM New Zealand Limited and supporting documents submitted as part of the application lodged on 8 March 2018; and</u></p> <p><u>The response to further information document entitled “Tamarind, Tui Development Drilling Applications (EEZ100016), Response to the Board’s Request for Further Information under section 54 EEZ Act and Other Further information – Notified Marine Consent and Marine Discharge Consent</u></p>	<p>Changes reflect EPA preferred drafting – no change in intent of Tamarind’s condition.</p> <p>Deletion of the reference to ‘<i>certified management plan ..</i>’ as there are no management plans provided for as part of the Marine Consent, nor is the monitoring programme (proposed in Condition 10) to be certified.</p>	<p>No concerns with these changes, they do not affect our original intent or obligations.</p> <p>ACCEPT PROPOSED WORDING</p>	

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	Applications ” (dated July 2018) prepared by ERM New Zealand Limited. All activities shall also be undertaken in accordance with the latest certified management and monitoring plan(s) required by these conditions. Where information contained in the application documents is contrary to the conditions of this Marine Consent the conditions shall prevail.			
2	This Marine Consent shall expires on <b>31 November 2024</b> .	Changes reflect EPA preferred drafting – no change in intent of Tamarind’s condition.	No concerns with this change. Date to be confirmed when consent decision issued. ACCEPT PROPOSED WORDING	
3	<del>This marine consent shall lapse 5 years after the date of commencement unless it has been given effect to prior to that date.</del>	Tamarind has requested a 5 year term of consent.  This duration is consistent with the lapse duration specified in section 85(1) of the EEZ Act. Therefore, there is no need to specify a lapse period of 5 years as the consent would expire on this date and no longer be active. The condition should be deleted.	No concerns with this change given that the lapse duration is specified in the EEZ Act. ACCEPT PROPOSED DELETION	
4	The Consent Holder shall ensure that a copy of this Marine Consent, and any variations to it, are available for inspection at the Consent Holder’s head office in New Zealand, and on any drill rig undertaking activities authorised by this marine consent.		No concerns. Changes only to capitalisation. ACCEPT PROPOSED WORDING	

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5	<p><del>The consent holder shall ensure that personnel directly involved in the exercise of this marine consent are informed of their obligations and responsibilities in exercising this marine consent.</del></p> <p><u>The Consent Holder shall ensure all personnel, including any contractors, involved in undertaking any of the activities authorised by this Marine Consent fully understand and comply with these conditions.</u></p> <p><u>The Consent Holder shall keep a record to show that the personnel, including contractors, have been informed of their obligations under this consent. The Consent Holder shall provide a copy of this record to the EPA upon request.</u></p>	<p>Changes reflect EPA preferred drafting – no change in intent of Tamarind’s condition.</p> <p>Second part of the condition is provided to enable the EPA to monitor how Condition 5 has been complied with.</p>	<p>Noted that this is stronger wording in terms of “ensuring” compliance than the original wording. However, Tamarind accepts that it has an overall obligation for compliance with the consent conditions and therefore is able to accept this proposed amendment.</p> <p>PREFERRED WORDING:</p> <p><u>In undertaking any of the activities authorised by this Marine Consent, the Consent Holder shall comply with these conditions and ensure all personnel, including any contractors, involved in undertaking any of the authorize activities fully understand these conditions and their obligations to comply with them.</u></p>	<p>Agree with the proposed change to the wording noting that Tamarind’s position is to retain the second paragraph of the condition which states: <u>The Consent Holder shall keep a record to show that the personnel, including contractors, have been informed of their obligations under this consent. The Consent Holder shall provide a copy of this record to the EPA upon request.</u></p>
6	<p><del>The consent holder shall, within 20 working days of the date of commencement of this marine consent, provide the EPA with the name and contact details of the delegated experienced person(s) responsible for collating and reporting information on compliance management in relation to this marine consent.</del></p> <p><del>The consent holder shall advise the EPA of any changes to the name and contact details of this person(s) within 5 working days of any changes being made.</del></p>	<p>Changes reflect EPA preferred drafting – no change in intent of Tamarind’s condition.</p>	<p>ACCEPT PROPOSED WORDING</p>	

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Condition Number	Tamarind Proffered Condition and Recommended Amendments	Comments	TAMARIND COMMENTS - AL	Response Comments from LF – 30 Oct 2018
	<u>The Consent Holder shall, at least 20 working days prior to first commencing the activities authorised by this Marine Consent, or any other timeframe agreed to by the EPA, provide to the EPA, in writing, the name and contact details of the person who has delegated responsibility for compliance management, collating information, and reporting in accordance with the requirements of this consent. In the event that the responsible person changes, the Consent Holder shall advise the EPA, in writing, of the name and contact details of the new person within five (5) working days of the change.</u>			
7	<del>The Consent Holder shall notify the EPA in writing within 24 hours of any Tier 2 or 3 spill, as defined in the New Zealand Oil Spill Response Strategy 2015 – 2019 or subsequent editions.</del>	Condition deleted as the requirement to notify the EPA has been added to Condition 21 below.	ACCEPT PROPOSED DELETION	
8	a) At least annually during the term of this consent the <del>C</del> consent <del>H</del> holder shall extend an invitation to Te Kāhui o Taranaki, <u>Te Korowai o Ngāruahine</u> and Ngāti Tara and their successors, to meet to discuss the planned works authorized by this Marine Consent, including the installation, operation, and removal of any drilling rig. b) The Consent Holder shall extend an invitation to meet Te Kāhui o Taranaki	The addition of Te Korowai o Ngāruahine to the condition is based on the recognition of the iwi as having an interest in the AOI.  The inclusion is also consistent with the matters of confirmation by Tamarind in paragraph 8.4.2 of Mr Peacock's evidence.  The inclusion of the ' <i>meet all fair and reasonable costs ...</i> ' to c) has	Change is the addition of <u>Te Korowai o Ngāruahine</u> . Tamarind is in the process of developing a relationship agreement with Te Korowai o Ngāruahine that would include this requirement. The word "planned" implies the meetings will only be happening prior to the works occurring. PREFERRED WORDING a) At least annually during the	Agree – as understand it is in line with the relationship agreement that Tamarind is working on with parties.

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	<p>Trust, Te Korowai o Ngāruahine and Ngāti Tara and their successors no less than three months prior to the commencement of the pre - installation / installation of a drill rig authorised by this Marine Consent.</p> <p>c) Where any meeting in accordance with Condition 8 a) takes place, the Consent Holder shall meet all fair and reasonable costs associated with parties fulfilling their roles in the meeting(s).</p> <p>d) The Consent Holder shall also take minutes of each meeting and distribute these minutes to the meeting attendees within 10 working days of the meeting. These minutes shall be provided to the EPA upon request.</p>	<p>been added to record the commitment in paragraph 8.3.3 of Mr Peacock’s evidence in response to the submission from TKT.</p> <p><b>Note: The proposed cultural conditions and any amendments I have made are based on my understanding of cultural matters from the submissions and the response from Tamarind through the evidence of Mr Peacock. I recommend that the BOI discusses the proposed cultural conditions with iwi / hapū parties to determine if they are sufficient to ensure that any effects of the proposal are avoided, remedied or mitigated.</b></p>	<p>term of this consent the <u>C</u>onsent <u>H</u>older shall extend an invitation to Te Kāhui o Taranaki, <u>T</u>e <u>K</u>orowai o Ngāruahine and Ngāti Tara and their successors (if any), to meet to discuss the activities authorized by this Marine Consent, including the installation, operation, and removal of any drilling rig.</p>	
9	Intentionally Blank	No Condition 9 was provided in Tamarind’s proposed marine conditions		
9	<p>a) The <u>C</u>onsent <u>H</u>older shall, prior to the commencement of the <u>f</u>irst drilling rig installation works, consult with Te Kāhui o Taranaki Trust, <u>T</u>e <u>K</u>orowai o Ngāruahine and Ngāti Tara and their successors to develop a monitoring programme for the installation, operation and removal of the drilling-rig, which</p>	<p>The Advice Note has been deleted as I have recommended the monitoring programme condition (condition 8) of the Marine Discharge Consent be deleted as it simply duplicates the requirements of this condition.</p> <p>As the requirement for what the monitoring programme is to</p>	<p>Te Korowai o Ngaruahine did not request that Tamarind consult with them on the development of a monitoring programme and this is not something that has been agreed to as between Te Korowai and Tamarind. It is not therefore considered appropriate that this be imposed as a consent condition.</p> <p>Te Kāhui o Taranaki Trust and Ngāti Tara exercise mana moana over the</p>	<p>Accept the retention of the original wording on the basis that Tamarind can satisfy the Board that this is appropriate.</p>

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	<p>incorporates Te Ao Māori where possible and provides opportunities for iwi and/or hapū representatives to assist in the implementation of that programme.</p> <p>b) The Consent Holder shall provide a report to the EPA of the steps undertaken to comply with condition 10 a) by 30 June on the year following the consultation.</p> <p><i>Advice note – The monitoring programme required by this Condition, and Condition xxx of the marine discharge consent xxxxx, can be fulfilled through the provision of a single monitoring programme</i></p>	<p>provide for is quite broad, additional requirements of the monitoring programmes that the BOI may wish to explore with iwi / hapū are:</p> <ol style="list-style-type: none"> <li>1. Identification of the key matters that the monitoring programme is to address, primarily matters related to taha wairua;</li> <li>2. Identification of the roles of the tangata whenua parties in the monitoring programme;</li> <li>3. The methodology, locations and frequency of the monitoring; and</li> <li>4. Reporting requirements to both the iwi and the EPA.</li> </ol> <p>I recommend that the BOI explore this further with TKT at the hearing.</p>	<p>area where the activities will occur and where the monitoring will occur. The previous wording of the condition is therefore considered appropriate.</p> <p>No concerns with the deletion of the Advice Note.</p> <p>TAMARIND PROPOSES THAT REFERENCE TO TE KOROWAI O NGARUAHINE IS REMOVED FROM THIS CONDITION.</p>	
10A	<p><u>Prior to the commencement of the activities authorised by this Marine Consent, the Consent Holder shall provide Te Kāhui o Taranaki Trust an opportunity to provide cultural training and awareness training to the parties</u></p>	<p>The give effect to the commitment made by Tamarind in paragraph 8.3.2 and 8.4.9 of the evidence of Mr Peacock.</p> <p>The BOI should confirm with TKT</p>	<p>The proposed wording is very broad in terms of reference to “<i>the parties who will be undertaking physical works....</i>”. The proposed condition by both Tamarind and TKT related to cultural training and awareness for</p>	<p>Accept as a letter has been provided by Tamarind from TKT confirming that the condition wording proposed by Tamarind reflects their understanding and is appropriate. (To be made</p>

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	<u>who will be undertaking physical works within the Area of Interest.</u>	as to the appropriateness of this condition and if the offer should be extended to any other iwi / hapū.	<p>Tamarind staff and Tamarind would extend this to include relevant members of the drilling management team working from the Tamarind Taranaki office. The current proposed wording would potentially extend to all contractors working in the field on this project and other projects that are not the subject of this consent application, which is not considered to be necessary or appropriate.</p> <p>TAMARIND PROPOSES THAT THE CONDITION WORDING BE REVISED AS FOLLOWS:</p> <p>“PRIOR TO THE COMMENCEMENT OF THE ACTIVITIES AUTHORISED BY THIS MARINE CONSENT, THE CONSENT HOLDER SHALL CONFIRM IN WRITING TO TEKĀHUI O TARANAKI TRUST AND TE KOROWAI O NGĀRUAHINE TRUST ITS WILLINGNESS TO ATTEND CULTURAL AWARENESS TRAINING AND EXTEND AN OFFER TO PUT IN PLACE SUCH ARRANGEMENTS AS ARE NECESSARY FOR RELEVANT MEMBERS OF ITS SENIOR MANAGEMENT TEAM AND ITS DRILLING MANAGEMENT CONTRACTORS THAT ARE RESPONSIBLE FOR OVERSEEING AND/OR MANAGING THE ACTIVITIES AUTHORISED BY THIS</p>	available at the Hearing upon request by the Board)

