

A. Proposed conditions

Condition No.	Condition																
A resource consent:	Pursuant to section 15(1)(c) and 15B of the Resource Management Act 1991 to Discharge Fumigants (Methyl Bromide, Phosphine, Ethanedinitrile), to air subject to the following conditions:																
1. Purpose																	
1.0	<p>The purpose of this resource consent is to authorise and specify conditions for the discharge of contaminants to air (being Methyl Bromide (MB), Phosphine (PH3) and Ethanedinitrile (EDN)) associated with fumigation activities at the Port of Tauranga, specifically:</p> <table border="1"> <thead> <tr> <th>Activity – fumigation of</th> <th>MB</th> <th>Phosphine</th> <th>EDN</th> </tr> </thead> <tbody> <tr> <td>Ship holds</td> <td>N</td> <td>Y</td> <td>N</td> </tr> <tr> <td>Under sheets</td> <td>Y</td> <td>Y</td> <td>Y (export logs and timber only)</td> </tr> <tr> <td>Containers</td> <td>Y</td> <td>Y</td> <td>Y (shipping containers for export logs and timber only)</td> </tr> </tbody> </table>	Activity – fumigation of	MB	Phosphine	EDN	Ship holds	N	Y	N	Under sheets	Y	Y	Y (export logs and timber only)	Containers	Y	Y	Y (shipping containers for export logs and timber only)
Activity – fumigation of	MB	Phosphine	EDN														
Ship holds	N	Y	N														
Under sheets	Y	Y	Y (export logs and timber only)														
Containers	Y	Y	Y (shipping containers for export logs and timber only)														
2. Location																	
2.1	<p>The activity authorised by this resource consent shall be located:</p> <ul style="list-style-type: none"> a At Port of Tauranga, Tasman Quay and Sulphur Point wharfs; b At or about map reference NZMS 260 U14: 9232-8833; and c As shown on BOPRC Consent Plan RM19-0663/01 (Attachment 1). 																
3. Fumigation Activities																	
3.1	The Consent Holder shall ensure that ventilation of different fumigants shall not occur at the same time.																
3.2	Fumigation signage is required at every point of entry to the buffer zone for those parts of a buffer zone that extend over land. Signage shall be consistent with the requirements of the Health and Safety at Work (Hazardous Substances) Regulations 2017. All signage shall be displayed and maintained to the satisfaction of the Compliance Manager, Bay of Plenty Regional Council.																
3.53: Monitoring Data Recording	<p>During ventilation of a fumigant the Consent Holder shall undertake and record monitoring data (including for wind-speed and direction). Additional specific requirements for MB, EDN and PH3 are as follows:</p> <ul style="list-style-type: none"> a For methyl bromide: <ul style="list-style-type: none"> Data is to be recorded every 3 minutes from the start of ventilation until the exposure level at the monitoring location is below 0.05 ppm for at least: <ul style="list-style-type: none"> (i) 15 minutes, where 7 kg or more of methyl bromide is applied in a 1-hour period; or (ii) 3 minutes, where less than 7 kg of methyl bromide is applied in a 1-hour period. b For phosphine: <ul style="list-style-type: none"> Data is to be recorded every 3 minutes from the start of ventilation until the exposure level at the monitoring location is 0.00 ppm for at least: <ul style="list-style-type: none"> (i) 15 minutes, where 7 kg or more of phosphine is applied in a 1-hour period; or (ii) 3 minutes, where less than 7 kg of phosphine is applied in a 1-hour period. c For EDN: 																

