



PROACTIVE RELEASE COVERSHEET

Minister	Hon Penny Simmonds, Hon Andrew Hoggard	Portfolio	Environment
Name of package	The Environmental Protection Authority's Quarter Three 2023/24 Performance Report	Date to be published	15 May 2026

List of documents that have been proactively released

Date	Title	Author
17 May 2024	BRF-4657 The EPA's Quarter Three 2023-24 Performance Report	Ministry for the Environment
17 May 2024	Minister Signed with Comments - BRF-4657 The EPA's Quarter Three 2023-24 Performance Report	Ministry for the Environment
5 September 2024	BRF-5236 Talking Points - Meeting with West Coast Mayors	Ministry for the Environment
5 September 2024	Updated - BRF-5236 Meeting with West Coast Mayors	Ministry for the Environment
3 September 2024	BRF-5259 Meeting Note- Meeting with Mayor Tania Gibson, Grey District Council	Ministry for the Environment

Information redacted **YES**

Any information redacted in this document is redacted in accordance with the Ministry for the Environment's policy on proactive release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Summary of reasons for redaction

- Information out of scope of the request has been withheld
- Phone numbers withheld under 9(2)(a) of the Official Information Act 1982 for the reason of protecting the privacy of natural persons.



Briefing: The Environmental Protection Authority's Quarter Three 2023/24 Performance Report

Date submitted: 17 May 2024

Tracking number: BRF-4657

Security level: Classification

MfE priority: Not urgent

Actions sought from Ministers		
Name and position	Action sought	Response by
To Hon Penny SIMMONDS Minister for the Environment	Note the Environmental Protection Authority's Quarter Three 2023/24 Performance Report	N/A

Actions for Minister's office staff
Return the signed briefing to the Ministry for the Environment (ministerials@mfe.govt.nz).

Appendices and attachments
1. The Environmental Protection Authority's Quarter Three 2023/24 Performance Report

Key contacts at Ministry for the Environment			
Position	Name	Cell phone	First contact
Principal Author	Tiffany Vail		✓
Responsible Manager	Ngairie Best	9(2)(a)	
Chief of Staff	Martin Workman	9(2)(a)	

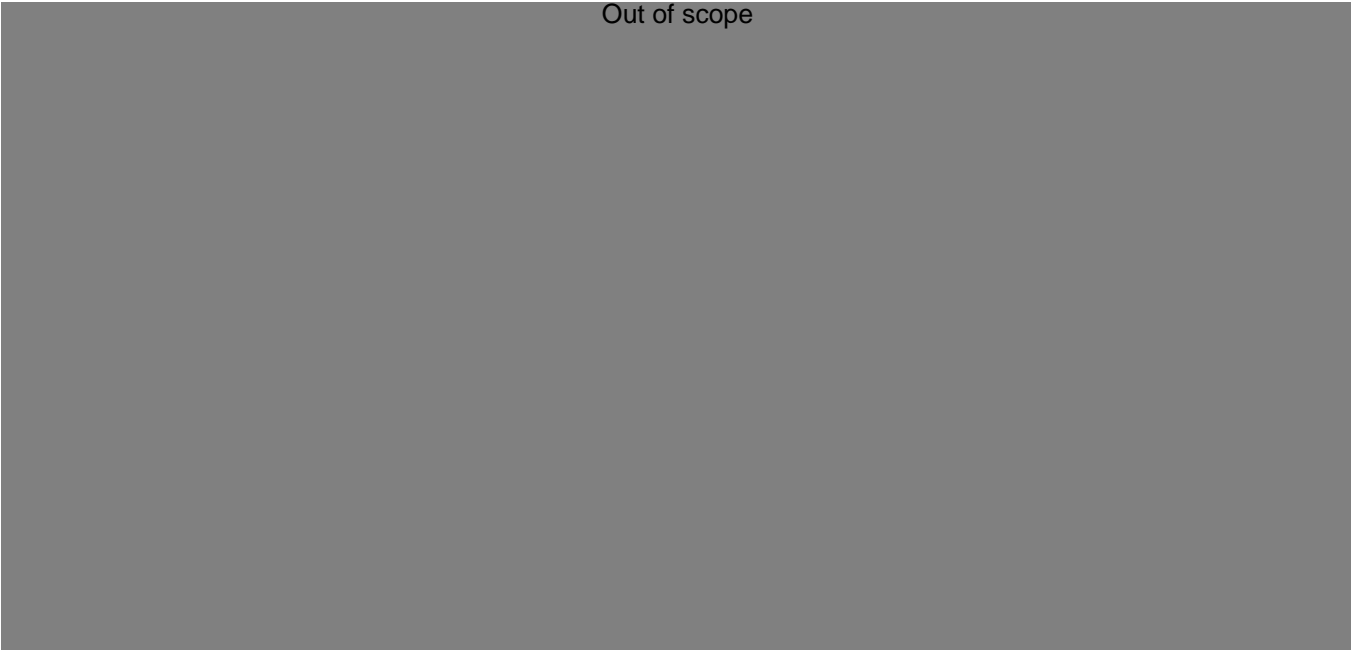
Minister's comments

The Environmental Protection Authority's Quarter Three 2023/24 Performance Report

Purpose

1. This briefing provides commentary on the Environmental Protection Authority's (EPA's) performance in quarter three of 2023/24 (1 January to 31 March 2024).
2. The EPA's Quarter Three 2023/24 Performance Report, received on 7 May 2024, is attached as Appendix One.