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			<p>CONSENT TO UNDERTAKE THE TRAINING.“</p> <p>ADVICE NOTE – THE SENIOR MEMBERS FROM TAMARIND’S MANAGEMENT TEAM AND THE CONTRACTORS THAT ARE TO ATTEND CULTURAL AWARENESS TRAINING ARE TO BE SELECTED BY TAMARIND AS IT DEEMS APPROPRIATE AT ITS DISCRETION.</p>	
11	<p>a) The <u>C</u>onsent <u>H</u>older shall notify the EPA of:</p> <p>i. the intended date of the commencement of the drilling rig installation works;</p> <p>ii. the date that the drilling rig is anchored its final location <u>each time it is</u> installed, including latitude and longitude of the location of the drilling rig;</p> <p>iii. the date when the drilling unit <u>rig</u> is released from the <u>C</u>onsent <u>H</u>older’s last well and is on <del>tight tow</del> at a distance of one (1) nautical mile from the last well (the “completion date”).</p> <p>b) Notification in accordance with Condition 11(a)(i) shall be provided at least 24 hours prior to the</p>	<p>The change to ii) is to clarify that notice should be provided to the EPA for each instance of installation.</p> <p>The deletion in iii) is due to the HYSY 982 being fully self-propelled.</p> <p>Advice Note 1 has been included to record Tamarind’s commitment in the FIR (Section 3.1.1) that notification will be provided to the relevant parties to trigger the issuing of a Notice to Mariners by LINZ.</p> <p>Advice Note 2 has been included on request of the EPA’s Compliance Team as there has been communication issues in the past when undertaking inspections of the installations.</p>	<p>Tamarind understands that in practice the request for a non-interference zone, and subsequent issuing of a Notice to Mariners, needs to come from the Ministry for Business, Innovation and Employment (MBIE).</p> <p>TAMARIND PROPOSES THAT THE ADVICE NOTE WORDING BE REVISED AS FOLLOWS:</p> <p><b>ADVICE NOTE 1:</b> FOLLOWING THE COMPLETION OF ANCHORING OF THE DRILL RIG IN ITS FINAL LOCATION AS OUTLINED IN 11(a)(ii) ABOVE, THE CONSENT HOLDER WILL NOTIFY THE MINISTRY OF BUSINESS, INNOVATION AND EMPLOYMENT OF THE FINAL LATITUDE AND LONGITUDE OF THE DRILL RIG AND REQUEST THE ESTABLISHMENT OF A NON-INTERFERENCE ZONE AND FOR LAND INFORMATION</p>	<p>Accept the amendment on the basis that MBIE are the party which notifies LINZ prior to release of a ‘Notice to Mariners’</p>

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	<p>intended date.</p> <p>c) Notification in accordance with Condition 11(a)(ii) and (iii) shall be provided within five working days of completion of the specified activity.</p> <p><b>Advice Note 1:</b> <i>Following the completion of anchoring of the drill rig in its final location as outlined in b) above, the Consent Holder will notify Maritime New Zealand and Land Information New Zealand of the final latitude and longitude of the drill rig to allow Land Information New Zealand to issue the required 'Notice to Mariners'.</i></p> <p><b>Advice Note 2:</b> <i>Where the EPA undertakes drill rig inspections, the Consent Holder will facilitate communication between EPA inspector and crew and, where necessary, will provide an interpreter to assist this process.</i></p>		NEW ZEALAND TO ISSUE A 'NOTICE TO MARINERS'.	
11A	<p><u>This Marine Consent authorises a maximum of four (4) drill rig placements. For the purpose of this Marine Consent, each drill rig placement shall consist of no more than:</u></p> <p>a) <u>Eight (8) drill rig anchors;</u></p> <p>b) <u>Four (4) blow out preventer anchors,</u></p>	<p>New condition included to limit the maximum number of drill rig placements authorised and to restrict the number of anchor placements. The number of rig placements and anchors required has been taken from the evidence of Mr McCallum (paragraph 2.9 and 2.16 respectively). Appendix 1 should be Appendix 4 of Mr McCallum's</p>	<p>While Tamarind has provided an indicative mooring design in evidence, further refinement of this may occur close to the time of the arrival of the drilling rig. We consider that the relevant aspect is the total number of anchor placements and that the configuration of these at each site is not material to the extent of impact and this inclusion in the conditions is not appropriate.</p>	<p>Accept the amendment as I agree that the reference to the Appendix 1 would be to restrictive on the works and the key aspect of the condition is to restrict the number of anchor placements as that is the activity which is linked to the seabed disturbance effects.</p>

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	on the seabed at any one time <u>as shown in Appendix 1 of this Marine Consent.</u>	<p>evidence.</p> <p>NOTE: I recommend that the BOI confirms the number of rig placements with Tamarind as part of the hearing as there is some inconsistencies between the numbers identified in Mr McCallum’s evidence and the FIR.</p> <p>While the evidence of Mr McCallum (paragraph 2.27 and Appendix 4) specifies a maximum area of bed disturbance, it is not considered appropriate to provide this as a condition as there would be significant difficulties in trying to record the area of disturbance with any accuracy. I consider that providing for a condition restricting the number of rig placements and anchors for each site will be sufficient to minimise any adverse effects.</p>	TAMARIND SEEKS TO REMOVE THE WORDS “AS SHOWN IN APPENDIX 1 OF THIS MARINE CONSENT” FROM THE CONDITION WORDING.	
11B	<p><u>Where cement is used for any works authorised by this Marine Consent, the Consent Holder shall ensure that, to the greatest extent practicable, any faulty or unused cement product is collected on the drill rig and disposed of at an authorised land based facility.</u></p> <p><u>In the event that cement is encountered within an existing well,</u></p>	<p>New condition included to record Tamarind’s commitment to appropriately dispose of cement products in paragraph 8.3.5 of Mr Peacock’s evidence.</p> <p>The second part of the condition is to ensure that any existing cement material is disposed of in an appropriate manner and not</p>	The discussion and agreement with iwi, which was reflected in Mr Peacock’s evidence, related to the onshore disposal only of faulty or unused dry cement product (i.e. not cement that had already been mixed in the cement tanks). The discarding at sea of up to 8m3 cement that has been mixed but is not weighted or	Accept as a letter has been by Tamarind from TKT confirming that the condition wording proposed by Tamarind reflects their understanding and is appropriate. <u>(To be made available at the Hearing upon request by the Board)</u>

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	<p><u>and drilled during the construction of new wells, the Consent Holder shall, to the greatest extent practicable, capture this cement, separate it from the drilling fluids and dispose of it to an authorised land based facility.</u></p> <p><u>The Consent Holder shall keep records of the volume, nature, location and dates of all cement product disposed of to land and deposited on the seabed. These records shall be made available to the EPA upon request.</u></p>	<p>deposited on the sea floor as outlined in Mr McCallum's evidence (paragraph 3.28).</p> <p>The words '<i>to the greatest extent practicable...</i>' have been included to acknowledge that there will be some cement discharged and deposited on the seabed as identified in paragraphs 3.29 and 3.30 of Mr McCallum's evidence.</p>	<p>setting correctly as described in the consent application is still an activity for which Tamarind is seeking consent.</p> <p>TAMARIND PROPOSES THE FOLLOWING WORDING BE ADOPTED FOR THE FIRST PARAGRAPH OF THIS CONDITION: "WHERE CEMENT IS USED FOR ANY WORKS AUTHORISED BY THIS MARINE CONSENT, THE CONSENT HOLDER SHALL ENSURE THAT, TO THE GREATEST EXTENT PRACTICABLE, FAULTY OR UNUSED DRY CEMENT PRODUCT (I.E. NOT CEMENT THAT HAD ALREADY BEEN MIXED WITH FLUID), SHALL BE DISPOSED OF AT AN AUTHORISED LAND BASED FACILITY."</p>	
11C	<p><u>The Consent Holder shall ensure that only synthetic based drilling fluids are used in the drilling activities authorised by this Marine Consent.</u></p> <p><u>All cuttings from the drilling process shall be returned to the surface and disposed of to an authorised land based facility.</u></p> <p><u>The Consent Holder shall keep records of the volume, location and dates of all drilling cuttings disposed of to land. These records shall be made available to the EPA upon request.</u></p>	<p>New condition to address Tamarind's used of SBM fluids in the drilling process and the disposal of drilling cuttings to land as outlined in the evidence of Mr McCallum (paragraphs 2.51 – 2.59).</p>	<p>The proposal is to use synthetic based fluids only for drilling the wells, but the milling fluids are water-based and may be considered to be "drilling fluids" in a technical sense.</p> <p>From an environmental perspective it doesn't make sense to exclude use of water based fluids as these typically have lower toxicity than synthetic based fluids. Additionally, as drill cuttings are to be disposed of to land there is no need to disallow other mud types in the marine consent.</p> <p>With respect to the second paragraph, Tamarind notes that in some cases small volumes of rock cuttings may remain in the well bore</p>	<p>Disagree with the removal of the SBM paragraph but this is based on my lack of technical knowledge with regard to the differences between SBM and Water Based Fluids. Purpose that the condition be expanded to include Water Based Fluids where it is demonstrated that they are appropriate to use in the process. This matter should be further addressed by Tamarind at the Hearing.</p> <p>Acknowledge that the intention of the condition is primarily captured in the second and third paragraphs which ensure there</p>

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			<p>and would not be returned to the surface. The key point for reducing environmental risk is the requirement within the conditions for return cuttings to the surface and dispose on land. This is as per our planned activities.</p> <p>PREFERRED WORDING –  <del>“The Consent Holder shall ensure that only synthetic based drilling fluids are used in the drilling activities authorised by this Marine Consent.”</del>            “ALL CUTTINGS FROM THE DRILLING PROCESS SHALL BE THAT ARE ABLE TO BE RETURNED TO THE SURFACE SHALL BE DISPOSED OF TO AT AN AUTHORISED LAND BASED FACILITY. THE CONSENT HOLDER SHALL KEEP RECORDS OF THE VOLUME, LOCATION AND DATES OF ALL DRILLING CUTTINGS DISPOSED OF TO LAND. THESE RECORDS SHALL BE MADE AVAILABLE TO THE EPA UPON REQUEST.”</p>	are no discharges from the drilling activities removing the potential for effects.
11D	<p><u>Following the cessation of the drilling works authorised by this Marine Consent, the Consent Holder shall provide the EPA with documentation demonstrating that no structures, objects or items remain on the seabed.</u></p>	<p>New condition requiring that no structures authorised by this consent will remain on the seabed following the completion of the works as stated in paragraph 8.3.6 of Mr Peacock’s evidence.</p>	<p>This condition as written is not appropriate to the proposed drilling of production wells. The anchors, chains and wires placed on the seabed will be removed as described in the consent application, however a large amount of production infrastructure including the wellsheads, flowlines and umbilicals and associated equipment will remain on the seabed until such time</p>	<p>Accept the proposed amendment.</p>

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			<p>as the Field is decommissioned in full.</p> <p>Additionally reference to “object or items” is very broad. This would suggest that if a small item such as a hand tool, mobile phone or any other “object or item” was dropped during the Project it would need to be recovered, which is not practicable.</p> <p>Mr Peacock’s evidence provides “All structures placed on the seabed as part of this development program will be removed at the cessation of their use”.</p> <p>PREFERRED WORDING:  “FOLLOWING THE CESSATION OF THE DRILLING WORKS AUTHORISED BY THIS MARINE CONSENT, THE CONSENT HOLDER SHALL PROVIDE THE EPA WITH WRITTEN DOCUMENTATION CONFIRMING THAT THE STRUCTURES THAT WERE PLACED ON THE SEABED IN ORDER TO UNDERTAKE THE DRILLING WORKS AUTHORISED BY THIS MARINE CONSENT HAVE BEEN REMOVED. FOR THE AVOIDANCE OF DOUBT, THIS CONDITION DOES NOT APPLY TO ANY STRUCTURES ASSOCIATED WITH PRODUCTION INFRASTRUCTURE.”</p>	
12	a) The Consent Holder shall maintain a log of all marine mammal (except for fur seals)	Addition of vii) based on the recommendation from Dr Childerhouse (paragraph 8.2.1)	Recommend that reference to photos states that this is of the marine	Accept the proposed amendments.