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	<p>Monitor until the end of the buffer zone period which ends with the latest of the following:</p> <ul style="list-style-type: none"> (i) at least 1 hour has lapsed since ventilation has been completed; (ii) measurements taken in the open air adjacent to the export logs or timber being fumigated in the enclosed space have, for a period of 15 minutes, continuously shown an airborne concentration of EDN below that of each workplace exposure standard. <p>data recording, taken at least at 3-minute increments, for at least 10 minutes prior to all fumigant ventilations and for the entire duration of ventilation (MB and EDN), being the time that monitoring devices at the Risk Area boundary no longer register TVOCs above background levels.</p> <p>Wind speed and direction values are to be recorded in m/s and degrees respectively, against time and the location of the wind data must be recorded using GPS coordinates or identified on an aerial photo. The wind speed and direction data must be recorded at a height not less than 2 metres from ground level, up to the maximum height of the enclosed space.</p>
<p><u>3.46: Wind Speed and Direction Data</u></p>	<p>For monitoring and recording wind speed and direction as required during ventilation, the following shall apply:</p> <ol style="list-style-type: none"> 1. Wind speed and direction values are to be recorded in m/s and degrees respectively, against time. 2. The location of the wind data must be recorded using GPS coordinates or identified on an aerial photo. 3. The recording of wind speed and direction data must start at least 10min prior to ventilation commencing. 4. The Consent Holder must ensure that ventilation of any fumigation event does not occur when an average minimum wind speed of less than 2 m/s or less is measured at the site of fumigation during at any point in the 10 minutes period prior to ventilation. 5. The location of wind speed measurements should be within 50 m of the fumigation events, unless otherwise agreed with BOPRC. Wind ribbons, or similar, shall be used to provide a visual indicator of the direction of gas travel during ventilation. 6. The wind speed and direction data must be recorded at a height not less than 2 metres from ground level, up to the maximum height of the enclosed space.
<p>3.57</p>	<p>The Consent Holder must ensure that ventilation of any fumigation event does not occur when an average minimum wind speed of less than 2 m/s or less is measured at the site of fumigation during at any point in the 10 minutes period prior to ventilation.</p>
<p>3.68</p>	<p>Covering of goods for fumigation must not take place if the wind speed is in excess of, or predicted to be in excess of, 25 knots (13 m/s).</p>
<p>3.79</p>	<p>The consent holder must ensure that the sheets used for fumigation (where required) are maintained in a good working condition without rips and tears and are inspected regularly, to the satisfaction of the Bay of Plenty Regional Council.</p>
<p><u>3.840: Leak Detection and Management</u></p>	<p><u>DG suggested wording:</u></p> <p>The Consent Holder shall undertake pressure testing, in accordance with industry best practice, of all container fumigation enclosures prior to the commencement of fumigation activities. Fumigation shall not commence until the pressure testing identifies that the fumigation enclosure is adequately gas tight.</p> <p>For all other fumigation events, the Consent Holder shall undertake active air quality monitoring at the MSZ/Risk Area boundary for the duration of the period commencing</p>

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	<p>from the time the fumigant is first discharged into the fumigation enclosure (fumigant charging) and ceasing at least 10 minutes after the fumigant charging is completed. Should the monitoring identify the presence of fumigant exceeding the relevant WES values at the monitoring locations on the Risk Area boundary, fumigation charging shall cease until all identified leaks have been sealed. This process shall be repeated until fumigant levels at the monitoring locations are at or below the applicable WES level for a period of 10 minutes. The Consent Holder may also undertake monitoring of fumigation levels within the fumigation enclosure at its discretion.</p> <p><u>KF suggested wording:</u></p> <p>For all fumigation events, the Consent Holder shall undertake actively <u>air quality monitoring</u> air quality at the MSZ/Risk Area boundary from when the fumigant is first applied into the enclosure, until the end of application when a final check is undertaken for the duration of the period commencing from the time the fumigant is first discharged into the fumigation enclosure (fumigant charging) and ceasing at least 10 minutes after the fumigant charging is completed. Should the monitoring <u>detect fumigant levels</u> exceeding the relevant WES values at the <u>MSZ/Risk Area boundary, application</u> shall cease until all identified leaks have been <u>addressed, with the process repeated until fumigant levels at the MSZ/Risk Area boundary are maintained at or below applicable WES values.</u> This process protects workers outside the risk area but for the purposes of this consent, ensures a leak does not result in elevated fumigant levels at or beyond the buffer zone / port boundary identify the presence of fumigant exceeding the relevant WES values at the monitoring locations on the Risk Area boundary, fumigation charging shall cease until all identified leaks have been sealed. This process shall be repeated until fumigant levels at the monitoring locations are at or below the applicable WES level for a period of 10 minutes.</p>
3.912	Fumigation activities shall not be undertaken within 200 metres from cruise ships docked at the Port.
4. Notification	
4.1	<p>The Consent Holder shall provide notification of scheduled fumigation activities to the following parties at least 24 hours prior to fumigation commencing and shall identify the location and type of fumigation to occur:</p> <ul style="list-style-type: none"> • Bay of Plenty Regional Council. • PCBU's adjacent to the fumigation activity, including Port of Tauranga. • Whareroa Marae <p><i>Note: Notifications to Whareroa Marae shall cease if requested by the marae. The consent holder shall provide written confirmation of this arrangement to BOPRC upon request.</i></p>
4.2	<p>The Consent Holder shall notify Bay of Plenty Regional Council as soon as practicable, but no later than 24-hours of any:</p> <ul style="list-style-type: none"> • Exceedance of TEL; or • Uncontrolled release; or • Complaint. <p>Notification of an uncontrolled release shall be through Bay of Plenty Regional Council's Pollution Hotline.</p>

