

s 9(2)(a)

21-D-00140

Dear s 9(2)(a)

Thank you for your email of 29 January 2021 to the Ministry for the Environment (the Ministry) requesting the following under the Official Information Act 1982 (the Act):

1. *A list of any and all briefings, memos, reports, reviews or similar received by or generated by or for MFE, with their dates, whose focus is either/or both:*
  1. *What the waste and contamination situation at Tiwai Pt from NZAS operations is or may be now*
  2. *What clean-up is or may be required in future*
  3. *What regulatory or legislative intervention or application may be required in future to address waste and contamination and the cleanup*
2. *In addition to this list, pls release in full the latest comprehensive report MFE has (generated from whatever source) on on [sic] either of the above (waste/cleanup)*

*Pls advise of any OIAs previously responded to that cover the above, with a link to those responses*

On 17 February 2021, the Ministry partially transferred part two of your request to The Treasury New Zealand (Treasury), in accordance with section 14 of the Act as the information requested is more closely connected with Treasury

In respect of part one of your request, the Ministry has identified 68 documents in scope of your request. The Ministry is withholding 18 titles of documents in full under section 9(2)(j) of the Act to enable a Minister of the Crown or any public service agency to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). The greater public interest is in ensuring that government agencies can carry out negotiations without prejudice. The titles of the remaining 50 documents are released in full as listed in the attached document schedule.

It is an expectation of the Government that New Zealand Aluminium Smelters Ltd (NZAS) will clean up the site prior to its departure. The extended timeframe for the closure of the smelting plant will allow more time for the NZAS to determine how the site will be decommissioned and restored.

Since September 2020, the Ministry has been engaging with NZAS on how it will address its waste situation. NZAS have stated they will consult with Government, among others, on their closure plan once it is developed. This will include options for dealing with onsite waste and any contamination.

Meanwhile, the Government is working with Environment Southland and Ngāi Tahu to better understand the condition of the site at Tiwai Point.

Furthermore, the Government has allocated \$300,000 to Environment Southland to support on-site investigations about the activity currently undertaken on the site.

The Ministry has received and responded to one other Official Information Act request that cover the scope of your request. The response is available on the Ministry for the Environment's website at [www.mfe.govt.nz/sites/default/files/media/Waste/20-D-02148%20Response.pdf](http://www.mfe.govt.nz/sites/default/files/media/Waste/20-D-02148%20Response.pdf).

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision to withhold information relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Please note that due to the public interest in our work the Ministry for the Environment publishes responses to requests for official information on our [OIA responses page](#) shortly after the response has been sent. If you have any queries about this, please feel free to contact our Ministerial Services team: [ministerials@mfe.govt.nz](mailto:ministerials@mfe.govt.nz).

Yours sincerely



Shaun Lewis  
**Director – Waste and Resource Efficiency**

### Document schedule

Document no.	Document date	Content	Decisions	OIA sections applied
1	Not dated	Report - Tiwai fluoride investigation	Release title and date as requested	
2	Not dated	Legal advice: Summary of initial remediation advice	Release title and date as requested	
3	Not dated	Cabinet Paper: Tiwai Aluminium Smelter Negotiating Mandate	Release title and date as requested	
4	04/1990	Report: Tiwai Point Groundwater Review	Release title and date as requested	
5	07/01/1993	Discussion document: Remediation of SPL Leachate Contaminated Groundwater at NZAS	Release title and date as requested	
6	10/06/1994	Report: Interdepartmental Committee Report 1993	Release title and date as requested	
7	05/04/1995	Application: NZAS landfill application	Release title and date as requested	
8	05/1995	Report: 1995 NZAS landfill staff report	Release title and date as requested	
9	29/08/1995	Report: NZAS Spent Cathode Storage Pad, Groundwater Remediation Studies and Evaluation of Pump and Treat Option - Volume 1	Release title and date as requested	
10	29/08/1995	Report: NZAS Spent Cathode Storage Pad, Groundwater Remediation Studies and Evaluation of Pump and Treat Option - Volume 2 - Appendices	Release title and date as requested	
11	18/09/1995	Report: Technical Review of NZAS Cathode Pad Contaminant Plume Report.	Release title and date as requested	
12	11/10/1995	Letter: Cathode Pad Contaminant Plume, Options for Remediation	Release title and date as requested	
13	30/11/1995	Resource consent: Landfill consent 94460	Release title and date as requested	
14	18/05/1999	Report: Interdepartmental Committee Report 1998	Release title and date as requested	
15	05/09/2003	Application: Application and assessment of effects on the Environment – Discharges to land at the NZAS landfill	Release title and date as requested	

