

19-D-01670

s 9(2)(a)

Television New Zealand
s 9(2)(a) @tvnz.co.nz

Tēnā koe s 9(2)(a)

Thank you for your email of 13 August 2019 requesting the following under the Official Information Act 1982 (the Act):

Reports, documents, briefings and correspondence about disused landfills in New Zealand received by OR created by the Ministry of the Environment since October 2017. This includes briefings to the Minister for the Environment and correspondence with councils.

Your request was further clarified by email on the 29 August 2019;

I mean closed/legacy landfills where they have been shut for a number of years. I am looking for information regarding the environmental impacts of closed landfills, information regarding contamination in closed landfills, any correspondence about protecting them from climate change and the cost of doing this etc.

The Ministry does not hold information on environmental impacts or contamination in landfills for specific closed landfills. Regional Councils would have this level of detail through their duties under the Resource Management Act 1991 such as issuing consents authorising a contaminated discharge from a closed landfill and undertaking consent monitoring of any consented closed landfills.

Information relating to best practice, waste types and contamination that can be found in landfills may be found in the *Technical Guidelines for Disposal to Land* available at:

<https://www.wasteminz.org.nz/pubs/technical-guidelines-for-disposal-to-land-april-2016/>

Assets at risk from climate change, like closed landfills, will be considered at a national level in the first National Climate Change Risk Assessment (NCCRA) which the Ministry is undertaking. The NCCRA will provide a national overview of the risks New Zealand faces from climate change, and identify key risks that need to be addressed through a National Adaptation Plan.

The Ministry for the Environment has identified four documents in scope of your request, as listed in the attached table. Some information within these documents has been withheld under the following sections of the Act:

- s9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions
- S18(e) that the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.
- S9(2)(a) to protect the privacy of natural persons.

In terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the withholding of this information is not outweighed by other considerations that render it desirable to make the information available in the public interest.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision to withhold information relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: www.ombudsman.parliament.nz.

Please note that due to the public interest in our work the Ministry for the Environment publishes responses to requests for official information on our website on our [OIA responses page](#) shortly after the response has been sent.

If you have any queries about this, please feel free to contact our Executive Relations team.

Nāku iti noa, nā



Shaun Lewis
Director - Mana Honohono
Investments and Partnerships

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the Official Information Act 1982

List of documents

Document no.	Document date	Content	Decisions	OIA sections applied
1	3 April 2019	Email FW : Fox landfill breach	Released in part	S9(2)(a) to protect the privacy of natural persons
2	11 April 2019	Email FW: Landfills in risk areas - MFE advice by 11th April please	Released in part	s9(2)(g)(i) maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers.
3	26 April 2019	2019-B-05522 Landfills at risk from Climate Change	Released in full	
4	15 April 2019	Excerpt from Minister Shaw weekly update commencing 15 April 2019	Released in full	

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the Official Information Act 1982

Nigel Donovan

From: Bruce Croucher <bruce.croucher@mfe.govt.nz>
Sent: Wednesday, 3 April 2019 3:27 PM
To: Amanda Moran
Cc: Nigel Donovan; Phillipa Guthrey; Sarah Helm; Hannah Grant; Chris Baylis; Glenn Wigley
Subject: FW: Fox landfill breach

Hi Amanda

The Fox landfill, which closed in 2001, was operated by the Westland District Council (WDC). Therefore they are the party responsible for undertaking the any remedial works required to address this situation.

We are informed that WDC and the West Coast Regional Council (WCRC) are cooperating to develop a recovery plan and that works are underway to protect the closed landfill from further erosion, however this is being hampered by the flood conditions in the river. We understand that WDC intend to line the eroded area with geotextile cloth and backfill the bank area with rock from the river.

The landfill has resource consent from WCRC to discharge contaminant associated with decomposing waste to air and to groundwater. The consent also clearly states that WDC are liable for any breaches of consent or any adverse effects on the environment caused by the exercise of this consent.

WDC have employed a contractor to undertake a co-ordinated clean-up response to remove rubbish from the environment. The Department of Conservation are assisting with the provision of staff and equipment.

