

5 March 2026

The Expert Consenting Panel  
C/- Environmental Protection Authority

By email: [REDACTED]

Dear [REDACTED]

**RE: Green Steel - Minute 18 - Response to the Expert Panel on Draft Conditions**

Thank you for the request for comment on the draft conditions in accordance with s 70 FTAA, and thank you for the draft decision. In accordance with the Panel's request, included with this letter is an updated monitoring plan for inclusion in the conditions, showing the location of sampling points for the sediment retention ponds, groundwater, leachate system, subsoil system, and Waipapa Stream.

I have also included comments on some of the conditions in commentary below in this letter in Attachment 1. As the number of conditions commented on is limited, for ease of reference I have generally written the amended condition followed by limited commentary on the reason for the suggested change.

Please note, guidelines updating the NEMP 3.0 were released yesterday. We have provided a brief statement from Nerena Rhodes of PDP, a PFAS specialist to this effect. Please note her detailed qualifications will follow tomorrow.

Yours sincerely



Craig Shearer  
For National Green Steel Limited

## Attachment 1: Green Steel Comment on Draft Consent Conditions.

### Waikato Regional Council

#### General Conditions

- 1) The development must be undertaken in general accordance with the information and plans submitted by the Consent Holder in support of application number FTAA-2506-1074 (dated 1 July and officially received as being completed by the Fast Track Approvals Panel on the 29th Day of July 2025). The development is as described in the Application by National Green Steel, at 61 Hampton Downs Road, being to Construct and Operate a Structural Steel Manufacturing Plant and Accessory Activities (as prepared by Kinetic Environmental Consulting Limited including all relevant Technical Assessment information as attached to the substantive application).

The development must be undertaken in general accordance with the plans and documents listed in Attachment 1.

#### Green Steel Comment:

#### **Response to Condition 1 and the list of plans and documents in Attachment 1**

*In addition to the standard general condition referencing the application documents, the consent contains an additional clause requiring that the development must be taken in general accordance with the plans and documents listed in Attachment 1.*

*The purpose of the general condition is to anchor the consent to the Applicant's proposal and supporting technical information. The general condition is relied on to define the bounds of the consent by referencing to those core documents.*

*As drafted, however, the documents in Attachment 1 include, not only the application documents and technical assessments, but a broad suite of documents generated during the decision-making process. Some have been produced by third parties – eg conditions of consent proposed by the councils, and responses to information. These documents do not have any authoritative status and may contain preliminary or exploratory positions. They may include material that has been revised, superseded or rejected by the Panel.*

*When operating under a consent it is understood that any relevant matters raised during the process should have been duly considered by the Panel, reflected in the decision where appropriate and, where appropriate incorporated into the conditions of consent. In particular, the Applicant cannot be reasonably expected to operate in accordance with documents prepared by third parties (with the exception of the JWS with which it has agreed). The condition that addresses conflict between the documents in Attachment 1 and the consent conditions does not clarify what compliance is required where matters are raised in those documents but not specifically addressed in the consent conditions.*

*Accordingly, including extraneous documents generated during the process - including legal memoranda - within the general condition is unnecessary and inappropriate. The incorporation of external commentary risks creating ambiguity and complicating compliance.*

The approach of limiting which documents form part of the consent through the general condition is consistent with established best practice. As noted in the Westlaw Commentary (ref s108 of the RMA) “generally in accordance with” conditions have become almost standard and are “Often (and preferably) ... linked to specific plans and referenced documents (eg a noise report) rather than the entire AEE and further information.”

The following additional documents over and above the application documents are proposed for inclusion:

<i>Addendum to Economic Impact Assessment</i>	<i>Castalia Limited</i>	<i>N/A</i>	<i>12 November 2025</i>
<i>Technical memorandum</i>	<i>EnviTech</i>	<i>N/A</i>	<i>18 December 2025</i>
<i>Appendix 1 – Planning Assessment Electricity Distribution</i>	<i>National Green Steel Limited</i>	<i>N/A</i>	<i>19 January 2025</i>
<b><i>Expert conferencing outcomes</i></b>			
<i>Joint Witness Statement</i>	<i>N/A</i>	<i>N/A</i>	<i>22 January 2025</i>
<b><i>Material provided following expert conferencing</i></b>			
<i>Letter response from the Applicant</i>	<i>National Green Steel Limited</i>	<i>N/A</i>	<i>2 February 2025</i>
<i>Attachment 1 – Sensitivity Analysis</i>	<i>National Green Steel Limited</i>	<i>N/A</i>	<i>2 February 2025</i>
<i>Attachment 2 – Monofill Leachate Production</i>	<i>EnviTech</i>	<i>N/A</i>	<i>2 February 2025</i>
<i>Attachment 2 – Monofill Leachate Production Predictions</i>	<i>National Green Steel Limited</i>	<i>N/A</i>	<i>2 February 2025</i>

## Stormwater Management Plan

### Refer to previous condition 22

- 22) If, after three (3) years the quarterly monitoring has shown no non-compliance with the trigger levels set, then the applicant may, with the approval of Waikato Regional Council request approval to reduce the suite of parameters monitored and or reduce the frequency of monitoring.