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<b>Condition Number</b>	<b>Tamarind Proffered Condition and Recommended Amendments</b>	<b>Comments</b>	<b>TAMARIND COMMENTS - AL</b>	<b>Response Comments from LF – 30 Oct 2018</b>
	<p>sightings from any drill rig and support vessels associated with the drilling operations within the Tui Field authorised by this <u>M</u>marine <u>C</u>onsent, including the following information where available:</p> <ul style="list-style-type: none"> <li>i. the date and location of all marine mammal sightings from the consented operations.</li> <li>ii. the species of marine mammal(s) (where known) and the number of individuals (including the presence of juveniles) associated with each sighting.</li> <li>iii. the behaviour of marine mammal(s) sighted including their direction of travel.</li> <li>iv. any marine mammal injuries or mortalities observed.</li> <li>v. the approximate size in metres of each marine mammal.</li> <li>vi. any physical interaction (including but not limited to vessel strike or entanglement) between any marine mammals and any equipment, vessels, or other inanimate objects.</li> <li>vii. <u>the collection and provision of</u></li> </ul>	<p>on behalf of Tamarind and further supported by Mr Baxter (paragraph 15(l)(i) of the Seapen Review Report) on behalf of the EPA.</p>	<p>mammals that have been sighted as currently it is not specified.  PREFERRED WORDING:  “vii. WHERE PRACTICABLY POSSIBLE, PHOTOS OF OBSERVED MARINE MAMMALS WILL BE TAKEN AND THESE PHOTOS SHALL BE SUBMITTED TO THE DEPARTMENT OF CONSERVATION AND THE EPA ALONG WITH THE DATA FROM MARINE MAMMAL SIGHTING.”</p>	

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	<p><u>photos shall be provided where practically possible and that these photos shall be submitted to the Department of Conservation and the EPA along with the data from marine mammal sighting.</u></p> <p>b) A digital copy of the log referred to in clause a) of this condition shall be available on request and provided to the Department of Conservation and the EPA by 1 December every year or on an alternative date as otherwise agreed by the Department of Conservation and the EPA.</p>			
13	<p>The <u>Ceonsent Hholder shall make available to the offshore personnel undertaking the drilling activities authorised by this Mmarine Ceonsent, a New Zealand marine mammal species identification guide to assist in the accurate identification of species. A copy of the guide shall be made available on each vessel used as part of activities authorised by this Marine Consent.</u></p>	<p>Addition to Condition 13 is based on the recommendation from Dr Childerhouse (paragraph 8.2.2) on behalf of Tamarind and further supported by Mr Baxter (paragraph 15(l)(ii) of the Seapen Review Report) on behalf of the EPA.</p>	<p>This is standard practice by Tamarind. ACCEPT PROPOSED WORDING</p>	
13A	<p><u>All personnel undertaking airborne, seagoing and watch-keeping duties are informed of their obligations under the Marine Mammals Protection Act 1978 and Marine Mammals Protection Regulations 1992 or any subsequent Regulations.</u></p>	<p>New Condition based on the recommendation from Dr Childerhouse (paragraph 8.2.4) on behalf of Tamarind and further supported by Mr Baxter (paragraph 15(l)(iv) of the Seapen Review Report) on behalf of the EPA.</p>	<p>This is standard practice by Tamarind. ACCEPT PROPOSED WORDING</p>	

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14	The <u>C</u> onsent <u>H</u> older shall ensure that all nocturnal (night-time) lighting utilised on the drill rig and associated support vessels is minimised to the greatest practicable extent while still meeting operational and safety requirements <u>and any nocturnal lighting shall be directed or shielded so that light spill outwards and upwards from the drill rig, and support vessels, is minimised to the greatest extent practicable.</u>	Addition to Condition 14 is based on the recommendation from Dr Thompson (paragraph 7.2) on behalf of Tamarind and further supported by Mr Baxter (paragraph 18(b) of the Seapen Review Report) on behalf of the EPA.	“THE <u>C</u> ONSENT <u>H</u> HOLDER SHALL ENSURE THAT ALL NOCTURNAL (NIGHT-TIME) LIGHTING UTILISED ON THE DRILL RIG AND ASSOCIATED SUPPORT VESSELS IS MINIMISED TO THE GREATEST PRACTICABLE EXTENT WHILE STILL MEETING OPERATIONAL AND SAFETY REQUIREMENTS AND ANY NOCTURNAL LIGHTING SHALL BE DIRECTED OR SHIELDED SO THAT LIGHT SPILL OUTWARDS AND UPWARDS FROM THE DRILL RIG, AND SUPPORT VESSELS, IS MINIMISED TO THE GREATEST EXTENT PRACTICABLE WHILE <u>STILL MEETING OPERATIONAL AND SAFETY REQUIREMENTS.</u> ”	Accept the proposed amendments.
15	a) The <u>C</u> onsent <u>H</u> older shall maintain a log of any seabird collisions with any drilling rig or any support vessels undertaking the drilling activities authorised by this <u>M</u> arine <u>C</u> onsent within the Tui Field including the following information where available: <ul style="list-style-type: none"> <li>i. date and time of collision</li> <li>ii. weather condition</li> <li>iii. species (where known)</li> <li>iv. condition of the bird (dead, released alive and unharmed, or injured)</li> </ul>		ACCEPT PROPOSED WORDING	

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	<p>v. photographs (where practicable).</p> <p>b) A digital copy of the log referred to in clause a) of this condition shall be provided to the Department of Conservation and the EPA by 1 December every year or on an alternative date as otherwise agreed by the Department of Conservation and the EPA.</p> <p><b>Advice Note</b> – Records of any seabird collisions may be included as part of a log of seabird collisions recorded as part of another marine consent held by the <u>CeonsentHholder</u></p>			
16	The <u>Ceonsent Hholder</u> shall make available to the offshore personnel undertaking the drilling activities authorised by this <u>Mmarine Ceonsent</u> , a New Zealand seabird species identification guide to assist in the accurate identification of species.		ACCEPT PROPOSED WORDING	
17	<p>While undertaking the drilling activities authorised by this <u>Mmarine Ceonsent</u>, the <u>Ceonsent Hholder</u> shall maintain a log, to be kept on the relevant drilling rig and provided on inspection or request by the EPA, of the following.</p> <p>a) The name and location of the wells drilled;</p> <p>b) The total volume of cement used per well drilled, estimated by dry weight and the volume of faulty or</p>	<p>This condition has been amended to reflect the updated drilling methodology of only using SBM (deletion of condition d)) and disposing of all drill cuttings to land (deletion of condition e) and amendment to condition c)).</p> <p>A new condition d) has been</p>	Reference to methods and materials for closure and abandonment of each well is not appropriate for this application. While there will be sectional isolation of the wells below the side-tracks there will be no “abandonment” of the wells as defined under the HSWA and related regulations. WorkSafe is the regulator with responsibility to review and confirm the acceptability of well	Accept the proposed amendments as: b) reflects the previous amendment to condition 11B; and d) Tamarind has provided further evidence that the abandonment of wells is outside the scope of the application and is within the jurisdiction of WorkSafe. (To be made available at the Hearing upon request by the Board)

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	<p><del>unused cement disposed of to land and / or to the sea;</del></p> <p>c) The total volume of milling swarf and drill cuttings taken onshore for disposal; and</p> <p>d) The method and materials used in the closure or abandonment of each well. <del>total volume of water based muds used in each well;</del></p> <p>e) The in-situ volume of drill cuttings removed from each well.</p>	<p>included to provide for information on well closure methods and material.</p>	<p>abandonment, which would likely not occur until the time the Field is fully decommissioned, and abandonment is not a activity for which Tamarind is seeking consent at this time. We also, note comment in Conditions Report (Para 35) that conditions should not duplicate requirements of other MMRs, including matters relating to well closure and abandonment.</p> <p>TAMARIND SEEKS ADDITION OF THE WORD “DRY” IN SUBCLAUSE B) AS SHOWN BELOW, AND REMOVAL OF SUBCLAUSE D) OF THE PROPOSED CONDITION.</p> <p>“B) THE TOTAL VOLUME OF CEMENT USED PER WELL DRILLED, ESTIMATED BY DRY WEIGHT AND THE VOLUME OF FAULTY OR UNUSED DRY CEMENT DISPOSED OF TO LAND AND / OR TO THE SEA;”</p>	
18	<p>The Consent Holder shall notify the EPA of the conclusion of its drilling campaign within 5 Working Days of the campaign’s completion date. Within three months after the completion date, the Consent Holder shall provide a report to the EPA that summarises the information collected in the log required in accordance with Condition 17. <del>This report shall include the combined total in-situ volume of drill cuttings removed</del></p>	<p>Deletion of the requirement to provide details of in-situ drill cuttings as all cuttings will now be disposed of to land.</p>	<p>ACCEPT PROPOSED WORDING</p>	

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	<p>since the granting of this <u>M</u>marine <u>C</u>consent.</p> <p><b>Advice Note</b> – A drilling campaign includes all drilling activities authorised by this marine consent and associated activities, commencing when the drilling rig arrives and is installed within Permit Area PMP31858 and concluding on the completion date.</p>			
19	The combined total in-situ volume of drill cuttings discharged as a result of drilling authorised by this marine consent shall not exceed 600 cubic metres.	Delete condition as all cuttings will now be disposed of to land.	ACCEPT PROPOSED DELETION	
20	<p>Pursuant to sections 76 and 77 of the EEZ Act, the EPA may serve notice on the <u>C</u>consent <u>H</u>holder of its intention to review the conditions of this marine consent <u>during the month(s) of January, April, July, and/or October each year for the duration at five-yearly intervals from the grant of this consent for the following purposes:</u></p> <p>a) to deal with any adverse effects on the environment that may arise from the exercise of the consent and with which it is appropriate to deal with after the consent has been granted</p> <p>b) to deal with any practical issues arising from the implementation of the conditions of consent.</p>	Amendment to the timeframe for review of the consent to better reflect the 5 year term applied for.	ACCEPT PROPOSED WORDING	

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21	<p>In the event of an unplanned spill that triggers a Tier 2 or 3 spill response as defined in the New Zealand Oil Spill Response Strategy 2015 – 2019 or subsequent editions, the Consent Holder shall:</p> <p>a) <u>Notify the EPA in writing within 24 hours of any Tier 2 or 3 spill;</u></p> <p>b) Seek advice from the relevant regional councils, <u>Te Kāhui o Taranaki Trust, Te Korowāi o Ngāruahine and Ngāti Tara and their successors or relevant iwi entities</u>, the Department of Conservation, Maritime New Zealand and the EPA about whether monitoring is likely to detect any environmental effects and, if so, design and implement an appropriate monitoring programme as soon as practicable; and</p> <p>c) Provide the EPA with the results of the monitoring undertaken in response to Condition 9-10(a).</p> <p><del><b>Advice Note:</b> The Consent Holder should seek advice from the EPA as to who the relevant iwi entities are in the event of an unplanned spill.</del></p>	<p>New condition a) provides for the notification to the EPA that was previously provided for in Condition 7 above.</p> <p>Amendment to Condition b) to identify the relevant iwi / hapū and consequential deletion of the Advice Note.</p>	<p>It is noted that this condition is worded differently to the proposed Condition 15A in the Marine Discharge Consent and that it would make sense for these to be consistent across both consents. The proposed Condition 15A in the Marine Discharge Consent is preferred by Tamarind as it better reflects what has been agreed to with iwi.</p> <p>TAMARIND SEEKS TO AMEND THIS CONDITION TO DUPLICATE CONDITION 15a OF THE MARINE DISCHARGE CONSENT AND TO AMEND IT AS FOLLOWS:</p> <p>IN THE EVENT OF AN UNPLANNED SPILL THAT TRIGGERS A TIER 2 OR 3 SPILL RESPONSE AS DEFINED IN THE NEW ZEALAND OIL SPILL RESPONSE STRATEGY 2015 – 2019 OR SUBSEQUENT EDITIONS, THE CONSENT HOLDER SHALL:</p> <p>a) NOTIFY THE EPA, <u>TE KĀHUI O TARANAKI TRUST, TE KOROWAI O NGĀRUAHINE AND NGĀTI TARA (AND THEIR SUCCESSORS IF ANY)</u> IN WRITING WITHIN 24 HOURS OF ANY TIER 2 OR 3 SPILL;</p> <p>b) SEEK ADVICE FROM THE RELEVANT REGIONAL COUNCILS, THE</p>	Accept the proposed amendments

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			<p>DEPARTMENT OF CONSERVATION, MARITIME NEW ZEALAND AND THE EPA ABOUT WHETHER MONITORING IS LIKELY TO DETECT ANY ENVIRONMENTAL EFFECTS;</p> <p>c) SEEK ADVICE FROM RELEVANT REGIONAL COUNCILS, THE AGENCIES IDENTIFIED IN CONDITION 10(b), <u>TE KĀHUI O TARANAKI TRUST, TE KOROWAI O NGĀRUAHINE AND NGĀTI TARA (AND THEIR SUCCESSORS IF ANY)</u> ON THE DESIGN AND IMPLEMENTATION OF A SPILL IMPACT MONITORING PROGRAMME AS SOON AS PRACTICABLE; AND</p> <p>d) PROVIDE THE EPA WITH THE RESULTS OF THE MONITORING UNDERTAKEN IN RESPONSE TO CONDITION 10(a).</p>	