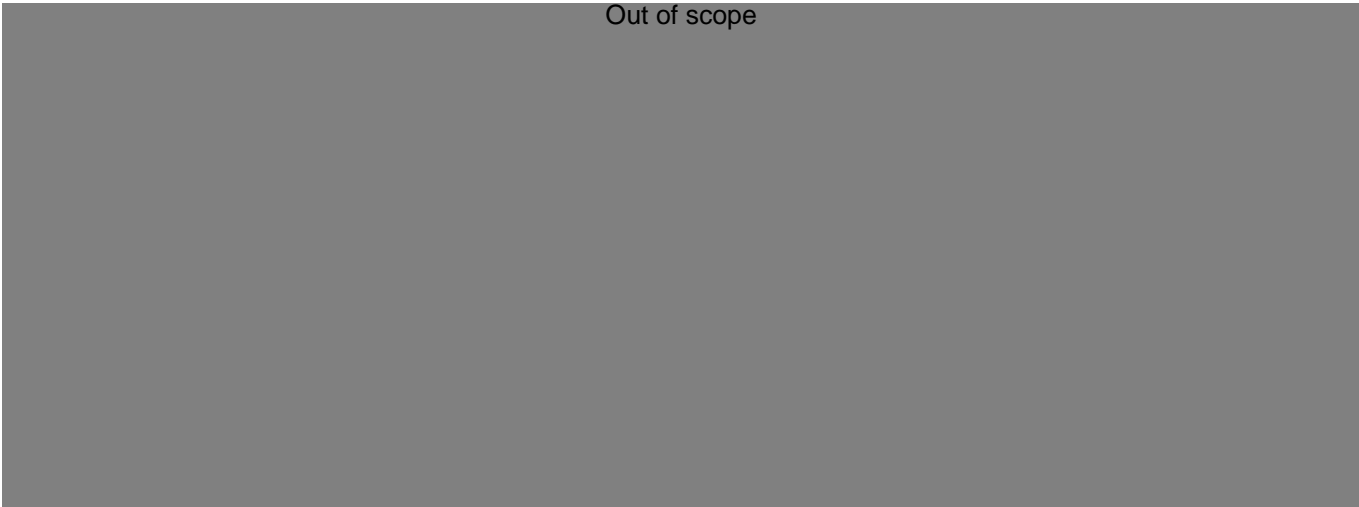
Out of scope



Service performance

5. Key activity undertaken by the EPA during quarter three 2023/24 includes the following.

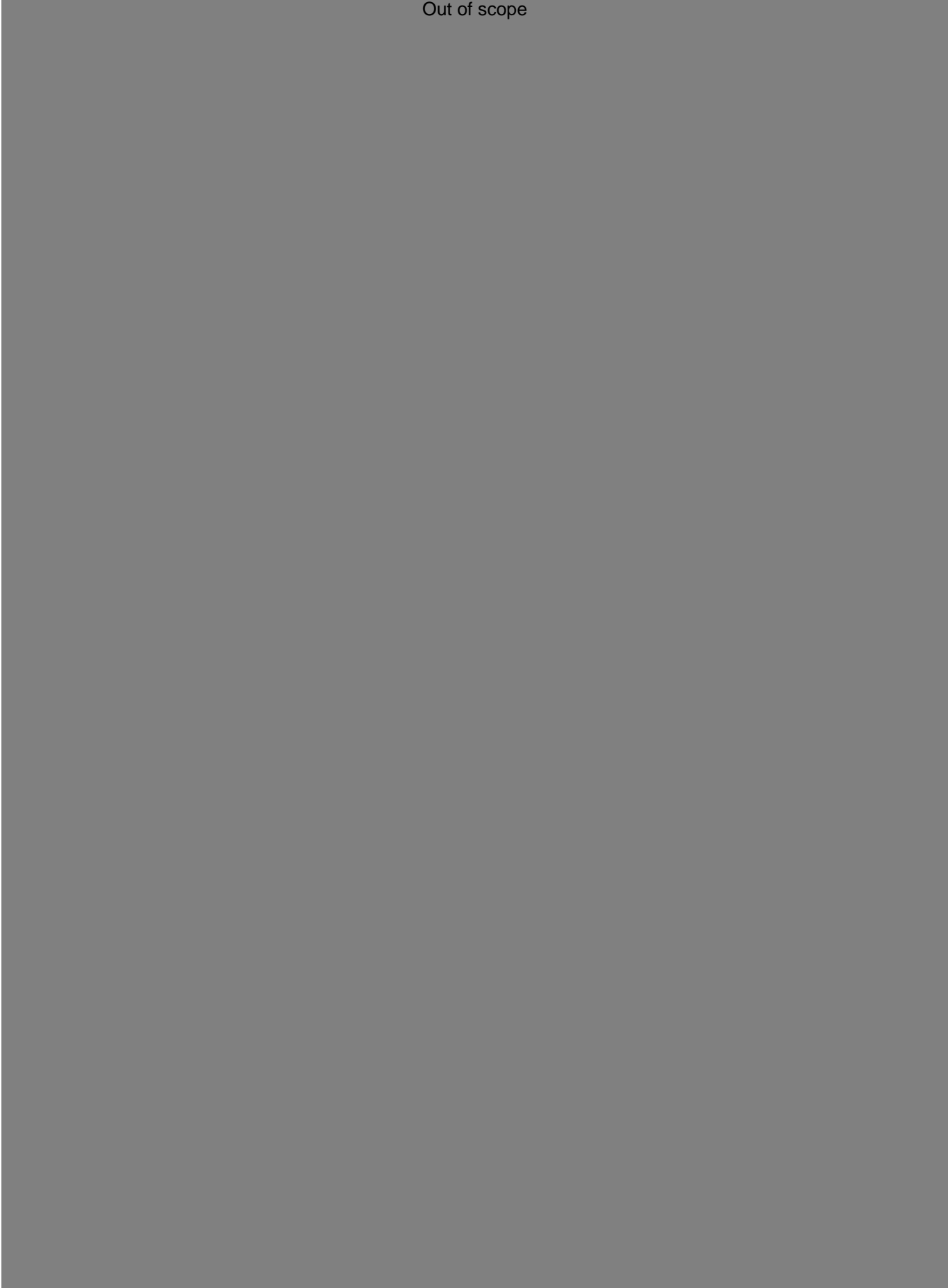
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- c. At the request of the West Coast Regional Council, the EPA used its enforcement functions under the Resource Management Act 1991 (RMA) to investigate possible non-compliance at Taylorville Resource Park near Greymouth. As a result, an abatement notice was issued in relation to

contaminated water leaching from the landfill. Remediation work must be completed within three months.

