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Media Release

EDS files proceedings against New Zealand Aluminium Smelters Ltd

The Environmental Defence Society (EDS) is filing Declaration Proceedings in the Environment Court today (Monday) concerning the storage of ouvea premix at sites on Kana Street, Maitua, Southland. The Maitua sites were nearly inundated with floodwaters in February sparking a civil defence emergency.

New Zealand Aluminium Smelters Limited's (NZAS) aluminium processing produces a by-product called dross. Dross can be subjected to an aluminium recovery and recycling process. One of the outputs of that process is ouvea premix. It has potential use in fertiliser manufacturing and steel production.

"We are concerned that if the stored ouvea premix gets wet, it produces ammonia gas which is toxic to humans. It can also harm aquatic life. There are residences nearby as well as a Te Kohanga Reo child care centre," said EDS CEO Gary Taylor.

"It's our contention that NZAS is responsible for the material and should be taking immediate steps to remove it promptly to a safe site.

"NZAS is owned by Rio Tinto (80%) and Sumitomo Chemical Company (20%). Rio Tinto does not have a good environmental track-record offshore, having recently destroyed a 45,000-year old Aboriginal cultural site in the Pilbara region in Western Australia. We wish to see a more responsible approach from NZAS to avoid adverse environmental impacts in this country.

"The backstory to this matter is complex, with NZAS having contracted out processing and recycling of the ouvea premix to a company that went into liquidation. Our Declaration Proceedings ask the Environment Court to rule on whether NZAS can contract itself out of legal responsibilities to avoid, remedy or mitigate adverse effects (or potential adverse effects) under the Resource Management Act.

"The EDS proceedings are supported by affidavits that track the history of the matter and provide expert evidence on hydrology and chemistry. Our concern is that another flood event could inundate the warehouse storage facilities.

"If the ouvea premix gets wet, it could release ammonia gas at concentrations that could harm people. Whilst such an event is a low probability, it could have serious consequences. The timeframe for removal of the material, which is vague and uncertain, seems excessive given those risks.

"EDS is filing its proceedings in the Environment Court in Christchurch today. Barrister Rob Enright is acting. Donations to support this case would be very welcome and can be made [here](#)," Mr Taylor concluded.