

8. KATE VALLEY LANDFILL: SUPPORT FOR CHANGE IN CONSENT CONDITION RELATING TO VEHICLE TRIPS

General Manager responsible:	General Manager City Environment, DDI 94-8656
Officer responsible:	City Water and Waste Manager
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PURPOSE OF REPORT

1. The purpose of this report is to obtain Council support for a change or deletion of an existing resource consent condition regulating the number of vehicle trips to and from Kate Valley landfill.

EXECUTIVE SUMMARY

2. There is a difference in opinion between the Hurunui District Council, the consenting authority for this particular consent (RC020069), and Transwaste Canterbury Ltd the holder of the consent, regarding the interpretation of Clause 22 which requires that:

“The total number of vehicle movements to or from the site in any seven day period shall not exceed 1090, of which no more than 600 shall be heavy vehicles. For the purpose of this condition heavy vehicles means a motor vehicle (other than a motor car which is not used, kept or available for the carriage of passengers for hire or reward) in which the gross laden exceeds 3500 kgs but does not include an emergency response vehicle designed solely or principally for that purpose.”

3. The Hurunui District Council interprets this condition as only allowing for 300 heavy vehicle trips to the site and 300 heavy vehicles trips from the site in any seven day period. Transwaste Canterbury Ltd (based on legal advice) interprets this condition as allowing for 600 heavy vehicle trips to the site and 600 heavy vehicles trips from the site in any seven day period with numbers being counted at the site entrance. The Hurunui District Council requested Transwaste to apply for a consent change. Transwaste has taken the opportunity to review its expected future heavy vehicle flows given the 25% increase in waste volume since the original application and the unforeseen need to haul gravel to the site for liner protection work.
4. Transwaste Canterbury Ltd is seeking the change or cancellation of the condition. The period for submissions closes on 7 April 2006.
5. It is important for the City Council as the major territorial authority shareholder and part owner of Kate Valley Landfill to indicate its support for this application. If the application is unsuccessful, Kate Valley Landfill would be compromised in its ability to accept all residual waste from Canterbury local authority areas. The consequences of such an outcome would be contrary to what the CWSC has worked to achieve for ten years.

STAFF RECOMMENDATIONS

It is recommended that the Council:

- (a) Indicate its support for the application lodged by Transwaste Canterbury Ltd.
- (b) Strongly express its view that the Canterbury Regional Landfill at Kate Valley must have consents that allow it to accept the residual waste volume from Canterbury communities.

BACKGROUND AND ISSUES

6. Attachment A contains the full assessment of environmental effects submitted by Transwaste Canterbury Ltd in support of this consent conditions change. The following points summarise the background and issues involved.
7. *"In March 2004, a decision by the Environment Court granted Transwaste resource consents to establish a modern engineered municipal solid waste landfill within Kate Valley. As part of this decision, a condition of consent requires that:*

'The total number of vehicle movements to or from the site in any seven day period shall not exceed 1090, of which no more than 600 shall be heavy vehicles'.
8. Transwaste's legal advice says that its existing consent allows 600 heavy vehicles to enter the landfill site in any seven day period. The company has been operating on this understanding. The average number of heavy vehicles carrying waste entering the site in all seven day periods since starting operations has been 280, with a maximum of 358 in the peak week before Christmas. The average number of all types of heavy vehicles entering in any seven day period has been 338, with a maximum of 446. (This maximum occurred in December, traditionally the highest waste producing period of the year.) The vehicle numbers have thus complied with the consent as Transwaste's legal advisers understand it.
9. The Hurunui District Council has recently advised Transwaste that it believes that the consent only allows 300 heavy vehicles to enter the landfill site in any seven day period, and requested Transwaste to lodge an application to clarify which interpretation is correct. While heavy vehicles carrying waste are within the Hurunui District Council's view of the limit, overall heavy vehicle numbers are not, for reasons explained below.
10. In response to the Council's request, Transwaste has lodged an application for up to 800 heavy vehicles to enter into the site in any seven day period, or for the condition to be cancelled. Canterbury Waste Services, which managed the consent application process, advises that one of the reasons for the condition originally being imposed by the Commissioners was to limit the ability of Transwaste to accept waste from outside Canterbury. The Environment Court subsequently imposed a much more effective geographical limit to ensure waste cannot be accepted from outside Canterbury, superseding the heavy vehicle limit for this purpose, consequently Transwaste does not accept waste from outside Canterbury.
11. The major part of the application, and the primary cause of the requested change to 800 heavy vehicle entries into the landfill, relates to the need for gravel to be hauled into the site from the nearby Waipara River. Because the consent conditions count all truck trips in seven day periods, it must allow for sufficient heavy vehicle numbers to enter the site when both gravel trucks and normal waste trucks are operating.
12. The gravel is only hauled for short periods of several days to a stockpile in the site. Up to 200 heavy vehicles per seven day period may enter the site hauling gravel, but this may only happen for a few weeks interspersed throughout the year. The gravel trucks only operate on a short 3km stretch of Mt Cass Road, between the Omihi Stream Bridge and the landfill access road. They do not travel on State Highway One.
13. The gravel is used for the liner protection layer in the landfill. It had been expected that sufficient sand suitable for this purpose would be found during site excavation, but that has not been the case to date. Accordingly, no gravel truck numbers were included in the original consent application, but now need to be.
14. Referring to points 8 and 13 above, it can be seen that if the maximum recorded refuse vehicle trips to date of 446 are added to the expected maximum gravel vehicle trips of 200, the consent condition of a 600 maximum would be exceeded. Clearly, given the recent high level of waste growth within Canterbury, it would be imprudent for their current application not to provide a comfortable safety margin should the recent economic and waste growth patterns continue into the future. Thus as detailed in the attached AEE, the application has included for an 800 vehicle 7-day limit.

15. Kate Valley Landfill must have consents that allow it to take the waste produced in Canterbury, and carry out normal landfill operations, such as laying liner protection gravel. Transwaste's application is about ensuring that this is the case. A notified hearing is likely to be held in mid 2006.

OPTIONS

16. The Council has the following options:

- (a) Submit in opposition to the consent variation lodged by Transwaste

Pros	Cons
<ul style="list-style-type: none"> ▪ Nil 	<ul style="list-style-type: none"> ▪ To do so would be in direct conflict with Council objective of having a single regional landfill.
	<ul style="list-style-type: none"> ▪ Would undermine Transwaste trust in its shareholder.

- (b) Support the Transwaste consent variation application by submitting in favour of the application.

Pros	Cons
<ul style="list-style-type: none"> ▪ Major shareholder is supporting its business 	<ul style="list-style-type: none"> ▪ Seen to support more heavy truck movements.
<ul style="list-style-type: none"> ▪ Ensures support of a practical solution that will minimise operational costs and ensures residual waste in Canterbury is properly disposed of. 	
<ul style="list-style-type: none"> ▪ Reduces risk of residual waste being disposed of outside of Canterbury. 	

- (c) To not submit on the Transwaste consent variation application.

Pros	Cons
<ul style="list-style-type: none"> ▪ Nil 	<ul style="list-style-type: none"> ▪ Major shareholder is silent on a potentially major issue.
	<ul style="list-style-type: none"> ▪ Risk that conditions for Transwaste could be imposed that limit trading movements and/or increase operational costs resulting in increased disposal fees.

PREFERRED OPTION

17. Option (b) support the Transwaste application by submitting in favour of the application to ensure that the Regional Landfill at Kate Valley, has consents that allow it to accept the residual waste volumes from Canterbury communities.