#### **Green Steel Comment**

*Condition 22 has been deleted by the Panel as the advice received from Anthony Dixon who commented “this is too soon when most of the monofills won’t be filled”. Although this would appear to be a fair point, there is no obvious reason why non-compliance would start to occur given the Consent holder will have had the time to show a proven track record (or otherwise) over the past three years. In addition, Waikato Regional Council would need to agree to the reduction in the suite of parameters so Council as the regulator has the final say. Therefore, Green Steel suggests the condition should be reinstated as above.*

## Authorisation for Monofill Activities

### Condition 6) (proposed changes shown as underlined)

- 6) The Consent Holder must include a double composite liner for the monofills unless further monitoring and modelling are undertaken to address the data gaps listed below. This is to advise on whether a single composite liner is sufficient to protect water quality at the receiving surround surface waters streams. The data gaps to be addressed include:

- Stream flow data for a range of climactic data (focusing on dry weather)
- Background PFAS and related compounds (so that cumulatively the contribution from the landfill would not exceed the NEMP 99<sup>th</sup> level of protection criteria) **in surface water after reasonable mixing.**
- Testing of representative samples of the flocc waste in accordance with the test methodology in NEMP 3.0 (and ongoing testing 6-monthly so that if needed future areas of the monofills could be double lined).

The findings from updating the model with the above data should be independently reviewed and confirmed as acceptable to WRC **with reference to any updated guidelines.**

#### **Green Steel Comment:**

*There are minor changes to condition 6 as set out above (underlined).*

*The first change refers to “surface water” to further make it clear this part of the condition is relating to surface water. Further we have added “after reasonable mixing”. This is standard in most monitoring conditions and is used elsewhere in the consent, for example in condition 1 of*

*the Stormwater Management Plan suite of conditions and condition 1) in particular.*

*The second change is suggested because advice (see memo from Nerena Rhodes of PDP attached) is that from time-to-time guidelines are amended and has proven to be the case. Importantly, yesterday the NEMP 3.0 guidelines were replaced by the Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2026 (ANZG). As explained by Ms Rhodes it is important that the consent should be flexible enough to ensure ANZ 2026 can be applied. This is a potentially significant change. Given the timing of this change, we propose that the consent conditions more clearly reflect that any updated guidelines should be applied, where such reference is not already included.*

*Note also the reference JWS in the bullet point at the bottom of page 4 in relation to liner selection, where the parties agreed to include “conditions on adhering to NEMP 3.0 (or subsequent equivalent)”.*

**Condition 12) (proposed changes shown as underlined)**

Prior to the commencement of the construction of each stage of the monofills, the Consent Holder shall provide to WRC for written certification, in a technical certification capacity, detailed design information setting out:

- a) The depth of the unsaturated zone upon which the monofill will be placed;
- b) Whether a single or double composite liner will be needed, based on an assessment of leachable PFAS concentrations from the floc compared to the ASLP leachable PFAS landfill acceptance criteria specified in the HEPA 2025, PFAS National Environmental Management Plan Version 3.0, Heads of EPA Australia and New Zealand 2025. CC BY 4.0. (or as it is current at the time) and the information required by condition 5 above;
- c) A monitoring programme **during the operation of each monofill** for assessing the leachable PFAS concentrations of the floc, based on NEMP 3.0 (or subsequent updated version) methodology on an ongoing 6-month basis to determine levels of PFAS and related compounds in the leachate and on a mass basis;
- d) How monofill slope and liner stability will be achieved, so that the area extent of either monofill is not greater than proposed in the documentation listed in condition 1 of the General Conditions, and details of earthworks for each monofill, including location of stockpiles

**Green Steel Comment:**

*In relation to condition (b) advice received is that confirmation is required that the floc can be analysed in accordance with the protocols in these documents by a lab in New Zealand or Australia. In the time available Green Steel has not yet been able to confirm whether this is feasible and proposes responding to the Panel on this point next week when it comments on conditions from other parties.*

*We have also suggested a change to condition c) by adding the words “during the operation of each landfill”. We consider a permanent monitoring programme is not necessary, particularly when there is*

a consent condition (condition 14) requiring a Monofill Closeout and Rehabilitation Management Plan (MCRMP) be prepared for each monofill after completion of filling. The MCRMP must be submitted to the WRC, for approval, in a technical certification capacity. Subsection j) of condition 14 includes:

j) Any ongoing monitoring following site closure.

