

Hearing Statement by Climate Justice Taranaki Incorporated

Before the Taranaki Regional Council On Remediation (NZ) Ltd's Resource Consent Applications To Discharge contaminants to land and water (5838-3.0) To Discharge to air (5839-3.0)

The Devon Hotel, New Plymouth, 25 March 2021

1. Since we made our submission back in February 2019, our objection to Remediation New Zealand (RNZ)'s applications has become even stronger.
2. In this Hearing, we have heard from other submitters, notably Ngāti Mutunga and neighbours of the RNZ operation who have been badly affected. From listening to them and from reading the Regional Council Officer's Report (2 March 2021), it is clear that the company's operation has not met the basic requirements. Indeed, it now appears that the operation has not only caused unacceptable environmental and cultural effects, but also health impacts on the neighbouring community and their loss of amenity.

Breaches and non-compliances

3. As we pointed out in our original submission, the company has had numerous breaches and non-compliances of consent conditions over the years. The Officer's Report listed poor record keeping, non-compliance with management plans, receipt of unapproved material, lack of maintenance, monitoring or sampling, and unauthorised discharges as the main issues. Notably, the drilling waste, rather than being processed into compost, has been blended with bulking agents and then stockpiled on Pad 3 for at least 10 years (>20,000 tonnes remain); while pads 1 and 2 have doubled the size specified in the original consent conditions.
4. In the recent months between 1 Oct 2020 and 31 Jan 2021, eight incidents were recorded, 3 abatement notices and 6 infringement notices were issued.
5. The Council should use the 'serious breach' test by considering the cumulative effects of all the so-called minor breaches, rather than letting the company off, under the name of minor breaches.

Environmental contamination

6. The expert witnesses from Ngāti Mutunga have laid out their evidence and concerns over the significant adverse effects of the RNZ operation on the health of the Haehanga Stream and Awa Mimitangiatua. The expert evidence on air quality by Duncan Backshall and the health evidence provided by neighbours of the operation and the Urenui & Districts Health Group, all strongly demonstrate the risks and impacts on human health from the operation. We ask the Commission and Council to thoroughly consider this evidence.

Uncertainties, transparency, traceability and fate of materials

7. In our original submission, we pointed out that there appeared to be uncertainties or lack of transparency concerning the complete process and outputs of the operation.

8. A case in point is the non-disclosed, 'commercially-sensitive' amounts of poultry and dairy wastes proposed to be accepted if the consents are granted. Why are they 'commercially-sensitive'? How can any assessment of the potential impacts of such nitrogen-rich materials be done properly without knowing the amounts? Yesterday Ngāti Mutunga's expert witness pointed out the challenge in managing highly variable amounts of materials in a composting operation.
9. We have had reports from people who claimed to have bought trailer loads of materials from the Uruti site. While we cannot ascertain what materials these were, it does raise the question of whether there might have been movements of potentially contaminated materials offsite.

Product testing and potential impacts beyond the site

10. Although the company will no longer receive petroleum wastes under the proposed consents, the over 20,000 tonnes of stockpiled materials associated with drilling wastes remain to be a potential source of contamination, both in-situ and for materials leaving the site. The questions we raised in our original submission regarding the comprehensiveness of monitoring and testing of the various products that leave the site, remain.
11. For example, the testing of compost samples^{1,2} described in the Release of Final Product document do not include BTEX (benzene, toluene, ethylbenzene and xylenes) or PAH (polycyclic aromatic hydrocarbons).
12. In Sept and Oct 2020, we took samples from composts purchased directly from Revital (Bell Block New Plymouth), as BioGro certified organic compost, in a sealed bag and in bulk. During our purchase in October, we were told by the sales representative that the materials were sourced from the Uruti site. We sent three samples to the Hill Laboratories for testing.
13. The test results revealed excessive arsenic levels, elevated levels of copper, lead, cadmium, chloride and calcium, and low levels of hydrocarbons. The arsenic levels of two samples, at 21 and 20 mg/kg, were above or just within the BioGro Standard 2009. They are also above the MfE guideline of 17 mg/kg and Council's consent condition for soil. Lead (97 & 99 mg/kg) and cadmium (0.43 & 0.42 mg/kg) levels, though within BioGro Standards, were above most natural concentrations in soil (around 15 mg/kg for lead & 0.16 mg/kg for cadmium). These being heavy metals and cumulative, should not be on the market for gardeners to add to soil to grow food.
14. Some of the polycyclic aromatic hydrocarbons (PAHs) detected in the compost, notably Benzo[a]pyrene (BAP) and Benzo[b]fluoranthene are carcinogenic and endocrine disrupting³ at extremely low levels. The chloride levels detected in our compost samples were elevated, especially that from the truck load, which was at 606 mg/L, and similar to the levels in soil samples from the older irrigation areas at the Uruti site.
15. While we cannot prove that the composts were derived from or associated with drilling wastes, or even that they were made at Uruti (despite assurances at time of purchase), the results of

¹ <https://trc.govt.nz/assets/Documents/Environment/Consent-applications/Remediation2019/June2020Revisions/ApG2-June2020.PDF>

² <https://trc.govt.nz/assets/Documents/Environment/Consent-applications/Remediation2019/June2020Revisions/ApG3-June2020.PDF>

³ <https://endocrinedisruption.org/interactive-tools/tedx-list-of-potential-endocrine-disruptors/search-the-tedx-list>

the compost samples reinforced, rather than alleviated, our earlier concerns. If the composts were in fact from one of RNZ's certified organic operations, what would we expect the test results to be like from composts produced at RNZ's Uruti site which is not certified?

