

**Proposed Waikato District Plan – Hearing 8A Hazardous Substances and Contaminated Land
Summary of Relief Sought in the Evidence in Chief of Georgina McPherson for the Oil
Companies**

1. Hazardous Facility Definition

- 1.1 Amend the hazardous substances provisions, including the definition of hazardous facility, to focus on managing risks associated with hazardous substances storage at much greater thresholds (e.g. the levels managed by Health and Safety at Work (Major Hazard Facilities) Amendment Regulations 2016). Such a definition could be worded along the following lines:

Hazardous Facility:

~~Means activities involving hazardous substances and premises at which these substances are used, stored or disposed of. Storage includes vehicles for their transport located at a facility for more than short periods of time and excludes:~~

- ~~• fuel stored in mobile plants, motor vehicles [sic], boats and small engines;~~
- ~~• the incidental [sic] use and storage of hazardous substances in domestic scale quantities;~~
- ~~• activities involving sub-classes 1.4, 1.5, 1.6, 6.1D, 6.1E, 6.3, 6.4, 6.5, 9.1D, 9.2D and 9.3.~~

Significant Hazardous Facility

means the use of land and/or buildings (or any part of) for one or more of the following activities:

1. Manufacturing and associated storage of hazardous substances (including manufacture of agrichemicals, fertilisers, acids/alkalis or paints).
2. Petroleum exploration and petroleum production.
3. The above ground storage/use of more than 50,000L of petrol.
4. The above ground storage/use of more than 100,000L of diesel.
5. The storage/use of more than 6 tonnes of LPG.
6. Galvanising plants.
7. Electroplating and metal treatment.
8. Tanneries.
9. Timber treatment.
10. Freezing works and rendering plants.
11. Wastewater treatment plants.
12. Metal smelting and refining (including battery refining or recycling).
13. Milk processing plants (except where milk processing plant is specifically designed to contain and store milk so that any reasonably potential spillage of milk is contained within the site of the plant until it can be disposed of to an approved wastewater system).
14. Fibreglass manufacturing.
15. Polymer foam manufacturing.

This definition does not apply to the underground storage of petrol or diesel at service stations undertaken in accordance with HSNOCOP 44 Below Ground Stationary Container Systems for Petroleum – Design and Installation and HSNOCOP 45 Below Ground Stationary Containers Systems for Petroleum – Operation or the distribution or transmission by pipeline of petroleum products.

2. Hazardous Substances Objectives and Policies

- 2.1 Amend Objective 10.1.1 to delete the reference to 'transport' of hazardous substances and revert to the notified reference to the 'management' of risk, rather than the 'minimisation' of risk. This could be achieved by making the following changes:

Objective 10.1.1 - Effects of hazardous substances

~~Residual~~ Risks associated with the storage, use, ~~transport~~ or disposal of hazardous substances ~~is are managed are minimised~~ to ensure that the effects on people, property and the environment are acceptable, while recognising the benefits of facilities storing, using or disposing of hazardous substances.

- 2.2 Delete Policy 10.1.2 in its entirety or amend to focus on land use compatibility issues associated with the interface between hazardous facilities and their receiving environments. This could be achieved by making changes along the following lines:

Policy 10.1.2 – Hazardous facilities

Manage major hazardous facilities to ensure they are located, designed, constructed and operated so that off site risk is at acceptable levels for the surrounding environment

~~10.1.2 Policy – Location of new h Hazardous facilities~~

~~(a) New h Hazardous facilities must minimise the risk to the environment (including people and property) to acceptable levels by:~~

- ~~(i) Siting new hazardous facilities in appropriate locations that are separated from incompatible activities, such as sensitive land use and infrastructure, and sensitive environments;~~
- ~~(ii) Avoid locating near to sensitive land use activities and infrastructure~~
- ~~(iii) Designing, constructing and operating hazardous facilities in a manner that ensures the adverse effects of the operation or an accidental event involving hazardous substances can be contained within the site; and~~
- ~~(iv) Disposing hazardous wastes to authorised disposal or treatment facilities that have appropriate management systems in place and avoiding the storage, processing or disposal of hazardous wastes in sensitive environments.~~

- 2.3 Amend Policy 10.1.3 to specify that it applies to significant hazardous facilities only, along the following lines (in conjunction with an appropriate definition of that term as addressed above):

10.1.3 – Policy – Residual Assessment of risks of significant hazardous facilities substances

Significant hazardous Ffacilities for the use, storage or disposal of hazardous substances shall identify and assess potential adverse effects (including cumulative risks and potential effects of identified natural hazards) to prevent unacceptable levels of risk to human health, safety, property and the natural environment.

