



Whakahaere para Waste management

Orders in Council engagement material Severe Weather Integrated Response online hui May 2023

Waste has been a critical issue for whānau, hapū and iwi throughout the floods and cyclone. The removal, treatment and disposal of waste also continues to be a cultural, environmental, health, spiritual and economic issue for Māori.

These recent severe weather events have further highlighted the urgent need to have more flexible ways to manage waste in support of clean-up and recovery, particularly with whānau, hapū, iwi and Māori in the rohe of Te Matau a Māui (Hawke's Bay) and Te Tairāwhiti (East Coast).

Orders in Council

From June 2023 onwards, laws are anticipated to be changed on a range of issues to help communities continue to recover from the effects of the recent severe weather events. The mechanism that will be used to do this is a piece of secondary legislation called an Order in Council. Orders in Council enable the Ministry for the Environment to amend legislation we are responsible for, which in this context is the Resource Management Act 1991 and the Waste Minimisation Act 2008.

There are a range of changes being considered to improve waste management, including:

- A proposal for controlled open-air burning
- A proposal for waste sorting, processing and storage
- A proposal for new disposal facilities for waste and sediment
- A proposal for discharges of wastewater, industrial and animal effluent to land and water

These proposed changes through Order in Council aim to provide for more efficient activities to support whānau clean up and recovery efforts, while also establishing controls to limit any adverse effects on the community and the environment.

1. Proposal for controlled open-air burning

Rural landowners in affected areas, particularly the Hawke's Bay region, are currently dealing with large amounts of mixed waste on their properties, including treated timber, wire, plastics, rubber, asbestos, oil, and animal waste.

This mixed debris needs to be removed so landowners can start to rebuild and recover. It also needs to be disposed of appropriately to prevent unwanted substances from leaching into the environment through the land or water. Controlled, open-air burning is one way to achieve this.

Three options have been identified so far on how an Order in Council could address this:

- Option one: Enable open-air burning of certain mixed flood waste as a **permitted activity**. Permitted activities do not require resource consents, but conditions can be specified.
- Option two: Enable open-air burning of certain mixed flood waste as a **controlled activity**. Controlled activities require resource consents before they can be carried out, and conditions can be specified.
- Option three: Not progress to enable open-air burning of mixed flood waste and leave the **status quo** in place. The burning of mixed flood waste would only be allowed where existing legislation, regulations and plans allow it.

Conditions could include limiting how much waste can be burned, when burns can occur, weather conditions, methods to dispose of ash, and land remediation requirements, as well as the provision of a burn management plan.

Hei whakaaro mō te whānau - whānau views

Whānau, hapū and iwi may have a range of whakaaro regarding the proposal for controlled open-air burning including:

- Māori role in decision making regarding the permitted and controlled activity as well as the option for this proposal
- the impact on taonga species
- the locations where controlled open-air burning occurs and the impact on the rohe
- these location/s and the respective iwi and hapū relationships to that area
- the impact on whānau, community and environmental health

He pātai - questions

- How could the options acknowledge the kaitiaki of the whenua impacted and allow for the practise of tikanga?
- If option 1 or 2 are selected, what sorts of conditions do you think should be imposed?
- What has been your experience in clearing or disposing of debris or waste caused by the severe weather events?
 - Have you had to manage debris on your property from the cyclone or flooding?
 - What kind of waste or debris have you been managing?

2. Proposal for temporary waste sorting, processing and storage

Some landowners have large amounts of waste and debris on their properties, which can take a long time to sort, delaying their ability to recover and rebuild.

A temporary waste sorting and storage site was used during the Canterbury Earthquake recovery (Burwood Recovery Park). It provided a physical location for debris while permanent solutions were assessed. Similar facilities could be used to manage rural waste and they could also receive construction and demolition waste as the recovery and rebuild phases progress.

These sites have the potential to avoid waste ending up needing to be burned or in landfill, as waste could be separated and sorted off site without delaying recovery and rebuild efforts.

The options being considered for temporary waste sorting, processing and storage include:

- whether it would be appropriate to make setting up temporary waste storage facilities a permitted activity, or a controlled activity.
- what conditions we might want to include to mitigate adverse environmental effects.
- what types of waste would be suitable to be managed through such a facility.