Condition No.	Condition
<p>5. Monitoring</p> <p>5.1</p>	<p><u>DG suggested wording:</u></p> <p>As a minimum, during ventilation for all fumigation events, the Consent Holder shall undertake monitoring of fumigant levels at the landward buffer zone boundary immediately down wind of the fumigation activity and at two additional sites at 45 degrees, or as close as reasonably practicable, either side of the immediate downwind location.</p> <p>In the event that the wind direction is towards the harbour the monitoring locations shall be at the seaward boundary of the wharves, as far as practicable, immediately downwind of the fumigation activity and at two additional sites as close as reasonably practicable at 45 degrees to either side. The location of these sites shall be determined in all cases following consideration of the safety of the fumigation staff and other PCBU's workers required to operate in the vicinity of the downwind area.</p> <p><u>KF suggested wording:</u></p> <p>As a minimum, during ventilation for all fumigation events at the Mount Maunganui wharves other than shipping containers, during on-shore wind conditions, the Consent Holder shall undertake monitoring of fumigant levels at the landward buffer zone / <u>port</u> boundary directly down wind of the fumigation activity and at two additional sites at 45 degrees <u>either side of the directly downwind location</u>, or as close as reasonably practicable <u>to these locations</u>, either side of the directly downwind location.</p> <p>As a minimum, during ventilation of <u>shipping</u> containers during on-shore wind conditions at Sulphur Point, the consent holder shall undertake monitoring at the <u>landward</u> buffer zone / <u>port</u> boundary directly downwind of the fumigation activity, <u>or as close as reasonably practicable to this</u>.</p> <p>In the event that the wind direction is towards the harbour (<u>off-shore</u>) the monitoring locations shall be at the seaward boundary of the wharves, <u>or as close as reasonably practicable to this</u>, directly downwind of the fumigation activity and at two additional sites as close as reasonably practicable at 45 degrees to either side. The location of these sites shall be determined in all cases following consideration of the safety of the fumigation staff and other PCBU's workers required to operate in the vicinity of the downwind area <u>and the potential for interference or cross sensitivities from other substances, for example VOCs (volatile organic compounds) when monitoring methyl bromide</u>.</p> <p><u>Where required, identified buffer zone / port boundary monitoring locations should be adjusted to capture areas where the greatest risk of public exposure is identified.</u></p> <p><u>Where the monitoring location is not on the buffer zone / port boundary, readings above the TEL shall be extrapolated to the equivalent of a reading at the buffer zone / port boundary taking into account the distance the monitoring location is from the buffer zone / port boundary, the wind conditions at the time of the reading and any local operational conditions that may influence the reading such as equipment that may discharge other VOCs that impact on the reading and the degree of accuracy of the monitoring device..</u></p>