WDC have requested financial support to assist with the clean-up of 20km of river and 40km of beach. I consider that this clean-up work would not be eligible for funding from either the CSRF, as there is a party liable for the clean-up, or the Waste Minimisation Fund, as it does not reduce the amount of waste disposed to landfill.

The Hono Tataki team have prepared the following advice for Minister Sage, who was interviewed by the Media at approximately 1:00pm today thought to be a weekend article.

New Zealand is still one of the highest producers of household waste in the developed world, per capita despite research commissioned by the Ministry for the Environment that demonstrates that waste is the second most pressing issues for New Zealanders. The terrible situation at Fox highlights that waste never 'goes away'. We need to proactively manage our resources and design waste out of our production. Where waste is harmful and unavoidable it needs to be carefully managed. That is why we are considering options like reviewing the landfill levy and reviewing how we invest the funds raised by it to minimise waste.

Like most countries NZ has a history of old historical dumpsites, legacy fill sites and other contaminated sites. Disposal of waste in New Zealand prior to the introduction of the RMA was mainly carried out in a large number of small local tips or dump sites. This was a low cost, low managed and relatively convenient method of disposal.

The legacy we have now is that these sites were often located in marginal development areas where land was cheap or unwanted for development, easy to dig pits to dispose of rubbish and away from housing areas, but still close to urban areas for ease of access.

As a result of the introduction of the Resource Management Act 1991 and the creation of the Ministry for the Environment in 1986, more attention was paid to the adverse effects of landfills, solid waste reductions and improvements in disposal. For example, in 1992 the Government published a Waste Management Policy

and Landfill Guidelines, and in 1996 the Local Government Amendment Act specified that a waste management plan (WMP) was to be prepared by all territorial local authorities.

The requirement under the RMA to have resource consents for landfills and other waste treatment facilities created a strong incentive to upgrade the standards of waste disposal across the country. The expense of upgrading existing facilities, or constructing new facilities that met new consent conditions, resulted in the closure of many small local landfills and the development of larger-scale, engineered 'regional' facilities serving a much larger catchments.

The introduction more recently of the Emissions Trading Scheme, and the Waste Minimisation Act 2008, which requires a levy to be paid on volumes of waste to landfill, has also seen more smaller local landfills close due to costs of operation and management. A result of this is that more waste is being moved to larger, more appropriate purpose built regional landfills.

The old Fox landfill was believed to have been closed in 2001 and has a resource consent to discharge contaminants to land. Responsibility to ensure compliance with the resource consent falls to the regional council and the site was last monitored for effects in 2016. At this time, final capping was noted over the landfill, the site was fenced and there was no mention of any erosion issues.

Since 2003 Government has played a more proactive role in assisting local authorities with the clean-up and management of contaminated land. This role centres around the developing contaminated site management and remediation guidelines and the provision of funding to help clean up contaminated land. Should a contaminated site, such as an old landfill require clean up and remediation then there is a funding stream available. *(Please note my comments about eligibility above)*

If you have any questions please call me

Cheers

Bruce

Bruce Croucher, Senior Analyst

Ministry for the Environment – Manatū Mō Te Taiao

Phone 022 592 2826 Email: bruce.croucher@mfe.govt.nz Website: www.mfe.govt.nz

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From: Amanda Moran <amanda.moran@mfe.govt.nz>

Sent: Wednesday, 3 April 2019 12:24 PM

To: Bruce Croucher <bruce.croucher@mfe.govt.nz>; Phillipa Guthrey <Phillipa.Guthrey@mfe.govt.nz>

Subject: FW: Fox landfill breach

From: Amanda Moran
Sent: Wednesday, 3 April 2019 11:19 AM
To: Glenn Wigley <glenn.wigley@mfe.govt.nz>
Subject: Fwd: Fox landfill breach

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From: Vicky Robertson
Sent: Wednesday, April 3, 2019 11:03:29 AM
To: Justin Strang; Amanda Moran
Subject: FW: Fox landfill breach

FYI

From: Kevin Hague <K.Hague@forestandbird.org.nz>
Sent: Wednesday, 3 April 2019 10:38 AM
To: Vicky Robertson <Vicky.Robertson@mfe.govt.nz>
Subject: FW: Fox landfill breach

For example, this press release just received from the Conservation Board while I was sending the previous email to you.