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1	<p>The consent holder shall ensure that the marine discharge consent is exercised in general accordance with the application for marine discharge consent and the IA dated xxxxx, and further information dated xxxxx as provided by Tamarind Taranaki Limited, except as modified by the conditions below.</p> <p>All discharge activities shall be undertaken in accordance with the latest certified offshore processing drainage management plan required by Condition xx. Where information contained in the application documents is contrary to the conditions of this marine discharge consent the conditions shall prevail.</p> <p>Subject to compliance with these consent conditions, the activities authorised by this Marine Discharge Consent shall be undertaken in general accordance with:</p> <p>a) <u>The application document entitled “Tui Field Drilling Activities – Impact Assessment to Support Notified Marine Consent and Marine Discharge Consent Applications” (dated March 2018) prepared by ERM New Zealand Limited and</u></p>	<p>Changes reflect EPA preferred drafting – no change in intent of Tamarind’s condition. The reference to the operate in accordance with management plans has also been removed as I have recommended that the management plan condition be deleted as there is now sufficient detail on harmful substances and the proposed drainage system available to provide specific conditions.</p>	<p>No concerns with these changes, they do not affect our original intent or obligations. ACCEPT PROPOSED WORDING</p>	

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	<p><u>supporting documents submitted as part of the application lodged on 9 March 2018; and</u></p> <p>b) <u>The response to further information document entitled “Tamarind, Tui Development Drilling Applications (EEZ100016), Response to the Board’s Request for Further Information under section 54 EEZ Act and Other Further information – Notified Marine Consent and Marine Discharge Consent Applications”(dated July 2018) prepared by ERM New Zealand Limited.</u></p>			
2	<p>This <del>M</del>marine <del>D</del>ischarge <del>C</del>onsent shall <del>expire</del> on <b>31 November 2024</b>.</p>	<p>Changes reflect EPA preferred drafting – no change in intent of Tamarind’s condition.</p> <p><b>Note: the BOI will need to update the expiry date to reflect the 5 year term requested by Tamarind.</b></p>	<p>No concerns with this change. Date to be confirmed when consent decision issued.</p> <p>ACCEPT PROPOSED WORDING</p>	
3	<p><del>This marine discharge consent shall lapse 5 years after the date of commencement unless it has been given effect to prior to that date.</del></p>	<p>Delete the lapse conditions - See previous comment in the marine consent.</p>	<p>No concerns with this change given that the lapse duration is specified in the EEZ Act.</p> <p>ACCEPT PROPOSED DELETION</p>	
4	<p>The <del>C</del>onsent <del>H</del>older shall ensure</p>		<p>ACCEPT PROPOSED WORDING</p>	

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	that a copy of this <del>M</del> marine <del>D</del> discharge <del>C</del> consent, and any variations, are available for inspection at the <del>C</del> consent <del>H</del> holder’s head office in New Zealand, and on any drilling rig undertaking activities authorised by this marine discharge consent.			
5	<p><del>The consent holder shall ensure that personnel directly involved in the exercise of this marine discharge consent are informed of their obligations and responsibilities in exercising this marine discharge consent.</del></p> <p><u>The Consent Holder shall ensure all personnel, including any contractors, involved in undertaking any of the activities authorised by this Marine Discharge Consent fully understand and comply with these conditions.</u></p> <p><u>The Consent Holder shall keep a record to show that the personnel, including contractors, have been informed of their obligations under this consent. The Consent Holder shall provide a copy of this record to the EPA upon request.</u></p>	<p>Changes reflect EPA preferred drafting – no change in intent of Tamarind’s condition.</p> <p>Second part of the condition is provided to enable the EPA to monitor how Condition 5 has been complied with.</p>	<p>Noted that this is stronger wording in terms of “ensuring” compliance than the original wording. However, Tamarind accepts that it has an overall obligation for compliance with the consent conditions and therefore is able to accept this proposed amendment.</p> <p>PREFERRED WORDING</p> <p>“IN UNDERTAKING ANY OF THE ACTIVITIES AUTHORISED BY THIS MARINE CONSENT, THE CONSENT HOLDER SHALL COMPLY WITH THESE CONDITIONS AND ENSURE ALL PERSONNEL, INCLUDING ANY CONTRACTORS, INVOLVED IN UNDERTAKING ANY OF THE AUTHORIZE ACTIVITIES FULLY UNDERSTAND THESE CONDITIONS AND THEIR OBLIGATIONS TO COMPLY WITH THEM.”</p>	<p>Agree with the proposed change to the wording noting that Tamarind’s position is to retain the second paragraph of the condition which states: <u>The Consent Holder shall keep a record to show that the personnel, including contractors, have been informed of their obligations under this consent. The Consent Holder shall provide a copy of this record to the EPA upon request.</u></p>
6	<p><del>a) The consent holder shall within 20 working days of the date of commencement of this <del>M</del>marine <del>D</del>discharge <del>C</del>consent provide the EPA with the name and contact</del></p>	<p>Changes reflect EPA preferred drafting – no change in intent of Tamarind’s condition.</p>	<p>ACCEPT PROPOSED WORDING</p>	

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	<p><del>details of the delegated experienced person(s) responsible for collating and reporting information on compliance management in relation to this marine discharge consent.</del></p> <p><del>b) The consent holder shall advise the EPA of any changes to the name and contact details of this person(s) within five working days of any changes being made.</del></p> <p><u>The Consent Holder shall, at least 20 working days prior to first commencing the activities authorised by this Marine Discharge Consent, or any other timeframe agreed to by the EPA, provide to the EPA, in writing, the name and contact details of the person who has delegated responsibility for compliance management, collating information, and reporting in accordance with the requirements of this consent. In the event that the responsible person changes, the Consent Holder shall advise the EPA, in writing, of the name and contact details of the new person within five (5) working days of the change.</u></p>			
7	a) At least annually the <u>C</u> onsent	The addition of Te Korowai	Change is the addition of <u>Te Korowai o Ngāruahine.</u> Tamarind is in the process	

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	<p><u>H</u>holder shall extend an invitation to Te Kāhui o Taranaki, <u>Te Korowai o Ngāruahine Trust</u> and Ngāti Tara and their successors, to meet to discuss the discharge of any harmful substances from offshore processing drainage as authorised by this <u>M</u>marine <u>D</u>ischarge <u>C</u>onsent. This shall include information on the deck drains and selection process of chemical substances to be used.</p> <p>b) The <u>C</u>onsent <u>H</u>holder shall extend the invitation in accordance with Condition 7 a) to meet to Te Kāhui o Taranaki Trust, <u>Te Korowai o Ngāruahine Trust</u> and Ngāti Tara and their successors, no less than three months prior to the commencement of any <u>activities that have the potential to discharge of harmful substances into offshore processing drainage as authorised by this Mmarine Ddischarge Cconsent.</u></p> <p>⇒ Where any meeting in accordance with Condition 7 a) takes place, the <u>C</u>onsent <u>H</u>holder shall take minutes of each meeting and distribute these minutes to the meeting attendees within 10 working days of the meeting.</p>	<p>o Ngāruahine to the condition is based on the recognition of the iwi as having an interest in the AOI.</p> <p>The inclusion is also consistent with the matters of confirmation by Tamarind in paragraph 8.4.2 of Mr Peacock’s evidence.</p> <p>The addition to b) has is provided for clarification as it is not the intention of the Consent Holder to discharge substances.</p> <p>As previously stated, any cultural conditions should be discussed with the respective iwi / hapū to confirm the adequacy of the conditions.</p>	<p>of developing a relationship agreement with Te Korowai o Ngāruahine that would include this requirement. ACCEPT PROPOSED WORDING</p>	

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	These minutes should be provided to the EPA upon request.			
8	<p>The consent holder shall, prior to the commencement of the drilling rig installation works, consult with Te Kahui of Taranaki Trust, Te Korowai o Ngaruahine Trust and Ngāti Tara and their successors to develop a monitoring programme for the installation, operation and removal of the drilling rig, which incorporates Te Ao Māori where possible and provides opportunities for iwi and/or hapū representatives to assist in the implementation of that programme.</p> <p>a) This consent holder shall provide a report to the EPA of the steps undertaken to comply with condition 8(a) by 30 June on the year following the consultation.</p> <p><i>Advice note – The monitoring programme required by this condition, and Condition x of the marine consent xxxxx, can be fulfilled through the provision of a single monitoring programme.</i></p>	<p>The monitoring programme is already provided for in the Marine Consent above (Condition 10). Therefore, I consider that this condition is an unnecessary duplication as both conditions provide for the same monitoring requirements.</p> <p>If it the BOI deemed it necessary to provide a monitoring plan which also focused on discharge activities then this condition could be reinstated to require Tamarind ‘to develop a monitoring programme for the installation, operation and removal of the drilling rig and any discharges from the authorised activities...’</p> <p>However, based on the evidence provided by Tamarind and the further reports provided by the BOI’s technical advisors, I do not consider that specific monitoring is required in relation to the discharge aspects of the activity.</p>	ACCEPT PROPOSED DELETION	
8	a) The Consent Holder shall ensure	New condition 8 a) to ensure	Any spill of hydrocarbons on the deck that enters the deck drains would	This proposed amendment is outside my area of expertise so

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	<p>that the discharges authorised by this Marine Discharge Consent shall only occur from a drill rig with a drainage system that as a minimum:</p> <ul style="list-style-type: none"> <li>i. Consists of separate hazardous deck drain, non-hazardous deck drain, and enclosed drain systems (enclosed drain system refers to a closed loop drilling fluids system which is designed to contain all the drilling fluid and cuttings);</li> <li>ii. Fully contains deck drainage runoff that is directed to settlement tank(s) that shall have a minimum combined capacity of at least 5m<sup>3</sup>;</li> <li>iii. Directs hazardous deck drainage runoff through a solids removal system;</li> <li>iv. Directs hazardous and non-hazardous deck drainage runoff through an oil-in-water separator system;</li> <li>v. Constantly monitors, by the use of an oil in water</li> </ul>	<p>that any drill rig used provides for a drainage system that has been described in the evidence of Mr McCallum (paragraph 2.15, Section 3 and Appendix 2) and in turn used to determine the extent and severity of effects of the discharges on the environment.</p> <p>Advice note added to record the requirements of the Consent Holder to provide a record book and ESRP under the EEZ Discharge Regs.</p>	<p>constitute an unplanned spill event and would be reported as such in accordance with the Oil Spill Contingency Plan. Although the anticipated rig does have oil-in-water monitors on all deck drains, this is unusual with most rigs having only this capacity on hazardous drains. Additionally, management of oil in deck drain water is not regulated under MARPOL (the 15ppm limit applies to water for machinery spaces only). “Constant” monitoring of deck drainage is also not a standard practice as the discharge is not continuous from hazardous deck drains. Normally there would just be a mechanism to assess the oil-in-water content or holding tanks prior to the at-sea discharge from these. Tamarind therefore seeks to remove condition v. from the proposed condition. Confirm whether there is “constant monitoring” of oil-in-water from both hazardous and non-hazardous deck drains. Iain/Jon to review in detail and note any recommended changes to proposed condition wording. See if possible to be slightly less prescriptive and not locking us into the 982.</p>	<p>propose that this be discussed in Tamarind’s technical evidence at the hearing.</p>

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	<p>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.</p> <p><b>Advice Note</b> – <i>The drill rig should also have an oil record book and an approved Emergency Spill Response Plan (ESRP) in accordance with Regulation 23 and 24 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects – Discharge and Dumping) Regulations 2015.</i></p>							
8A	<p>The Consent Holder shall, to the greatest extent practicable, ensure that the harmful substances that have feasible potential for discharge into the hazardous deck drains on the drill rigs are restricted to the following:</p> <table border="1"> <thead> <tr> <th>Product</th> <th>Use</th> </tr> </thead> <tbody> <tr> <td>Saraline 185V</td> <td>Synthetic Based Muds (SBM) (Planned)</td> </tr> </tbody> </table>	Product	Use	Saraline 185V	Synthetic Based Muds (SBM) (Planned)	<p>New condition – to identify the harmful substances that have the potential to discharge into the drill rig drainage system and therefore, may be discharged under the consent. These substances are those which are identified in the evidence of Dr Lane (Table 1 - paragraph 4.12) and Mr McCallum (paragraph 3.25 and 3.32).</p> <p>The second part of the condition requires the 'least</p>	<p>The substances listed here were those identified in Tamarind's RFI as the substances with the greatest potential to enter deck drainage <i>in significant quantities</i> because of how they are used. In practice other substances (e.g. paints, hydraulic fluids etc.) may end up in offshore processing drainage in trace amounts if they are spilled in areas that flow to the deck drains. Tamarind considers it is not appropriate to place a condition restricting the specific substances used.</p> <p>As noted in the conditions report for the recent discharge consent application by OMV for deck drainage "... <i>it's not appropriate or necessary, in my view, to impose conditions which reflect this part</i></p>	<p>This proposed amendment is outside my area of expertise so propose that this be discussed in Tamarind's technical evidence at the hearing.</p>
Product	Use							
Saraline 185V	Synthetic Based Muds (SBM) (Planned)							