Hei whakaaro mō te whānau - whānau views

Whānau, hapū and iwi may have a range of whakaaro regarding the proposal for temporary waste sorting, processing and storage including:

- impact on the taiao - how discharges to land, water and air are managed if consenting requirements are more flexible.

He pātai - questions

- Would it be appropriate to make setting up temporary waste storage facilities a permitted activity, or a controlled activity?
- What conditions might be included to mitigate adverse environmental effects?
- If the establishment of temporary waste storage sites is to be considered a permitted activity, what would whānau want to include to help mitigate any adverse environmental effects?
- What types of waste would be suitable to be managed through such a facility?

3. Proposal for new facilities for waste and silt disposal

The unprecedented amount of waste generated by the severe weather events has overwhelmed existing disposal sites, and means we need to establish new waste disposal sites such as landfills.

Materials requiring disposal at this stage of recovery are mainly silt and debris from flooding but, as recovery and rebuild efforts gain traction, demolition and then construction waste disposal facilities will likely be needed.

We consider that disposal sites that accept household waste should not be covered by this Order in Council, as these sites generally accept material with a more significant environmental impact. Demolition

and construction waste facilities are also more likely the type required to manage flood waste and debris disposal needs.

The options being considered for new facilities for waste and silt disposal include:

- which classifications of disposal facility should be included
 - For example, should it be limited to class 2 – class 5 landfills¹?
- whether it would be appropriate to make establishing a new waste disposal site a permitted activity, or require a resource consent
 - This could be managed on a class-by-class basis. For example, it may be appropriate to have less stringent controls on sites accepting clean fill (eg, a class 5 landfill) and more oversight through the consent process of a landfill accepting treated timber (eg, a class 2 landfill)
- if establishing a new disposal facility is a permitted activity, which conditions should be included to manage any adverse environmental effects?

Hei whakaaro mō te whānau - whānau views

The proposal for new facilities for waste and silt disposal will have a range of considerations for whānau, hapū and iwi including:

- Māori role in decision making regarding the establishment of temporary disposal facilities in their rohe
- the impact on wāhi tapu, site of significance and taonga species
- the locations of temporary disposal facilities and respective iwi and hapū relationships to that area
- the impact on the taiao and the whenua of these temporary disposal facilities
- how discharges to land, water and air are managed if consenting requirements are more flexible.

He pātai - questions

- How could the options acknowledge the kaitiaki of the whenua impacted and allow for the practise of tikanga?
- What has been your experience in clearing or disposing of debris or waste caused by the severe weather events?

4. Proposal for discharges of wastewater, industrial and animal effluent to land and water

Accidental discharges of wastewater have occurred during the severe weather events and in the aftermath. This may include discharges from septic tanks, farm effluent ponds, or industrial sites.

¹ Different classes of landfill can accept different types of waste for disposal. Class 1 landfills primarily accept household/municipal waste. Classes 2-5 generally manage materials such as construction and demolition waste, and clean fill (e.g., natural materials such as clay, soil, rock or brick, and other inert materials that are not hazardous to human health or the environment): Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009, cl 3B

It is likely that such discharges will also occur during clean-up, for example, if a septic tank has been damaged and needs to be repaired or replaced.

We understand that whānau, hapū and iwi may have concerns around these proposals given the possible impacts on the environment and human health from discharges of wastewater and effluent to land and water.

The options being considered for the discharges of wastewater, industrial and animal effluent to land and water include:

- providing a framework for decision-making on leniency in these matters
- temporarily permitting certain discharges in specified locations and/or situations
- empowering councils to specify by notice, a temporary pause on enforcement where discharges have occurred as a result of flood-related infrastructure failure, with notice in cases of flood related infrastructure failure leading to discharges

Hei whakaaro mō te whānau - whānau views

The proposal for discharges of wastewater, industrial and animal effluent to land and water will have a range of considerations for whānau, hapū and iwi including:

- the impacts on the health of the taiao, whānau and communities
- the impacts on taonga species, wāhi tapu and sites of significance
- the resulting health of the whenua and wai

He pātai - question

- Have you and your whānau had to manage leaky/broken septic tanks or animal effluent issues as a result of the cyclone or flooding?
- If so, what kind of challenges have you faced in managing those issues?
- What has been your experience as part of the clean-up process or as you've had to repair damaged facilities?
- How could the options acknowledge the kaitiaki of the whenua impacted and allow for the practise of tikanga? (does this include wāhi tapu areas)