



# Waste in an Emergency

## Waivers and Funding

This factsheet provides information for local authorities and disposal facility operators on applying for:

1. an exceptional circumstances waiver
2. emergency waste funding.

## 1. Exceptional circumstances waiver

### Waiver description

A waste levy is charged against specific tonnages of waste for certain classes of facilities. A waiver is the removal of the requirement to pay this levy. Section 29(1)(a) of the Waste Minimisation Act 2008 enables the levy to be waived if exceptional circumstances justify it.

### Exceptional circumstances

The Ministry for the Environment (the Ministry) has put together the following criteria to help you determine if circumstances would be considered exceptional.

Criteria	Considerations
<b>Foreseeability</b> Were the circumstances foreseeable?	<ul style="list-style-type: none"><li>• Were the circumstances that created the waste unusual or different from the norm? Could they have been reasonably expected?</li></ul>
<b>Controllability</b> Were the circumstances controllable and unavoidable?	<ul style="list-style-type: none"><li>• How easily could the circumstances around the waste been managed or planned for?</li><li>• Could the creation of waste have been avoided or better managed?</li><li>• Could the waste have been better managed or controlled, and alternatives found to disposing of it at a levy-liable facility?</li></ul>
<b>Impact</b> What was the wider impact of the circumstances? What will the impacts of applying the levy on the waste be?	<ul style="list-style-type: none"><li>• What are the financial impacts of paying the levy?</li><li>• What social, environmental, cultural and economic benefits are provided for if the levy is waived?</li><li>• Has funding been obtained from other agencies or the Ministry that has been used to fund disposal costs (eg, Emergency Response Fund)?</li></ul>

## Who is involved

The following parties have a role in the application process:

- **The applicant:** Disposal facility operator (DFO) – only a DFO can apply for a waiver through the Online Waste Levy System (OWLS) as they are invoiced for the waste levy. The DFO must already have received the waste before applying for a waiver.
- **Waste generator:** The person or organisation that disposed of the waste and was likely charged the levy by the DFO. This can be a local authority, a private business or a member of the public. The waste generator is expected to work with the DFO to provide the information needed for an application, but the application is made by the DFO, not in the waste generator's name.
- **Ministry for the Environment:** The Ministry processes and assesses the application. The Secretary for the Environment decides whether to approve or decline the application.

## Information needed in the application

### Tonnages

The DFO must provide a breakdown that shows:

- the date the waste was received
- the tonnages
- where it was received from
- how it was measured (conversion factor, weighbridge or average tonnages).

### Financial agreements

Everyone involved in the application needs to provide information about other funding they have received that may have contributed towards levy costs. This could include government or council funding, or insurance payouts. The DFO will need to confirm the waived levy will either be applied as a credit to the waste generator's account, or refunded.

### How you meet the criteria

In your application, you must describe the exceptional circumstances and an assessment against each of the criteria on the previous page. The waste generator will likely need to provide this description.

## Timeframes

We will process your application with urgency when we receive it. We will let you know the expected timeframe.

## Assistance

For more information or assistance on applying for this waiver, please contact [levyadmin@mfe.govt.nz](mailto:levyadmin@mfe.govt.nz)

## 2. Emergency waste funding

Emergency waste funding (EWF) supports local authorities (regional councils or territorial authorities) to act quickly in response to emergency events that pose waste-related risks to people's health and the environment.

### Who can apply

Local authorities can apply for funding.

### What is funded

The fund may contribute to expenses related to emergency waste management, including:

- clean-up operations
- waste disposal
- repair or replacement of waste management and minimisation infrastructure.

To be eligible for funding, local authorities must demonstrate that:

- a. managing the emergency waste is reasonably necessary to address a risk to public health or the environment
- b. managing the emergency waste, or repairing or replacing waste management and minimisation infrastructure is likely to be beyond the resources of the local authority.

For more information about the funding criteria, refer to the [gazetted emergency waste funding criteria](#).

### How much is being funded

The EWF will fund a portion of your project. As a guideline:

- typically up to 60 percent of the total eligible costs
- a higher funding proportion may be considered in cases of severe hardship.

### Information needed in the application

- **Emergency event details:** A summary of the emergency event, impacts, total number of residential properties in your area, and an estimate of the number of impacted residential properties.
- **Emergency waste management activities and best cost estimates:** Details of the emergency waste risk, material types and estimated tonnages, required management actions, and an estimate of costs.
- **Waste management and minimisation infrastructure damaged in the emergency:** Description of asset, damage sustained, impact of the damaged asset (ie, increased risk to environmental or public health, decreased service levels, increased operating costs), value of asset, and estimated cost of infrastructure repair or replacement.

- **Funding request explanation why is this beyond your local authority’s resources:** Factors may include the events’ impact on solid waste budget, the number of emergency events experienced in the last three years and the financial impact of those events, likely impact on rates if not funded, any financial challenges your local authority is facing, any relevant population statistics or demographics including socioeconomic deprivation, or regional factors such as communities in remote or under-resourced locations.
- We strongly encourage councils to set up a separate cost code to delineate the costs incurred from this event.