16. On the 10th November 2020, our group sent the Commerce Commission the lab results as a follow-up complaint. It followed on from our complaint in March 2019, as a result of which the Commission wrote (16th August 2019) to Remediation NZ Revital Group, "*We consider the information provided in the complaint may, if further substantiated, give rise to possible breaches of sections 13(a) and 13(e) of the [Fair Trading] Act... Our decision to take no further action on this complaint does not prevent any other person from doing so.*" The response of the Commission to our follow-up complaint was that it's better dealt with by MfE and/or the MPI.
17. So we contacted both the MfE and MPI, with our concerns described above, as well as the pest problems at the site. These problems were documented in the 2018-2019 compliance monitoring report⁴, "*Significant vectors were observed in the form of a resident seagull population, feral cats, wild goats and pig tracks throughout the site...*" and mentioned yesterday at the hearing. It is our understanding that the Uruti valley is a popular hunting ground. To allow wild goats and pigs to roam a site with stockpile of contaminated and hazardous wastes is irresponsible. The company has also failed to complete its riparian fencing and planting obligation after a whole decade.
18. In recent years, the company has cut hay and silage from the irrigation paddocks and removed for composting or sold as animal fodder. It now proposes to cut four times annually. What sort of testing has been or will be done to ensure that the hay or silage are safe for the animals and the environment where they end up? Indeed, our concern for inadequate testing, traceability and potential cross-contamination of materials and products leaving the Uruti site persists.

Functional need and alternative solutions

19. It is clear that there is no functional need for an industrial-scaled composting facility to be located at the Uruti Valley. In fact, we have heard multiples times that the choice of location couldn't be worse. Rather than an alternative composting site, we believe there are alternative ways to deal with the organic wastes, especially animal wastes from industrial agriculture. We have also heard repeatedly that RNZ's Uruti operation provides a valuable service to Taranaki. But the supposed benefit only stacks up when compared with sending the wastes to a landfill.
20. We would like the regional and district councils to consider the following alternatives:
21. Anaerobic digestion of the organic wastes to produce bioenergy^{5,6}, to fuel the New Plymouth Wastewater Treatment Plan, rather than the current reliance on fossil fuels. The process would also generate electricity, process heat and biofertilisers.

⁴ <https://trc.govt.nz/assets/Documents/Environment/Monitoring-Industry/2019onwards/MR19-Remediation.pdf>

⁵ <https://www.bioenergyfacilities.org/facility/awapuni-landfill-palmerston-north>

⁶ <https://www.nzherald.co.nz/rotorua-daily-post/news/new-zealands-first-food-waste-to-bioenergy-facility-gets-under-way-in-reporoa/AHNHBR3JPMTIWHNSTUGUBQXQSA/>

22. Smaller-scaled composting operations closer to the sources of the waste, returning the responsibilities to the waste generators and reducing the energy and emissions associated with the transport of the wastes. Household food waste can be dealt with at home, with a bit of help such as free compost bins and education. It can also be dealt with at the community level as is occurring now elsewhere in the country, to support local jobs, local food production and charity services^{7,8}.

Decisions sought

23. Given RNZ's history, we do not think that the company can effectively address the pollution issues in land, water and air, irrespective of conditions imposed.
24. We therefore request that the consent applications be REFUSED. We also request the following:
- RNZ to pay for an independent, technical feasibility study on the best way to properly remediate the stockpiled wastes associated with drilling wastes. One of the ways to be considered may be the complete removal of the wastes to a qualified treatment facility.
 - RNZ to pay for an environmentally and culturally acceptable reinstatement of the site.
25. If the consents are to be granted, we request the following:
- Full disclosure and maximum limits of the types and quantities of organic wastes to be received for processing.
 - The detailed consent conditions recommended in the Officer's Report be further strengthened, especially regarding contaminant limits and monitoring of water and soil.
 - Much more robust conditions on the air discharge consent, based on evidence and advice of independent air quality and health experts, to protect the health and amenity of neighbouring communities.
 - Much more robust conditions relating to product testing, traceability and safety assurance.
 - RNZ to pay for an independent, technical feasibility study on the best way to properly remediate the stockpiled wastes associated with drilling wastes. One of the ways to be considered may be the complete removal of the wastes to a qualified treatment facility.
 - Development of an environmentally and culturally acceptable site reinstatement plan.

⁷ <https://www.stuff.co.nz/nelson-mail/95595171/nelson-food-charity-kai-rescue-in-plea-for-wider-range-of-food-groups>

⁸ <https://compostcollective.org.nz/community-composting-hubs/>