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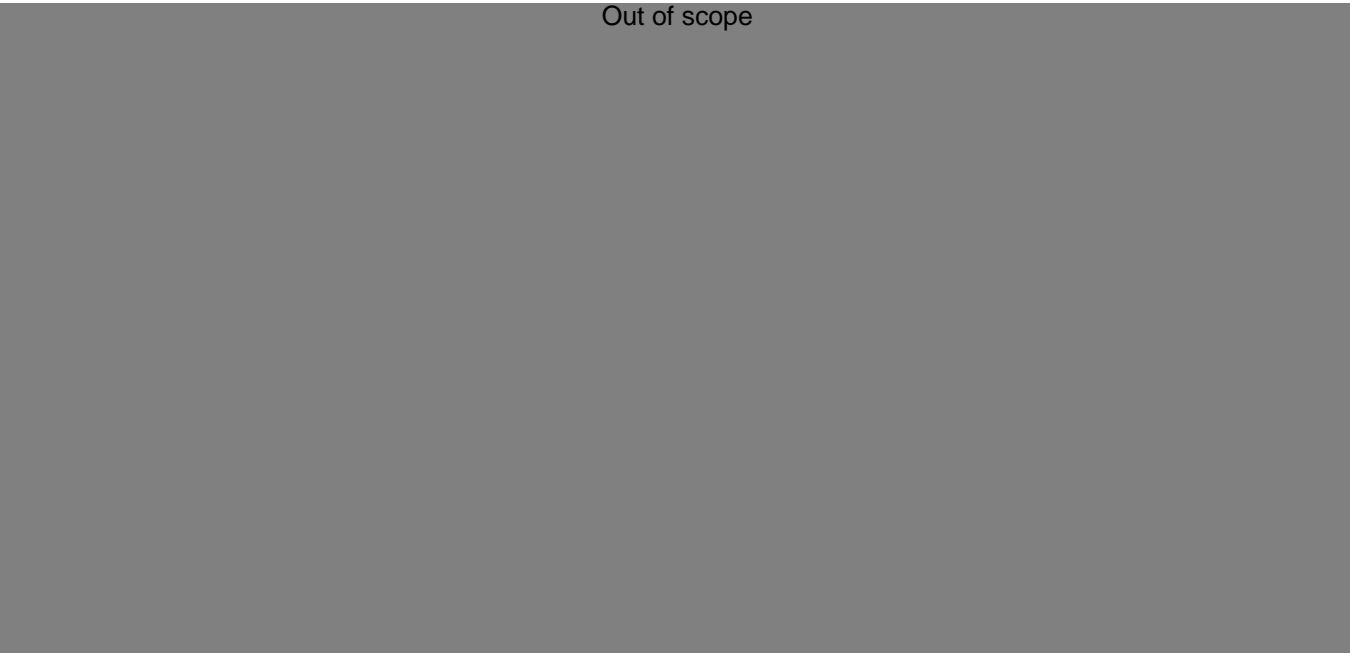
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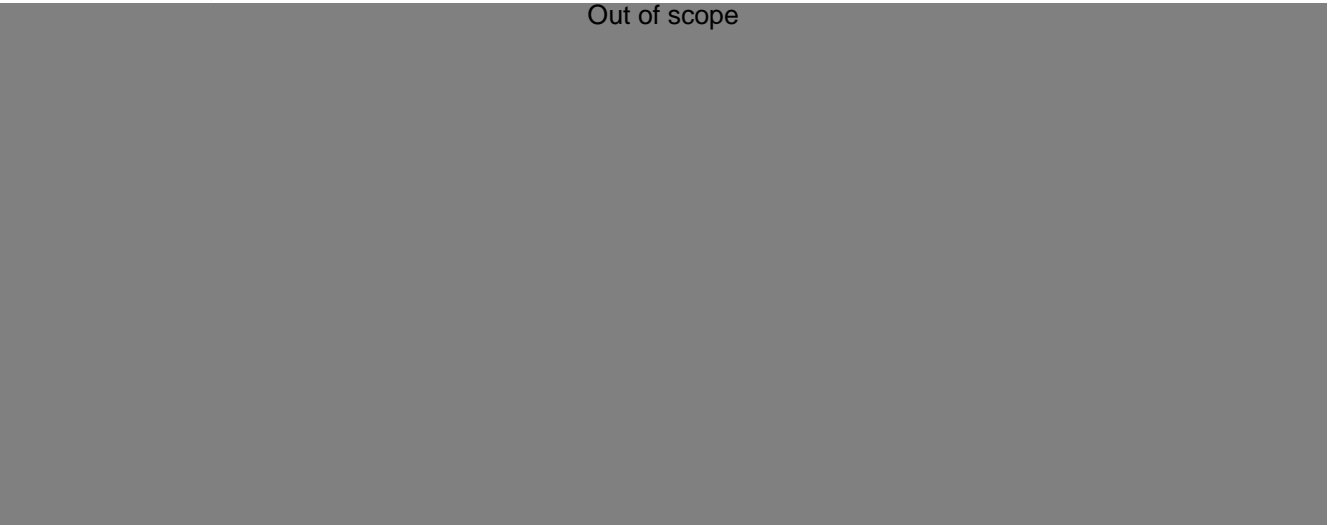
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Talking points: Meeting with West Coast Mayors

Date submitted: 5 September 2024

Tracking number: BRF-5236

Security level: Classification

Actions sought from ministers	
<i>Name and position</i>	<i>Action sought</i>
To Hon Andrew HOGGARD Associate Minister for the Environment	For information

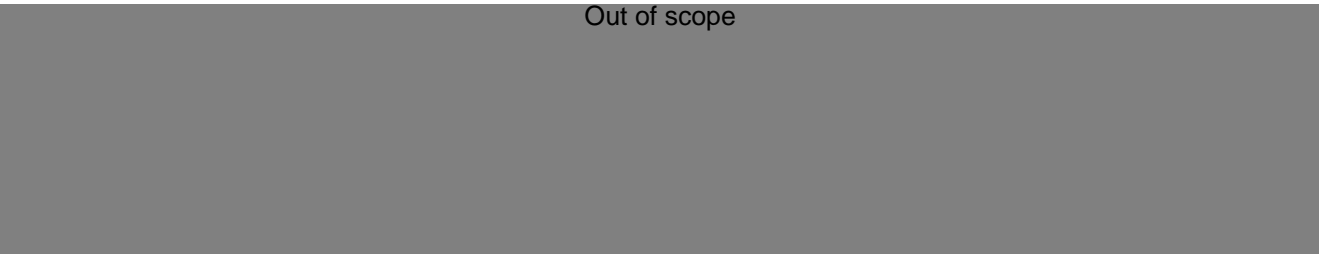
Actions for Minister's Office staff
Forward this briefing to Hon Mark Patterson and Undersecretary Court

Appendices and attachments
<ol style="list-style-type: none"> 1. Talking points 2. Protection of significant natural areas

Key contacts at Ministry for the Environment			
<i>Position</i>	<i>Name</i>	<i>Cell phone</i>	<i>First contact</i>
Principal Author	Sam Anwar		
Responsible Manager	Jo Burton		
General Manager	Hayden Johnston	022 153 0221	✓

Meeting with West Coast Mayors


Out of scope



Context


2. We understand that the meeting will cover:

Out of scope



- risks stemming from the Taylorville Resource Park to Greymouth water supply.