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	<p><u>Where an extrapolated result is required and there is disagreement between the Consent holder and BOPRC, a suitably qualified and experienced air modelling expert shall be engaged to determine the likely concentration of fumigant at the boundary.</u></p>
5.25	<p>All monitoring shall involve readings taken at least every 3 minutes and recorded against time.</p>
5.36	<p>All data gathered as part of the implementation of this resource consent shall be retained <u>for a minimum of two years</u> and, unless required by other conditions, shall be provided to the Bay of Plenty Regional Council on request.</p>
5.47	<p>Within two months of the commencement of this resource consent, the Consent Holder shall provide to the Bay of Plenty Regional Council for certification, a Fumigation Monitoring and Reporting Plan (FMRP). At a minimum, the FMRP shall include the following:</p> <ul style="list-style-type: none"> a The type of instrumentation to be employed for each fumigant. b The reasons for selecting the identified instrumentation and an assessment of other equipment available, to ensure the equipment being utilised represents the best practicable option for the circumstances of its use. This shall include: <ul style="list-style-type: none"> • Information on the limits of detection of the selected instrumentation. • Information on the sensitivity of the selected instrument to the target fumigant(s), and any potential interferences. • If using passive (diffuse) instrumentation, information on the suitability of this equipment compared to active (pumped) instrumentation. c Procedures for calibration and maintenance of the selected instrumentation. d <u>Where the monitoring devices do not directly monitor the fumigant being utilised;</u> methods for benchmarking the performance of the selected instruments against reference methods, such as the use of canisters and/or Fourier transform infrared (FTIR) spectroscopy. e The methodology for monitoring including the identification of monitoring locations. f The methodology for undertaking the monitoring, specifically including: <ul style="list-style-type: none"> • Monitoring at the edge of the buffer zone <u>/ port boundary</u> downwind from the fumigation site. • Sampling within the enclosed space prior to ventilation (EDN). • The applicability of measuring the fumigant concentration within the enclosure generally in accordance with the methodology outlined in sections 9 and 11 of the Worksafe New Zealand document titled 'Health and Safety at Work (Hazardous Substances— Requirements for Specified Fumigants) Amendment Safe Work Instrument 20222021' (for EDN only) • The presence of an alarmed monitor at the MSZ/Risk Area that has the ability to instantly warn fumigation staff if the ceiling value of the relevant fumigant is exceeded. • The presence of a monitor between a fumigation site being ventilated and downwind workers. <p>For the avoidance of doubt, monitoring of fumigation activities shall include:</p> <ul style="list-style-type: none"> • Monitoring of fumigant concentrations within the enclosed space immediately prior to ventilation (EDN). • Downwind monitoring <u>at the Port boundary or as close as is reasonably practicable to this, or another location identified as the highest public exposure risk,</u> to determine compliance with the relevant TEL at the boundary of the buffer zone <u>/ port boundary</u>.

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5.540A	<p>The certified FMRP shall be updated as required and specifically to address any primary change to the operation or onsite conditions. The reviewed FMRP shall be provided to the Bay of Plenty Regional Council for recertification in accordance with condition 6.1.</p> <p><u>For the avoidance of doubt, until the certification or recertification process is complete the immediately preceding equivalent plan shall be deemed to remain in effect.</u></p>
5.68	<p>Retain if not certified through hearing process.</p> <p>If the parties cannot agree on the certification <u>or recertification</u> of the <u>FMRP</u>, the dispute shall be referred to arbitration <u>undertaken by a suitably qualified and experienced dispute resolution professional agreed by both parties.</u></p>
5.79	<p>All fumigation activities and monitoring <u>and reporting</u> is to be undertaken in accordance with the certified FMRP.</p>
5.840	<p>During years 4 and 9 following the commencement of this resource consent, the Consent Holder shall engage an independent suitably qualified and experienced expert agreed by the Bay of Plenty Regional Council, to provide a report that investigates whether the existing fumigation management and monitoring systems still represent the best practicable option. This report shall consider and make recommendations as to the following:</p> <ul style="list-style-type: none"> • Verification of contaminant concentrations within enclosures prior to ventilation (EDN). • Verification of fumigant concentrations measured at the buffer zone <u>/ port boundary</u>. • The appropriateness of the monitoring devices used. • Calibration and operation of all monitoring devices and their accuracy. • The effectiveness of the risk management methodology associated with the use of fumigants and the extent that best industry practice has been adopted. • The application of recapture technology for MB. <p>If it is concluded by that review that the best practicable option has been redefined, the Bay of Plenty Regional Council may review the conditions of the resource consent in accordance with section 128 of the RMA, or request that the consent holder seek a change to the conditions pursuant to section 127 RMA.</p>
5.9	<p><u>If the parties cannot agree on an auditor or the recommendations of the audit, the dispute shall be referred to arbitration undertaken by a suitably qualified and experienced dispute resolution professional agreed by both parties.</u></p>
<p>6. Emergency Management Plan</p>	
6.1	<p><u>DG suggested wording:</u></p> <p>Within one month of the commencement of this resource consent, the Consent Holder shall provide to the Bay of Plenty Regional Council for certification, an Emergency Management Plan (EMP). The EMP shall include, but not be limited to:</p> <ul style="list-style-type: none"> • Emergency Management procedures applicable to each fumigant. • Key contacts in the Consent Holders Emergency Response Team. • Emergency contact details. • Contingency plan details. • Material Safety Data Sheets for all substances managed on the Site.