Kevin Hague

Chief Executive

Kaiwhakahaere Matua

Section 9(2)(a)

Royal Forest and Bird Protection Society of New Zealand Inc.
205 Victoria St, Wellington | PO Box 631, Wellington, 6140

www.forestandbird.org.nz



----- Forwarded message -----

From: keith morfett <keithmorf@gmail.com>

Date: Tue, 2 Apr 2019 at 21:53

Subject: Fox landfill breach

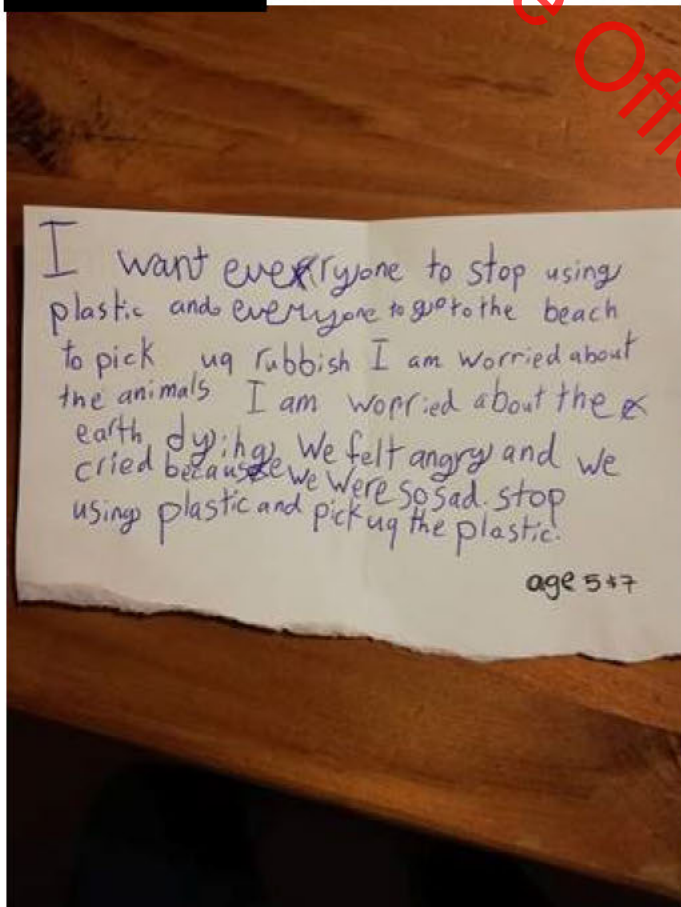
To: <newsdesk@nzherald.co.nz>, <reporters@press.co.nz>, <lauram@grevstar.co.nz>

Please see attached press release covering the current environmental disaster unfolding in South Westland.

Attached: press release, 4 photos 1 from Mary Vermaat (letter) and 3 from Jason Blair.

Regards
Keith Morfett
Acting Chair West Coast Tai Poutini Conservation Board

Dr. Keith Morfett
Section 9(2)(a)





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Nigel Donovan

From: Glenn Wigley
Sent: Thursday, 11 April 2019 3:06 PM
To: Shaun Lewis; Nigel Donovan; Phillipa Guthrey; Bruce Croucher
Subject: FW: Landfills in risk areas - MFE advice by 11th April please

Hi all

See below.

We will be ready to discuss this at Min Sage meeting on Monday

Glenn

From: Glenn Wigley
Sent: Thursday, 11 April 2019 3:04 PM
To: Penny Race (Parliament) <penny.race@parliament.govt.nz>
Cc: Amanda Moran <amanda.moran@mfe.govt.nz>
Subject: FW: Landfills in risk areas - MFE advice by 11th April please

Kia ora Penny

As requested earlier this week, below is response to the questions posed by Minister Sage.

Note that the question below will be addressed through a separate briefing next week. We don't have the information at hand, and have needed to work with local government to prepare the material.

