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Date: 15/3/21

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Via: ██████████@rnz.co.nz

Official Information Act Request

Dear ██████████

Thank you for your official information request received on 4 February 2021 and clarified on 16 February 2021, for the following information:

1. Anything EPA has on SCL from Tiwai Pt going back to 2010 when the exporting of SCL began
2. What the EPA's role regarding ouvea premix is?
3. Where things are at regarding EPA getting more roles and powers as a national regulator of contaminated site and is that progressing?

Spent Cell Liner at Tiwai Point

The Environmental Protection Authority (EPA) can grant permits for the import and export of spent cell liner under the Import and Exports (Restrictions) Act 1988. The EPA does not have responsibility for hazardous wastes outside of the import and export of them. Councils have powers under the Resource Management Act 1991 (RMA) to promote, monitor and enforce compliance with the RMA.

Spent cell liner that is going to be exported is subject to the provisions of the Basel Convention. The operator exporting the spent cell liner must be able to show that the country receiving it has environmentally-sound processes in place for the disposal of the waste. They are also required to get approval from the receiving country for the shipment of the waste and any countries that the waste is transiting through.

The following document on our website outlines what is required to be provided by the operator when they apply for a permit to export spent cell liner.

<https://www.epa.govt.nz/assets/Uploads/Documents/Hazardous-Substances/Guidance/e735120074/Exporting-hazardous-waste-from-New-Zealand.pdf>

Due to the substantial amount of work that would be required to research and collate the information you have requested regarding spent cell liner at Tiwai Point from 2010, we are refusing your request under section 18(f) of the Official Information Act 1982 (OIA). We have identified over 2000 documents in the scope of your request.

We have considered whether charging or extending the timeframe for responding to your request would help, as required by section 18A of the OIA. We have also consulted with you as required by section 18B of the OIA. However, responding to a request with this volume of information would

unreasonably interfere with our operations and charging or extending would not negate the impact of responding to the request. We would welcome a further request, if you would like to discuss please contact us at ministerials@epa.govt.nz

Ouvea Premix

The EPA does not have a role regarding the issue of ouvea premix stored at Mataura which will now be moved to Tiwai Point.

New role and powers as a regulator

The EPA received enforcement powers under an amendment to the RMA on 1 July 2020. We now have the statutory power to assist in an enforcement action of a local council, and if necessary directly enforce the requirements of the RMA.

Councils can apply to the EPA for support to investigate non-compliance with the RMA.

More information about our new powers under the RMA is available online:

<https://www.epa.govt.nz/industry-areas/rma-enforcement>

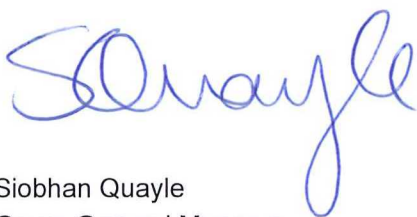
<https://www.mfe.govt.nz/sites/default/files/media/RMA/factsheet-on-compliance-monitoring-and-enforcement-provisions.pdf>

You have the right to seek an investigation and review by the Ombudsman of this decision. You can contact the Ombudsman on 0800 802 602, or by email at info@ombudsman.parliament.nz.

If you have any further queries, please do not hesitate to contact us via ministerials@epa.govt.nz.

We will publish your request and our response on our website, www.epa.govt.nz, within 10 working days from today. We make OIA responses available so others can read more about the work we do and the questions we are asked. Any information that might identify you will be removed to protect your privacy.

Yours sincerely



Siobhan Quayle
Group General Manager
Regulatory Systems and Operations