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	<ul style="list-style-type: none"> • Details on the location and volumes of all fumigants stored and confirmation that the storage complies with the HSWA 2017 requirements. • All related approvals e.g. location certificates. <p><u>KF suggested condition:</u> A copy of the WorkSafe approvedconsent holder's Emergency Response Plan (ERP) must be provided to the BOPRC for feedback annually during the month of May. Feedback shall be provided to <u>the consent holder</u>WorkSafe NZ for comment and incorporated into the ERP if it is deemed appropriate/ necessary by the regulator.<u>where appropriate</u></p>
6.2	<p>The Consent Holder shall ensure that all emergency operations are undertaken in accordance with the certified EMP required by condition 6.1.</p>
6.3	<p><u>DG suggested wording:</u> The certified EMP shall be updated as required and specifically to address any primary change to the operation or onsite conditions. The reviewed EMP shall be provided to the Bay of Plenty Regional Council for recertification in accordance with condition 6.1.</p>
<p>7. Recording and Reporting</p>	
7.1	<p>The Consent Holder shall keep records of all fumigation events undertaken, and as a minimum, shall include the following specific information:</p> <ul style="list-style-type: none"> • Job number; • Name of person applying the fumigant; • Date/time of when a) the fumigant wasfumigation applied, b) when recapture commenced (if applicable) and c) when ventilation commenced <u>(if applicable)</u>; • Location of fumigation event on an aerial photograph; • GPS reading of the most downwind corner of fumigation enclosure. GPS readings should also be provided for the location of the fumigant monitoring equipment. GPS data should be provided in NZTM - New Zealand Transverse Mercator format; • Detailed type of enclosed space fumigated e.g. under sheet, 40 ft container; ship hold; • The capacity of the enclosed space; • Type of product being fumigated; • The amount of fumigant introduced in the enclosed space at the beginning of fumigation and any top ups used; • The amount of fumigant in the enclosed space's head space at the end of the fumigation phase (if applicable); • The amount of fumigant in the enclosed space's head space at the end of the recapture phase (if applicable); and • The recapture percentage for each event, as a percentage showing the calculations (if applicable).
7.2	<p>The Consent Holder shall submit, electronically, <u>a summary</u> records of the monitoring required by condition 7.1 to the Bay of Plenty Regional Council, for each calendar month,</p>

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	within 10 working days of after the end of the month, or as less frequently as may be agreed. <u>Detailed records shall be made available on request.</u>
7.3	The consent holder shall prepare an annual report for each fumigant, in accordance with the controls of EPA Decision HSR001635, HSR101529, and the equivalent information with regard to phosphine use. The annual report(s) shall be provided to the Bay of Plenty Regional Council by no later than 30 June each year.