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	<u>Lime</u>	<u>SBM (Planned)</u>	<p>harmful substance' to be used in the event that those identified in the table are not. This is consistent with Tamarind's proposed approach as outlined in Tamarind's FIR (Part A, Section 2.1).</p> <p>The third part of the condition identifies that the HSNO Classification System is the appropriate one to use.</p>	<p><i>of the IA, given the very minor scale of the activity and negligible 5 potential adverse effects."</i> Likewise, the potential effects from deck drainage applied for by Tamarind has been agreed by all Tamarind's and the EPA's experts to be negligible.</p> <p>Additionally, there may be last minute technical reasons for switching out substances. As an example it is worth noting that further work has determined that Saraline is not a harmful substance, and Aldacide G and Baraklean Dual have now both been removed from the drilling programme.</p> <p>The second part of the condition relating to using the least ecotoxic substance that is technically capable of the role and the use of the HSNO classification scheme does not raise any concerns.</p> <p>TAMARIND SEEKS TO AMEND THIS CONDITION AS FOLLOWS:</p> <p>Delete first paragraph and table.</p> <p>THE CONSENT HOLDER SHALL SELECT AND USE THE LEAST HARMFUL (ECOTOXIC) SUBSTANCE AVAILABLE THAT IS TECHNICALLY CAPABLE OF PERFORMING THE SPECIFIC ROLE FOR WHICH IT IS INTENDED, WHERE THERE IS POTENTIAL FOR THESE</p> <p><u>SUBSTANCES TO ENTER THE DECK DRAINAGE SYSTEM IN SIGNIFICANT QUANTITIES. THE CONSENT HOLDER SHALL PROVIDE RECORDS OF ANY ALTERNATIVE SUBSTANCES USED TO THE EPA UPON REQUEST.</u></p> <p>FOR THE PURPOSE OF THIS MARINE DISCHARGE CONSENT, THE NEW</p>	
	<u>Adacide G</u>	<u>Inhibited Seawater (Planned)</u>			
	<u>Baraklean Dual</u>	<u>Wellbore Cleanup (Contingency)</u>			
	<u>NF-6</u>	<u>Cement (Planned)</u>			
	<u>Cleanbore B</u>	<u>Cement (Contingency)</u>			
	<p><u>In the event that the products above are not used, the Consent Holder will select and use the least harmful (ecotoxic) substance available that is technically capable of performing the specific role for which it is intended. The Consent Holder shall provide records of any alternative substances</u></p>				

DRAFT EEZ100016 Conditions – MARINE DISCHARGE CONSENT				
Condition Number	Tamarind Proffered Condition and Recommended Amendments	Comments	TAMARIND COMMENTS - AL	Response Comments from LF – 30 Oct 2018
	<p><u>used to the EPA upon request.</u></p> <p>For the purpose of this Marine Discharge Consent, the New Zealand Hazardous Substances and New Organisms (HSNO) Act 1996 classification system shall be used for the classification of harmful substances.</p>		<p>ZEALAND HAZARDOUS SUBSTANCES AND NEW ORGANISMS (HSNO) ACT 1996 CLASSIFICATION SYSTEM SHALL BE USED FOR THE CLASSIFICATION OF HARMFUL SUBSTANCES.</p>	
9	<p>a) The <u>C</u>onsent <u>H</u>older shall take all practicable steps to avoid harmful substances entering the hazardous and non-hazardous deck drains. In the event that any harmful substance(s) enters the hazardous and non-hazardous deck drains, the <u>C</u>onsent <u>H</u>older shall ensure that the quantities released are minimised as far as practicably possible.</p> <p>b) The <u>C</u>onsent <u>H</u>older shall maintain an electronic record of the estimated volumes of harmful substances that enter the hazardous and non-hazardous deck drains for each <u>harmful substance spill event</u>. These records shall be maintained while the drilling activities authorised by this consent are being undertaken. These records shall be submitted to the EPA for each three month period (or any part thereof) ending 31 March, 30 June, 30</p>	<p>Addition to b) to clarify what constitutes an event.</p>	<p>Agree the change to specify that an “event” in this case is a harmful substance spill is useful. ACCEPT PROPOSED WORDING</p>	

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Condition Number	Tamarind Proffered Condition and Recommended Amendments	Comments	TAMARIND COMMENTS - AL	Response Comments from LF – 30 Oct 2018
	September, and 31 December each year and shall be submitted within 15 working days of these dates.			
10	<p>a) <del>The consent holder shall prepare an offshore processing drainage management plan for the management of harmful substances that enter the hazardous and non-hazardous deck drains at each drilling rig installation.</del></p> <p>b) <del>The purpose of the offshore processing drainage management plan is to provide for the appropriate management of harmful substances that have the potential to enter the hazardous and non-hazardous deck drains of the drilling rig and to identify the measures to be put in place to ensure that any discharge of offshore processing drainage from the drilling rig does not result in adverse effects beyond the scope described in the application.</del></p> <p>c) <del>This offshore processing drainage management plan shall include:</del></p> <p>i) <del>details of each harmful</del></p>	<p>As it is not Tamarind's intention to discharge any harmful substance (except where there is an accidental spill, etc.) I have recommended that the management plan condition be deleted.</p> <p>I note that the EEZ Discharge Regs (Regulation 24) requires the provision of an ESRP which captures the matters set out in the proffered condition (e.g. the ESRP requires all harmful substances to be stored on board the drill rig have Safety Data Sheets, record of maximum volumes to be stored on the rig, HSNO ecotox classifications, HSNO approval numbers, associated HSNO group standard storage and handling protocols, list of specific activities that could lead to spills, spill response procedures, and escalation procedures in the event of larger spills). If any of the criteria of the ESRP are not met, the EPA will not approve</p>	ACCEPT PROPOSED DELETION	

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	<p>substance that has a reasonable potential to be discharged through the hazardous and non-hazardous deck drains. The detail to be provided is:</p> <ol style="list-style-type: none"> <li>1. a Safety Data Sheet for the harmful substance, including any available ecotoxicological information on the substance</li> <li>2. confirmation of the CHARM or non-CHARM category, as determined by the Offshore Chemical Notification Scheme, for each harmful substance (if applicable the maximum volume of the harmful substance likely</li> </ol>	<p>the plan, and operations cannot commence until it is up to standard and approved.</p>		

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Condition Number	Tamarind Proffered Condition and Recommended Amendments	Comments	TAMARIND COMMENTS - AL	Response Comments from LF – 30 Oct 2018
	<p>to be stored on a drilling rig.</p> <p>ii) <del>methods and measures to minimise and control the discharge of harmful substances from hazardous and non-hazardous deck drains, including as a minimum:</del></p> <ol style="list-style-type: none"> <li>1. <del>the maximum designed rate of discharge from hazardous deck drains;</del></li> <li>2. <del>the specific details of the treatment system prior to discharge from hazardous deck drains including design capacity</del></li> <li>3. <del>operational procedures and controls.</del></li> </ol> <p>The offshore processing drainage management plan</p>			

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Condition Number	Tamarind Proffered Condition and Recommended Amendments	Comments	TAMARIND COMMENTS - AL	Response Comments from LF – 30 Oct 2018
	<p>shall be prepared by a suitably qualified and experienced person(s) and submitted to the EPA at least 2 months prior to the commencement of any discharges for certification that the requirements of this condition have been met. Where the EPA does not have the relevant expertise in-house, it may engage a suitably qualified expert to review the offshore processing drainage management plan for certification.</p> <p>e) If within 20 working days the EPA has not certified the offshore processing drainage management plan it will be deemed to be certified.</p> <p>f) No discharge of harmful substances as offshore processing drainage from hazardous and non-hazardous deck drains shall commence until the offshore processing drainage management plan has been certified by the EPA or is deemed to be certified.</p> <p>g) The consent holder shall</p>			

DRAFT EEZ100016 Conditions – MARINE DISCHARGE CONSENT				
Condition Number	Tamarind Proffered Condition and Recommended Amendments	Comments	TAMARIND COMMENTS - AL	Response Comments from LF – 30 Oct 2018
	provide a copy of the certified offshore processing drainage management plan to Te Kāhui o Taranaki Trust, Ngāti Tara and their successors within 10 working days of it being certified by the EPA.			
10	<u>This Marine Discharge Consent does not authorise the discharge of any drilling fluids to the sea.</u>	New condition included to confirm that no drilling fluids are to be discharges as part of the authorised discharges as confirmed in the evidence of Mr McCallum (paragraph 2.57).	As noted previously, milling fluids could be classified as a “drilling fluid” and the proposal is that these are to be discharged as they contain no ecotoxic substances. Additionally, this condition as worded contradicts the discharge of residues in deck drainage. TAMARIND SEEKS TO AMEND THIS CONDITION AS FOLLOWS: “THIS MARINE DISCHARGE CONSENT DOES NOT AUTHORISE THE DISCHARGE OF ANY SYNTHETIC BASED DRILLING FLUIDS TO THE SEA OTHER THAN RESIDUES IN DECK DRAINAGE”.	Accept the proposed amendments
11	Intentionally Blank	No Condition 11 was provided in Tamarind’s proposed conditions.		
12	<del>Any deck drain system on a drilling rig from which offshore processing drainage may discharge to the sea shall, as a minimum, include the following design requirements:  a) both a hazardous and non-hazardous deck drain;  b) the ability to close the non-</del>	Deleted as Condition 8 provides the minimum technical requirements for the drainage system of the drill rig.	ACCEPT PROPOSED DELETION	

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Condition Number	Tamarind Proffered Condition and Recommended Amendments	Comments	TAMARIND COMMENTS - AL	Response Comments from LF – 30 Oct 2018
	<p>hazardous deck drains in the event of a spill;</p> <p>c) <del>an oil-in-water separator system prior to discharge from the hazardous deck drains; and</del></p> <p>d) <del>a mechanism for analysing oil in water content prior to discharge from the oil in water separator system.</del></p> <p><b>Advice note</b> <del>— Every offshore installation is also required to have an oil record book and meet the relevant Emergency Spill Response Plan (ESRP) as required the Exclusive Economic Zone and Continental Shelf (Environmental Effects – Discharge and Dumping) Regulations 2015.</del></p>			
13	<p>a) <del>Any amendments to the offshore processing drainage management plan specified in Condition xx shall be prepared by a suitably qualified and experienced person and be submitted to the EPA for certification. The amended plan shall only be implemented following certification from the EPA that the amendments meet the requirements of Condition xx.</del></p> <p>b) <del>If within five working days the EPA</del></p>	<p>Condition 13 has been deleted as the management plan condition has been deleted.</p>	ACCEPT PROPOSED DELETION	

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	<p>has not certified the amended plan it will be deemed to be certified.</p> <p>c) <del>Following certification from the EPA, the consent holder shall provide a copy of the amended plan to Te Kāhui o Taranaki Trust and Ngāti Tara and their successors within 10 working days of the amended plan being certified by the EPA.</del></p> <p>d) <del>The amended plan shall only be implemented if the plan is certified by the EPA or is deemed to be certified.</del></p>			
14	<p><del>In the case of emergency situations, where activities need to be undertaken outside of those provided for in the management plan, the consent holder shall advise the EPA, as soon as reasonably practicable but not later than 24 hours after the activities have been undertaken, of the details (including location) of the activity undertaken and / or any other departures from matters provided for in the management plan.</del></p>	<p>This condition has been deleted as it provides the Consent Holder with an exemption to operate outside that standards of the consent. In the event that there is an emergency situation the EEZ Discharge Regs 2015 already provide a mechanism for which the Consent Holder can manage emergency situations (Regulation 24 – ESRP for spills of harmful substances described in regulation 4(a)).</p>	ACCEPT PROPOSED DELETION	
15	<p>The <u>C</u>onsent <u>H</u>older shall ensure that any harmful substances that have a reasonable potential for discharge from hazardous and non-hazardous</p>	<p>Changes to reflect EPA preferred drafting.</p>	<p>FOR THE PURPOSES OF THIS CONDITION A 'SECONDARY CONTAINMENT SYSTEM' MEANS A SYSTEM OR SYSTEMS:</p>	<p>Accept the amendment on the basis that b) is also retained.</p>

