

Dear Councillors Armstrong, Beccard, Bigham, Hohaia, Powell, and Ward (Environment and Hearings Committee members); Mr Dunlop (Mayor) and Mr Ballantyne (Deputy Mayor); and South Taranaki District Councillors; Mr Stevenson (Chief Executive Officer), Mr McKenzie (Group Manager, Environment Services Group), Mr Sutherland (Planning Manager) and Mr Manning (Group Manager, Engineering Services Group)

South Taranaki District Council

Hawera

11<sup>th</sup> February 2013

Dear Sirs/Madams

I am writing to express my concern regarding a number of issues relating to the application for land use consent by Shell Todd Oil Services (STOS) to South Taranaki District Council (STDC). This is to undertake the process of hydraulic fracture stimulation at the KA-17 and KA-18 well sites. This application is being presented to a special Environment and Hearings Committee meeting to be held today at 1pm.

[http://www.southtaranaki.com/uploaded\\_files/Meetings/Environment-and-Hearings-Committee/Special-Environment-and-Hearings-Committee-Agenda-Full-Agenda-2013-02-11.pdf](http://www.southtaranaki.com/uploaded_files/Meetings/Environment-and-Hearings-Committee/Special-Environment-and-Hearings-Committee-Agenda-Full-Agenda-2013-02-11.pdf)

1. Incomplete list of hazardous substances

“11.01 Categories of Activities”, “11.02 Rules”, and “11.03 Performance Standards” outline the legal responsibility of the district council for granting of land use consents for the use, storage, and transport of hazardous substances (Operative South Taranaki District Plan (December 2004) Section 11: Hazardous Substances) as part of the Resource Management Act 1991.

[http://www.southtaranaki.com/uploaded\\_files/District-Plan/district-plan-section-11-hazardous-substances.pdf](http://www.southtaranaki.com/uploaded_files/District-Plan/district-plan-section-11-hazardous-substances.pdf)

There are a number of hazardous substances not included in the application and the Assessment of Environmental Effects (AEE) submitted to South Taranaki District Council (STDC) by Shell Todd Oil Services (STOS). These are in the application and Assessment of Environmental Effects (AEE) submitted to Taranaki Regional Council (TRC). This is **extremely alarming** considering STDC are legally responsible for ensuring the appropriate risk analysis, and evaluation and control of these hazardous substances are in place before the activity begins. This also includes road tanker and transport truck risks.

Shell Todd Oil Services (STOS) application and Assessment of Environmental Effects (AEE) to Taranaki Regional Council (TRC) includes Appendix 5 Hydraulic Fracture Fluid Composition (for KA-14) listing Magnacide 575 Microbiocide (Biocide- acutely toxic); Clay Treat-3C (Clay control; acutely toxic); GasFlo G2 (Surfactant-acutely toxic); GLFC-5 (Gellant-acutely toxic); Caustic solution (High PH buffer-toxic); XLW-30AG (Crosslinker- acutely toxic); Scaletrol 720 (Scale inhibitor-acutely toxic); GBW-41L (Frac Gel breaker- acutely toxic); and High Perm CRB (Breaker-acutely toxic).

These hazardous substances exceed the threshold for the Hazardous Facility Screening Procedure (HFSP) matrix and should be included in the application and Assessment for Environment Effects (AEE) to South Taranaki District Council for KA-17 and KA-18 well sites.

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

## 2. Radioactive hazardous substances

Shell Todd Oil Services (STOS) application and Assessment of Environmental Effects (AEE) to Taranaki Regional Council” includes 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). I have concerns about the radioactive materials used in the tracers because of the length of their half-lives and the information appears incomplete. According to STOS the use of radioactive tracers has been occurring for

years. This information about hazardous radioactive materials is not provided to South Taranaki District Council by Shell Todd Oil Services (STOS) as part of their application for land use consent.