8. Methyl Bromide

8.1	<p>The consent holder shall identify and maintain a minimum Buffer Zone in accordance with the following table. The buffer zone distances all apply from when an enclosed area is being fumigated <u>until ventilation is concluded.</u></p> <table border="1"> <thead> <tr> <th>Container</th> <th>Minimum Buffer zone distance</th> </tr> </thead> <tbody> <tr> <td>Up to 77 m³</td> <td>10 m</td> </tr> <tr> <td>>77 m³</td> <td>25 m</td> </tr> </tbody> </table> <p>Under Sheets</p> <table border="1"> <thead> <tr> <th rowspan="2">Minimum Recapture</th> <th colspan="3">Minimum Buffer Zone distance</th> </tr> <tr> <th>dose rate ≤ 40 g/m³:</th> <th>40 g/m³ < dose rate ≤ 72 g/m³:</th> <th>72 g/m³ < dose rate ≤ 120 g/m³:</th> </tr> </thead> <tbody> <tr> <td>90%</td> <td>50 m</td> <td>110 m</td> <td>150 m</td> </tr> <tr> <td>99%</td> <td>50 m</td> <td>70 m</td> <td>95 m</td> </tr> </tbody> </table>	Container	Minimum Buffer zone distance	Up to 77 m ³	10 m	>77 m ³	25 m	Minimum Recapture	Minimum Buffer Zone distance			dose rate ≤ 40 g/m ³ :	40 g/m ³ < dose rate ≤ 72 g/m ³ :	72 g/m ³ < dose rate ≤ 120 g/m ³ :	90%	50 m	110 m	150 m	99%	50 m	70 m	95 m
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8.240	<p>The consent holder must ensure that the concentration of methyl bromide does not exceed the following limits <u>at the port boundary:</u></p> <table border="1"> <thead> <tr> <th>Value</th> </tr> </thead> <tbody> <tr> <td>TEL 1-hour 1 ppm</td> </tr> <tr> <td>TEL 24-hour 0.333 ppm</td> </tr> <tr> <td>TEL annual 0.0013 ppm</td> </tr> </tbody> </table>	Value	TEL 1-hour 1 ppm	TEL 24-hour 0.333 ppm	TEL annual 0.0013 ppm																	
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8.344	<p>All fumigation activities shall be subject to recapture. The recapture percentage shall be as follows:</p> <ul style="list-style-type: none"> From the commencement of this resource consent, at least 90% for all Methyl Bromide fumigation activities. No later than 1 January 2031, at least 99 % for all container Methyl Bromide fumigation events. 																					

9. Phosphine

9.1	<p>The consent holder shall identify and maintain a minimum Buffer Zone in accordance with the following table. The buffer <u>zone</u> distances all apply from when an enclosed area is being fumigated <u>until ventilation is concluded.</u></p> <table border="1"> <thead> <tr> <th>Fumigation type</th> <th>Minimum Buffer zone distance</th> </tr> </thead> <tbody> <tr> <td>Containers</td> <td>10 m</td> </tr> </tbody> </table>	Fumigation type	Minimum Buffer zone distance	Containers	10 m
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	Under sheets	10 m						
	Ship holds	10 m (from the access manhole application point through which the fumigant is being applied and applying only until the manhole application point is closed)						
9.29	<p>The consent holder must ensure that the concentration of phosphine does not exceed the following limits <u>at the port boundary</u>:</p> <table border="1" data-bbox="354 595 836 743"> <thead> <tr> <th data-bbox="354 595 836 633">Value</th> </tr> </thead> <tbody> <tr> <td data-bbox="354 633 836 672">TEL <u>24-hour</u> 0.00022 <u>0.02</u> ppm</td> </tr> <tr> <td data-bbox="354 672 836 743">TEL annual <u>Ceiling/max</u> 0.150 <u>0.0022</u> ppm</td> </tr> </tbody> </table>		Value	TEL <u>24-hour</u> 0.00022 <u>0.02</u> ppm	TEL annual <u>Ceiling/max</u> 0.150 <u>0.0022</u> ppm			
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10. Ethanedinitrile								
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10.2 was 3.13 but now only applies to EDN	<p>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 the hours between sunset and sunrise.</p> <p><u>Ventilation is carried out only during the hours between sunrise and sunset,</u></p>							
10.3	<p>No ventilation of the fumigation enclosure shall occur until the concentration of fumigant within the enclosure is at or below 700ppm, in accordance with the methodology outlined in sections 9 and 11 of the Worksafe New Zealand document titled 'Health and Safety at Work (Hazardous Substances— Requirements for Specified Fumigants) Amendment Safe Work Instrument 20222024'.</p>							
10.410	<p>The consent holder must ensure that the concentration of EDN does not exceed the following limits <u>at the port boundary</u>:</p> <table border="1" data-bbox="354 1603 836 1686"> <thead> <tr> <th data-bbox="354 1603 836 1641">Value</th> </tr> </thead> <tbody> <tr> <td data-bbox="354 1641 836 1686">TEL 24-hour 0.034 ppm</td> </tr> </tbody> </table>		Value	TEL 24-hour 0.034 ppm				
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11. Review of Conditions								
11.1	<p>The Bay of Plenty Regional Council may serve notice on the consent holder during April or October of each year, under s128(1)(a)(iii) and/or s128(1)(b) and/or s128(1)(ba) of the Resource Management Act of its intention to review the conditions of this consent. The purpose of such a review is to:</p> <ol style="list-style-type: none"> a Review the adequacy of any monitoring requirements and incorporate into the consent any auditing, monitoring or reporting requirements that are necessary to deal with any adverse effects on the environment arising from the exercise of this consent; or 							