- What MFE understands to be the extent and number of closed landfills to be on sites which are vulnerable to or at risk of coastal erosion; encroachment by rivers, sea level rise or similar events which might expose the landfill to water;

If you have any questions regarding below feel free to give me a call. Amanda and I will be able to talk through this on Monday at the meeting with Minister Sage if required.

Regards

Glenn

- What action MFE is taking in relation to Fox River landfill cleanup;
 - *Other agencies have the appropriate mandate, resourcing and training for the Fox River landfill clean-up. The issue is being managed locally, with support being provided by other regional councils and Maritime New Zealand staff. The Incident Controller for the exercise is a Bay of Plenty Regional Council staff member, who has had experience in the Rena clean up. The assistance being offered by Regional Council and MNZ staff is of most benefit to assist local government as they are trained in how to deal with incident and emergency responses. Ministry for the Environment staff have not been trained in how to deal with incident and emergency responses.*

- What MfE understands to be the extent and number of closed landfills to be on sites which are vulnerable to or at risk of coastal erosion; encroachment by rivers, sea level rise or similar events which might expose the landfill to water;
 - *A more detailed briefing will be provided next week on this. MfE has approached regional authorities requesting information regarding the location of closed landfills, and their immediate risk to climate change and/or flood.*
 - *MfE has data from 2017 on the number of consented, levied and non-levied landfills around the country. We also have numerical data on consented closed landfills, but do not hold information on non-consented, closed landfills.*

- What action should be taken to remediate those sites and ensure that this work is being done by councils;
 - *Remediation should be looked at on a site by site basis by local government, and consider the risk profile and geotechnical assessment of each site before making decisions on the need for any remediation. MfE could ask for updates from local government on work being carried out in this area. There are a range of options available to Ministers to require this work is undertaken.*

- The state of any regional registers of contaminated sites;

All regional councils have registers of contaminated sites, however the format and completeness of these registers vary. The state of the registers generally reflect the amount of resources councils have applied to contaminated land. Some council registers are publicly available on-line, whilst others have a simple spreadsheet where information is only available on request. MfE is working on guidance to enable Regional Councils to collate nationally consistent contaminated land information.

- What monitoring is done of closed landfills and what MfE's role is here and what assistance it can offer
 - *Monitoring of closed landfills is the responsibility of local government. MfE's role is to provide guidance. Approximately 18 years ago MfE provided guidance on monitoring both open and closed landfills. The guidance recommends that landfill owners need to apply to Regional Councils for ongoing discharge consents – and that these consents would outline ongoing monitoring requirements.*

- Does Government need to do more and if so ; what advice does MfE have?
 - *Maritime New Zealand and local government are assisting with the current clean-up. DPMC have advised there is a fund that can be tapped into immediately from a Civil Defence appropriation to contribute to Mayoral relief funds. This normally applies to care packages in event of Civil defence emergencies.* s9(2)(g)(i)
 - *MfE would look at any application to the Contaminated Sites Remediation Fund (CSRF) which would be considered by an expert panel. Minister Parker has the ultimate authority to make funding decisions under the CSRF.* s9(2)(g)(i)
 - *Longer term, MfE will be conducting a climate change risk assessment that will include consideration of matters such as coastal landfills and how to respond to the increased risk of inundation. This work is due to start around the middle of this year.*

- Who is paying the costs currently being incurred by EnviroNZ?
 - *MfE understands that these costs are currently being covered by Westland District Council. The Council may seek funding from central Government to offset these costs. We consider the Civil Defence appropriation would be the most appropriate source of funding.*

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Landfills at risk from Climate Change

Date Submitted:	26 April 2019	Tracking #: 2019-B-05522	
Security Level	In Confidence	MfE Priority:	Non-Urgent

	Action sought: Note	Response by:
To Hon Eugene Sage, Associate Minister for the Environment	For Minister information and noting only	08 May 2019
Actions for Minister's Office Staff	Return the signed report to Ministry for the Environment	
Number of appendices and attachments	Appendix 1 Landfills at risk from Climate Change	
Note any feedback on the quality of the report		

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Nigel Donovan	022 0833 594	
Responsible Manager	Scott Priestley	022 0833 594	✓
Director	Glenn Wigley	027 4917 806	

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Context

1. This briefing note is in response to your request for initial advice on the extent and number of closed landfills which are vulnerable to or at risk of coastal erosion, encroachment by rivers, sea level rise or similar events which might expose a landfill to water. Your request was triggered by a weather event that caused the Fox River landfill in Westland to become exposed last month.

