

6. BURWOOD RESOURCE CONSENT UPDATE

Officer responsible City Water and Waste Manager	Author Zefanja Potgieter, Resource Planner Solid Waste, DDI 941-8271
--	--

The purpose of this report is to outline the progress made with appeals lodged against the resource consent granted to the Council by Environment Canterbury for the Burwood landfill.

BACKGROUND

As reported to the Committee on 11 June 2002 and 6 August 2002, two appeals were lodged in April 2002 to the decision by Environment Canterbury regarding; (a) an extension of the operating life of the site until May 2005, or until the Regional landfill (Kate Valley) is operative, whichever is earlier, subject to conditions, and (b) approval of a closure plan for ongoing rehabilitation and monitoring until 2037 for the period once all landfilling has stopped. The appellants are the Queenspark Residents Association and Smith Developments Ltd.

In August 2002 the Solid Waste Manager was also authorised to commit the Council to a binding agreement to resolve the appeals provided that agreement does not require council expenditure not currently authorised. In an attempt to avoid a potentially costly Environment Court hearing, all parties have since July 2002 been engaged in negotiations.

PROGRESS

Substantial progress has been made towards resolving issues, as contained in the Statement of Issues lodged with the Environment Court on 15 May 2003, agreed to by all parties. The Statement sets out 21 issues on which agreement has been reached, and identifies eight issues that require further negotiation.

Confirmation of the proposed provision of \$800,000 in the 2003/04 budget for construction of a trial gas extraction system and the commitment to start work immediately the funding is confirmed, will resolve two of these issues (see separate paragraph on landfill gas below).

The items then still to be resolved revolve around issues such as the results of groundwater testing, the capping of closed stages of the landfill and the period for finalising a remediation options plan.

It is expected that the Court will grant a final period for parties to resolve the outstanding issues and this may be until the end of July or August 2003. Should all issues be resolved, a formal agreement will be drafted and lodged with the court, avoiding a court hearing.

Even though the new resource consent has been appealed, and therefore formally Burwood operates under the 1998 consent, certain on-site operations have already been brought in line with the requirements of the new site consent and management plan, eg:

- A community odour survey has already been done, indicating odour levels below the proposed consent requirement.
- A reduction of the horizontal distance of the tipping face from 40m to 25m.
- A reduction of the vertical tipping face from between 2 - 4m, to a maximum of 2.5m.
- An increased depth of final cover over closed stages.

LANDFILL GAS ISSUES

Landfill gas and its potential to affect health remains an issue of concern for the appellants, who maintain that conditions relating to landfill gas should be part of the resource consent, even though in terms of the Resource Management Act 1991, Environment Canterbury did not require Burwood to have a discharge-to-air resource consent.

Even though not required to do so in terms of any existing consent, the Council has developed a landfill gas programme consisting of:

- A programme for testing for constituents of landfill gas in 2003/04, which may be programmed for repeat testing in future years.
- \$800,000 in the 2003/04 budget for construction of a trial gas extraction system as mentioned above.
- Commissioning a community 'odour diary' project for the second part of 2003 whereby volunteer residents record the absence or presence of landfill related smell from homes in the Queenspark area.

SUMMARY

Burwood landfill continues to operate legally under the existing consent until the appeals to the resource consent extension application are resolved. However, higher standards for operation, as contained in the appealed resource consent and site management plan are already being implemented at present.

Substantial progress has been made towards resolving the appeal issues, and it is hoped that full resolution of issues will be achieved by July/August 2004, thereby avoiding an Environment Court hearing.

Chairman's

Recommendation: That the information be received.