

# Resource Consent



## Resource Consent 62719-AP

Following the processing of the Application received on the 11 June 2004, the Bay of Plenty Regional Council has granted the applicant(s):

Genera Limited

Consent(s) to:

62719.0.01-DC

Discharge To Air

Expiry 30 April 2020

The consent(s) are subject to the conditions specified on the attached schedule(s) for each activity. Advice notes are also provided as supplementary guidance, and to specify additional information to relevant conditions.

**The Resource Consent** hereby authorised is granted under the Resource Management Act 1991 does not constitute an authority under any other Act, Regulation or Bylaw.

DATED at Whakatane this 24th day of May 2005

For and on behalf of The Bay of Plenty Regional Council

**Fiona McTavish**  
Chief Executive



**Thriving together -  
mō te taiao,  
mō ngā tāngata**

The change of the whole of this resource consent was approved under delegated authority of the Bay of Plenty Regional Council dated 3 April 2019

## Bay of Plenty Regional Council

### Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 24 May 2005, **hereby grants:**

A resource consent:

- Pursuant to section 15(1)(c) of the Resource Management Act 1991 to Discharge Fumigants (Methyl Bromide and Phosphine) to Air

subject to the following conditions:

#### 1 Purpose

**Change: CH18-01174**

1.0 For the purpose of fumigation for quarantine and export and import requirements for the Port of Tauranga Limited. Such fumigations are limited to the following;

- Logs under sheets
- Logs in ships' holds
- Timber under sheets
- Cargo in sheds and on-wharf under sheets
- Shipping containers and contents
- Cargo in ships holds when directed by the Ministry of Primary Industries in relation to a biosecurity risk.

#### 2 Location

2.0 At the Port of Tauranga as shown on BOPRC Plan Numbers RC 62719 and RC 62719/1; in the area zoned Port Zone; and at 9 and 11 Maru Street as shown on BOPRC Plan Number RC 62719/2 submitted with the application for this permit.

#### 3 Map Reference

3.0 At or about map reference NZMS 260 U14: 9232-8833.

#### 4 Legal Description

4.0 Lot 1, DP 311509 and Crown Land (seabed), Block VI, Tauranga SD (Tauranga District).

#### 4 4B Fumigation Restrictions

4.01 4B.1 The consent holder shall ensure that weather conditions at fumigation sites are actively monitored and that real time meteorological information is used to manage the fumigation activity.

4.2 4B.2 The consent holder shall ensure that no ventilation to atmosphere occurs when inversion conditions are present or likely to occur. No ventilation to atmosphere shall occur during hours of darkness defined as being from 30 minutes after sunset one day, until 30 minutes before sunrise on the next day without active monitoring of venting procedures, gas levels, and wind conditions.

Reporting shall occur of all instances where venting to atmosphere has occurred at night to Bay of

Plenty Regional Council and Genera management, including documentation of conditions and venting activities to allow subsequent audit. Genera shall suspend ventilation should inversion conditions exist, or measured bromide levels indicate that air movement is inadequate to achieve safe ventilation. It is noted that the applicant may implement technology (with written approval by Regional Council) such as chimney assisted venting.

- 4.3 4B.3 Covering of goods for fumigation shall not take place if the wind speed is in excess of 25 knots.
- 4.4 4B.4 The consent holder shall ensure that the tarpaulins used for fumigation are maintained in good working condition without any rips or tears, to the satisfaction of the Chief Executive of the Regional Council or delegate.

## 5 Emission Controls

- 5.1 Fumigants must be under the control of an approved handler pursuant to Hazardous Substances and New Organisms Act 1996 (or any subsequent updates of that Act) at all times. Only approved handlers or an approved trained person working under the direct supervision of an approved handler may handle and use fumigants.
- 5.2 All persons discharging fumigants shall ensure that:
- a) The fumigant is discharged in a manner that does not contravene any requirement specified in the manufacturer's instructions.
  - b) The use of fumigants complies with The Control and Safe Use of Fumigants - parts one, two and three, referenced HSNOCOP31 prepared by the Pest Management Association of New Zealand or any subsequent updates of that code.
  - c) The fumigant use must not result in any harmful concentration of fumigant beyond the boundary of the subject property or into water.

