

FORM 13 SUBMISSION ON RESOURCE CONSENT APPLICATION



Taranaki Regional Council
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Important Note:

Please ensure that all sections of this form are completed and that the Taranaki Regional Council receives this submission before the closing date and time specified on the notification.

For Council Use Only

Post **The Chief Executive**
To: Taranaki Regional Council
Private Bag 713
Stratford 4332

Or: Email to: consents@trc.govt.nz
Fax to: 06 765 5097

1. Submitter's details

Full Name: Climate Justice Taranaki Incorporated

Address for Service:

Email: climatejusticetaranaki@riseup.net

Postal: 60 Browne Street

Waitara Post Code: 4320

Telephone: _____ Mobile: 0273636290

Contact person: (if different to name above): Catherine Cheung

Street Address of property affected (if different to address above) _____

Serving of documents

The Council will serve all formal documents electronically via the email address provided above. If you have another preference, please indicate below:

- Email only Email plus hardcopy in post Hardcopy only (posted)

2. Application to which submission relates

Name of Applicant: Remediation NZ Ltd

Proposal (activity type and location): To renew resource consents to discharge waste material, treated stormwater & leachate, and to discharge emissions into the air from composting operations at 1460 Mokau Road, Uruti

TRC Consent Number(s): 5838-3.0 and 5839-3.0

3. Attendance and wish to be heard at consent hearing

- I/we **do not** wish to be heard in support of my/our submission
(This means that you will not be advised of the date of any consent hearing and cannot speak at any hearing. However, you will still retain your right to appeal any decision made by the Council.)
- I/we **do** wish to be heard in support of my/our submission
(This means that you will have the option to speak in support of your submission at any consent hearing.)
- If others make a similar submission, I/we will consider presenting a joint case with them at the hearing
[Please tick if you will consider presenting a joint case otherwise leave blank]

4. The specific parts of the application this submission relates to are:

The whole application (*tick box*), or parts of the application described below:

(Attach additional sheet if necessary)

5. My submission is (*give details*):

Please see attached our full submission (3-paged pdf).

(Attach additional sheet if necessary)

6. I seek the following decision from the Council

To grant consent

To refuse consent

If Consent is granted, the conditions I seek are:

Note: *You do not have to suggest conditions, particularly if you seek that consent be refused.*

Please refer to our full submission attached.

(Attach additional sheet if necessary)

7. Request for independent commissioner(s)

Pursuant to section 100A of the Resource Management Act 1991, I request that the Taranaki Regional Council delegates its functions, powers, and duties required to hear and decide the application to one or more hearing commissioners who are not members of this Council.

[Please tick if you do wish to make a request otherwise leave blank]

Note: *Such a request may be made [in writing] up to 5 working days after close of submissions. If you do make a request under section 100A of the Resource Management Act 1991, **you will be liable to meet or contribute to the costs** of the hearings commissioner or commissioners.*

8. Signature

I/we have served a copy of this submission on the applicant (*This is required by section 96(6) of the Resource Management Act 1991*)

Catherine Cheung for Climate Justice Taranaki Inc.

Signature:* _____
(Person making submission, or person authorised to sign on behalf of person making submission.)

Date: 10 / Feb / 2019

Submission by Climate Justice Taranaki Incorporated
On Remediation (NZ) Ltd's Resource Consent Applications
To Discharge contaminants to water or land (5838-3.0)
To Discharge to air (5839-3.0)