Therefore, we propose the monitoring programme referenced in condition 12) remains in place only for the lifetime of the operation of the monofills.

**Condition 30) (amendments underlined)**

Condition 30 is as follows:

The following discharge limits must be applied to all stormwater and sub-soil drainage discharges from site, after reasonable mixing:

Parameters	Trigger Limits (ug/L)
pH	6.5 to 9.0
Total suspended solids	100 g/m3
Dissolved aluminium	150
Dissolved arsenic	140
Dissolved boron	2500
Dissolved cadmium	0.8
Dissolved chromium	40
Dissolved copper	2.5
Dissolved lead	9.4
Dissolved nickel	17
Dissolved zinc	31
Ethylene glycol	330
PFOS	0.00023
PFOA	19

TPH	15 mg/L
cBOD5	4 g/m3

1. Dissolved metals based on 80% species protection DGV (ANZG 2018).
2. Ethylene glycol based on unknown species protection (ANZG 2000).
3. PFOS and PFOA based on 95% species protection for the subsoil drainage and the 99% species protection for stormwater (PFAS NEMP 3.0).
4. TPH based on avoidance of visible sheens MfE (1989) Petroleum Guidelines.
5. The trigger limits should, at least every three years of commencement of monitoring, be reassessed and revised, taking into account surface water and groundwater monitoring and the applicable criteria for sensitive receptors (and be approved by WRC).

**Green Steel Comment:**

*In reference to point 3 above, Green Steel considers the Panel should be adopting a standard of 95% species protection for the subsoil drainage and 99% for stormwater. This is the same as the recommendation provided to the Panel by their expert from GHD, Anthony Dixon. We note that his new point 5 provides for a review of the trigger limits every three years.*

*However, we also consider that in light of the release of the revised guidelines that the consent should provide for revision of these limits in accordance with the new guidelines. Given that we have only become aware of these guidelines today, we have not proposed specific condition wording.*

*A further change above is reference to "reasonable mixing". As explained above, this is to ensure consistency of interpretation.*

**Condition 32)**

Condition 32 is as follows:

- 31) The Consent Holder must engage a suitably qualified and experienced practitioner to collect groundwater samples on a six-monthly basis from the groundwater monitoring bores MBA, MBB and MBC for the southwestern monofill and groundwater bores (yet to be specified) for the northeastern monofill. Analysis of groundwater samples shall be performed by an IANZ accredited (or similarly qualified alternative) laboratory for the following parameters:

Parameters	Trigger Value <sup>1</sup>
pH	
Electrical conductivity	
Dissolved arsenic	0.14
Dissolved boron	2.5
Dissolved cadmium	0.0008
Dissolved chromium	0.04
Dissolved copper	0.0025
Dissolved lead	0.0094
Dissolved manganese	3.6
Dissolved mercury	0.0054
Dissolved nickel	0.017
Dissolved zinc	0.031
PFOA	19
PFOS	0.00023

1. Dissolved metals (mg/L) - Australian and New Zealand Freshwater default guideline value (ANZG (2018) DGV) for 80% Species Protection.
2. The trigger values should, every three years of commencement of monitoring, be reassessed and revised taking into account surface water and groundwater monitoring and modelling and meeting the applicable criteria for sensitive receptors (and be approved by WRC).

Advice Note:

- The water level (static water level) will be measured from the top of the casing before each sampling occasion.
- Samples will be collected with disposable groundwater bailers and placed in laboratory-supplied containers.
- Before sampling, a minimum of three casing volumes of water will be removed from the borehole. Alternatively, temperature, conductivity (EC) and pH measurements will be monitored, and sampling undertaken once these parameters have stabilised.
- Samples to be analysed for dissolved constituents will be field-filtered whenever practicable.

**Green Steel Response:**

*Similar to sub-soil drainage discharges from site in condition 30 above, Green Steel does not support the parameters referenced in condition 32 for PFAS but is supportive of consistency with condition 30”.*

*Given the need for consistency, the point raised above in relation to the regard to be had to the new guidelines also applies to this condition.*