### Change: CH17-00641

- 5.3 The permit holder shall prepare, maintain and comply with an appropriate Emergency Management Plan for all operations within one month of the consent being granted. The plan shall be to the satisfaction of the Chief Executive of the Regional Council or delegate (see Advice Note 1). The Emergency Management Plan shall as a minimum include, but not necessarily be limited to, the following;
- A list of all staff employed by Genera including their training qualifications related to fumigation, with dates these were obtained/completed and their expiry.
  - Emergency contact details
  - Contingency plan details
  - Material Safety Data Sheet
  - Details on the location and volumes of methyl bromide stored
  - All related approvals e.g. location certificates
  - Standard operating procedures for all types of fumigation operations carried out
  - All meter calibration certificates
- 5.3.1 Each year for the duration of this consent, during the month of May, the consent holder shall submit to the Regional Council an updated version of their Emergency Management Plan to the satisfaction of the Chief Executive of the Regional Council or delegate
- 5.3.2 The consent holder shall ensure that only appropriately authorised Genera employees with the necessary PPE are allowed into the Risk Area as defined in Appendix 2 of the Fumigation Procedures for the Port of Tauranga - Version One 03/05/2011, or any superseded version of this document
- 5.3.3 All persons shall be excluded from any fumigation area where the methyl bromide concentration may be above the workplace exposure standard (WES) value, unless they are wearing appropriate respiratory protective equipment
- 5.3.4 The consent holder shall ensure that the level of Methyl Bromide at and beyond the

boundary of the Port of Tauranga does not exceed the tolerable exposure limits (TELs) of 1 part per million-calculated as an hourly average, in accordance with the Environmental Risk Management Authority publication 'Methyl bromide fumigations - post-reassessment guidance for fumigators' dated April 2011 (143/01). The consent holder shall monitor Methyl Bromide levels downwind of fumigation events at the nearest corresponding Port boundaries to ensure compliance with this condition. Levels shall be measured at the location determined to be the worst case. Monitoring shall continue every 3 minutes from the start of ventilation until the exposure level is below 1 ppm for at least 15 minutes.

5.3.5 Monitoring shall occur in a directly downwind direction at the edge of the buffer zone and the Port boundary. Where the edge of the buffer zone in the downwind direction is over water, the monitoring location should be the point on land at the edge of the buffer zone.

5.4 Container fumigation shall occur no closer than 25 metres to the Port boundaries

5.5 Log stack and timber fumigation shall occur no closer than 100 metres to the Port boundaries.

5.5.1 No fumigation may occur at any time within 200m of a passenger cruise ship

5.5.2 The consent holder shall submit to Bay of Plenty Regional Council for approval a plan depicting the areas where fumigation is to be limited to including buffer zone setbacks. The areas identified for fumigation including specific buffer zones shall override the requirements of conditions 5.4, 5.5 & 5.5.1 above. Where fumigation is to be undertaken outside the approved plan areas then the buffer zones in conditions 5.4, 5.5 & 5.5.1 shall apply. The applicant may upgrade their fumigation plan with the prior written approval of Regional Council.

5.6 Fumigation signage is required at three locations. These are:

- a) Points of access to the Port of Tauranga
- b) The boundary of the monitored safety zone
- c) Next to or on the products being fumigated

5.6.1 The consent holder shall erect and maintain prominent signs at every point of access to the Port of Tauranga. These signs shall clearly display, as a minimum, the following information:

- State that fumigation may be taking place
- State the name of the fumigant
- The international sign for toxic substances (Skull and crossbones)
- The name of the fumigation operator
- Provide 24 hour contact details for the operator

5.6.2 The consent holder shall ensure the boundary of the monitored safety zone (previously defined) is clearly marked. This may include the use of flags, warning tape and cones.