1. Climate Justice Taranaki Incorporated (CJT) welcome the opportunity to submit on Remediation (NZ) Ltd's discharge consent applications¹ associated with their composting and vermiculture operation on Mokau Road at Uruti in the Mimi catchment.
2. CJT note Council's environmental effects assessment which determined public notification of the applications: *"The discharges result from a large scale waste management operation. The operation involves storage of large volumes of waste material, and the disposal of leachate and stormwater, from that waste to groundwater adjacent to a stream, and to the stream itself. In addition the waste material has the potential to emit significant odour. The documentation provided with the applications does not demonstrate that adverse effects will be minor."* (Notification decision, 07/01/2019: Doc# 1978195)
3. CJT ask that the consents be refused.
4. If the consents are granted, we seek conditions to exclude all petrochemical wastes (solid drilling cuttings, water and synthetic based drilling muds, produced water, fracking fluid flowback, well workover fluids, etc.) from the raw materials that are acceptable onsite.
5. If the consents are granted without the exclusion of petrochemical wastes, we seek that the consents be granted for a duration of no more than 10 years, not the requested 18 years.
6. Based on the annual monitoring reports of the site since 2012-13 available on Council website², it is clear that there have been problematic effects from the discharges on the environment. These include escalating chloride levels (since 2012-13)³ in the groundwater and in the Haehanga Stream, episodic presence of hydrocarbons in the soil, in the surface water of the stream and in stream sediment; BTEX detected in groundwater (meta-xylene and toluene) and irrigation fluids (benzene above drinking water standard in 2014-15)⁴, elevated levels of un-ionised ammonia in surface water, as well as deteriorated Macroinvertebrate communities.
7. The various monitoring reports have also revealed repeated unauthorized incidents, non-compliances and breaches of consent conditions. In 2013-14, there were unauthorized direct discharges of irrigation fluid and drilling waste leachate to the Haehanga Stream system, resulting in abatement and infringement notices. In 2014-15, unauthorized discharges of drilling waste leachate to the Haehanga Stream was reported during an overflow event. In 2015-16, surface water analysis indicated two exceedances of consent conditions caused by bank instability near to a new worm bed. In 2016-17⁵, cattle were observed accessing the stream and across the site and prior screening analysis of drilling waste was not undertaken. The last monitoring report commented that stock management and fencing around the site to prevent stock access has been significantly overdue.
8. Remediation NZ also have a history of non-compliance at the landfarm facility they previously operated in Manutahi, including incidents where cows were found grazing on drilling waste not fully treated and waste fluids were leaking out of full storage pits (Stuff, 12 Feb 2014)⁶. CJT question how a consent holder could be allowed to continue to operate despite repeated non-compliances?

9. Another case in point, two landfarms close to the national park operated by Colin Boyd have had numerous non-compliances over the years. Having been fined for illegally straightening a stream and being considered for an enforcement action (since Nov 2018) for unauthorized discharge of hydrocarbons into a nearby waterbody, Council granted Boyd two new discharge consents on 20 Dec 2018, allowing its operations for another 18 years (TRC Consents & Regulatory Committee Meeting Agenda, 5 Feb 2019)⁷. CJT finds this decision by Council to be incompatible with responsible administration of the RMA, given the significance of prior breaches of the Act. CJT further question what a consent holder would need to do to have a consent relating to fossil fuel activities or the disposal of their toxic wastes refused by Council. We are unaware of a single instance where an application has been refused, although most are not publicly notified so we have a very limited knowledge of Council decision-making in these crucial matters. On this note, we feel that Council's decision to publicly notify the current applications to be good progress.
10. According to the Remediation NZ 2016-17 monitoring report: *"This period the investigating officer noted an increase in the size of the stored drilling mud pad material. This has been noted to be increasing in size in recent years, without any indication of it being processed. Specifically, material contained within the drilling mud pad is proposed to be mixed and blended with associated material, as outlined in the renewal of consent documentation undertaken in 2010. It is then proposed to be stockpiled in rows for composting. It is then processed through the vermiculture process. Moving forward, further information as to the fate of this material is required."* It appears there is uncertainty or lack of transparency concerning the complete process and outputs of the operation.
11. Remediation NZ's AEE (Assessment of Environmental Effects, Nov 2017)⁸ however said: *"It is anticipated that the current input volumes of raw organic material at the composting site will remain similar over the coming years..."* It is not clear on what basis this anticipation is made, given that there is a push for increased expansion of industrial poultry farming in Taranaki and onshore oil and gas activities continue, and in some cases, are ramping up. The AEE, as did the previous monitoring report, pointed out that *"existing irrigation areas had the potential to become overloaded"*. Council has agreed to new irrigation areas to be commissioned to allow existing areas to be remediated. Is this simply not extending the environmental footprint and potentially causing further legacy issues?
12. We question the comprehensiveness of environmental monitoring and testing of the various products that leave the site. Notably the testing of compost samples (Appendix H1 & H2)^{9,10} did not include BTEX or PAH – polycyclic aromatic hydrocarbons, all known to be present in drilling wastes. Some of these chemicals are harmful to humans at extremely low concentrations, yet there are no set minimum guidelines of these chemicals in the Final Product Protocol (Appendix G, 12/09/2018)¹¹. This document appears incomplete with several sections left blank.
13. The Organic Production Protocols (Appendix R)¹² are equally vague, listing nutrients, heavy metals, multi-residue, acidic herbicide test and carbon/nitrogen ratio for finished product testing annually, but without any mention of hydrocarbons. There is anecdotal evidence that crops have failed following application of Revital products and some have been taken off store shelves due to customers' complaints. Is product testing annually adequate? We are gravely concerned about the potential of harmful contaminants (untested hence undetected) reaching public, school and home gardens, posing harm to people especially the most vulnerable.
14. In our view, Remediation NZ's products, traded as Revital Fertilisers¹³, cannot be considered certified organic¹⁴, given the documented production process and environmental impacts. According to the 2014-15 monitoring report, Remediation NZ's Pennington and Waitara Road sites, *"are now used purely*

