

17 August 2022

Jolene Irvine
Canterbury Regional Council
PO Box 345
Christchurch 8140
Jolene.Irvine@ecan.govt.nz



58 Kilmore Street
PO Box 345
Christchurch 8140

P. 03 365 3828
F. 03 365 3194
E. ecinfo@ecan.govt.nz

Customer Services
P. 03 353 9007 or 0800 324 636
www.ecan.govt.nz

Dear Jolene,

Request for Further Information

Response required by: 7 September 2022

Record Number/s: CRC222040, CRC222041 & CRC222043

Applicant Name: Canterbury Regional Council

Activity Description: To renew CRC981580 - to spray chemicals for the control of exotic vegetation, renew CRC041535 - to discharge herbicides glyphosate and triclopyr, along with surfactants, into water or onto land where they might enter water, and to discharge contaminants to air.

As you are aware, you responded to a s92 request for information (issued 21 December 2021) on 5 August 2022. This request for information included a number of requests arising from the groundwater and air quality technical reviews of the application. The groundwater and air quality technical specialists have reviewed your response and do not consider that their original requests have been fully satisfied. Therefore, they have additional requests for information which are attached to this letter as Attachment 1.

The options available to you under Section 92A(1) of the RMA are summarised below. A response is required by 7 September 2022. You must choose one of these options.

A. Supply the requested information by 7 September 2022.

If the information can be easily collated and supplied by this date, please provide it in writing (via email is fine) to me.

B. Agree in a written notice by 7 September 2022 to supply the information requested.

Sometimes technical information will take some time to collate or key contacts may not be immediately available. If you need more time to supply the information requested, please advise me in writing when you can provide the information. You can do this via email or letter.

C. Refuse in a written notice by 7 September 2022 to supply the requested information.

Alida van Vugt (air quality specialist), Neil Thomas (groundwater specialist) and I would like to offer you the opportunity to have a meeting to discuss these requests for information so that you

clearly understand what we are requesting and to reduce the back and forth communication resolving these matters. Please contact me regarding this and I am happy to arrange this meeting.

Please contact me via email (Rebecca.Beattie@pdp.co.nz) or phone (021 650 433) if you have any questions. Below are the details of the two specialists requesting information if you would prefer to contact them directly.

Neil Thomas – Groundwater Technical Specialist

Email: Neil.Thomas@pdp.co.nz

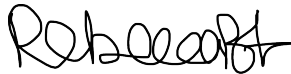
Ph: 022 0918 250

Alida van Vugt – Air Quality Technical Specialist

Email: Alida.VanVugt@pdp.co.nz

Ph: 027 944 5310

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rebecca Beattie', with a stylized, cursive script.

Rebecca Beattie

Consents Processing Planner

ATTACHMENT 1

Information Requested under Section 92 of the Resource Management Act 1991

Application Number/s: CRC222040, CRC222041 & CRC222043

Date: 17/08/2022

The following requests for additional information are in response to the applicant's responses to the original s92 request for information dated 21 December 2021.

1. Potential effects on Groundwater

Mr Neil Thomas, PDP Principal – Water Resources who is providing groundwater technical advice on behalf of CRC for this application, has reviewed your responses to Matter 1(a) and (b) and has the following additional requests for information:

- a. Please provide a copy of the advice from “Dr Gray” about the effect of glyphosate on drinking water referred to in the response.
- b. Please provide some information on the qualifications on Dr Gray to provide this advice.

2. Effects on Air Quality

Ms Alida van Vugt, Environmental Engineer providing air quality technical advice on behalf of CRC, has reviewed your responses. Ms van Vugt is still not confident that the proposed procedures will appropriately mitigate spray drift at winds between 10km/h to 15 km/h. The experience of the operators and other reasoning provided is not sufficient evidential reasoning to confirm that the effects of spray drift between 10km/h to 15km/h will be less than minor.

Ms van Vugt considers the spray application areas to be a highly sensitive environment. Better justification is required as to why the applicant considers it appropriate to spray in wind conditions above 10 km/h which increases risk of spray drift, and why a limit of 10 km/h and under which provides the best spraying conditions is not feasible. Amendments to the Spray Handbook have been identified as necessary, as well as more information on how effects on sensitive receptors will be managed and mitigated.