The following shall apply:

- (i) Signage should be displayed at a minimum height of 1m on a self-supporting stand and displayed in a prominent position
- (ii) Signage should remain in place until levels of methyl bromide remain under 5ppm for at least 15 minutes.
- (iii) While venting additional signage must be prominently displayed with the wording "Danger Poisonous Gas Release in progress" and be associated with a flashing light
- (iv) Additional warning signs shall be prominently displayed next to or on the products being fumigated
- (v) All information shall be displayed in an outwards direction so it can be seen by people approaching the fumigation area.

5.6.3 All signage must be displayed and maintained to the satisfaction of the Chief Executive of the Regional Council or delegate.

5.7 Notwithstanding conditions 5.1 to 5.6 the consent holder shall ensure that all provisions of the HSNO Act (as amended by the 2010 Environmental Risk Management Authority (ERMA) Decision referenced HRC08002, (now superseded by Environmental Protection Agency (EPA)) shall be complied with.

- 5.8 For the avoidance of doubt, where inconsistencies exist between the conditions of this consent, “The Control and Safe Use of Fumigants” - parts one, two and three, prepared by the Pest Management Association of New Zealand, or any subsequent updates of that code, or the Hazardous Substances and New Organisms Act 1996 as amended by the 2010 Environmental Risk Management Authority (ERMA) Decision referenced HRC08002, then the most stringent provision shall apply.

## 5 5A Monitoring

- 5.1 5A.1 The consent holder shall, within one month of the review of this consent, engage a suitably qualified person to provide ongoing independent audit of all aspects of the monitoring, recording and reporting of Methyl Bromide and Phosphine use under this consent. This person shall report directly to senior management and also be available for regular meetings with Bay of Plenty Regional Council. As a minimum this audit shall consider and make recommendations as to the following;
- Use of GPS and text to identify sampling locations, link to map
  - The use of fit for purposed monitoring devices
  - Recording of persons onsite responsible for recording events.
  - Any specific recommendations in respect of the identified fumigation areas as identified within the POT’s ‘Fumigation Procedures for the Port of Tauranga Version One 03/05/2011’
  - Calibration of all meters and their accuracy
  - Monitoring of methyl bromide and phosphine levels to ensure compliance with this consent and the ERMA decision.
  - Levels of methyl bromide exposure to the public, Port workers and Genera staff including consideration of monitoring within office blocks on the Port.
  - Reporting of fumigation levels and activities
  - Bump testing, zeroing and calibration procedures
  - Investigate options that are available for adding a stenching agent to the fumigation process, and assess the feasibility of doing so.
  - Investigate technology such as chimney assisted venting during calm or inversion weather conditions.
- 5.2 5A.2 The consent holder shall, within 3 months of engagement of an environmental auditor submit the audit required by condition 5A.1 to the Chief Executive of the Regional Council or delegate for approval (Advice Note 1).
- 5.3 5A.3 The consent holder shall, within 6 months of the issue of this review, implement the recommendations of the Regional Council approved audit required by condition 5A.1 and 5A.2. The implementation of the recommendations shall be to the satisfaction Chief Executive of the Regional Council or delegate (Advice Note 1).
- 5.4 5A.4 Notwithstanding conditions 5A.1 to 5A.3 above, the consent holder shall as a minimum implement the following measures to ensure that accuracy of the monitoring of methyl bromide and phosphine use under this consent:
- Only use equipment which is recommended for the application intended
  - Calibrate all equipment, at least as frequently as recommended by the manufacturer
  - Return all meters used for reading methyl bromide levels to the supplier every 6 months for calibration or demonstrate to the satisfaction of BOPRC that calibration performed is to the same standard as performed by the manufacturer.
  - Submit to Regional Council all calibration certification on request.
  - Keep a detailed equipment calibration log and make this available on request
  - Ensure all staff who use monitoring equipment are trained in its use, with records of training made available to Bay of Plenty Regional Council staff upon request.
  - Keep a clear record of all locations used for fumigation and corresponding monitoring.
  - Once a year in March (or as directed by Bay of Plenty Regional Council) Genera shall carry out ambient air sampling followed by laboratory analysis in combination with PIDs to determine the extent to which background VOCs may be influencing methyl bromide monitoring results