Document no.	Document date	Content	Decisions	OIA sections applied
16	12/11/2003	Report: Officer report - Consent Committee – Item 7 Resource Consent application N015-006-	Release title and date as requested	
17	27/11/2003	Report: Officer report - Item - Resource Consent Application F999-045	Release title and date as requested	
18	12/2003	Plan: Landfill Management Plan	Release title and date as requested	
19	10/10/2005	Application: Application for Resource Consent – NZAS cathode stockpile discharge to CMA	Release title and date as requested	
20	11/2009	Plan: NZAS Landfill Management Plan - November 2009	Release title and date as requested	
21	31/03/2010	Report: Interdepartmental Committee Report 2009	Release title and date as requested	
22	21/09/2010	Application: Registration of Property on Sites Associated Hazardous Substances Register	Release title and date as requested	
23	15/06/2015	Report: NZAS Spent Cell Liners	Release title and date as requested	
24	21/07/2017	Report: NZAS Annual Environmental Monitoring Report 2016	Release title and date as requested	
25	28/05/2017	Manual: Operation Manual: PS9.1 Landfill Operation	Release title and date as requested	
26	30/03/2019	Report: NZAS Annual Environmental Monitoring Report 2018	Release title and date as requested	
27	31/03/2019	Report: Interdepartmental Committee Report 2019	Release title and date as requested	
28	10/07/2020	Briefing: 2020-0141 - Initial advice on the Energy Market Implications of the closure of New Zealand Aluminium Smelter	Release title and date as requested	
29	10/07/2020	Briefing: 2020-B-06999 Climate policy implications of closing the Tiwai aluminium smelter	Release title and date as requested	
30	21/07/2020	Briefing: 2020-B-07030 New Zealand Aluminium Smelters	Release title and date as requested	
31	23/07/2020	Report: Issues and options relating to the NZ Aluminium Smelter closure	Release title and date as requested	
32	04/08/2020	Briefing: Ministerial Certification of Contingent Liabilities and Contingent Assets — 30 June 2020 and	Release title and date as requested	

Document no.	Document date	Content	Decisions	OIA sections applied
		Delegations for Vote Environment Non-Departmental Appropriations		
33	31/08/2020	Legal Advice: Tiwai Point Remediation	Release title and date as requested	
34	03/09/2020	Joint Report (with MBIE): T2020/3059 - Process for managing engagements with Rio Tinto on the closure of the New Zealand Aluminium Smelter	Release title and date as requested	
35	10/10/2020	Briefing: 2020-B-07075 - Tiwai Point Aluminium Smelter	Release title and date as requested	
36	13/10/2020	Report: 510555-0000-LET-KF-0001	Release title and date as requested	
37	14/10/2020	Report: 510555-0000-LET-KF-0002	Release title and date as requested	
38	14/10/2020	Table: 510555-0000-TAB-KF-0002	Release title and date as requested	
39	19/10/2020	Report: 510555-0000-LET-KF-0003	Release title and date as requested	
40	19/10/2020	Memorandum: 510555-0000-MEM-KF-0002	Release title and date as requested	
41	19/10/2020	Memorandum: 510555-0000-MEM-KF-0003	Release title and date as requested	
42	19/10/2020	Memorandum: 510555-0000-MEM-KF-0004	Release title and date as requested	
43	19/10/2020	Memorandum: 510555-0000-MEM-KF-0005	Release title and date as requested	
44	22/10/2020	Briefing: 2020-B-07219- 2020 Baseline Update Submissions (excluding Climate Change related appropriations)	Release title and date as requested	
45	28/10/2020	Memorandum: 510555-0000-MEM-KF-0008	Release title and date as requested	
46	30/10/2020	Report: 201030 Summary – Rio Tinto approach to NZAS closure planning	Release title and date as requested	
47	30/10/2020	Memorandum: 510555-0000-MEM-KF-0009	Release title and date as requested	
48	06/11/2020	Report: Tiwai Point remediation – Tranche Two advice	Release title and date as requested	

Document no.	Document date	Content	Decisions	OIA sections applied
49	10/11/2020	Briefing: 2020-B-07273 Update on Tiwai Point – site investigation options	Release title and date as requested	
50	03/12/2020	File Note: Monitoring schedule – New Zealand Aluminium Smelters Limited	Release title and date as requested	

Released under the provisions of the Official Information Act 1982