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	<ul style="list-style-type: none"> b To assess the need for changes to the conditions of this consent as a result of the independent audit undertaken in accordance with condition 5.8, including changes to technology enabling increased recapture rates; or c To assess the need for changes to the conditions of this consent to reflect changes to accepted air quality standards for the fumigants; or d Deal with any unanticipated more than minor adverse effect on the environment which may arise from the exercise of this consent. <p>The fair and reasonable costs associated with any such review shall be recovered from the consent holder.</p>
12. Resource Management Charges	
12.1	The consent 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.
13. Term of Consent	
13.1	This consent shall expire on [10 years].
14. The Consent	
14.1	The Consent 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	
AN.1	The consent holder is required to comply with all other statutory requirements and obligations including (but not limited to) the Hazardous Substances and Natural Organisms (HSNO) Act and the Health and Safety at Work (HSW) Act.
AN.2	The consent holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents.
AN.3	The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.
AN.4	Email all monitoring reports and notification required by these conditions to the Regulatory Compliance Manager, at notify@boprc.govt.nz . Include the consent number RM19-0663 and the consent holder's name.
AN.5	The consent holder is advised that where the BOPRC 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.

Acronyms and Definitions	
<u>Acronyms</u>	<p>BOPRC Bay of Plenty Regional Council, the consent authority.</p> <p>EDN ethanedinitrile, a fumigant authorised for use in New Zealand by EPA Decision HSR101529.</p> <p>EPA the Environmental Protection Authority.</p> <p>MB methyl bromide, a fumigant authorised for use in New Zealand by EPA Decision HSR001635.</p> <p>PCBU, person conducting a business or undertaking, has the meaning defined in section 17 of the Health and Safety at Work Act 2015.</p> <p>PPE Personal Protection Equipment.</p> <p>ppm parts per million, a measure of gas concentration.</p> <p>RA/SWZ Risk Area/Safe Work Zone.</p> <p>STEL Short Term Exposure Limit is the time-weighted average maximum airborne concentration of a substance calculated over a 15 minute period.</p> <p>TCC Tauranga City Council, the relevant territorial authority.</p> <p>TEL Tolerable Exposure Limit is the limit of gas concentration to which the public may be exposed without suffering risk to health as measured in 1 hour and 24 hour averages (acute risk) and annual average (chronic risk).</p> <p>TVOC: Total Volatile Organic Compounds. Most monitoring equipment used by Genera measure the concentration of TVOCs in the atmosphere. MB is one of a number of TVOCs measured at any one time.</p> <p>WES Workplace Exposure Standard A standard (established under the Health and Safety in Employment Act and enforced by WorkSafe NZ) that is not to be exceeded outside the boundary of the RA/SWZ. <u>are values that refer to the airborne concentration of substances, at which it is believed that nearly all workers can be repeatedly exposed to day after day without coming to harm. The values are normally calculated on work schedules of five shifts of eight hours duration over a 40 hour work week¹.</u></p>
<u>Definitions</u>	<p>1-hour exposure level means the average exposure level for any 60-minute time period from the start of ventilation until the end of the buffer zone period.</p> <p>24-hour exposure level means the average exposure level for any 24-hour time period from the start of ventilation until the end of the buffer zone period.</p> <p>Active monitoring means fumigant concentrations are monitored in such a way so that levels can be responded to immediately.</p> <p>Adaptive management monitoring means responding to active monitoring by adapting the release of fumigant during the ventilation procedure by either decreasing or increasing the quantity of fumigant being ventilated or altering the size/shape of the MSZ/Risk Area.</p>