Given the above Ms van Vugt has requested the following additional information:

- a. To robustly justify how spraying in winds up to 15 km/h does not cause adverse effects which are minor or more than minor, please provide more specific evidence of:
 - i. How far spray drift carries in winds of up to 15 km/hr; and/or,
 - ii. How the potential impacts of spray drift is mitigated in winds above 10 km/h.
- b. The applicant has said the spray applicators will hold a Growsafe certificate as a minimum (alongside other relevant qualifications), please provide clarification that this certificate referred to is certification as a Growsafe Registered Chemical Applicator.
- c. Please provide additional detail on procedures and controls which should be included in the Spray Handbook for Operators which address:
 - i. Pre-engagement with the community prior to spraying near/over sensitive receptors, which may include:
 - Instructions on when and what types of sensitive receptors shall be contacted prior to spraying; and
 - The notice period required to be given to those parties;

- Requirements to incorporate any feedback from sensitive receptors in spraying measures.
- ii. How to effectively manage spray drift in accordance with best practice for aerial spraying, including but not limited to:
- Best practice apparatus available for use in different weather conditions;
 - How an operator may adjust flowrate, nozzle pressure and the boom to manage spray drift risk (e.g. description of principles and methodologies of how to reduce spray drift); and
 - Appropriate recommended application heights in accordance with best practice and maximum flying heights at which the operator would switch off the sprayer.

Advice Note: It is acknowledged that an application height limit is not necessarily appropriate as a condition of consent due to safety issues for pilots in variable terrain, however general guidelines for application height is considered appropriate to demonstrate good practice will be applied wherever possible. It is expected that should a pilot have to increase flying distance significantly in unforeseen circumstances that the sprayer shall be turned off to reduce spray drift onto unwanted areas. A guideline height for when this is a requirement is expected to be included in the handbook. The FAO GPG for aerial application of pesticides (2001) states “*When the wind speed is less than 3 m/s, a boom height of between 3 and 4 m above the crop will ensure good lateral movement of the spray but flying height must be reduced if the wind speed exceeds 3 m/s*”. It is noted 3 m/s roughly corresponds to 10 km/h.

- iii. Methods used for determining additional controls appropriate for different classes of adjuvants.

Advice Note: As an example of what is expected in terms of information without limiting the adjuvants available for use, creating categories of adjuvants in terms of high, medium and low aquatic environment toxicity and specifying the additional the setbacks, measures and precautions to be undertaken for each category of adjuvant added to spray is expected as minimum level of information.

- iv. An example recording sheet/log the operator will be using to demonstrate the level of information required in spray logs (e.g. an example spray log sheet). The log sheet should include but is not limited to:
- Location spray is applied;
 - Date of spray application;
 - Type of spray applied and any adjuvants added;
 - Spraying apparatus used;
 - Wind monitoring observations;
 - Sensitive receptors identified;
 - Sensitive receptors and date contacted prior to spraying; and

- Comment on any additional measures implemented as result of sprays and adjuvants used, or as a result of being near a sensitive receptor or by request of that sensitive receptor.
- d. Ms van Vugt does not consider that taking one morning wind reading prior to a day of spraying is appropriate to adequately gauge the wind conditions for the day. Wind conditions can be highly variable throughout the day and are often calmer in the morning. Subsequently it is considered more frequent checks of wind conditions throughout the day is appropriate. If spraying in one location is likely to occur for longer than 4 hours, please confirm if the applicant be accepting new wind measurements to be taken every 4 hours or as well if wind speed and/or directions conditions noticeably change.
- e. The s92 response states the list of sensitive receptors has been updated following consultation. Please provide this list of the sensitive receptor sites added to the sensitive receptors list following this consultation undertaken by the applicant.
- f. The s92 response states that in some circumstances setbacks will not be applied if the sensitive receptors give permission to spray closer. More information is needed on how this will be done in an appropriate manner to mitigate effects to sensitive receptors.
- i. Please detail the procedure ECan staff will follow for gaining written agreement of the managers/owners of these sensitive sites to spray closer than the standard setbacks.
 - ii. Please describe which sensitive sites may have spraying occur closer to setbacks if written permission is obtained and which sensitive sites will not have setbacks reduced (e.g. will Community Drinking Water Protection Zones be sprayed inside if the water supply owner gave permission?).
- g. Please confirm that the applicant would be accept of a condition of consent requiring engagement with the organic farmers prior to spraying to confirm farm location specific setbacks.