Our Advice

2. The Ministry does not have data on the numbers or locations of landfills at risk from climate change-related impacts or extreme weather events. The data we have is limited to data from 2017 on the number of consented, levied and non-levied landfills nationally. We also have numerical data on consented closed landfills, but do not hold information on non-consented, closed landfills.
3. A recent 2019 Local Government New Zealand (LGNZ) report "*Vulnerable: the quantum of local government infrastructure exposed to sea level rise*" estimated the level of local government-owned landfills likely to be affected by sea level rise (see appendix 1).
4. Local government will face a range of infrastructure issues as a result of climate change. The LGNZ report finds that 50cm of sea level rise would expose \$190 million of local government-owned assets (including landfills), and a 1 metre rise would expose \$730 million's worth of assets.

There is limited information available on closed landfills in areas vulnerable to climate change

1. The number of closed landfills vulnerable to impacts of climate change or extreme weather events is unknown. Even for the regions covered in the LGNZ report, only assets owned by the local government are counted. Therefore any landfills not owned by local government will not be included in these figures.
2. The LGNZ report has initiated discussion on this issue by assessing the current quantity and value of infrastructure exposed to sea level rise at four increments; 0.5, 1.0, 1.5 and 3.0 metres. Landfills were assessed as 'infrastructure' like other forms of assets and property.
3. The LGNZ analysis is based on data which is considered incomplete. Therefore, the numbers presented are likely to be an under-estimation of exposure at an aggregate level. The analysis does provide insight into particular regions. An excerpt of the LGNZ report (appendix 1), lists 110 closed landfills nationally at risk from 0.5m sea level rise and up to 163 at risk from a 3m sea level rise.
4. The North Island, in particular, dominated the data with 92 closed landfills at risk and the South Island with 18 closed landfills at an increment of 0.5 metre rise in sea level.
5. Auckland Region is reported to have more closed landfills vulnerable to sea level rise than any other region, with 88 sites at risk from 0.5m sea level rise and 99 at risk from a 3m sea level rise.
6. Work is already being done by some individual councils at the local and regional levels to identify vulnerable assets. Auckland Council, for example, released a report in March on Auckland's exposure to sea level rise. The report found that 86 closed landfills in Auckland are vulnerable to a sea level rise of 0.25 metres with the number increasing to 99 at 3 metres.

The National Climate Change Risk Assessment (NCCRA) will provide an overview of risks to New Zealand as a whole but it won't identify individual landfills

7. The Ministry for the Environment (MfE) will soon begin work on the National Climate Change Risk Assessment which is scheduled to be completed by mid-2020. The NCCRA will gather what we know about risks to New Zealand as a whole, on an economy-wide basis, and tell us where the gaps in our knowledge are. The NCCRA was one of the core actions recommended by the Climate Change Adaptation Technical Working Group (CCATWG).
8. The NCCRA will be mostly qualitative and won't identify individual closed landfills at risk to climate change.
9. More specific regional information will need to be built up at the local level, and many councils are already making a start on their own risk and vulnerability assessments (Auckland Council released their Auckland Climate Change Risk Assessment last month. Others include Otago Regional Council and the councils in the Wellington region).
10. We expect local and regional-specific assessments to take a more granular look at landfills (along with other infrastructure).
11. Local government faces a range of risks from climate change and any risk to landfills will need to be put in context with other issues, including those which may involve a risk to human life.