The description of the waste management of the radioactive materials in the Taranaki Regional Council (TRC) application from Shell Todd Oil Services (STOS) is not provided to South Taranaki District Council (STDC) in their application. **However** the district council have responsibility for waste management of hazardous substances. STOS in the TRC application states “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).

It is my understanding Shell Todd Oil Services (STOS) do not have a legal land use consent from South Taranaki District Council to use, store or transport radioactive materials at any well sites at Kapuni.

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

### 3. Remediation of contaminated sites at Kapuni

There are a number of contaminated sites at Kapuni from discharging of contaminants in some cases without specific consent (Taranaki Regional Council, February 2013, p.44). Some consent 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 blows 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 (3<sup>rd</sup> August 2012). This documentation also included testing for and evidence of several heavy metals including barium, strontium and thallium; petroleum hydrocarbons; and PCBs (27<sup>th</sup> September 2012).

South Taranaki District Council shows there are three more consents to remediate contaminated sites.

RML12025	Shell Todd Oil Services Limited	Kapuni Well Site KA13 at 1049 Skeet Road, Kapuni	Decommissioning of the Flare Pit and Removal of Contaminated Soil	19	N
RML12026	Shell Todd Oil Services Limited	Kapuni Well Site KA8/12/15/18 at 939 Eltham Road, Kapuni	Decommissioning of the Flare Pit and Removal of Contaminated Soil	19	N
RML12027	Shell Todd Oil Services Limited	Kapuni Well Site KA5/10 located at 992 Skeet Road, Kapuni	Decommissioning of the Flare Pit and Removal of Contaminated Soil	19	N
RML12028	Shell Todd Oil Services Limited	Kapuni Well Site KA2 located at 140 Palmer Road, Kapuni	Decommissioning of the Flare Pit and Removal of Contaminated Soil	19	N

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

[http://www.southtaranaki.com/uploaded\\_files/Meetings/Environment-and-Hearings-Committee/Environment--and-Hearings-Full-Agenda-2012-08-27.pdf](http://www.southtaranaki.com/uploaded_files/Meetings/Environment-and-Hearings-Committee/Environment--and-Hearings-Full-Agenda-2012-08-27.pdf)

#### 4. Hydraulic fracturing without legal consent

According to the South Taranaki District Council District Plan (STDCDP) the use, storage and transport of hazardous materials used in hydraulic fracturing would trigger the requirement for land use consent. Taranaki Regional Council (TRC, May 2012, p.16) documented 9 hydraulic fracturing operations at Kapuni well sites in 2005, 2010 and 2011 by Shell Todd Oil Services (STOS). It is my understanding the Company did not have land use consent to carry out these activities therefore fracking illegally.

<http://www.trc.govt.nz/assets/Publications/guidelines-procedures-and-publications/hydraulic-fracturing/hf-may2012-graph-p19.pdf>

5. Lack of joint consideration of the same proposal by consenting authorities

The hydraulic fracturing activity required consents from two consenting authorities, Taranaki Regional Council and South Taranaki District Council. Taranaki Regional Council granted their discharge consents of contaminants prior to South Taranaki District Council land use consent for the use, storage and transport of hazardous substances. They did not consider these consents jointly.

I believe this 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. I believe Taranaki Regional Council and South Taranaki District Council have a statutory duty to consider these applications jointly. I believe they have failed in their statutory duty and seriously compromised public safety and the intent of the Resource Management Act. This is demonstrated by Shell Todd Oil Services (STOS) presenting lists of hazardous materials to one council and not the other in different Assessment of Environmental Effects (AEE) for the same activity.

<http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM234350.html>

In concluding I strongly urge the environment and hearings committee to decline the application for land use consent for hydraulic fracturing from Shell Todd Oil Services (STOS) and seek further advice on the issues I have raised. I wish to be fully informed as soon as possible about the steps South Taranaki District Council has taken to investigate these issues. I strongly urge South Taranaki District Council to consider, given the evidence, that the effects of these activities on the environment are more than minor and the application for hydraulic fracturing at Kapuni should be publically notified.

Yours faithfully

Sarah Roberts