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## Official Information Act Request

Dear Catherine

I refer to your letter to the Environmental Protection Authority (EPA) on 25 July 2018, which asked questions about applications lodged to the EPA by OMV.

Your request has been treated as a request for information under the Official Information Act 1982 (OIA). Your questions and our responses follow.

1. *OMV's application section 6 listed ten related applications and documents 'still to be lodged' for activities associated with the EAD—Exploration and Appraisal Drilling Programme. Since the lodging of application (EEZ100017) in March 2018, have any of the listed applications and documents been lodged to EPA? If yes, which ones? If not, which ones do EPA expect to receive and when?*

Of the ten consents, permits, licences, approvals, and plans noted in section 6 of OMV's application, only the applications for Marine Consent, Marine Discharge Consent, and the Emergency Spill Response Plan can be lodged with the EPA under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012. The EPA has not received any applications or plans for activities associated with the Exploration and Appraisal Drilling Programme from OMV to date other than the present application for Marine Discharge Consent for the discharge of offshore processing drainage from deck drains.

We received a Letter of Intent from OMV on 26 June 2018, informing us that OMV intends "to submit an application for Marine Consent for the proposed Taranaki Exploration and Appraisal Drilling Programme (EAD Programme)" on 31 July 2018.

2. *Section 6 of the application listed specifically a marine discharge consent for activities restricted by section 20B of the EEZ Act, still to be lodged. Does this discharge consent refer to the discharge of production water for the purpose of a test flow of an exploration well which is classified as a non-notified activity under the EEZ Act Discharge and Dumping Regulations s 16(2)? If not, what sort of discharge does it refer to?*

The application does not specify the type of discharge activity to which a future application for Marine Discharge Consent might relate. We suggest this question is better directed to OMV.

3. *We understand that exploratory drilling for petroleum (including exploratory and appraisal wells) is classified a non-notified activity under the EEZ-CS (Environmental Effects-Non-notified activities) Regulations 2014. Does this classification preclude EPA from releasing an application if requested by an individual or organisation such as Climate Justice Taranaki?*

Activities described in section 20(2) or (4) of the EEZ Act that are involved in exploration drilling for petroleum in the economic zone or in or on the continental shelf are classified as non-notified activities under regulation 5 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects —Non-notified Activities) Regulations 2014. An application for a marine consent for any of those activities is not to be publicly notified if the applicant complies with regulation 6 of those regulations. Non-notified applications are not open for public submissions. However, this does not preclude the EPA from releasing such an application if requested.

- 4-5. *EEZ Act s 50(2) enables the EPA to conduct hearings in respect of applications for non-notified activities, even if the applicant does not request one, if the EPA considers it necessary or desirable. Schedule 2(2) allows EPA to hold a hearing for a marine consent for a non-notified activity in public or in private.*

*OMV plans to drill 12 exploration/appraisal wells across six licensed areas off the Taranaki coast, and discharge undetermined quantities of un-identified harmful substances at sea. International experience has demonstrated that there can be devastating environmental and socio-economic impacts across huge areas from exploratory drilling. New Zealand does not have sufficient on-site resources to cope rapidly with a major incident, which could impact the west coast of the North Island to the top of the South Island, encompassing globally significant marine mammal and seabird habitats. In view of the scale of the drilling and discharge activities proposed by OMV and the potential impacts, we ask EPA to conduct public hearings of OMV's applications for all non-notified activities associated with the proposed EAD programme.*

We note your request that the EPA conduct public hearings for all non-notified activities associated with OMV's proposed Exploration and Appraisal Drilling Programme. The decision as to whether the EPA holds a hearing (either in public or in private) in relation to an application is made by the decision-maker. We note that the ability to participate in a hearing is restricted to the applicant. The EEZ legislation does not allow for the public to submit on a non-notified application, or to speak at any hearing.

6. *EEZ Act sections 6(1)(d), 39(1) and 59(2)(a)(i) require that cumulative effects on the environment and existing interests of proposed activities be assessed and taken into account when considering consent applications. Clearly the drilling and discharge activities proposed by OMV are inseparable and any consent applications for them should be assessed together to enable proper consideration of cumulative effects. We ask how cumulative effects of the related activities that OMV propose to conduct (including drilling, discharge, notified and non-notified activities) could possibly be assessed properly by EPA, the Board of Inquiry, submitters and existing interests, when just one of a number of closely related applications is presented for consideration and supposedly analysed independently?*

All marine consents require consideration of the cumulative effects of the activities requiring consent, along with all of the other s59 decision-making criteria under the EEZ Act.

7. *EEZ Act s 44 enables joint processing and decision making on related applications. We ask EPA to extend the time period for processing consent applications to allow time for OMV to submit all related applications associated with the proposed EAD programme, and to ensure that the applications are heard jointly and decisions made on the same date, as allowed by EEZ s 44(2).*

Section 44 of the EEZ Act applies if the EPA receives more than one application for a marine consent in relation to the same proposal, and one of those consents is publicly notified. The EPA has only received only one marine discharge consent application for off-shore processing drainage from OMV relating to the proposed Exploration and Appraisal Drilling Programme at this time.

The purpose of section 44(2) EEZ Act is to align processing timeframes for applications lodged together, however that is not the situation in this case. There are strict processing timeframes laid out in the EEZ Act, and as such the EPA is unable to delay the processing of a lodged application.

If you have any further queries, please do not hesitate to contact us via [ministerials@epa.govt.nz](mailto:ministerials@epa.govt.nz).

Yours Sincerely



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