

4. DEPUTATIONS

MR CHRIS PURCHAS, SENIOR ADVISER, MINISTRY FOR THE ENVIRONMENT

Mr Purchas attended in response to the Subcommittee's letter of 24 September 2003 to discuss his Ministry's national landfill standards and in particular the concerns expressed in the Subcommittee's letter relating to Class B landfills and the desirability of a programme of review to raise the standard of Class B landfills over time to the same levels as those applying to Class A landfills.

Mr Purchas described his role within the Ministry and indicated that on a philosophical basis the Ministry would probably agree with the comments made in the Subcommittee's correspondence of 24 September 2003. In preparing national landfill standards his Ministry had examined 150 landfill sites in New Zealand and classified these into either an A or B standard. He indicated that some 80%-90% of landfill sites in New Zealand were currently classified as Class B and that only 5-10 landfills were currently of a high standard.

While his Ministry considered that some landfill sites should be closed and had investigated if any mechanism to do this existed, all sites had resource consents and therefore had a legal right to continue. Landfill classification was a means to control waste acceptance but the Ministry did not have a mechanism to actually close low standard sites at present, hence the adoption of controls to minimise environmental harm by differentiating waste acceptance criteria between the two types of landfill. As previously indicated, however, legal advice obtained by the Ministry was that they could not remove their legal right to accept waste.

The opportunity was then taken for comment and discussion as follows:

- It was noted by the Chairman that the guidelines were not mandatory and Mr Purchas commented that some regional councils did in fact view these as being the required standards. In response to a further question from the Chairman as to why the guidelines could not be made mandatory, Mr Purchas advised that national environmental standards under the RMA could be formulated by the Ministry and these were starting to be written. There was, however, an issue of priorities and resources for the Ministry and air and water issues were considered to have a higher priority.
- Mike Stockwell queried how long Mr Purchas considered it would take to achieve closure of 80% of the Class B landfills and why a phase-out time period could not be established. Mr Purchas indicated that 2010 was a non mandatory phase-out period and that landfill sites in New Zealand had now decreased from approximately 330 in 1995, and 200 in 1998, down to approximately 116 in 2002. By 2010 he expected this number would be down to 43 and that the worst sites would be closed.
- The Chairman noted that the Canterbury Waste Subcommittee had invested significant effort, risk and financial resources into waste minimisation and they were concerned that this might be undermined by some waste operators and he considered Central Government had a role in making sure there was a level playing field and that the efforts of the Subcommittee were not undermined.
- Mr Purchas commented that should the Ministry adopt design standards that compromised the ability of consented landfills to operate then this again would not be legal and he felt that an actual change to the Resource Management Act would be required.
- Councillor O'Rourke commented that he felt the Ministry should be able to invite regional councils to initiate a review of consents and that only a simple amendment to the RMA would be required. Mr Stockwell commented that should consent conditions be changed to require the provision of a liner, plus gas controls then this would probably bring the Class B landfills up to the same standards as Class A. The Chairman noted that it was desirable that there be consistency, certainty and mandatory standards for all landfills.
- Councillor Tasker commented she felt it was reasonable that current consents for Class B landfills be called in before the expiry of 10 years and this would be similar to what had recently happened in respect to water rights.
- Mr Purchas noted that 2020 was a fairly common date to which most landfill sites are consented and he felt that the majority of Class B landfills would be closed within 16 years.
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Mr Don Young (Waimakariri District Council) indicated that a major concern for the Subcommittee was the possible diversion of waste from Kate Valley to Class B landfills. He asked whether it would be possible to cap volumes at other landfills at about their present level in order to ensure wholesale waste diversion did not occur. Mr Purchas indicated that one method of controlling this might in actual fact be by territorial local authorities making appropriate bylaws and he asked whether there were other groups such as the Canterbury Waste Subcommittee established within the South Island.

The Chairman confirmed that there were no other similar groupings in the South Island but that the Recovered Materials Foundation was anxious to achieve better co-operation on waste minimisation within the South Island from TLAs. Mr Purchas commented that he felt this would be an excellent idea and that the Ministry would be supportive of this.

- Councillor O'Rourke mentioned the impacts of the Commerce Act on councils trying to collaborate on waste issues and felt that this was an area that the Government should examine. There should at least be some exemptions to allow TLAs to talk to each other. He felt this was a rather unnecessary restriction and Mr Purchas confirmed that this issue had also been raised by other parties and he would like information on this topic including any legal opinions and which could then be followed up. Councillor O'Rourke mentioned the transport equalisation fund as an example where this had impacted and that it had been necessary to amend the procedures relating to this to allow for it to operate by way of transfer of dividends.
- The possibility of levies on Class B landfills to raise revenue to assist in changing their standards from Class B to Class A was then suggested and Mr Purchas advised that this issue was not being actively pursued at the moment but that the Ministry recognised that it needed to work with TLAs and he gave example of the work the Ministry had facilitated on landfills on the West Coast.
- Councillor Wright asked Mr Purchas if he considered the Ministry would be able to take any action on the concerns expressed by the group and Mr Purchas advised that he was happy to receive recommendations from the Canterbury Waste Subcommittee but he felt it was unlikely that mandatory landfill standards would be instituted within the next five years.
- He was interested in capping tonnages and as previously suggested assisting South Island territorial local authorities to work together but national landfill standards were not as high a priority as some other current issues. He advised the Ministry was not currently looking at an organics ban to landfill and that the Ministry would be happy to participate in any South Island forum.
- The Chairman advised that he would follow up regarding the Commerce Act issues, probably in the New Year, and noted that the Ministry was now better informed on the issues of concern to the Canterbury Waste Subcommittee and that a report on the RMF proposal would be brought back in the New Year.

At the conclusion of the discussion the Chairman thanked Mr Purchas for attending.