

27 March 2017

Water NZ
PO Box 1316
Wellington, 6140
By email: nick.walmsley@waternz.org.nz

Dear Nick,

Tauranga City Council Comments on the Draft Beneficial Use of Organic Waste Products on Land Guidelines

Tauranga City Council (Council) provides its comments to the draft Beneficial Use of Organic Waste Products on Land Guidelines. The Council firstly thanks Water NZ for reviewing the existing guidelines and also enabling parties to make comments on those, prior to finalising the guidelines.

Biosolids and organic products are an important resource that can and should be safely used to condition soils and provide nutrients for agricultural, horticultural, and forest crops and vegetation.

The attached Council comment focuses on three key areas, as below:

- Use of the term Waste, and specific aspects within the Guidelines;
- Lack of consideration of organic materials, other than biosolids, and discussion on these (i.e. generally considered within the document to have the same qualities as biosolids);
- Ownership/advocacy.

While the Council comments are generally supportive of the guidelines, its main concerns relate to the lack of discussion/information within the guidelines on the use of 'other' organic waste materials, rather its focus is solely on the beneficial use of biosolids. This is a matter the Council believes requires amendment, and refocus.

A further matter of need is that of advocacy. The Council understands that this guide should be the core standard to assist producers, applicators and consent authorities to understand the benefits derived from these waste products, but also to ensure there is a set standard of regulatory control, as a baseline. Without a clear advocacy line in place, via Water NZ to the regional councils, it is predicted that there will be lack of uptake of these guidelines throughout New Zealand.

Please note that the Council submission does not focus on the science or the levels provided in the guidance document. Further, our comments are provided in the general context in the hope that we would be able to meet and work with Water NZ and the Steering Group to ensure a pathway is provided to enable implementation of the matters proposed, including providing a wider focus on non-biosolid organic materials.

Kind Regards



Wally Potts
Team Leader: Drainage Services



Rebecca Maiden
Manager: Resource Recovery & Waste

Matter Commented On	Tauranga City Council Comment
<p>Use of the term 'Waste' included in the title and descriptive text</p>	<p>The use of the term 'waste' continues to provide a negative connotation towards the use of the end-product. It is our comment that the guidelines should recognise that what is being used as an output of processing is a positive product and therefore should be appropriately referenced as such.</p> <p>It is the Council's position that the term 'waste' should be removed from the title and descriptive text and replaced with the term 'Materials'.</p> <p>Text amendments would then be required to be made throughout the document.</p> <p>Comment: Remove the term 'waste' from the title and descriptive text and replaced with the term 'Materials'.</p> <p>As an alternate title the Council comments that the following may be more suitable: 'Land Application of Organic Materials.' Such a title is more specific and clear to what the guidelines are in fact seeking to provide guidance on.</p>
<p>Use of terminology 1A, 1B etc. versus prior nomenclature</p>	<p>Council places no preference on what nomenclature is provided in the guidelines. The Council does however recognise that for consistency purposes, unless there is a clear reason to change the status quo, then the older nomenclature should be retained.</p> <p>Comment: Noting the above, TCC has no further comment or specific action to raise on this point.</p>
<p>Type 1A Activities</p>	<p>The guidelines should be clear on regulatory expectations regarding activities which should be permitted, controlled or other (i.e. discretionary). Those activities which have no effect, or low level effect should be considered to be permitted activities and occur as of right within plans and policy documents. Type 1A activities clearly fall within this context and should be provided for as such in the guidelines.</p> <p>Comment: Type 1A activities should be recognised as being permitted activities within a regulatory context.</p>

<p>Type 1B Activities</p>	<p>The guidelines should be clear on regulatory expectations regarding activities which should be permitted, controlled or other (i.e. discretionary). Those activities which have limited effect which can be managed through appropriate processes to reduce an adverse effect on the environment should be provided for as controlled activities within plans and policy documents. Type 1B activities fall within this context and should be provided for as such in the guidelines.</p> <p>Comment: Type 1B activities should be recognised as being controlled activities within a regulatory context.</p>
<p>Activities Not Type 1A or 1B</p>	<p>The guidelines should be clear on regulatory expectations regarding activities which should be permitted, controlled or other (i.e. discretionary). Those activities which have limited effect which can be managed through appropriate processes to reduce an adverse effect on the environment should be provided for as controlled activities within plans and policy documents.</p> <p>It is clear that any activity which is not a Type 1A or 1B has contaminants located within material and therefore needs to be treated carefully and if applied to land needs to be undertaken under strict conditions which should be set by resource consent, or otherwise disposed of in an acceptable way at a waste disposal facility (i.e. safely disposed of as a waste product).</p> <p>Comment: Provide for provisions requiring non Type 1A or 1B activities as requiring a consent status above that of a permitted or controlled activity. It is suggested that a discretionary activity is appropriate to manage this issue.</p>

Focus on Biosolids

The guidelines appear to have a wide-ranging focus, however on working through the document, that wider focus on both biosolids and other organic products diminishes to only focus on biosolids.

It is our opinion that a wider generalised focus away from biosolids per se is required, and that further work on the required information to deliver on that position is necessary.