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Condition Number	Tamarind Proffered Condition and Recommended Amendments	Comments	TAMARIND COMMENTS - AL	Response Comments from LF – 30 Oct 2018
	<p>deck drains onboard the drilling-rig are stored within a secondary containment system. For the purposes of this condition a ‘secondary containment system’ means a system or systems:</p> <p>a) <u>in which pooling substances held in the workplace will be contained if they escape from the container or containers in which they are being held; and</u></p> <p>b) <u>from which they can, subject to unavoidable wastage, be recovered.</u></p>		<p><del>a) IN WHICH POOLING SUBSTANCES HELD IN THE WORKPLACE WILL BE CONTAINED IF THEY ESCAPE FROM THE CONTAINER OR CONTAINERS IN WHICH THEY ARE BEING HELD; AND</del></p> <p><del>b) FROM WHICH THEY CAN, SUBJECT TO UNAVOIDABLE WASTAGE, BE RECOVERED.</del></p> <p>ANY SYSTEM, DEVICE OR CONTROL MEASURE THAT IS USED TO STOP A DISCHARGE FROM LEAVING A SPECIFIED AREA.</p>	
15A	<p>a) <u>In the event of a spill of any harmful substances described in Condition 8A and / or regulation 4(a) of the Discharge and Dumping Regulations into the sea, the Consent Holder shall liaise with the EPA to determine whether monitoring is necessary and is likely to detect any environmental effects and, if so, agree on appropriate monitoring (if any) and timeframes and whether any other relevant authorities should be notified. Other relevant authorities may include Maritime New Zealand,</u></p>	<p>New condition added to provide for a mechanism to enable effects to be considered in greater detail in the event that there is a discharge of harmful substances. The wording is consistent with that which the EPA has used in previous marine discharge consents.</p>	<p>Tamarind is comfortable with the proposed wording of the condition, but notes that the comments refer to a “discharge of harmful substances”, whereas the intention of this condition appears to relate only to an unplanned spill.</p> <p>It is also noted that this condition is worded differently to the proposed Condition 21 in the Marine Consent. Tamarind prefers the wording of the condition as proposed here, as discussed above with respect to Condition 21 in the Marine Consent. Alternately agreed wording on the requirements for post spill monitoring</p>	<p>Accept Tamarind’s position and proposed new condition as follows:  IN THE EVENT OF A SPILL OF ANY HARMFUL SUBSTANCES DESCRIBED IN CONDITION 8A AND / OR REGULATION 4(A) OF THE DISCHARGE AND DUMPING REGULATIONS INTO THE SEA, THE CONSENT HOLDER SHALL:  a) NOTIFY THE EPA, TE KĀHUI O TARANAKI TRUS T, TE KOROWAI O NGĀRUAHINE AND NGĀTI TARA (AND THEIR SUCCESSORS IF ANY) IN</p>

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Condition Number	Tamarind Proffered Condition and Recommended Amendments	Comments	TAMARIND COMMENTS - AL	Response Comments from LF – 30 Oct 2018
	<p><u>regional councils, iwi entities, the Ministry for Primary Industries, and/or the Department of Conservation.</u></p> <p>b) <u>The results of the monitoring shall be provided to the EPA on request and a written summary report shall be provided to the EPA within three months of the Consent Holder receiving the results of testing from the laboratory.</u></p>		and consultation on that should be consistent across both consents.	<p>WRITING WITHIN 24 HOURS OF ANY SUCH SPILL;            B) SEEK ADVICE FROM THE RELEVANT REGIONAL COUNCILS, THE DEPARTMENT OF CONSERVATION, MARITIME NEW ZEALAND AND THE EPA ABOUT WHETHER MONITORING IS LIKELY TO DETECT ANY ENVIRONMENTAL EFFECTS;            C) SEEK ADVICE FROM RELEVANT REGIONAL COUNCILS, THE AGENCIES IDENTIFIED IN CONDITION 10(b), TE KĀHUI O TARANAKI TRUST, TE KOROWAI O NGĀRUAHINE AND NGĀTI TARA (AND THEIR SUCCESSORS IF ANY) ON THE DESIGN AND IMPLEMENTATION OF A SPILL IMPACT MONITORING PROGRAMME AS SOON AS PRACTICABLE; AND            d) PROVIDE THE EPA WITH THE RESULTS OF THE MONITORING UNDERTAKEN IN RESPONSE TO CONDITION 15A(a).</p>
15A	<p><u>The Consent Holder shall notify the EPA immediately upon becoming aware of any adverse effects on the environment or existing interests that arise that:</u></p> <p>a) <u>were not anticipated when</u></p>	New condition which has been used on other consents issued by the EPA used to control any unforeseen effects of the activities authorised by the Marine Discharge Consent.	Note repetition of numbers. Otherwise no concerns with the proposed condition. ACCEPT PROPOSED WORDING	

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Condition Number	Tamarind Proffered Condition and Recommended Amendments	Comments	TAMARIND COMMENTS - AL	Response Comments from LF – 30 Oct 2018
	<p><u>these consents were granted;</u> <u>or</u></p> <p>b) <u>are of a scale or intensity that were not anticipated when these consents were granted.</u></p> <p><b>Advice Note:</b> <u>In the event that such adverse effects occur the EPA may, pursuant to section 76(1)(c) of the EEZ Act, serve notice on the Consent Holder of its intention to review the duration or conditions of these consents</u></p>			
16	<p>Pursuant to sections 76 and 77 of the EEZ Act, the EPA may serve notice on the <u>Consent Holder</u> of its intention to review the <u>duration or conditions</u> of this <u>Marine Discharge Consent</u> at <u>five-yearly intervals</u> from the grant of this consent for the following purposes at any of the following times:</p> <p>a) <u>during the month(s) of January, April, July, and/or October each year; and/or</u></p> <p>b) <u>within 20 working days of the receipt of any notification of a spill of harmful substances into the sea under Condition 8A.</u></p> <p><u>The review of conditions may be</u></p>	<p>Amendment to the timeframe for review of the consent to better reflect the 5 year term applied for.</p> <p>The recommended wording now allows the EPA to review the conditions and duration of the Marine Discharge Consent quarterly or within 20 working days of notification of any spill.</p>	ACCEPT PROPOSED WORDING.	

<b>DRAFT EEZ100016 Conditions – MARINE DISCHARGE CONSENT</b>				
<b>Condition Number</b>	<b>Tamarind Proffered Condition and Recommended Amendments</b>	<b>Comments</b>	<b>TAMARIND COMMENTS - AL</b>	<b>Response Comments from LF – 30 Oct 2018</b>
	<p><u>for any of the following purposes:</u></p> <p>a) to deal with any adverse effects on the environment that may arise from the exercise of the consent and which it is appropriate to deal with after the consent has been granted;</p> <p>b) to impose discharge quality and/or receiving water quality monitoring requirements if the quantities or frequencies of discharges of harmful substances are shown to be greater than anticipated; or</p> <p>c) to deal with any practical issues arising from the implementation of the conditions of consent.</p>			

ATTACHEMENT 2: PROPOSED MARINE  
CONSENT AND MARINE DISCHARGE  
CONSENT CONDITIONS TABLE – CLEAN  
VERSION

## DRAFT EEZ100016 Conditions – MARINE CONSENT

CONDITION NUMBER	AGREED CONDITION WORDING
1	<p>Subject to compliance with these consent conditions, the activities authorised by this Marine Consent shall be undertaken in general accordance with:</p> <ul style="list-style-type: none"> <li>a) The application document entitled “Tui Field Drilling Activities – Impact Assessment to Support Notified Marine Consent and Marine Discharge Consent Applications”(dated March 2018) prepared by ERM New Zealand Limited and supporting documents submitted as part of the application lodged on 8 March 2018;and</li> <li>b) The response to further information document entitled “Tamarind, Tui Development Drilling Applications (EEZ100016), Response to the Board’s Request for Further Information under section 54 EEZ Act and Other Further information – Notified Marine Consent and Marine Discharge Consent Applications” (dated July 2018) prepared by ERM New Zealand Limited.</li> </ul> <p>All activities shall also be undertaken in accordance with the latest monitoring plan(s) required by these conditions. Where information contained in the application documents is contrary to the conditions of this Marine Consent the conditions shall prevail.</p>
2	This Marine Consent shall expire on [insert date 5 years after date of commencement].
3	The Consent Holder shall ensure that a copy of this Marine Consent, and any variations to it, are available for inspection at the Consent Holder’s head office in New Zealand, and on any drill rig undertaking activities authorised by this Marine Consent.
4	<p>In undertaking any of the activities authorised by this Marine Consent, the Consent Holder shall comply with these conditions and ensure all personnel, including any contractors, involved in undertaking any of the authorised activities fully understand these conditions and their obligations to comply with them.</p> <p>The Consent Holder shall keep a record to show that the personnel, including contractors, have been informed of their obligations under this consent. The Consent Holder shall provide a copy of this record to the EPA upon request.</p>
5	The Consent Holder shall, at least 20 working days prior to first commencing the activities authorised by this Marine Consent, or any other timeframe agreed to by the EPA, provide to the EPA, in writing, the name and contact details of the person who has delegated responsibility for compliance management, collating information, and reporting in accordance with the requirements of this consent. In the event that the responsible person changes, the Consent Holder shall advise the EPA, in writing, of the name and contact details of the new person within five (5) working days of the change.
6	<ul style="list-style-type: none"> <li>a) At least annually during the term of this consent the Consent Holder shall extend an invitation to Te Kāhui O Taranaki, Te Korowai O Ngāruahine Trust and Ngāti Tara and their successors (if any), to meet to discuss the activities authorised by this Marine Consent, including the installation, operation, and removal of any drilling rig.</li> <li>b) The Consent Holder shall extend an invitation to meet Te Kāhui O Taranaki Trust, Te Korowai O Ngāruahine and Ngāti Tara and their successors no less than three months prior to the commencement of the pre - installation / installation of a drill rig authorised by this Marine Consent.</li> </ul>

	<p>c) Where any meeting in accordance with Condition 6 a) takes place, the Consent Holder shall meet all fair and reasonable costs associated with parties fulfilling their roles in the meeting(s).</p> <p>d) The Consent Holder shall also take minutes of each meeting and distribute these minutes to the meeting attendees within 10 working days of the meeting. These minutes shall be provided to the EPA upon request.</p>			
Condition Number	Tamarind Proffered Condition and LF Recommended Amendments	EPA Comments - LF	Tamarind Comments - AL	Response Comments from LF – 30 Oct 2018
7 - New Condition Number (referenced as Condition 9 in Attachment 1)	<p>a) The <u>C</u>onsent <u>H</u>older shall, prior to the commencement of the <u>f</u>irst drilling rig installation works, consult with Te Kāhui o Taranaki Trust, <u>T</u>e <u>K</u>orowai o <u>N</u>garuahine and Ngāti Tara and their successors to develop a monitoring programme for the installation, operation and removal of the drilling rig, which incorporates Te Ao Māori where possible and provides opportunities for iwi and/or hapū representatives to assist in the implementation of that programme.</p> <p>b) The <u>C</u>onsent <u>H</u>older shall provide a report to the EPA of the steps undertaken to comply with condition 10 a) by 30 June on the year following the consultation.</p> <p><i>Advice note – The monitoring programme required by this Condition, and Condition xxx of the marine discharge consent xxxxxx, can be fulfilled through the provision of a single monitoring programme</i></p>	<p>The Advice Note has been deleted as I have recommended the monitoring programme condition (condition 8) of the Marine Discharge Consent be deleted as it simply duplicates the requirements of this condition.</p> <p>As the requirement for what the monitoring programme is to provide for is quite broad, additional requirements of the monitoring programmes that the BOI may wish to explore with iwi / hapū are:</p> <ol style="list-style-type: none"> <li>1. Identification of the key matters that the monitoring programme is to address, primarily matters related to taha wairua;</li> <li>2. Identification of the roles of the tangata whenua parties in the monitoring programme;</li> <li>3. The methodology, locations and frequency of the monitoring; and</li> <li>4. Reporting requirements to both the iwi and the EPA.</li> </ol> <p>I recommend that the BOI explore this further with TKT at the hearing.</p>	<p>Te Korowai o Ngaruahine did not request that Tamarind consult with them on the development of a monitoring programme and this is not something that has been agreed to as between Te Korowai and Tamarind. It is not therefore considered appropriate that this be imposed as a consent condition.</p> <p>The previous wording of the condition is therefore considered appropriate.</p> <p>No issue with the deletion of the Advice Note.</p> <p>TAMARIND PROPOSES THAT REFERENCE TO TE KOROWAI O NGARUAHINE IS REMOVED FROM THIS CONDITION.</p>	<p>Accept the retention of the original wording on the basis that Tamarind can satisfy the Board that this is appropriate.</p>