Out of scope



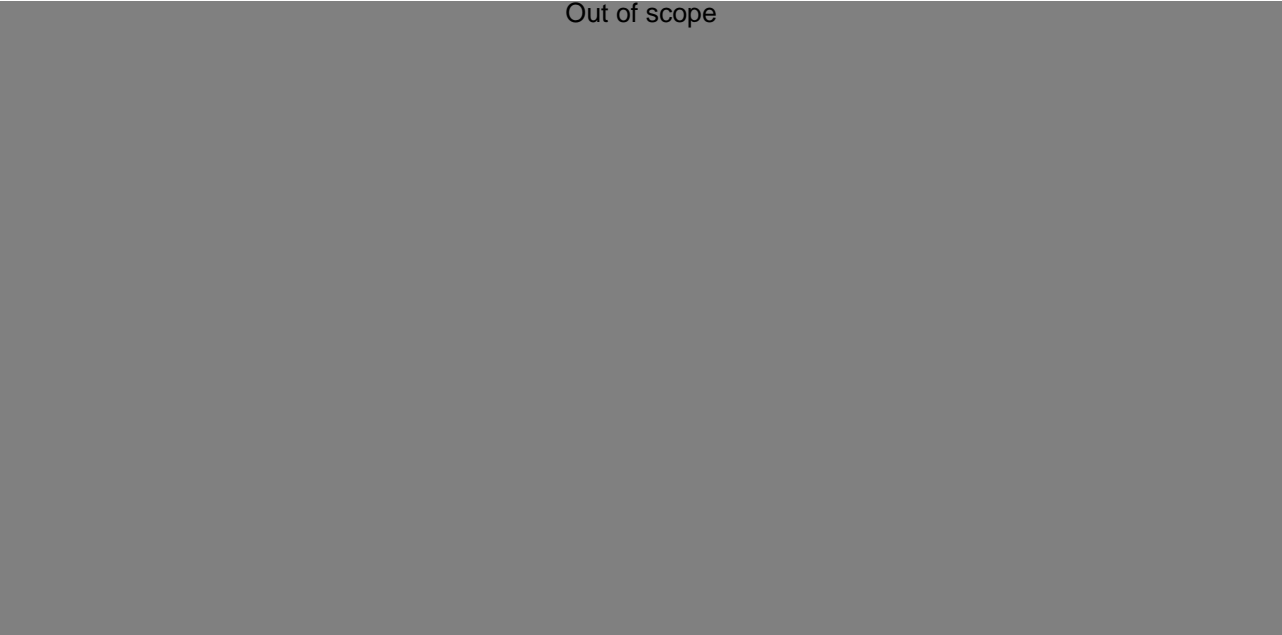
Taylorville Resource Park

15. The Mayor of Grey District, Tania Gibson, is meeting with Minister Simmonds on 10 September at 11:30 – 12:00.
16. The Taylorville Resource Park (TRP) is 5 km east of Greymouth. It has consents to take demolition waste and contaminated material including asbestos and coal tar. The West Coast Mayors are concerned that the Taylorville Resource Park poses a considerable risk to their drinking water supply source, which is situated down gradient of the resource park.
17. In response to concerns regarding the potential impacts of the landfill operation, WCRC initiated an investigation. On 12 January 2024, the WCRC announced that it had transferred the consent compliance investigation into potential contaminated discharges from TRP to the Environmental Protection Authority (EPA)⁵.
18. The EPA investigated the operation of the landfill and, on 19 March 2024, they issued an abatement notice. The notice required TRP to complete work to ensure the landfill meets the required environmental standards by emptying the existing sediment pond and redirecting the water to a new authorised storage facility or to an authorised facility off-site. The abatement notice issued by the EPA has now been complied with, but the application of the abatement notice was extended by three months in July 2024 to enable the EPA to continue to monitor the site.

⁵ [Taylorville Resource Park Limited WCRC Media release](#)

Appendix 1: Talking points

Out of scope



Taylorville Resource Park

2. It would be inappropriate for me to comment on this case because:
 - the case is actively being managed by the EPA, and
 - the matter sits within the Minister for the Environment's portfolio responsibilities.



