

Appendix 1: Proposed gazetted Eligibility and Assessment Criteria for projects applying to the Contaminated Sites and Vulnerable Landfill Fund

Pursuant to section 38 of the Waste Minimisation Act 2008, I, the Honourable Penny Simmonds, Minister for the Environment, set the following criteria for approving funding to provide for the investigation and remediation of contaminated sites and vulnerable landfills.

Purpose of the Fund

The purpose of the Contaminated Sites and Vulnerable Landfill Fund (CSVLF) is to reduce the risk to human health and the environment posed by legacy contaminated sites and vulnerable landfills.

Funding is provided to support owners of high-risk contaminated sites as well as contaminated sites and landfills at risk from climate-related erosion and inundation where remediation is unlikely to occur without significant financial assistance from the Government.

The CSVLF also assists regional councils, unitary authorities, and territorial authorities, to fulfill their obligations for contaminated land management under the Resource Management Act 1991.

Providing financial assistance lessens the burden on communities with contaminated sites, and enables the economic, environmental, and cultural benefits from reducing the risk to be realised by those most affected.

Scope

1. The scope of the CSVLF is limited to phases two to four of contaminated land management as described in the current edition of Contaminated Land Management Guidelines as published on the Ministry for the Environment's webpage:
 - a) Phase two - detailed site investigation where the nature and extent of contamination and risk to human health and the environment are determined
 - b) Phase three - remedial planning where remedial and/ or management strategies that will mitigate the risk are considered. Possible remedial methods are further developed via a remedial options analysis to determine the most appropriate and cost-effective option(s), and a remedial action plan that details the selected remedial and management works to mitigate the risk posed by contaminants is prepared
 - c) Phase four - remediation where remedial and management works are carried out in accordance with the remedial action plan developed in phase three

Not in scope: phase one – preliminary site investigation establishes the contamination history of the site and is part of the site identification process. This phase is not funded.

Eligibility criteria

2. Projects must be to investigate and/or remediate sites where activities occurred that were likely to result in contamination.

The activities have been undertaken either:

- before the Resource Management Act (RMA) was enacted in 1991
- after the RMA was enacted in 1991 but no enforcement could be taken by the Regional Council, Unitary Authority or Territorial Authority to investigate and/or remediate the contamination, and the activities that caused contamination have since stopped

The Fund will not cover activities relating to compliance issues being addressed under enforcement provisions or emergency response directives under the RMA and the Health and Safety at Work Act 2015.

3. Phase three and four projects must demonstrate they have considered sustainable remediation and management.
4. In general, the Fund will not cover the entire cost of the project. Applicants will need part funding from other sources.
5. Projects should be for a discrete timeframe after which the project objectives will have been achieved.
6. Applications must be received from a regional council, unitary authority or territorial authority. Councils can apply to the CSVLF for sites they are the landowner of or on behalf of other landowners.

Assessment criteria

7. Preference will be given where there is a demonstrated partnership between the regional council/unitary authority, territorial authority and other interested parties working together for a common goal and to share the risks and benefits.
8. Priority for funding will be given to sites that pose (or are likely to pose) a high risk to human health, are in an environmentally sensitive area prone to erosion or inundation during severe weather events.

Project benefits

9. The assessment of the project will include the extent to which the project can demonstrate:
 - a) the source of the contamination and any likely future consequences of not addressing the problem
 - b) the degree of impact the problem has on the environment and /or people's lives, and the significance of the site to the local community and mana whenua
 - c) urgency and imminent risk from severe weather impacts arising from the site's location
 - d) consideration of sustainable remediation and management practices where appropriate, including (but not limited to) consumption of natural energy resources and minimising waste from/through remediation activities
 - e) the likelihood of success and the reduction of harm to human health and the environment
 - f) co-funding and project partnership that reflects the responsibility for the contamination and / or willingness and ability to contribute to the project
 - g) environmental, economic, social and cultural benefits
 - h) the strategic value and additional benefits of the projects, such as the ability of a project to act as catalyst to increase the uptake of best practice and/or innovation
 - i) alignment with the relevant guidance including current editions of Contaminated Land Management Guidelines as published on the Ministry's webpage.

Project delivery

10. The applicant must demonstrate:
 - a) how the project will achieve its objectives
 - b) how the project's risks will be adequately managed to ensure the successful completion of the project
 - c) ability to deliver the project
 - d) how the activities are logical, realistic and achievable within the funding timeframe

- e) how the effectiveness of the project will be monitored, evaluated, and reported
- f) how the costs of the works are directly related to undertaking the relevant phase.