as worm farms fed with composted materials from the Mokau Road site.” We are seeking clarifications from Bio-Gro NZ concerning Remediation NZ’s various operations and products.

15. On discharge to air, CJT wish to point out that in addition to odour, such a large-scale waste management operation as Remediation NZ, which also takes in drilling wastes from both on- and off-shore, would most likely release volatile organic and other chemicals that are toxic to humans, animals and the environment. We advise Council to consult the expert evidence provided by Taranaki Energy Watch at their Environment Court hearing concerning the South Taranaki District Plan.
16. Furthermore, the elevated levels of ammonia that have been documented at the site over the years, is a known precursor of nitrous oxide – a greenhouse gas 268 times more potent than carbon dioxide over a 20-year period and 298 times at 100 years. We cannot continue to ignore greenhouse gas emissions when consenting industrial activities, despite the idiosyncrasies of the RMA. Decisions such as these, with decades-long timelines, have huge impacts on our biosphere and future generations.
17. There is overwhelming evidence that New Zealand people treasure their rivers and are demanding tougher rules to ensure safe water quality for drinking and enjoyment¹⁵. Increasingly, actions to reduce climate change impacts have also become a top priority amongst the public. CJT urge Council to take this into account and apply a more stringent approach when assessing discharge consents and conducting environmental monitoring.
18. CJT do not support industrial farming, either dairying or factory poultry, or fossil fuel exploration and mining, due to their far-reaching, adverse impacts on the environment throughout their operations from start to finish. The Remediation NZ operations, as other landfarms, contribute to the perpetuation of such industries and extend their impacts to environments and communities beyond the source.

¹ <https://trc.govt.nz/assets/Documents/Environment/Consent-applications/Remediation2019/RemediationPublicNotice2019.PDF>

² <https://trc.govt.nz/council/plans-and-reports/environmental/consent-compliance-monitoring-reports/industry/>

³ <https://trc.govt.nz/assets/Documents/Environment/Monitoring-Industry/MR2013-RemediationNZ.pdf>

⁴ <https://trc.govt.nz/assets/Documents/Environment/Monitoring-Industry/MR2015-RemediationNZ.pdf>

⁵ <https://trc.govt.nz/assets/Documents/Environment/Monitoring-Industry/MR2017-RemediationNZ.pdf>

⁶ <http://www.stuff.co.nz/business/farming/agribusiness/9712030/Taranaki-council-cracking-down-hard-on-landfarms>

⁷ <https://trc.govt.nz/assets/Documents/Meetings/ConsentsRegulatory2019/CR0502-w eb.pdf>

⁸ <https://trc.govt.nz/assets/Documents/Environment/Consent-applications/Remediation2019/AEE/1RemediationAEE.PDF>

⁹ <https://trc.govt.nz/assets/Documents/Environment/Consent-applications/Remediation2019/FurtherInfo/10Furtherinformation-AppendixH1.PDF>

¹⁰ <https://trc.govt.nz/assets/Documents/Environment/Consent-applications/Remediation2019/FurtherInfo/11Furtherinformation-AppendixH2.PDF>

¹¹ <https://trc.govt.nz/assets/Documents/Environment/Consent-applications/Remediation2019/FurtherInfo/9Furtherinformation-AppendixG.pdf>

¹² <https://trc.govt.nz/assets/Documents/Environment/Consent-applications/Remediation2019/FurtherInfo/22Furtherinformatoin-AppendixR.pdf>

¹³ <http://revital.co.nz/>

¹⁴ <http://revital.co.nz/wp-content/uploads/2017/07/Bio-Gro-New-Plymouth-2016.pdf>

¹⁵ <https://www.stuff.co.nz/environment/110199841/kiwis-want-tougher-water-quality-rules-to-protect-rivers-from-polluters>