Talking points: Meeting with West Coast Mayors

Date submitted: 5 September 2024

Tracking number: BRF-5236

Security level: Classification

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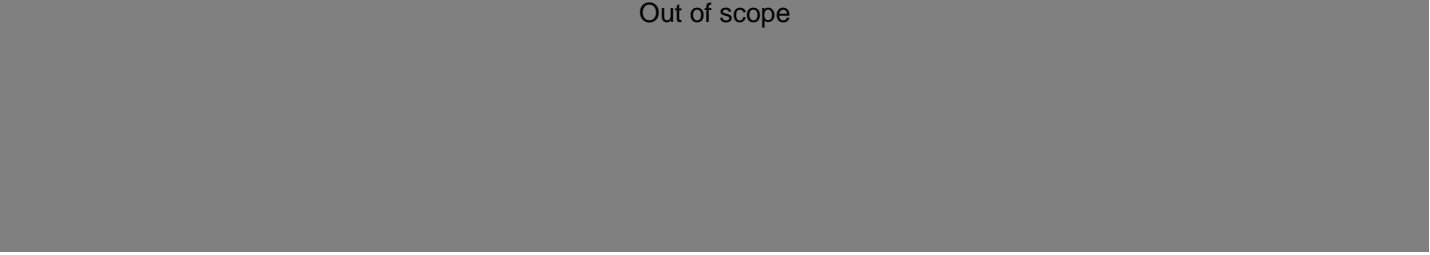
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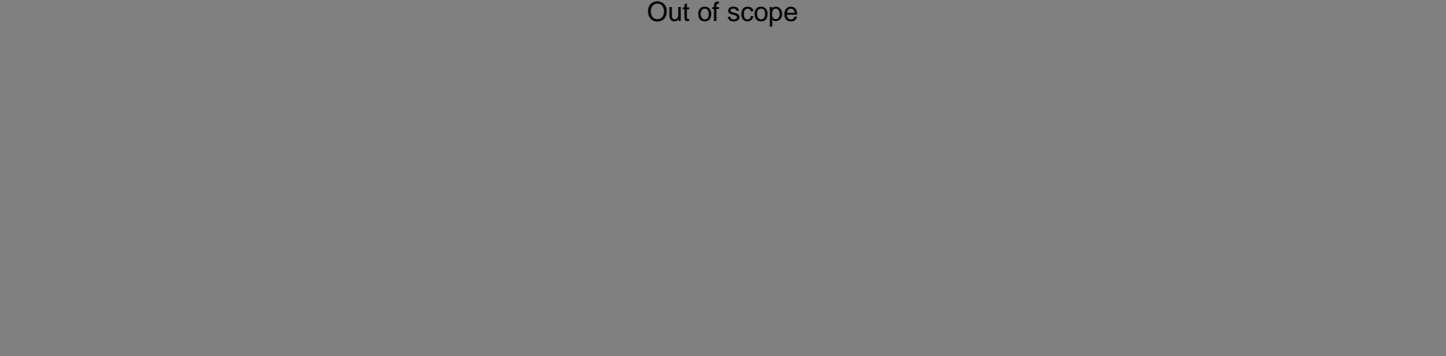
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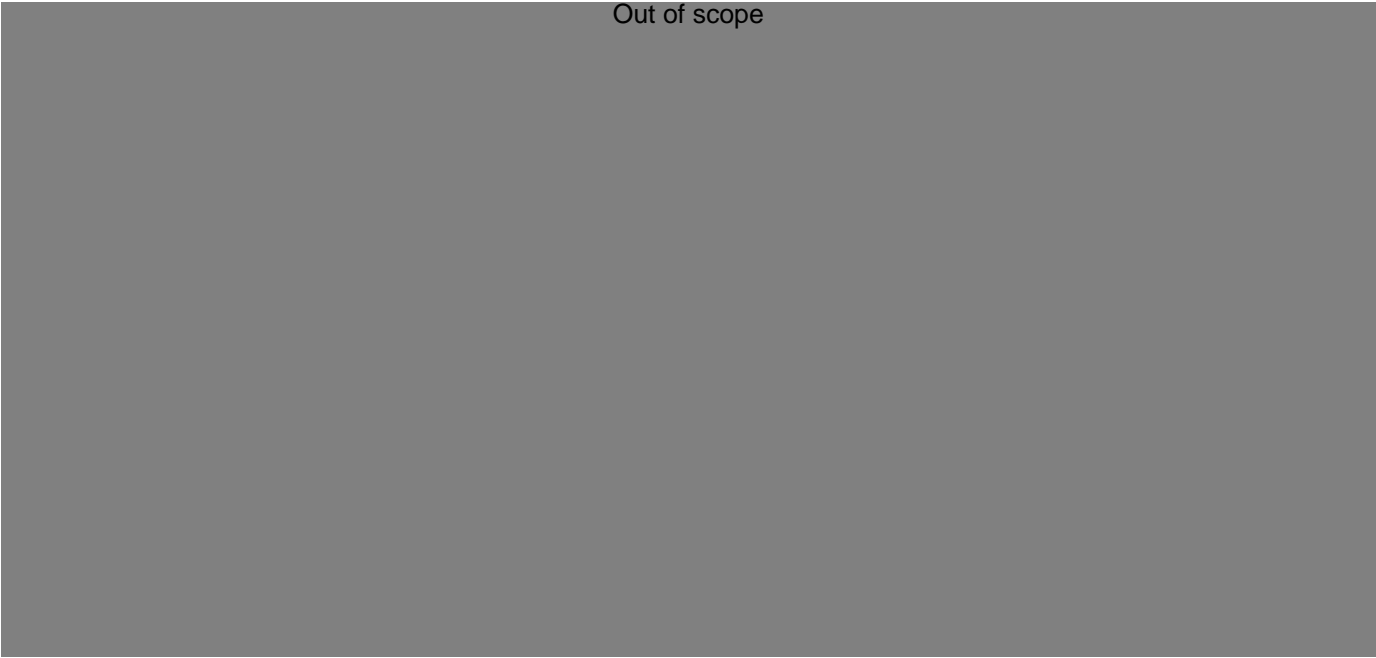
15. The Mayor of Grey District, Tania Gibson, is meeting with Minister Simmonds on 10 September at 11:30 – 12:00.
16. The Taylorville Resource Park (TRP) is 5 km east of Greymouth. It has consents to take demolition waste and contaminated material including asbestos and coal tar. The West Coast Mayors are concerned that the Taylorville Resource Park poses a considerable risk to their drinking water supply source, which is situated down gradient of the resource park.
17. In response to concerns regarding the potential impacts of the landfill operation, WCRC initiated an investigation. On 12 January 2024, the WCRC announced that it had transferred the consent compliance investigation into potential contaminated discharges from TRP to the Environmental Protection Authority (EPA)⁵.
18. The EPA investigated the operation of the landfill and, on 19 March 2024, they issued an abatement notice. The notice required TRP to complete work to ensure the landfill meets the required environmental standards by emptying the existing sediment pond and redirecting the water to a new authorised storage facility or to an authorised facility off-site. The abatement notice issued by the EPA has now been complied with, but the application of the abatement notice was extended by three months in July 2024 to enable the EPA to continue to monitor the site.
19. On 4 September 2024, the EPA announced that it had lifted the abatement notice as the required work had been completed and water samples taken from the area show that the contaminated water is not being discharged from the site. The ongoing regulation and monitoring of the site remain the responsibility of WCRC[1].