The Community Resilience Group is looking at ways to enable local government to reduce risk from climate change impacts, including through risk assessments

12. The Community Resilience Group is a cross-agency group led by the Department of Internal Affairs (DIA) that is taking a co-ordinated approach to improving community resilience to natural hazards and the effects of climate change. The group includes a wide group of central government agencies (including MfE) and has representation from LGNZ. This work is jointly led by the Minister for Local Government, the Minister for Climate Change and the Minister of Civil Defence.
13. There are five key work areas including information to better support decision making and enhanced use of risk assessment (across local and central government).
14. Ministers are reporting back to Cabinet in May on a narrative and a broad set of themes to discuss at the Central Local Government Forum in June and to develop into a joint work programme with local government.

Recommendations

1. We recommend that you:

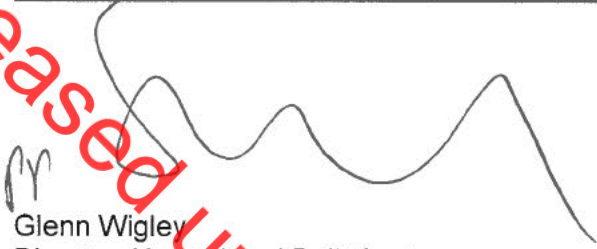
Note the information available on closed landfills, in areas vulnerable to climate change, from the climate risk assessment reports by LGNZ and Auckland Council.

Note the National Climate Change Risk Assessment (NCCRA) will provide an overview of risks to New Zealand as a whole but won't identify individual landfills at risk.

Note that the Community Resilience work programme is looking at how to enable local government to reduce risk and vulnerability to natural hazards including the effects of climate change.

Note Ministers Mahuta, Faafoi and Shaw will report back to the Cabinet on this work in May and closed landfills will be in scope of this work.

Signature _____



Glenn Wigley
Director, Natural and Built System

Date 26/4/19



Hon Eugenie Sage
Associate Minister for the Environment

Date 30/4/19

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Appendix 1 Exposure of local government-owned landfills to sea level rise, according to recent Local Government New Zealand report¹

Open and closed landfills

Data was provided for both closed landfills and active landfills for some councils. Auckland, in particular, dominates the data with a significant number of closed landfills (88 in total) at the 0.5 metre increment and this increases to 94 at the 1.5 metre increment. In terms of active landfills, Canterbury and Otago each have one exposed at the 0.5 metre increment.

Table 3: Landfills exposed within various increments of sea level rise

Closed Landfill	Quantity 0.5	Quantity 1.0	Quantity 1.5	Quantity 3.0
National	110	129	139	163
North Island Total	92	95	103	114
P1- Auckland Region	88	89	94	99
P2- Hawke's Bay Region	2	4	6	6
P3- Waikato Region	1		2	3
South Island Total	18	34	36	49
P1- Nelson Region	5	18	19	19
P2- Otago Region	9	11	12	18
P3- Canterbury Region	4	5	5	7
Active Landfill	Quantity 0.5	Quantity 1.0	Quantity 1.5	Quantity 3.0
National	2	2	2	3
North Island Total	0	0	0	1
P1- Auckland Region	0	0	0	1
South Island Total	2	2	2	2
P1- Canterbury Region	1	1	1	1
P2- Otago Region	1	1	1	1

Please refer to Appendix B for all assumptions and limitations.

¹ LGNZ (2019) 'Vulnerable: the quantum of local government infrastructure exposed to sea level rise.'

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Finalised on 12 April for the week commencing 15 April

1.4. Landfills exposed to climate change – Minister Sage request for advice following flooding of Fox Glacier landfill

Minister Sage has requested advice on landfills being exposed to climate change impacts following the flooding of Fox Glacier Landfill in Westland. MfE's Hono Tātaki - Resource Efficiency and Innovation team will be providing a briefing note to Minister Sage with input from the Adaptation and Resilience team.

The number of landfills that may be affected by sea level rise was highlighted in LGNZ's recent report, *Vulnerable: the quantum of local government infrastructure exposed to sea level rise*. The report found that 110 closed landfills throughout New Zealand are vulnerable to 0.5m of sea level rise. LGNZ's report will feed into the National Climate Change Risk Assessment, which will inform the National Adaptation Plan.

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