

**BEFORE THE COMMISSIONERS
AT NEW PLYMOUTH**

IN THE MATTER of the Resource Management Act 1991
("RMA")

AND

IN THE MATTER an application to renew existing
resource consents associated with a
composting operation at Uruti

BETWEEN **Remediation New Zealand Limited**
Applicant

AND **Taranaki Regional Council**
Consent Authority

**LEGAL SUBMISSIONS
ON BEHALF OF TARANAKI ENERGY WATCH INCORPORATED
Dated: 25TH MARCH 2021**

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INTRODUCTION

1. Taranaki Energy Watch (**TEW**) is an energy watchdog operating in Taranaki for over 20 years. TEW has submitted on numerous plans and resource consents where issues of health and safety are involved. Most recently TEW has engaged in the South Taranaki District Plan Change, the Taranaki Regional Coastal Plan Change and the New Plymouth District Plan Change. TEW has sought to address the 'regulatory gap' in these planning instruments relating to the interrelationship between sensitive activities and petroleum exploration and production activities.
2. TEW appear in these proceedings in support of submitters Glen and Dawn Bendall, Jennifer Baker, Ngāti Mutunga, Urenui and Districts Health Society, and Climate Justice Taranaki.
3. TEW's primary concerns is with adverse effects arising from the drillings waste. In making submissions TEW relies on expert evidence of Air Quality of Duncan Backshall and expert evidence of Ngāti Mutunga experts Kate Arthur (water quality) and Katie Beecroft (water quality/ecology).
4. Sarah Roberts will be making general comments in her capacity as a lay witness on the evidence and addressing inconsistencies in the evidence of the applicant.

SCOPE OF RESOURCE CONSENTS

5. Remediation NZ have applied for:
 - Consent (5838-3.0) to discharge:
 - waste material to land for composting; and
 - treated stormwater and leachate from composting operations onto and into land in circumstances where contaminants may enter water in Haehanga Stream catchment and directly into an unnamed tributary of the Haehanga Stream.

Consent (5839-3.0) to discharge

To discharge emissions into air, namely odour and dust from composting operations.

6. The Regional Air Quality Plan (RAQP) includes the following definitions:

Waste management processes means the treatment and disposal of any waste by combustion, composting, the depositing of waste into or onto land set apart for that purpose, or other processes intended to allow or facilitate such disposal.

Composting means the biological reduction of organic waste to a relatively stable product.

7. The application is to compost, application to land requires additional consents.
8. The drillings waste include synthetic materials¹ (both solid and fluid) which are not organic by nature and arguably contrary to the definition of composting.
9. The size of the Pads used for composting has become progressively larger over the term of the expired consents and they are now approximately double the size specified in the consent conditions.² As a result, the stockpile on the Pad 3 is now greater than 20,000 tonnes. Limitations set out in the AEE and application documents can provide the basis for consent conditions where such limitations would reasonably be relied on by decision makers as identifying the scope of the consent.³ TEW does not seek to take this point too far but notes that it was unlikely that TRC or the applicant ever expected a stockpile the size that is there today to build up and remain on site for this long.
10. The material does not comply with composting standards (after approximately 15 years) which RNZ believes to be a result of ineffective turning of the material and not turning it frequently enough.⁴
11. Reliance has been placed on Gibson's supplementary evidence provided at the hearing yesterday that a proposed process can now be applied. Evidence as to why these avenues which weren't previously explored will work now is insufficient and not adequately tested.
12. In the meantime the drilling pad is resulting in adverse odour effects⁵.

¹ Lay Witness statement of Roberts, 25 March 2021.

² At [20] Officers Report

³ *Clevedon Protection Society Incorporated v Warren Fowler* (1997) 3 ELRNZ 169 and *Malborough District Council v Zindia Ltd* [2019] NZHC 2765.

⁴ *Ibid.*

13. TEW opposes the proposal to utilize the mix for bunding and 'soil conditioner'. TEW considers that the most appropriate response is for the drilling muds to be removed and supports the requirement for a bond which should be linked to costs for site-clean up.

25 March 2021

Ruby Haazen

Legal counsel Taranaki Energy Watch

⁵ At [4.9] Backshall: "Strong odour was apparent when driving past the drilling waste pad (Pad 3) and the associated leachate ponds." And at [4.17] "Continuous odours may prove more difficult to control because large amounts of unremediated drilling waste are stockpiled on Pad 3."