⁵ [Taylorville Resource Park Limited WCRC Media release](#)

[1] [EPA concludes Greymouth landfill investigation | EPA](#)

Appendix 1: Talking points

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Taylorville Resource Park

2. It would be inappropriate for me to comment on this case because:
 - the case is actively being managed by the EPA, and
 - the matter sits within the Minister for the Environment's portfolio responsibilities.



Meeting note: Meeting with Mayor Tania Gibson, Grey District Council

Date submitted: 3/09/2024

Tracking number: BRF-5259

Security level: Policy and Privacy

Actions sought from ministers	
<i>Name and position</i>	<i>Action sought</i>
To Hon Penny SIMMONDS Minister for the Environment	Read prior to meeting

Actions for Minister's Office staff
Provide to Minister to read prior to meeting.

Appendices and attachments
Appendix 1 – Talking points Attachment – letter from Mayor Gibson dated 12 August

Key contacts at Ministry for the Environment			
<i>Position</i>	<i>Name</i>	<i>Cell phone</i>	<i>First contact</i>
Principal Author	Rob Dragten		
General Manager	Sara Clarke	021 708 305	✓

Meeting with Mayor Tania Gibson, Grey District Council

Purpose

1. This meeting note gives you information about an upcoming meeting with Grey District Council Mayor Tania Gibson on Tuesday 10 September between 11.30am and 12.00 pm and provides suggested talking points for that event.
2. Note that the Mayor is also meeting with Ministers Hon Hoggard and Hon Patterson, and with Under Secretary Court to discuss the combined West Coast Plan (Te Tai o Poutini Plan – TTOPP). That meeting is taking place at 4.45pm.
3. The official from MfE attending the meeting is Sara Clarke (General Manager System Enablement and Oversight).
4. Talking points are attached at Appendix [1].

Context

5. Mayor Gibson wrote to you (letter dated 12 August) outlining her concerns that a landfill operating in the Grey District poses a potential risk to the water supply for Greymouth, and that the risk is not being treated with the seriousness it warrants by the site operator or the Regional Council.
6. The Mayor is seeking assistance by way of intervention from the Ministry for the Environment.
7. The background and history of the landfill is summarised in the mayor's letter. That background and history is broadly consistent with officials understanding of the situation.
8. In summary:
 - i. The Taylorville Resource Park (TRP) is 5km east of Greymouth. It has consents to take demolition waste and contaminated material including asbestos and coal tar. The west coast mayors are concerned that the Taylorville Resource Park poses a considerable risk to their drinking water supply source, which is situated down gradient of the resource park.
 - ii. The councils have received complaints regarding discharges from the site. Discharges would normally be addressed by the Regional Council. The Regional Council has admitted that they made errors when processing the consent for the TRP, both in identifying affected parties, and in the technical assessment of the application¹.

