

BEFORE INDEPENDENT COMMISSIONERS

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER Application for resource consent under sections 88 and 124 of the Resource Management Act 1991, by Genera Limited ("**Genera**") in relation to the proposed re consenting of the discharge of contaminants into air from fumigation at the Port of Tauranga

**STATEMENT OF EVIDENCE OF SIMON PREVETT
ON BEHALF OF KIWI RAIL HOLDINGS LIMITED**

OPERATIONS

1. INTRODUCTION

1.1 My name is Simon Prevett and I am the Site Manager for KiwiRail Holdings Limited ("**KiwiRail**") at the Port of Tauranga ("**Port**").

1.2 I have worked for KiwiRail in the capacity as a Bay of Plenty Area Operations Leader and now as a Regional Operations Manager for over 6 years.

2. SCOPE OF EVIDENCE

2.1 My evidence responds to the revised application by Genera for a discharge to air consent (dated 27 May 2022) ("**Revised Application**").

2.2 KiwiRail owns and operates a rail yard site ("**KiwiRail Site**") immediately adjacent to the Port. KiwiRail's operations also involve entering and exiting the Port as part of its rail services. The focus of my evidence is on KiwiRail's operations on the KiwiRail Site and at

the Port (including the movements of staff), in the context of the activities described in the Revised Application.

3. KIWIRAIL'S OPERATION AT THE PORT

3.1 KiwiRail operates a permanent 24 hours a day, 7 days a week operation on the KiwiRail Site at the Port. As part of this operation KiwiRail shunts logs on wagons into the Port, which are then returned back once they are empty and replaced with full wagons.

3.2 There are 22 – 27 KiwiRail staff who work at the KiwiRail Site, along with 35 train drivers, and other contractors working for KiwiRail ("**KiwiRail Workers**"). KiwiRail Workers go onto the Port around 20 - 25 times a day. When moving around the Port, KiwiRail Workers work in groups of two or three and are usually at the Port for an average of 20 - 25 minutes. However, KiwiRail Workers who remove strops (the webbing and ratchet system we use to bind packets of logs to stop movement in transit) off wagons can be at the Port for between 30 minutes to one hour.

3.3 I attach at **Appendix 1**, a map of the area which depicts the KiwiRail Site and KiwiRail operations within the Port.

4. EFFECT OF THE APPLICATION ON KIWIRAIL STAFF AT THE PORT

4.1 The KiwiRail Site, and in particular, KiwiRail's activities on the rail shunt within the Port site, are in close proximity to Genera's operations. I have estimated that at some points KiwiRail's workers are within approximately 70 metres of the area currently used by Genera for methyl bromide fumigation. Given the toxicity of methyl bromide, I am concerned that the health and safety of the KiwiRail Workers will be put at risk in the event of any leakages or exceedances of Tolerable Exposure Limits and Workplace Exposure Standards for methyl bromide.

4.2 My key concern is to ensure that our staff and contractors have certainty around the area proposed to be used for fumigation, that any potential discharge is minimised as much as possible and that KiwiRail is notified immediately in the event of any issues. This will allow me to take any necessary action to ensure the safety of the KiwiRail Workers.

4.3 In my view, it is disappointing that through this application, Genera is seeking another extension of its discharge to air resource consent for methyl bromide. In my view, granting further extensions minimises the incentive for Genera to explore alternatives to the use of methyl bromide for fumigation (ie de-barking, or fumigating in holds). To that end, if this consent application is to be approved, it should be for a much shorter term than 10 years (eg 5 years).

Consent Area

- 4.4 Genera is currently using a specific area within the Port for methyl bromide fumigation activities (refer to the map in **Appendix 1** to my evidence and to **Appendix A** to the evidence of Ms Grinlinton-Hancock). Prior to using this area, Genera's operations were undertaken in a variety of sites around the Port.
- 4.5 I was concerned therefore to see that the consent area identified in the conditions of consent set out in the evidence of Keith Frenz for Genera dated 1 May 2023 is a general area that covers the majority of the Port.¹
- 4.6 Given the usual practice of Genera to undertake fumigation in a confined area of the Port, if this consent is granted, KiwiRail seeks to have the area currently used by Genera (as set out in evidence of Ms Grinlinton-Hancock) reflected in the consent conditions.

Notification

- 4.7 I am also concerned, given the close proximity of the KiwiRail Site (and KiwiRail Workers) to the fumigation activities, that Genera has not included KiwiRail in the list of entities that Genera proposed to notify before a fumigation event. This has been standard practice to date and this notification should be reflected in the consent conditions. KiwiRail needs to continue to be given advance warning of fumigation activities so that KiwiRail can implement steps to protect KiwiRail Workers. It is particularly critical that KiwiRail is notified of any leakage or exceedances.
- 4.8 As noted above KiwiRail Workers can be operating within approximately 70 metres of the current Genera site (and this is under circumstances where we know the location of the area to be used, as above I would be concerned if there was no specified site for methyl bromide fumigation and it could occur anywhere within the Port area). I understand that the buffer areas under proposed consent conditions can be 110 m (for 40 g/m³ at 90% recapture), 150 m (for 72 g/m³ at 90%) and 95 m (for 72 g/m³ at 99%).² Under those dosage and recapture scenarios KiwiRail Workers would be *within* the buffer distances. It is not clear to me from the consent conditions or evidence how Genera proposes to protect those KiwiRail Workers from health and safety effects of the methyl bromide discharge.
- 4.9 Because KiwiRail Workers could be operating within the buffer distances set out in the consent condition, they are in a special category of risk. A real time warning is required in order for any meaningful action to be able to be undertaken to ensure the health and safety of KiwiRail Workers.

¹ Evidence of Keith Frenz on behalf of Genera Limited dated 1 May 2023, Appendix A, Attachment 1: BOPRC Consent Plan RM19-0663/01.

² Proposed condition 8.1 set out in Appendix A of the evidence of Keith Frenz on behalf of Genera Limited dated 1 May 2023.

5. CONCLUSION

5.1 KiwiRail supports New Zealand's logging industry and indeed it is a key part of KiwiRail's operations at the Port of Tauranga. KiwiRail's key concern in relation to the Revised Application is to ensure that the health and safety of its staff are not put at risk. For that reason I support the proposed amendments to the conditions of consent set out in Ms Grinlinton-Hancock's evidence, if this application is to be granted.

Simon Prevett

29 May 2023

APPENDIX 1 – MAP OF KIWIRAIL OPERATIONS



The yellow box indicates roughly where methyl bromide fumigations occur.
The red outline denotes KiwiRail's designation.



The green line identifies KiwiRail's operations inside the Port.
The red outline denotes KiwiRail's designation with rail yard located at the top of the image.