CONDITION NUMBER	AGREED CONDITION WORDING
8	<p>Prior to the commencement of the activities authorised by this Marine Consent, the consent holder shall confirm in writing to TeKāhui O Taranaki Trust and Te Korowai O Ngāruahine Trust its willingness to attend cultural awareness training and extend an offer to put in place such arrangements as are necessary so that relevant members of its senior management team and its drilling management contractors that are responsible for overseeing and/or managing the activities authorised by this consent are able to undertake the training.“</p> <p>Advice note – the relevant senior members from Tamarind’s Management Team and the contractors that are to attend cultural awareness training are to be selected by Tamarind as it deems appropriate and in consultation with Te Kāhui o Taranaki Trust and Te Korowai O Ngāruahine Trust.</p>
9	<p>a) The Consent Holder shall notify the EPA of:</p> <ul style="list-style-type: none"> <li>i. the intended date of the commencement of the drilling rig installation works;</li> <li>ii. the date that the drilling rig is anchored its final location each time it is installed, including latitude and longitude of the location of the drilling rig;</li> <li>iii. the date when the drilling rig is released from the Consent Holder’s last well and is at a distance of one (1) nautical mile from the last well (the “completion date”).</li> </ul> <p>b) Notification in accordance with Condition 9(a)(i) shall be provided at least 24 hours prior to the intended date.</p> <p>c) Notification in accordance with Condition 9(a)(ii) and (iii) shall be provided within five working days of completion of the specified activity.</p> <p><b>Advice Note 1:</b> <i>Following the completion of anchoring of the drill rig in its final location as outlined in 9(a)(ii) above, the consent holder will notify the Chief Executive of the Ministry of Business, Innovation and Employment of the final latitude and longitude of the drill rig and request the establishment of a non-interference zone to be published in a ‘Notice To Mariners’.</i></p> <p><b>Advice Note 2:</b> <i>Where the EPA undertakes drill rig inspections, the Consent Holder will facilitate communication between EPA inspector and crew and, where necessary, will provide an interpreter to assist this process</i></p>
10	<p>This Marine Consent authorises a maximum of four (4) drill rig placements. For the purpose of this Marine Consent, each drill rig placement shall consist of no more than:</p> <ul style="list-style-type: none"> <li>a) Eight (8) drill rig anchors;</li> <li>b) Four (4) blow out preventer anchors,</li> </ul> <p>on the seabed at any one time.</p>
11	<ul style="list-style-type: none"> <li>a) Where cement is used for any works authorised by this marine consent, the consent holder shall ensure that, to the greatest extent practicable, faulty or unused dry cement product (i.e. cement that has not been mixed with fluid), shall be disposed of at an authorised land based facility.</li> <li>b) In the event that cement is encountered within an existing well, and drilled during the construction of new wells, the Consent Holder shall, to the greatest extent practicable, capture this cement, separate it from the drilling fluids and dispose of it to an authorised land based facility.</li> <li>c) The Consent Holder shall keep records of the volume, nature, location and dates of all cement product disposed of to land and deposited on the seabed. These records shall be made available to the EPA upon request.</li> </ul>

Condition Number	Tamarind Proffered Condition and LF Recommended Amendments	EPA Comments - LF	Tamarind Comments - AL	Response Comments from LF – 30 Oct 2018
12. - New Condition Number (referenced as Condition 11C in Attachment 1)	<p><u>The Consent Holder shall ensure that only synthetic based drilling fluids are used in the drilling activities authorised by this Marine Consent.</u></p> <p><u>All cuttings from the drilling process shall be returned to the surface and disposed of to an authorised land based facility.</u></p> <p><u>The Consent Holder shall keep records of the volume, location and dates of all drilling cuttings disposed of to land. These records shall be made available to the EPA upon request.</u></p>	New condition to address Tamarind's used of SBM fluids in the drilling process and the disposal of drilling cuttings to land as outlined in the evidence of Mr McCallum (paragraphs 2.51 – 2.59).	<p>The proposal is to use synthetic based fluids only for drilling the wells, but the milling fluids are water-based and may be considered to be “drilling fluids” in a technical sense.</p> <p>From an environmental perspective it doesn't make sense to exclude use of water based fluids as these typically have lower toxicity than synthetic based fluids. Additionally, as drill cuttings are to be disposed of to land there is no need to disallow other mud types in the marine consent.</p> <p>With respect to the second paragraph, Tamarind notes that in some cases small volumes of rock cuttings may remain in the well bore and would not be returned to the surface. The key point for reducing environmental risk is the requirement within the conditions to return cuttings to the surface and dispose on land. This is as per our planned activities.</p>	<p>Disagree with the removal of the SBM paragraph but this is based on my lack of technical knowledge with regard to the differences between SBM and Water Based Fluids.</p> <p>Propose that the condition be expanded to include Water Based Fluids where it is demonstrated that they are appropriate to use in the process. This matter should be further addressed by Tamarind at the Hearing.</p> <p>Acknowledge that the intention of the condition is primarily captured in the second and third paragraphs which ensure there are no discharges from the drilling activities removing the potential for effects</p>
<b>CONDITION NUMBER</b>	<b>AGREED CONDITION WORDING</b>			
13	Following the cessation of the drilling works authorised by this Marine Consent, the Consent Holder shall provide the EPA with written documentation confirming that the structures that were placed on the seabed in order to undertake the drilling works authorised by this Marine Consent have been removed. For the avoidance of doubt, this condition does not apply to any structures associated with production infrastructure.“			
14	<p>a) The Consent Holder shall maintain a log of all marine mammal (except for fur seals) sightings from any drill rig and support vessels associated with the drilling operations within the Tui Field authorised by this Marine Consent, including the following information where available:</p> <p>i. the date and location of all marine mammal sightings from the consented operations.</p> <p>ii. the species of marine mammal(s) (where known) and the number of individuals (including the presence of juveniles) associated with each sighting.</p> <p>iii. the behaviour of marine mammal(s) sighted including their direction of travel.</p>			

	<p>iv. any marine mammal injuries or mortalities observed.</p> <p>v. the approximate size in metres of each marine mammal.</p> <p>vi. any physical interaction (including but not limited to vessel strike or entanglement) between any marine mammals and any equipment, vessels, or other inanimate objects.</p> <p>vii. where practicably possible, photos of observed marine mammals will be taken and these photos shall be submitted to the Department of Conservation and the EPA along with the data from marine mammal sighting.</p> <p>b) A digital copy of the log referred to in clause a) of this condition shall be available on request and provided to the Department of Conservation and the EPA by 1 December every year or on an alternative date as otherwise agreed by the Department of Conservation and the EPA.</p>
15	The Consent Holder shall make available to the offshore personnel undertaking the drilling activities authorised by this Marine Consent, a New Zealand marine mammal species identification guide to assist in the accurate identification of species. A copy of the guide shall be made available on each vessel used as part of activities authorised by this Marine Consent.
16	All personnel undertaking airborne, seagoing and watch-keeping duties are informed of their obligations under the Marine Mammals Protection Act 1978 and Marine Mammals Protection Regulations 1992 or any subsequent Regulations.
17	The Consent Holder shall ensure that all nocturnal (night-time) lighting utilised on the drill rig and associated support vessels is minimised to the greatest practicable extent while still meeting operational and safety requirements and any nocturnal lighting shall be directed or shielded so that light spill outwards and upwards from the drill rig, and support vessels, is minimised to the greatest extent practicable while still meeting operational and safety requirements.
18	<p>a) The Consent Holder shall maintain a log of any seabird collisions with any drill rig or any support vessels undertaking the drilling activities authorised by this Marine Consent within the Tui Field including the following information where available:</p> <ul style="list-style-type: none"> <li>i. date and time of collision</li> <li>ii. weather condition</li> <li>iii. species (where known)</li> <li>iv. condition of the bird (dead, released alive and unharmed, or injured)</li> <li>v. photographs (where practicable).</li> </ul> <p>b) A digital copy of the log referred to in clause a) of this condition shall be provided to the Department of Conservation and the EPA by 1 December every year or on an alternative date as otherwise agreed by the Department of Conservation and the EPA.</p> <p><b>Advice Note</b> – <i>Records of any seabird collisions may be included as part of a log of seabird collisions recorded as part of another marine consent held by the Consent Holder.</i></p>
19	The Consent Holder shall make available to the offshore personnel undertaking the drilling activities authorised by this Marine Consent, a New Zealand seabird species identification guide to assist in the accurate identification of species.
20	While undertaking the drilling activities authorised by this Marine Consent, the Consent Holder shall maintain a log, to be kept on the relevant drilling rig and

	<p>provided on inspection or request by the EPA, of the following.</p> <ul style="list-style-type: none"> <li>a) The name and location of the wells drilled;</li> <li>b) the total volume of cement used per well drilled, estimated by dry weight and the volume of faulty or unused cement disposed of to land and / or to the sea; and</li> <li>c) The total volume of milling swarf and drill cuttings taken onshore for disposal.</li> </ul>
21	<p>The Consent Holder shall notify the EPA of the conclusion of its drilling campaign within five (5) Working Days of the campaign's completion date. Within three months after the completion date, the Consent Holder shall provide a report to the EPA that summarises the information collected in the log required in accordance with Condition 19 of this Marine Consent.</p> <p><b>Advice Note</b> – <i>A drilling campaign includes all drilling activities authorised by this marine consent and associated activities, commencing when the drill rig arrives and is installed within Permit Area PMP31858 and concluding on the completion date.</i></p>
22	<p>Pursuant to sections 76 and 77 of the EEZ Act, the EPA may serve notice on the Consent Holder of its intention to review the conditions of this marine consent during the month(s) of January, April, July, and/or October each year for the duration of this consent for the following purposes:</p> <ul style="list-style-type: none"> <li>a) to deal with any adverse effects on the environment that may arise from the exercise of the consent and with which it is appropriate to deal with after the consent has been granted</li> <li>b) to deal with any practical issues arising from the implementation of the conditions of consent.</li> </ul>
23	<p>In the event of an unplanned spill that triggers a Tier 2 or 3 spill response as defined in the New Zealand Oil Spill Response Strategy 2015 – 2019 or subsequent editions, the consent holder shall:</p> <ul style="list-style-type: none"> <li>a) notify the EPA, Te Kāhui O Taranaki Trust, Te Korowai O Ngāruahine and Ngāti Tara (and their successors if any) in writing within 24 hours of any Tier 2 or 3 spill;</li> <li>b) seek advice from the relevant Regional Councils, the Department of Conservation, Maritime New Zealand and the EPA about whether monitoring is likely to detect any environmental effects;</li> <li>c) seek advice of relevant Regional Councils, the agencies identified in condition 22(b), Te Kāhui O Taranaki Trust, Te Korowai O Ngāruahine and Ngāti Tara (and their successors if any) on the design and implementation of a spill impact monitoring programme as soon as practicable; and</li> <li>d) provide the EPA with the results of the monitoring undertaken in response to Condition 22(a).</li> </ul>

