



**BAY OF PLENTY
REGIONAL COUNCIL
TOI MOANA**

Submission Form

Send your submission to reach us by **4.00 pm on Wednesday, 18 April 2018**

Submission Number
Office use only

055

Post: The Chief Executive Bay of Plenty Regional Council PO Box 364 Whakatāne 3158	or Fax: 0800 884 882	or email: air@boprc.govt.nz
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Submitter Name: Mark Self, CEO, Genera Limited.

This is a submission on **Proposed Plan Change 13 (Air Quality) to the Regional Natural Resources Plan**

I **could not** gain an advantage in trade competition through this submission.

- (a) I am directly affected by an effect of the subject matter of the submission that adversely affects the environment; and
- (b) My submission **does not** relate to trade competition or the effects of trade competition.
- 2 The details of my submission are in the attached table.
- 3 I wish to be heard in support of my submission.
- 4 If others make a similar submission, I will consider presenting a joint case with them at a hearing.

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CONTACT PERSON: Mark Self

SUBMISSION POINTS

Page No	Reference	Support/Oppose	Decision Sought	Reason(s) / notes
P147			We ask that where methyl bromide recapture technology is used as required by the EPA the BoPRC accepts that the use of methyl bromide is a controlled, non-notified activity.	We understand that OPUS recommended to Council in 2015 that resource consents are not required for methyl bromide (as required by current plan are a controlled, non-notified activity) where recapture technology is used.
P147			We believe that recapture / destruction requirements should be determined solely by the EPA. Where the EPA considers that recapture / destruction technologies are not required [i.e. the science does not support the need] the BoPRC will not impose rules requiring the use of recapture technologies. We believe that the EPS requirements should be applied consistently New Zealand wide.	The EPA is mandated to consider the impacts of hazardous substances and to make informed decisions regarding the controls needed to manage risk. The agency applies the precautionary principle to all that it does. The imposition of further rules if they are to be made must be able to be supported by robust science.
P147			Monitoring results for methyl bromide emissions during fumigation and venting demonstrate that levels are consistently below the thresholds determined by the EPA. We ask that real data is used to inform decisions regarding the buffer distances required by Council.	We note a previous application for consent proposed to deploy a process to vent methyl bromide to air via a chimney rather than use a recapture system. We note that this technology does not meet the requirements of the Ozone Layer Protection Act. The primary driver behind controlling methyl bromide emissions is ozone depletion.
P147			Monitoring results for methyl bromide emissions during fumigation and venting demonstrate that levels are consistently below the thresholds determined by the EPA. We ask that real data is used to inform decisions regarding the buffer distances required by Council.	Genera. regularly reports the results of its methyl bromide monitoring programme to Council, Log exporters and Port of Tauranga. We note that the TEL and WES levels are consistently lower than the EPA determined thresholds.

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P149	7.8.3 Options 3	Qualified Support	<p>We seek the adoption of an option, to manage fumigation that is based on;</p> <ol style="list-style-type: none"> 1. General rules within the proposed plan, 2. Regional Policy Statement 3. Draw where appropriate on those provisions of the RMA and HSNO Act that regional councils are bound to while 4. Respecting the expertise and decisions of the Environmental Protection Authority and not imposing greater unwarranted 'protections'. 	<p>Our preferred option recognises the technical expertise of the EPA and the mandate that it has to protect the environment while carefully balancing social, economic, safety, and environmental factors to ensure evidence based decisions. We note Option 3 acknowledges the expertise of the EPA. The agency has the mandate to protect the environment and to consider social, economic, safety, and environmental factors to make balanced evidence based decisions for New Zealand.</p> <p>The EPA processes require a public submission stage when hazardous substances are assessed. This democratic process provides for scrutiny of the EPA's assessment, risk evaluation (through the application of robust science assessment) for the views of sector and the community to be heard prior to the EPA making its final decision and setting controls.</p>
P150	Option 3		Ditto.	<p>We note the use of the words 'less stringent' with regard to Option 3. The provisions of the proposed option 3 are not 'less stringent' they are fit for purpose positioning the Air plan where it should be in relation to the legislation and regularly implements. They are also technically justified based on existing knowledge.</p>

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P151 <i>onward</i>	Effectiveness statements and scores		We seek balanced decisions informed by science made by appropriately qualified and informed decision makers.	The assessments of effectiveness in the analyses and the allocated scores in the document do not appear consistent with objective analysis based on known technical knowledge.
	Costs / benefits		Ditto	We consider that more work needs to be done on the costs / benefits.
147	Option 1	Support as an alternative	If Option 3 is not adopted then Genera ask that a reasonable period of consultation occurs to clarify what status quo means.	We consider that more work needs to be done to clarify status quo. If option 1 was applied objectively using standards set by EPA rather than imposing arbitrary additional standards we would support option 1.