## 5 5B Reporting

- 5.1 5B.1 The consent holder shall keep accurate records for every fumigation event. The data to be recorded is to include:
- a) Date and time of each application and ventilation to atmosphere
  - b) Type of fumigation event e.g. logs under tarpaulin
  - c) Amount of Methyl Bromide and Phosphine applied
  - d) Accurate location of where Methyl Bromide was applied and ventilated, including using GPS coordinates, reference to map locations.
  - e) Capacity (or dimensions) of the enclosed space fumigated
  - f) Name of person/s using Methyl Bromide.
  - g) Exposure levels for each monitoring location
  - h) The type and identifying features e.g. serial number, for equipment used for monitoring exposure levels.
  - i) The volumes of methyl bromide and phosphine used monthly
- 5.2 5B.2 The consent holder shall keep accurate records of all complaints made by the general public to Genera related to fumigation. This shall be made available on request of the Chief Executive of the Regional Council or delegate.
- 5.3 5B.3 The consent holder shall, every month after of the issue of the review, submit to the Regional Council reporting of Methyl Bromide use under this consent (see Advice Notes 1 and 4).
- 5.4 5B.4 All records, reports and data collected as required by the HSNO requirements for Methyl Bromide reporting to the EPA as amended by the 2010 Environmental Risk Management Authority (ERMA) Decision E shall be made available to the Regional Council on request.
- 5.5 5B.5 No later than 30 June for each year for the duration of this consent (following the review) the consent holder shall submit to the Regional Council annual reporting of MB use as per the HSNO requirements for Methyl Bromide reporting to the EPA as amended by the 2010 Environmental Risk Management Authority (ERMA) Decision under s67A of the HSNO Act on June 2011.
- 5.6 5B.6 If there is a significant change in the consent holder's process or its inputs that will result in a change in the adverse effects of the activity on the environment (the environment defined under the RMA (1991)) then the consent holder shall immediately and in writing inform the Chief Executive of the Regional Council or delegate ( Advice Note 1).
- 5.7 5B.7 The consent holder shall advise the Bay of Plenty Regional Council (Advice Note 1 and 2);
- Immediately, via the Regional Council's Pollution Hotline of any exceedances of Methyl bromide or phosphine concentration required by the conditions of this consent and/or the HSNO Act as amended by the 2010 Environmental Risk Management Authority (ERMA) Decision under s67A of the HSNO Act on June 2011.
  - Within 24 hours of any complaints about the fumigation activity with the details of complaint
  - Immediately, of any uncontrolled release of Methyl Bromide or phosphine.
- 5.8 5B.8 The consent holder shall notify Bay of Plenty Regional Council at least 12 hours in advance of ship holds being fumigated for the purposes of undertaking compliance inspections.

## 5 5C Recapture

**Change: CH18-01174**

- 5.1 5C.1 The consent holder shall implement the effective recapture of Methyl Bromide associated with all fumigation under this consent in accordance with the following schedule, to the satisfaction of the Chief Executive of the Regional Council or delegate (see Advice Note 3);
- 15% of all container fumigations by 30 April 2015
  - 40% of all container fumigations by 30 April 2016
  - 100% of all container fumigations by 30 April 2018
  - 15% of all log and timber fumigations by 30 April 2016

- 60% of all log and timber fumigations by 30 April 2018
- 100% of all log and timber fumigations by 30 April 2019
- 60% of all cargo under sheets (other than logs and timber) fumigations by 30 April 2019
- 80% of all cargo under sheets (other than logs and timber) fumigations by 30 July 2019
- 100% of all cargo under sheets (other than logs and timber) fumigations by 30 October 2019.

