

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>