**DRAFT EEZ100016 Conditions – MARINE DISCHARGE CONSENT**

Condition Number	Agreed Conditions
1	<p>Subject to compliance with these consent conditions, the activities authorised by this Marine Discharge Consent shall be undertaken in general accordance with:</p> <ul style="list-style-type: none"> <li>a) The application document entitled “Tui Field Drilling Activities – Impact Assessment to Support Notified Marine Consent and Marine Discharge Consent Applications”(dated March 2018) prepared by ERM New Zealand Limited and supporting documents submitted as part of the application lodged on 8 March 2018;and</li> <li>b) The response to further information document entitled “Tamarind, Tui Development Drilling Applications (EEZ100016), Response to the Board’s Request for Further Information under section 54 EEZ Act and Other Further information – Notified Marine Consent and Marine Discharge Consent Applications”(dated July 2018) prepared by ERM New Zealand Limited.</li> </ul>
2	<p>This Marine Discharge Consent shall expire on [insert date 5 years after date of commencement].</p>
3	<p>The Consent Holder shall ensure that a copy of this Marine Discharge Consent, and any variations to it, are available for inspection at the Consent Holder’s head office in New Zealand, and on any drill rig undertaking activities authorised by this Marine Discharge Consent.</p>
4	<p>In undertaking any of the activities authorised by this Marine Discharge Consent, the Consent Holder shall comply with these conditions and ensure all personnel, including any contractors, involved in undertaking any of the authorised activities fully understand these conditions and their obligations to comply with them.</p> <p>The Consent Holder shall keep a record to show that the personnel, including contractors, have been informed of their obligations under this consent. The Consent Holder shall provide a copy of this record to the EPA upon request.</p>
5	<p>The Consent Holder shall, at least 20 working days prior to first commencing the activities authorised by this Marine Discharge Consent, or any other timeframe agreed to by the EPA, provide to the EPA, in writing, the name and contact details of the person who has delegated responsibility for compliance management, collating information, and reporting in accordance with the requirements of this consent. In the event that the responsible person changes, the Consent Holder shall advise the EPA, in writing, of the name and contact details of the new person within five (5) working days of the change.</p>
6	<ul style="list-style-type: none"> <li>a) At least annually the Consent Holder shall extend an invitation to Te Kāhui O Taranaki, Te Korowai O Ngāruahine Trust and Ngāti Tara (and their successors if any), to meet to discuss the discharge of any harmful substances from offshore processing drainage as authorised by this Marine Discharge Consent. This shall include information on the deck drains and selection process of chemical substances to be used.</li> <li>b) The Consent Holder shall extend the invitation in accordance with Condition 6 a) to meet to Te Kāhui O Taranaki Trust, Te Korowai O Ngāruahine Trust and Ngāti Tara (and their successors if any), no less than three months prior to the commencement of any activities that have the potential to discharge of harmful substances into offshore processing drainage as authorised by this Marine Discharge Consent.</li> </ul> <p>Where any meeting in accordance with Condition 6 a) takes place, the Consent Holder shall take minutes of each meeting and distribute these minutes to the meeting attendees within 10 working days of the meeting. These minutes should be provided to the EPA upon request.</p>

Condition Number	Tamarind Proffered Condition and LF Recommended Amendments	EPA Comments - LF	Tamarind Comments - AL	Response Comments from LF – 30 Oct 2018
7 - New Condition Number (referenced as Condition 8 in Attachment 1)	<p>a) <u>The Consent Holder shall ensure that the discharges authorised by this Marine Discharge Consent shall only occur from a drill rig with a drainage system that as a minimum:</u></p> <p>i. <u>Consists of separate hazardous deck drain, non-hazardous deck drain, and enclosed drain systems (enclosed drain system refers to a closed loop drilling fluids system which is designed to contain all the drilling fluid and cuttings);</u></p> <p>ii. <u>Fully contains deck drainage runoff that is directed to settlement tank(s) that shall have a minimum combined capacity of at least 5m<sup>3</sup>;</u></p> <p>iii. <u>Directs hazardous deck drainage runoff through a solids removal system;</u></p> <p>iv. <u>Directs hazardous and non-hazardous deck drainage runoff through an oil-in-water separator system;</u></p> <p>v. <u>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.</u></p> <p><b><i>Advice Note – The drill rig should also have an oil record book and an approved Emergency Spill Response Plan (ESRP) in accordance with Regulation 23 and 24 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects – Discharge and Dumping) Regulations 2015</i></b></p>	<p>New condition 8 a) to ensure that any drill rig used provides for a drainage system that has been described in the evidence of Mr McCallum (paragraph 2.15, Section 3 and Appendix 2) and in turn used to determine the extent and severity of effects of the discharges on the environment.</p> <p>Advice note added to record the requirements of the Consent Holder to provide a record book and ESRP under the EEZ Discharge Regs</p>	<p>Any spill of hydrocarbons on the deck that enters the deck drains would constitute an unplanned spill event and would be reported as such in accordance with the Oil Spill Contingency Plan. Although the anticipated rig does have oil-in-water monitors on all deck drains, this is unusual with most rigs having only this capacity on hazardous drains. Additionally, management of oil in deck drain water is not regulated under MARPOL (the 15ppm limit applies to water for machinery spaces only). “Constant” monitoring of deck drainage is also not a standard practice as the discharge is not continuous from hazardous deck drains. Normally there would just be a mechanism to assess the oil-in-water content or holding tanks prior to the at-sea discharge from these.</p> <p>Tamarind therefore seeks to remove condition v. from the proposed condition.</p>	<p><b>This proposed amendment is outside my area of expertise so propose that this be discussed in Tamarind's technical evidence at the hearing.</b></p>

			Confirm whether there is “constant monitoring” of oil-in-water from both hazardous and non-hazardous deck drains.																									
8 - New Condition Number (referenced as Condition 8A in Attachment 1)	<p>The Consent Holder shall, to the greatest extent practicable, ensure that the harmful substances that have feasible potential for discharge into the hazardous deck drains on the drill rigs are restricted to the following:</p> <table border="1"> <thead> <tr> <th><u>Product</u></th> <th><u>Use</u></th> <th><u>Constituents / Core Content</u></th> <th><u>HSNO Aquatic Toxicity Classifications</u></th> </tr> </thead> <tbody> <tr> <td><u>Saraline 185V</u></td> <td><u>Synthetic Based Muds (SBM) (Planned)</u></td> <td><u>Distillates, C8-C26, Branched and Linear (99-100%)</u></td> <td><u>9.1B</u></td> </tr> <tr> <td><u>Lime</u></td> <td><u>SBM (Planned)</u></td> <td><u>Calcium hydroxide (100%)</u></td> <td><u>9.1D</u></td> </tr> <tr> <td><u>Adacide G</u></td> <td><u>Inhibited Seawater (Planned)</u></td> <td><u>Glutaraldehyde (10-30%) Methanol (0.1-1%)</u></td> <td><u>9.1A (algal, crustacean) 9.1D (fish) Not a harmful substance</u></td> </tr> <tr> <td><u>Baraklean Dual</u></td> <td><u>Wellbore Cleanup (Contingency)</u></td> <td><u>Ethylene glycol monobutyl ether (30- 60%) Alcohols, C9-11, ethoxylated (10-30%)</u></td> <td><u>Not a harmful substance 9.1D</u></td> </tr> <tr> <td><u>NF-6</u></td> <td><u>Cement (Planned)</u></td> <td><u>Vegetable oil (60-100%) Aluminum</u></td> <td><u>Not a harmful substance 9.1D</u></td> </tr> </tbody> </table>	<u>Product</u>	<u>Use</u>	<u>Constituents / Core Content</u>	<u>HSNO Aquatic Toxicity Classifications</u>	<u>Saraline 185V</u>	<u>Synthetic Based Muds (SBM) (Planned)</u>	<u>Distillates, C8-C26, Branched and Linear (99-100%)</u>	<u>9.1B</u>	<u>Lime</u>	<u>SBM (Planned)</u>	<u>Calcium hydroxide (100%)</u>	<u>9.1D</u>	<u>Adacide G</u>	<u>Inhibited Seawater (Planned)</u>	<u>Glutaraldehyde (10-30%) Methanol (0.1-1%)</u>	<u>9.1A (algal, crustacean) 9.1D (fish) Not a harmful substance</u>	<u>Baraklean Dual</u>	<u>Wellbore Cleanup (Contingency)</u>	<u>Ethylene glycol monobutyl ether (30- 60%) Alcohols, C9-11, ethoxylated (10-30%)</u>	<u>Not a harmful substance 9.1D</u>	<u>NF-6</u>	<u>Cement (Planned)</u>	<u>Vegetable oil (60-100%) Aluminum</u>	<u>Not a harmful substance 9.1D</u>	<p>New condition – to identify the harmful substances that have the potential to discharge into the drill rig drainage system and therefore, may be discharged under the consent. These substances are those which are identified in the evidence of Dr Lane (Table 1 - paragraph 4.12) and Mr McCallum (paragraph 3.25 and 3.32).</p> <p>The second part of the condition requires the ‘least harmful substance’ to be used in the event that those identified in the table are not. This is consistent with Tamarind’s proposed approach as outlined in Tamarind’s FIR (Part</p>	<p>The substances listed here were those identified in Tamarind’s RFI as the substances with the greatest potential to enter deck drainage <i>in significant quantities</i> because of how they are used. In practice other substances (e.g. paints, hydraulic fluids etc.) may end up in offshore processing drainage in trace amounts if they are spilled in areas that flow to the deck drains. Tamarind considers it is not appropriate to place a condition restricting the specific substances used.</p> <p>As noted in the conditions report for the recent discharge consent application by OMV for deck drainage “... <i>it's not appropriate or necessary, in my view, to impose conditions which reflect this part of the IA, given the very minor scale of the activity and negligible 5 potential adverse effects.</i>” Likewise, the potential effects from deck</p>	<p>This proposed amendment is outside my area of expertise so propose that this be discussed in Tamarind’s technical evidence at the hearing</p>
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			<p>WHERE THERE IS POTENTIAL FOR THESE SUBSTANCES TO ENTER THE DECK DRAINAGE SYSTEM IN SIGNIFICANT QUANTITIES. THE CONSENT HOLDER SHALL PROVIDE RECORDS OF ANY ALTERNATIVE SUBSTANCES USED TO THE EPA UPON REQUEST. FOR THE PURPOSE OF THIS MARINE DISCHARGE CONSENT, THE NEW ZEALAND HAZARDOUS SUBSTANCES AND NEW ORGANISMS (HSNO) ACT 1996 CLASSIFICATION SYSTEM SHALL BE USED FOR THE CLASSIFICATION OF HARMFUL SUBSTANCES.</p>	
<b>Condition Number</b>	<b>Agreed Conditions</b>			
9	<p>a) The Consent Holder shall take all practicable steps to avoid harmful substances entering the hazardous and non-hazardous deck drains. In the event that any harmful substance(s) enters the hazardous and non-hazardous deck drains, the Consent Holder shall ensure that the quantities released are minimised as far as practicably possible.</p> <p>b) The Consent Holder shall maintain an electronic record of the estimated volumes of harmful substances that enter the hazardous and non-hazardous deck drains for each harmful substance spill event. These records shall be maintained while the drilling activities authorised by this consent are being undertaken.</p> <p>These records shall be submitted to the EPA for each three month period (or any part thereof) ending 31 March, 30 June, 30 September, and 31 December each year and shall be submitted within 15 working days of these dates.</p>			
10	This Marine Discharge Consent does not authorise the discharge of any synthetic based drilling fluids to the sea other than residues in deck drainage.			

11	<p>The Consent Holder shall ensure that any harmful substances that have a reasonable potential for discharge from hazardous and non-hazardous deck drains onboard the drill rig are stored within a secondary containment system. For the purposes of this condition a 'secondary containment system' means:</p> <ul style="list-style-type: none"> <li>a) Any system, device or control measure that is used to stop a discharge from leaving a specified area; and</li> <li>b) A system or systems from which a discharge can, subject to unavoidable wastage, be recovered.</li> </ul>
12	<p>In the event of a spill of any harmful substances described in Condition 8 and / or Regulation 4(a) of the Discharge and Dumping Regulations into the sea, the Consent Holder shall:</p> <ul style="list-style-type: none"> <li>a) notify the EPA, Te Kāhui O Taranaki Trust, Te Korowai O Ngāruahine and Ngāti Tara (and their successors if any) in writing within 24 hours of any such spill;</li> <li>b) seek advice from the relevant Regional Councils, the Department of Conservation, Maritime New Zealand and the EPA about whether monitoring is likely to detect any environmental effects;</li> <li>c) seek advice of relevant Regional Councils, the agencies identified in condition 12(b), Te Kāhui O Taranaki Trust, Te Korowai O Ngāruahine and Ngāti Tara (and their successors if any) on the design and implementation of a spill impact monitoring programme as soon as practicable; and</li> <li>d) provide the EPA with the results of the monitoring undertaken in response to Condition 12(a).</li> </ul>
13	<p>The Consent Holder shall notify the EPA immediately upon becoming aware of any adverse effects on the environment or existing interests that arise that:</p> <ul style="list-style-type: none"> <li>a) were not anticipated when these consents were granted; or</li> <li>b) are of a scale or intensity that were not anticipated when these consents were granted.</li> </ul> <p><b>Advice Note:</b> <i>In the event that such adverse effects occur the EPA may, pursuant to section 76(1)(c) of the EEZ Act, serve notice on the Consent Holder of its intention to review the duration or conditions of these consents.</i></p>
14	<p>Pursuant to sections 76 and 77 of the EEZ Act, the EPA may serve notice on the Consent Holder of its intention to review the conditions of this marine consent during the month(s) of January, April, July, and/or October each year for the duration of this consent for the following purposes:</p> <ul style="list-style-type: none"> <li>a) to deal with any adverse effects on the environment that may arise from the exercise of the consent and with which it is appropriate to deal with after the consent has been granted</li> <li>b) to deal with any practical issues arising from the implementation of the conditions of consent.</li> </ul>