- 2.4 Amend Policy 10.1.4 to focus on managing reverse sensitivity effects as a whole rather than simply requiring separation between hazardous facilities and sensitive land uses. This could be achieved by making changes along the following lines:

10.1.4 Policy – Reverse sensitivity effects

- ~~(a) Separate~~ Ensure as far as practicable reverse sensitivity effects are avoided between sensitive land use activities and from lawfully-established significant hazardous facilities;
- ~~(b) Separate new hazardous facilities from existing sensitive land use activities; and~~
- ~~(c) Avoid the storage, processing or disposal of hazardous waste in sensitive environments.~~

3. Hazardous Substances Rule Framework

- 3.1 Remove all hazardous substances controls including relating to hazardous substances storage at service stations and refuelling facilities. This could be achieved by:
- including a definition of significant hazardous facilities (along the lines set out above) that clearly excludes hazardous substances storage of the nature and volume typical to service stations and refuelling facilities, and restricting the scope of the hazardous substances rules to those significant hazardous facilities; or
 - A permitted activity rule along the following lines:

Permitted Activity

Storage and use of hazardous substances at service stations and refuelling infrastructure in all zones comprising:

- Underground storage of petrol or diesel undertaken in accordance with HSNO COP 44 Below Ground Stationary Container Systems for Petroleum – Design and Installation and HSNO COP 45 Below Ground Stationary Containers Systems for Petroleum – Operation.
- The above ground storage/use of up to 50,000L of petrol.
- The above ground storage/use of up to 100,000L of diesel.
- The storage/use of up to 6 tonnes of LPG in single or multiple vessels.

4. Contaminated Land – Objectives and Policies

- 4.1 Amend Objective 10.2.1 to remove the words ‘sustainably’ and ‘and safety’ and amend Policy 10.2.2 to focus on the consideration of risk associated with contaminated land rather than compliance with specific thresholds. This could be achieved by making changes along the following lines:

Objective 10.2.1 – Contaminated land

The subdivision, use and development of contaminated land is sustainably managed to protect human health and safety and the environment from unacceptable risk.

Policy 10.2.2 – Managing the use of contaminated land

- Contaminated land is managed (which may include remediation) ~~or remediated~~ to ensure that ~~contaminants are~~ risk is at a level acceptable for the proposed land use.
- Disposal of contaminated soil must be carried out in a manner that avoids further adverse effects on human health or on the environment.
- Use or development of contaminated land must not damage or destroy any contaminant containment works, unless comparable or better containment is provided, or monitoring demonstrates that the containment is no longer required.
- Ensure that contaminated land management approaches associated with the use, subdivision and development of contaminated land management approaches includes where appropriate:
 - undertaking a site investigation of any land identified as actually or potentially contaminated, prior to any new subdivision or change of use of land, that could result in an increase in any adverse effects from the contamination of a piece of land;
 - remedial action plans;
 - site validation reports;

- (iv) *site management plans as appropriate for identifying, monitoring and managing contaminated land.*
- (v) *Preliminary site investigations*
- (e) *Any preliminary or detailed site investigation reports, remedial action plans, site validation reports and ongoing site management plans are prepared in accordance with the Ministry for the Environment's Contaminated Land Management Guidelines #1 and #5, and are provided to both Waikato District Council and the Waikato Regional Council for their records.*

Advice Note:

The status of some activities will be determined by the requirements of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011. Reference should be made to the Ministry of Environment website for a copy of these regulations, a user's guide, and documents incorporated by reference in these regulations.