This should cover a range of topics, as below:

- Understanding role of non-biosolid organic materials;
- Further outlining the role of non-biosolid materials and potential risk aspects (such as the application of food waste (including meat) to land that is used for pig farming – see NZ Best Practice Guidelines for Free Range Pork Production pg. 27-29);
- Exempting certain non-biosolid materials from the guidelines (i.e. sampling, analysis and documentation protocols) where there is no known risk aspect (i.e. cardboard/paper) and/or the land use does not require the level of testing;
- Providing for effective waste tracking to remove onerous regulation where there is no human waste or risk. This could also include reduced monitoring/testing requirements. The NZ Waste Tracking System (www.wastetrack.co.nz) could be utilised for this purpose.

Comment: Widen the discussion within the guidance document away from biosolids to all organic products, including discussion on organic products specifically and consider options for lesser monitoring requirements where risks are known to be low.

<p>Use of NES for Assessing and Managing Contaminants in Soil to Protect Human Health</p>	<p>The Guidance document poses the question whether the use of the NES for Assessing and Managing Contaminants in Soil to Protect Human Health is an acceptable means of protecting human health in the urban environment.</p> <p>The NES is currently under review and it is preferable to allow that process to run its course before making any substantive decision on its acceptability or not. The NES however only ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary, the land is remediated or the contaminants contained to make the land safe for human use. It does not deal with land application of contaminants. If the Water NZ guidance document has been developed under this context – then it is incorrect.</p> <p>Noting the above, TCC has no further comment or specific action to raise on this point.</p>
<p>Reference to Standards</p>	<p>Section 7.1 'Environmental Management Systems (EMS) refers only to AS/NZS ISO 9001:2016. This standard is only related to Quality Management, however reference should also be made to AS/NZS ISO 14001:2015 (Environmental Management).</p> <p>This will appropriately reference both core standards within the guideline and provide the appropriate context to New Zealand standards for both environmental management systems and quality management.</p> <p>Comment: Reference AS/NZS ISO 14001:2015 (Environmental Management Systems) within section 7.1, along with AS/NZS ISO 9001:2016 (Quality Management Systems).</p>

Ownership	<p>There is a clear need to have one owner of the Guidelines. At present with the guidelines being developed by a project management steering group there is a risk that there is no one owner, or advocate for the document. TCC believes that one core organisation should take responsibility for the guidelines, including programming in regular reviews and updates, including advocating for the Guidelines' implementation.</p> <p>TCC sees that Water NZ is best placed to lead this and take ownership of the document in full.</p> <p>Comment: Water NZ take a lead ownership role in regard to the Guidelines and lead all advocacy associated with the Guidelines including programming in reviews and updates into a long term program of works.</p>
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Advocacy

There is a need to have a clear advocacy approach once the guidelines have been adopted. Without clear advocacy, the risk could be that the guidelines are not taken up by policy makers and therefore remain unimplemented at plan level through the Resource Management Act 1991.

Given the collaboration involved in the development of the document it seems appropriate that a cross organisational approach be taken through ensuring regional planners are made aware of the document, its purpose and means for implementation.

This should occur through the three Ministries for the Environment (MfE), of Health and Primary Industries, supported by Water NZ, developing an approach on communications about the guide and a focus on plan making and implementation to ensure the guidelines are known about, but also implemented upon plan review.

MfE, in particular, has a significant interest in ensuring that the regional councils take up the guidelines as they play an essential part in enabling local authorities to achieve targets outlined in their waste management and minimisation plans (WMMP), required by the Waste Minimisation Act, 2008, administered by MfE. Tauranga City Council's 2016 WMMP provides for action on this point.

Without advocacy in this space, it is unlikely that regional councils will take up the guidelines and implement them. As part of this approach, consideration should be given to developing a National Environmental Standard to provide nationwide direction on this matter, rather than wait for individual councils to consider the Guide for implementation.

Additionally, the guideline has not included any discussion on the social, economic and broader environmental benefits that it provides. It is considered that the addition of this would be beneficial from an advocacy viewpoint for both the regional councils and industry to ensure that the broader value of the potential outcomes of the successful adoption of the guidance document's intent is understood and applied.

Comment: The three Ministries for the Environment, of Health and for Primary Industries, led by Water NZ, develop an advocacy plan which supports the delivery of the guidance document to all regional councils to enable implementation of the document through policies and plans.

Development of planning Objectives, Policies and Rules (RMA context)

While the Guide has been produced for specific industry users, there is a gap in the document on how they will be implemented and given effect to through plans.

It is proposed that following completion of the Guide, Water NZ lead the development of a guidance suite of Objectives, Policies and Rules for the land application of organic materials.

Such development will enable councils to further focus efforts on including those provisions within their plans. While written generically, such guidance planning information would prove useful and potentially successful as part of a wider advocacy approach to ensure implementation of the Guide.

The generic template objective, policies and rules should translate the guidance document into a clear Resource Management Act compliant policy position which would enable the regional councils to 'pick up' and implement on the basis that largely the work has been undertaken for them and the provisions developed are compliant with the guidance document without any additional re-work or interpretation.

This would be further useful as much of the discussion in the guidance document is not readily transferable into an RMA policy position.

Comment: Develop a suite of Objectives, Policies and Rules (generic) as a clear implementation guide for each Regional Council to consider for application within their policy statements and plans.