

**From:** Sarah Roberts [mailto:awahuri@xtra.co.nz]

**Sent:** Tuesday, 5 February 2013 9:05 a.m.

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**Subject:** Response to TRC radioactivity report and serious concerns under the RMA 1991

Dear Mr Bridges, Ms Adams, Mr Hughes, Mr Shearer, Mr Robertson, and Mr Borrows; Mr Chamberlain, Mr Bedford, Mr McLay, and Mr McLeod (Taranaki Regional Council); Mr Stevenson, Mr McKenzie, Mr Sutherland, and Mr Dunlop (South Taranaki District Council),

Mr Self, Mr Morrison and I wrote expressing concern in October 2012 to central and local government about the use of radioactive tracers in hydraulic fracturing. We also raised issues with what appeared to be inexperience on behalf of a Taranaki Regional Council officer in testing for radioactive material. We emailed Stuart Lillie of the National Radiation Laboratory in November last year asking for specific information about the use of radioactive materials by the oil and gas industries in Taranaki. We have attached the relevant emails and documents. We did not receive any response from Taranaki Regional Council. Last week we received an email from Stuart Lillie stating he would respond to our queries urgently.

Taranaki Regional Council are presenting a report on 'Radioactivity in hydrocarbon exploration (including fracturing activities)' at the Consents and Regulatory meeting today. We would like to submit the following to be considered as well.

Taranaki Regional Council (TRC) published the Shell Todd Oil Services (STOS) hydraulic fracturing application (Assessment of Environmental Effects-AEE) directly on their website. According to STOS the application "provides a detailed composition of the tracer material that will be used in the 2012 stimulation programme. MSDS (Material Safety Data Sheets) for the radioactive component of each of the tracer materials are contained in Appendix 7" (p.24). We raised concerns about the radioactive materials used in the tracers because of the length of their half-lives and the information appeared incomplete. Many of the data sheets stated lethal concentrations and doses are not presently available. According to STOS the use of radioactive tracers has been occurring for years.

The description of the waste management in the AEE by the Company was also a concern. STOS state "the presence of returned tracer beads will be monitored to determine if a holding time is required to allow for decay to levels deemed acceptable per the National Radiation Laboratory prior to the disposal of the solid waste to an appropriately licensed facility. If a holding period is required, the solid waste will remain in a steel tank and covered until such time as an acceptable level is achieved" (p.25). Mr Bedford, Taranaki Regional Council Director of Environment Quality stated publically "But the level of radioactivity is incredibly low. And it is totally authorised by the National Radiation Laboratory, Ministry of health" (Taranaki Daily News, 13th October 2012). Why do the Company describe a holding time and covering it if the radioactivity is so low and safe? Many of these well sites are beside houses and on dairy farms.

There are a number of contaminated sites at Kapuni due to discharging of contaminants in some cases without specific consent (Taranaki Regional Council, February 2013, p.44). Some consents to discharge liquids onto and into land from a purpose built, blow down pit were granted in 2006 and 2007 by Taranaki Regional Council. The blow down pits were unlined. South Taranaki District Council has consented for the remediation of these areas although it was a result of a discharge. The report to South Taranaki District Council (STDC) on the clean-up site KA-2 ('Report- Kapuni KA2 Well Site Blowdown Pit Contamination Assessment and Remediation Validation'-attached) shows the extent of the contamination. KA 2 had no legal consent to discharge contaminants. Several hundred tonnes of impacted soil and water had to be removed. According to the documentation 100 tonnes of contaminated soil had to be taken to Hutt City

Council landfill (3rd August 2012). This documentation also included testing for and evidence of several heavy metals including barium, strontium and thallium; petroleum hydrocarbons; and PCBs (27th September 2012).

In concluding, the consenting, regulation and monitoring of Kapuni by the Councils is extremely problematic. Shell Todd Oil Services (STOS) applied for consent to hydraulically fracture at Kapuni (the same activity) with both Taranaki Regional Council (TRC) and South Taranaki Regional Council (STDC) separately. TRC granted the non-notified legal consents on 5th April 2012 to discharge radioactive material at four Kapuni well sites. **However** the use, storage and transportation of hazardous substances is legally an issue for South Taranaki District Council to consider in a land use consent according to the South Taranaki District Plan under the Resource Management Act 1991. The radioactive material TRC consented to be discharged is not in the STDC application for land use consent submitted by Shell Todd Oil Services. TRC and STDC received a different Assessment for Environmental Effects (AEE) from the Company for the same activity. The land use consents have been passed by STDC after the TRC discharge consents and they have not included these radioactive materials. It is our understanding the radioactive materials are not legally allowed to be used under the current land use consent.

The activity required consents from two consenting authorities. Taranaki Regional Council granted their discharge consents ahead of South Taranaki District Council land use consent for the use, storage and transport of hazardous substances instead of considering these consents jointly. We believe this completely disregards Section 102 of the Resource Management Act 1991. Section 102 requires a joint hearing where applications for resource consents in relation to the same proposal have been made to 2 or more consent authorities. This creates a statutory duty, even if the applicant(s) agree that a joint hearing need not be held. We believe Taranaki Regional Council and South Taranaki District Council had a statutory duty to consider this application jointly. We believe they have failed in their statutory duty and seriously compromised public safety and the intent of the Resource Management Act. We request a response to our concerns urgently.

Yours faithfully

Sarah Roberts and David Morrison

Affected Taranaki residents

Mike Self

South Taranaki District Councillor

<http://www.trc.govt.nz/assets/Publications/guidelines-procedures-and-publications/hydraulicfracturing/stos-aee-kapuni-jan2012w.pdf>

<http://www.stuff.co.nz/taranaki-daily-news/news/7810867/Radioactive-fracking-consent-sought>

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<http://www.trc.govt.nz/assets/Publications/technical-reports/oil-and-gas-compliance-monitoringreports/1104514w2.pdf>