## How to apply

### Step 1: Get in touch

Contact [wasteinvestments@mfe.govt.nz](mailto:wasteinvestments@mfe.govt.nz) and we will help assess your project’s eligibility.

### Step 2: Application

Once we’ve confirmed the project is eligible, complete and submit this [EWF funding request form](#). You will receive a confirmation email and a copy of your submission. We will consult with the National Emergency Management Agency and other agencies and assess your application.

### Step 3: Funding approval

We will seek approval from the Secretary for the Environment. If the total spend per emergency event exceeds \$5 million, we will seek agreement from the Minister for the Environment.

### Step 4: Deed signing and fund release

Once these steps are complete and the funding approved, the Deed of Funding can be signed allowing funds to be released.

## Questions and answers

Question	Eligibility for emergency waste funding
What can be funded?	<p>Activities to manage emergency waste that poses a risk to people’s health or the environment such as:</p> <ul style="list-style-type: none"> <li>• temporary systems for emergency waste collection</li> <li>• specialist hazardous waste collection and disposal</li> <li>• interim arrangements for waste storage or transport of waste to alternative facilities</li> <li>• repair and replacement of waste management and minimisation infrastructure that has been damaged in an emergency event.</li> </ul>
What can’t be funded?	<ul style="list-style-type: none"> <li>• Routine waste management operations</li> <li>• Costs that are covered by insurance</li> <li>• Non-emergency-related infrastructure projects</li> <li>• Privately owned and operated waste infrastructure</li> <li>• Administrative costs not directly related to the emergency response</li> </ul>

Question	Eligibility for emergency waste funding
Are silt and woody debris in scope?	While silt and woody debris clean up following an emergency are not excluded in the criteria, these waste streams are unlikely to pose a risk to public health or the environment. In horticultural areas, removal is mainly for economic reasons, so would not be eligible for emergency waste funding. Damp silt in residential areas may pose a potential public health risk however it should be covered by the Natural Hazards Commission. Emergency waste funding may be eligible for silt and woody debris management such as a transfer station for that purpose.
Are the costs of treating and disposing of solid waste that residents drop off at a council collection point under an amnesty eligible for funding?	Yes, the costs associated with the severe weather event are eligible. It may be appropriate for a council to allow residents to dump storm or flood waste at no fee immediately following severe weather events. However, you should encourage residents to contact their insurance companies first.
Are the costs of running privately owned and operated sites appointed by a council to manage storm and flood-related debris eligible?	Yes, costs incurred by a council to set up and use temporary sites to store, sort or process storm-related debris and emergency waste are eligible for emergency waste funding, where there is a risk to human health and the environment.
Is the cost of contractors to collect, sort and dispose of emergency waste eligible?	Yes, if the waste poses a risk to human health or the environment.
Are the costs of processing fallen trees from council-managed land, either through the Council's own operations (where additional resources have been put to expand operations), or by an appointed private contractor, eligible?	<p>Yes, some of these costs associated with managing trees/green waste causing a risk to the public (human health risk) on Council managed land, either through the Council's own operations (e.g., where additional resources have been put to expand operating out with standard hours of operation) or via an appointed private contractor would be eligible for emergency waste funding.</p> <p>Initial clean-up work is covered. Some clean-up can be done later, once the area is safe. However, clean-up carried out much later (sometimes months afterwards) is harder to justify, as the material is unlikely to pose a significant risk to public health or the environment at that stage.</p>
Is removal of debris from roads eligible?	Removing debris from roads, bridges and paths may be eligible for NZ Transport Agency Waka Kotahi emergency works funding. Emergency waste funding will not cover activities eligible for funding by other government funding programmes.
Are waste clean-up operations, after the state of emergency has been formally lifted, still eligible?	<p>Yes, some waste clean-up costs beyond when the state of emergency has been lifted may be eligible for emergency waste funding.</p> <p>Emergency waste funding can be applied retrospectively from the date of the event.</p> <p>Please note that costs incurred for material dealt with several months following an event (in the recovery phase) may not be eligible as the material is unlikely to pose a significant risk to public health or the environment at that stage. There may be other funding options to support these costs.</p>
Is the repair or replacement of council-owned waste minimisation or management infrastructure damaged by emergency eligible?	Yes, this is eligible.
Can emergency waste funding be put towards a council's Waste Disposal Levy costs?	No, please see the 'exceptional circumstances waiver' details above. The disposal facility operator will need to submit the waiver application through the Online Waste Levy System (OWLS), in conjunction with the waste generator (the council in this case), who will provide the reasons for the waiver request.

# Assistance

For more information or assistance on applying for emergency waste funding, contact [wasteinvestments@mfe.govt.nz](mailto:wasteinvestments@mfe.govt.nz).

