

BEFORE THE HEARING COMMITTEE

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an application by Bio Plant Manawatu NZ Limited to the Manawatū-Whanganui Regional Council for application **APP-2020203133.00** for the discharge of contaminants and odour to air from a pyrolysis plant at 247 Kawakawa Road, Feilding

REPORT TO THE COMMISSIONERS

MR MARK ST CLAIR (CHAIR) AND MS JENNY SIMPSON

SUPPLEMENTARY SECTION 42A REPORT OF HAROLD IVAN BARNETT – LAND

16 January 2023

A. INTRODUCTION

Qualification and Experience

1. My name is Harold Ivan Barnett.
2. I live in Marton and I am employed by the Manawatu-Wanganui Regional Council (trading as Horizons Regional Council, HRC) as an Environmental Scientist. I have worked for the Council and its predecessors since July 1970 in various roles. I have been in the Science Group since 2003. I have Bachelor of Science (Geography) degree from Massey University and a NZ Certificate of Science (Water Technology).
3. In my duties as an Environmental Scientist, I
 - a. provide technical advice for the Consents and Compliance Teams on onsite wastewater systems and discharges to land; and
 - b. undertake reporting on the state of the environment in relation to air quality.
4. I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. My evidence has been prepared in compliance with that code. In particular, unless I state otherwise, the evidence is within my sphere of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

B. SCOPE OF REPORT

5. The Commissioners Minute 10 dated 27 October 2022, set out a timeline for further responses from various parties to the further information provided by the Applicant. This included a requirement that:

“Council Officers (Section 42A technical officer’s effects on air, water and land) provide a written response to the new technical information and any matter raised by the submitters”
6. The evidence sets out my response as requested by the Commissioners to comment on the new technical information provided by the Applicant and matters raised by Submitters.
7. I have also provided a summary and recommendation.

8. For my statement, I refer to the evidence (dated 16 January 2023) from Mr Andrew Curtis, Pattle Delamore Partners Ltd (PDP), who has been contracted as Horizons Regional Council's Consultant Air Quality expert.
9. In this evidence, Mr Curtis provides a technical assessment of the updated information in relation to air quality effects of the Bio Plant Manawatu Ltd (BPMNZ) proposal to establish and run a renewable energy facility located at 247 Kawakawa Road, Feilding.
10. My brief is to provide a statement on the potential impact the emissions to air from the plant may have on surrounding land.

C. REVIEW OF NEW TECHNICAL INFORMATION

Mr Curtis

11. In his evidence Mr Curtis concludes, based on the new information supplied, that he is unable to provide an assessment of the potential impact of the air discharge and *be confident that there will be no air quality effects from the proposal*. In particular he discusses a lack of key pieces of information and unclear or inconsistent information where it does exist. Subsequently, with no information about the possible discharges to surrounding land, I am unable to assess whether the proposed discharge to air will have an impact on the land.
12. Mr Curtis mentions merit in the sampling of soils and water for persistent pollutants (picking up on the submission of Ms Ellen Thompson) in the vicinity of the plant in paragraph 73 of his evidence.

Mr Frenz

13. In his evidence Mr Frenz lists a number of management plans that will be supplied to council prior to commissioning the plant. In my opinion, it could be useful to have a land management plan included in this list (should consent for the plant be granted). Such a plan would establish a land monitoring regime for some persistent pollutants at a number of soil monitoring sites identified in the vicinity of the plant and along property boundaries.

D. SUBMITTER EVIDENCE

I have read all of the supplementary submitter evidence. In many cases the evidence raises issues outside my area of expertise. Consequently, while I acknowledge all of the submissions and their content, I have only set out in this section comments on unique issues raised by submitters that are relevant to my area of expertise.

Ellen Thompson

14. Ms Thompson in Paragraph 1.2 of her evidence suggests soil and water sampling be undertaken. Following Mr Curtis' lead, I also agree that there is merit in this suggestion. Some repeated sampling is discussed by Mr Curtis in his supplementary evidence in paragraph 73. If the Panel is of a mind to grant consent, an adaptive soil monitoring programme for some persistent pollutants (such as dioxin, PCB, PAH and lead) could be established and implemented for this site. Such a programme would need to determine / establish baseline pollutant values (pre-plant operation) and then sampling every five years to monitor / unforeseen effect occurring as a result of the plant. To ensure it is meaningful, it is my opinion that any consent condition related to this would also need to include compliance limits or change limits and trigger action on the behalf of the Applicant to increase monitoring, identify and remedy the source of contaminants etc. The detail of pollutants to be monitored and some identified sites would need to be determined once there was enough information to assess the potential effects of the activity. I am unsure of the planning mechanism to include this monitoring given that there is no application for a discharge to land consent (arising from the plants air discharge).

E. SUMMARY AND RECOMMENDATION

15. I have reviewed the additional evidence provided by the Applicant and the Submitters, and the assessment of the evidence conducted by Mr Curtis. In summary, I agree with Mr Curtis' Report its conclusions and recommendations.
16. There is limited information about the land (soil quality) around the plant. The Applicant has previously stated that the plants discharge to air will meet the NES Air Quality standards and as a result there will be no effects on the surrounding land.
17. In considering the further information provided by the Applicant and the assessment and recommendations by Mr Curtis, I do not consider that there is sufficient information to allow me to assess the effects associated with plants discharge to air on the surrounding land nor consider

the need for a discharge to land consent. Therefore, I cannot support the granting of an air discharge consent on the basis of the information that has been presented to date.

DATED this 16 day of January 2023

Harold Barnett
ENVIRONMENTAL SCIENTIST