

21-D-00845
21-D-00869

9(2)(a)

[Redacted]

Dear 9(2)(a)

Thank you for your emails of 23 April and 4 May 2021 requesting the following under the Official Information Act 1982 (the Act):

Request 21-D-00845:

9(2)(a) requests release in fully searchable format of the following:

- Any and all communications since the start of 2020 between MFE and Refining NZ over possible site contamination and/or remediation at any part of its Marsden Pt site
- Any advice or briefing to the Minister from MFE about contamination or remediation of said site

Request 21-D-00869:

The OIA release by Treasury 20210070, on p169 in Treasury Report Project 14 says:

"... several large industrial operations are nearing end of life after 50 or more years of operation. Their decommissioning is likely to require complex, challenging and costly remediation".

9(2)(a) requests the release in fully searchable format of:

- The latest substantive document of any type including any advice, briefing or aide memoire, etc, that details what these end-of-life operations are, and/or their decommissioning

The Ministry for the Environment (the Ministry) is responding to both of your requests in one response as the information in scope covers both requests. The Ministry has responded to each of your requests below. Please note, we are withholding the release of some information under section 9(2)(f)(iv) of the Act to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.

In terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the withholding of this information is not outweighed by other considerations that render it desirable to make the information available in the public interest.

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.

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.

Yours sincerely



Glenn Wigley
Director, Waste and Resource Efficiency - Policy and Regulatory

Released under the provisions of
the Official Information Act 1982

In response to Request 21-D-00845:

The Ministry has identified four documents in scope of your request, as listed in the document schedule below.

Documents 2 and 2.1 are in scope of the first part of your request. As document 2.1 is publicly available, I am refusing this part of your request under section 18(d) of the Act. You can access the document here: www.nzx.com/announcements/370088.

Documents 1 and 1.1 are in scope of the second part of your request. I am withholding a copy of 1.1 *Contaminated and orphan sites liability regime - 2020-B-07417* in full under section 9(2)(f)(iv) of the Act as detailed above.

In response to Request 21-D-00869:

The Ministry has identified 1 document in scope of your request. The lines that you extracted from Treasury Report Project 14 was taken from document 2.1 in the schedule below - *Contaminated and orphan sites liability regime - 2020-B-07417*. I am withholding a copy of this document in full under section 9(2)(f)(iv) of the Act as detailed above.

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the Official Information Act 1982

Document schedule

Document no.	Document date	Content	Decisions	OIA sections applied
1	3 February 2021	Email: Contaminated and orphan sites liability regime - 2020-B-07417	Released in full	
1.1	3 February 2021	Attached Briefing: Contaminated and orphan sites liability regime - 2020-B-07417	Withheld in full	S 9(2)(f)(iv) - to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.
2	6 April 2021	Email: Marsden Point Resource Consent Renewal	Released in full	
2.1	1 April 2021	Attachment: Renewal of resource consent for Marsden Point site	Refused	S 18(d) – information is publicly available

Released under the provisions of the Official Information Act 1982

Paolo Alejandro

From: Tim Bennetts <Tim.Bennetts@mfe.govt.nz>
Sent: Wednesday, 3 February 2021 12:16 pm
To: Andrew McCauley (Parliament)
Cc: Ministerials
Subject: Contaminated and orphan sites liability regime - 2020-B-07417
Attachments: Contaminated and orphan sites liability regime - 2020-B-07417 - final.pdf

Hi Andrew

I've attached a copy of some advice that's being sent over in this afternoon's bag. I suspect the Minister might be quite interested to read it

Thanks
Tim

Tim Bennetts – Principal Adviser
Ministry for the Environment – Manatū Mō Te Taiao. 9(2)(a)

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the Official Information Act 1982

Paolo Alejandro

From: Naomi James <Naomi.James@refiningnz.com>
Sent: Tuesday, 6 April 2021 9:12 am
To: Anne Haira
Cc: Craig Salmon; Riaan Elliot; Refining NZ
Subject: Marsden Point Resource consent renewal
Attachments: Renewal of resource consent for Marsden Point site.pdf

MFE CYBER SECURITY WARNING

This email originated from outside our organisation. Please take extra care when clicking on any links or opening any attachments.

Dear Anne

Late last week, Refining NZ announced that we have been granted a 35-year resource consent to continue to operate both refinery and import terminal operations at its Marsden Point site (announcement attached).

This resource consent underlines Refining NZ's long-term commitment to Marsden Point, and the wider Northland region.

As part of our Consent application, Refining NZ undertook an extensive assessment of the environmental impacts associated with continued operations at Marsden Point. This included detailed assessments of the effects of our activities on the harbour, land, air quality and the surrounding community which found that the effects of the refinery's impacts ranged from minor to negligible.

I wanted to highlight a small number of areas of particular note, including:

- The effects of the refinery discharge on harbour water quality were considered to be less than minor, with some effects no more than minor but transitory.
- Overall harbour water quality in the vicinity of the Refinery was high. Concentrations of contaminants in the marine sediments were low.
- The effects of our operation on public health were considered to be less than minor to negligible.
- The effects on the terrestrial ecosystem were considered to be less than minor.
- Marine ecological values at the Refinery jetty and adjacent to the site were found to be high.
- There is a free phase plume of hydrocarbons under the site, but this is effectively contained by the current hydraulic containment system with no escape of hydrocarbons from the site to the surrounding environment.
- Adverse cultural impacts were identified by local Iwi. Refining NZ has worked alongside our Iwi partners to put in place suitable mitigation packages to address the effects.

As a condition of the resource consent, Refining NZ has committed to continuing to ensure our site maintains the current high level of environmental standards. These are:

- To comply with discharge standards for both water and air which ensure the environmental effects are minimised.
- On-going continuous monitoring of our discharges to water and air to ensure compliance.
- Operation of our hydraulic containment system to prevent escape of hydrocarbons from the site via groundwater.
- Application of detailed management systems to ensure that operations are undertaken to minimise any compliance issues.
- Monitoring of sediments, shellfish in the marine environment, and lichens and vegetation in the terrestrial environment to confirm environmental effects.

Environmental measures at Marsden Point include operation of a groundwater hydraulic containment system and hydrocarbon recovery program reducing the extent of legacy contamination over time as part of our ongoing remediation of the site.

We have rigorous processes in place to ensure that our clean-up of spills is in accordance with the approved management plan to prevent any further legacy contamination.

Further to this, management of earthworks on our site is in accordance with our ground contamination management plan to appropriately deal with any contaminated soil. We undertake regular monitoring and reporting of our extensive groundwater network to track hydrocarbon contamination of groundwater and we regularly assessment maintenance and capital projects to ensure appropriate environmental controls are in place.

Finally, as a condition of our resource consent, Refining NZ has also committed to work with the Northland Regional Council ahead of time to plan for an orderly wind-up of operations, should refinery and import terminal operations on site cease in the future.

I am available at any time should you wish to discuss these issues, and I look forward to working alongside you on important issues related to Marsden Point in the future.

Kind regards
Naomi

Naomi James
Chief Executive Officer
Refining NZ

9(2)(a) [Redacted]
[Redacted]
[Redacted]
Web www.refiningnz.com

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WARNING

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We can be contacted at

E-mail corporate@refiningnz.com
Phone +64 9 4328311

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