¹ [Council admits consents for toxic dump were not done properly | The Press](#)

- iii. In response to concerns regarding the potential impacts of the landfill operation WCRC initiated inquiries. On 12 January 2024, the West Coast Regional Council announced that it had transferred the investigation into potential contamination discharges from TRP to the Environmental Protection Authority (EPA)².
- iv. The EPA investigated the operation and on 19 March 2024, they issued an abatement notice to TRP. The notice requires TRP to complete work to ensure the landfill meets the required environmental standards by emptying the existing sediment pond and redirecting the water to a new authorised storage facility or to an authorised facility off-site. This work must be completed in three months³.
- v. Officials understand that the abatement notice issued by the EPA has now been complied with⁴, but the application of the abatement notice was extended by three months in July 2024 to enable the EPA to continue to monitor the site.

Key issues

- 9. There are two key issues arising from this situation.
- 10. The first issue is the establishing the level of risk the landfill poses to the Greymouth water supply. We suggest that you focus the meeting with Mayor Gibson on understanding the Mayor's concerns regarding this issue.
- 11. A second broader issue is whether the West Coast Regional Council has effectively exercised its RMA functions and powers. There appear to have been lapses in how WCRC has managed the consent process to authorise this landfill, and WCRC has sought support from the EPA to ensure compliance at the site. Following the meeting, officials can provide you with advice if you wish to look into this further.

Options for intervention

RMA

- 12. Controlling the discharge of contaminants into land, air and water is the responsibility of the West Coast Regional Council, while the Grey District Council has responsibility for controlling land use activities (such as for the purpose of avoiding or mitigating natural hazards).
- 13. As Minister, you have no operational regulatory role under the RMA so have no powers to directly intervene in either the consenting or compliance issues on the site. Your role is an oversight role, monitoring the effect and implementation of the RMA.
- 14. You have powers to request information from a local authority about the performance of its functions, formally investigate a local authority's performance of (or its failure to perform) its functions, and, if a local authority is not performing its functions, to the extent

² [Taylorville Resource Park Limited WCRC Media release](#)

³ [EPA issues abatement notice on Taylorville landfill | EPA](#)

⁴ [Landfill being given more time to fix issues after 'adverse weather' | Otago Daily Times](#)

you consider it necessary, you have the power to appoint commissioners to exercise the functions in place of the local authority.

15. You also have the power to direct a Council to prepare, change, vary or commence a review of a plan, make grants or loans to assist in achieving the purpose of the Act, and seek an enforcement order from the Environment Court.

Waste Legislation

16. MfE is the operational regulator under the Waste Minimisation Act. The site is registered as a class 2 landfill, it receives construction and demolition waste from the region and reportedly from out of region. TRP is a registered disposal facility operator and subject to the waste levy regulations. The Ministry has audited the site's compliance with respect to their levy payment and found it to be generally compliant with the regulations.

Your response

17. The two key risks raised by the Mayor are the risk of leachate leaking into the Greymouth water supply, and the risk of the landfill failing in the event of a significant alpine fault earthquake.
18. Assessing the two risks raised by the mayor would typically be part of the resource consent process. The Regional Council has acknowledged the consent process didn't include a sufficiently thorough assessment of effects. The Council has publicly stated their intention to seek a more comprehensive technical assessment, which may lead to a review of the consent⁵. It is unclear whether such an assessment has been completed, or whether the Council has decided to review the consent.
19. Officials suggest you use the meeting to seek further information from the Mayor about what support she is seeking from you.
20. If, following the meeting, if you consider it necessary, you could write to the Council to raise your concerns about the situation and seek information from them about how they are progressing in their response to this site.
21. It is important to note that the EPA is involved in investigating the non-compliance at the site, and what ever action you take must not be seen as interfering in the investigation or enforcement action at the site, should that eventuate.

⁵ [Council admits consents for toxic dump were not done properly | The Press](#)

Appendix [1]: Talking points

1. We suggest that you focus the meeting on understanding what level of certainty there is around the risk, and what the Mayor would like you (and the Ministry on your behalf) to do.
2. You may wish to ask questions such as:
 - i. What steps have you taken to raise your concerns with the Regional Council, and what has been their response?
 - ii. As a local authority, you have powers to control the use of land. Does your district plan give you any opportunity to intervene yourself?
 - iii. One of Taumata Arowai's functions is to manage risks to sources of drinking water. Have you engaged with Taumata Arowai about the risk Taylorville Resource Park may pose to Greymouth's water supply? What has their response been?
 - iv. Have you spoken with the Medical Officer of Health about your concerns? What was their response?
 - v. What assistance would you like from me?
3. You may wish to say:
 - i. Thank you for taking the time to meet with me and raise your concerns.
 - vi. I don't have any involvement or influence over Council's decision making on resource consents or enforcement matters, so there are limited options for me to intervene.
 - vii. I am extremely concerned to hear about the apparent lapses in process surrounding this landfill being established in this location, and I will seek further advice about this from my officials.
 - viii. I expect local authorities to carry out their responsibilities with care and attention, and to follow the law.
4. We suggest you close the meeting by thanking the Mayor for bringing the matter to your attention, and that you will seek advice from officials about the options available to you.