(refer advice note below for latest schedule)

The consent holder may, subject to prior written approval by Bay of Plenty Regional Council, implement recapture on alternative dates to those specified in this schedule, as dictated by availability of appropriate technology. This shall be to allow for continuous development of recapture technology, and operationalising such technology as practicable to facilitate continuous improvement, to ultimately comply with recapture requirements imposed by the EPA. In the absence of an agreed alternative (for all or some of these dates) recapture implementation must comply as detailed in the above schedule.

In a response to a request by Genera Limited under the provisions of condition 5C.1 the Bay of Plenty Regional Council has provided written approval to the implementation of an alternative recapture schedule, as outlined below:

- 5% of all log and timber fumigations by 30 April 2016.
- 20% of all log and timber fumigations by 30 April 2017.
- 60% of all log and timber fumigations by 30 April 2018.
- 100% of all log and timber fumigations by 30 April 2019.

The Bay of Plenty Regional Council approved the alternative recapture schedule on 7 October 2016.

Advice Note 6:

In a response to a request by Genera Limited under the provisions of condition 5C.1 the Bay of Plenty Regional Council has provided written approval to the implementation of an alternative recapture schedule, as outlined below:

- 15% of all container fumigations by 30 April 2015.
- 40% of all container fumigations by 30 April 2016.
- 100% of all container fumigations by 30 July 2018.
- 5% of all log and timber fumigations by 30 April 2016.
- 20% of all log and timber fumigations by 30 April 2017.
- 60% of all log and timber fumigations by 31 October 2018.
- 100% of all log and timber fumigations by 30 April 2019.

The Bay of Plenty Regional Council approved the alternative recapture schedule on 30 April 2018.

- 5.2 5C.2 The consent holder ensure that all recapture material that is unable to be re-used is disposed of at an appropriately authorised facility, to the satisfaction Chief Executive of the Regional Council or delegate
- 5.3 5C.3 The consent holder shall report to the Bay of Plenty Regional Council annually on progress in introducing recapture technology as required by this consent. This report is to be provided no later than 31 October each year and be to the satisfaction of the Chief Executive of the Regional Council or delegate.

## 6 Review of Permit Conditions

- 6.0 The Regional Council may, within six months of any impact, compliance or environmental investigation report carried out by the Regional Council which shows an adverse environmental effect, serve notice on the permit holder under s.128(1)(a) of the Resource Management Act 1991 of its intention to review the conditions of this permit. The purpose of such a review is to assess the need for further monitoring of discharges from the sites, and to impose monitoring and discharge control conditions if appropriate.

## 7 Term of Permit

- 7.0 This permit shall expire on 30 April 2020.

## 8 Resource Management Charges

- 8.0 The permit holder shall pay the Bay of Plenty Regional Council such administrative charges as are fixed from time to time by the Regional Council in accordance with section 36 of the Resource Management Act 1991.

## 9 The Permit

- 9.0 The Permit hereby authorised is granted under the Resource Management Act 1991 and does not constitute an authority under any other Act, Regulation or Bylaw.

## Advice Notes

- 1
1. *Reporting, notification and submission of plans required by the conditions of this consent shall be directed (in writing) to the Pollution Prevention Manager, Bay of Plenty Regional Council, PO Box 364, Whakatane or fax 0800 884 882 or email notify@boprc.govt.nz, this notification shall include the consent number 62719.*
  2. *The applicant is advised where Council needs to be notified immediately in relation to any of the requirements of this consent they should call Bay of Plenty Regional Council's Pollution Hotline 0800 884 883.*
  3. *The 2010 ERMA decision considers that recapture technology should be introduced as soon as practical and affordable and definitely within a 10-year timeframe. In order to monitor the progress of the introduction of recapture technology; the Committee will require all fumigators using methyl bromide to submit an annual report to the Agency outlining the progress that they are making in introducing recapture technology.*
  4. *The Regional Council can supply a template for the reporting required by condition 5B.3.*
  5. *BOPRC supports the restriction of public access to the monitored safety zone from the seaward side by utilising the harbourmaster to enforce boat mooring/fishing restrictions near Port.*