¹ Document reference: WKS-5-WES-and-BEI-Edition-13-v4 (<https://www.worksafe.govt.nz>)

Acronyms and Definitions contd.	
Definitions contd.	<p>Annual exposure level means the total of 24-hour exposure levels recorded over any calendar year and averaged over 365 days.</p> <p>Best practicable option (as defined in the RMA) in relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to—</p> <ul style="list-style-type: none"> a the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and b the financial implications, and the effects on the environment, of that option when compared with other options; and c the current state of technical knowledge and the likelihood that the option can be successfully applied. <p>Break bulk means general product that is not transported in shipping containers.</p> <p>Buffer zone means, in relation to an area being fumigated, an area extending outward in all directions from the perimeter of each enclosed space being fumigated to the relevant distance. <u>For the purposes of this consent the Buffer zone boundary and the Port boundary are the same. See Resource Consent Plan RM 19-0663/01 (Attachment 1).</u></p> <p>Buffer zone distance <u>means, for the purposes of this consent, the minimum distance the fumigation enclosure must be from any port boundary.</u></p> <p>Buffer zone period means, in relation to the application of a fumigant, the period starting when the fumigant is first applied to an enclosed space and ending when the specified recording of data is no longer required in relation to that application.</p> <p>Ceiling (value) means a concentration that should not be exceeded at any time.</p> <p>Community facilities means land, buildings, and structures:</p> <ul style="list-style-type: none"> a utilised for activities such as community use, deliberation, entertainment, recreation, or leisure undertaken for purposes other than principally for commercial gain; or b operated by the BOPRC as publicly funded (partially or wholly), run or owned activities. <p>Community facilities include:</p> <ul style="list-style-type: none"> a Citizens advice bureaus b BOPRC administration offices c Libraries, museums and art galleries d Legal aid offices e Plunket rooms and rooms where information, counselling advice or similar assistance conducive to welfare is provided

Acronyms and Definitions contd.Definitions
contd.

- f Public recreational facilities and activities/minor public recreational facilities and activities
- g Clubrooms
- h Community halls, community centres, community services, community theatres, community meeting rooms and community support centres (including those owned and managed by BOPRC Controlled Organisations)
- i Societal lodges
- j Public swimming pools (including those managed as BOPRC Controlled Organisations)
- k Places of worship
- l Ancillary fund-raising activities to community facilities, provided they are temporary.

Container

means anything used to contain [a fumigant] during fumigation, except a ship's hold or sheet.

Dosing to concentration

means applying sufficient methyl bromide into the enclosed space to achieve a specified headspace concentration.

Enclosed space (also 'enclosure')

means a container, a ship's hold, or the space under a sheet.

Event recapture proportion

means the percentage of fumigation events for which appropriate recapture technology must be used, at each location of use, for a calendar year.

Exposure level

means the concentration of a fumigant in the air recorded at a monitoring location.

Fumigation event

means the fumigation of one enclosed space

Monitored Safety Zone/Risk Area

means a restricted area around the fumigated enclosed space in place from when the fumigant is applied until the completion of ~~during~~ ventilation into which non fumigating staff may not enter.

Port boundary

- a. the landward boundary is the Port security boundary (which defines the Customs Controlled Area (CCA)) and
- b. the seaward boundary is the limit of the harbourmaster's jurisdiction in the CMA, either 50m seaward from the face of the wharves or MHWS, or 50m seaward of any berthed ship

For the purposes of this consent the Port boundary and the buffer zone boundary are the same. See Resource Consent Plan RM 19-0663/01 (Attachment 1).

Recapture Technology:

means a system that mitigates methyl bromide emissions from fumigation enclosures.

Sheet (also called a 'tarpaulin')

means a heavy-duty cover that—

- a has a low mass transfer coefficient for fumigants; and
- b is waterproof and impenetrable.

Acronyms and Definitions contd.

Definitions
contd.

Ventilate

means, for methyl bromide, ~~and~~ ethanedinitrile ~~and~~ phosphine, the release of a fumigant into the atmosphere following fumigation ~~or~~ recapture, where relevant, as part of the treatment process, and ventilation has a corresponding meaning.

Attachment 1: BOPRC Consent Plan RM19-0663/01

