



MOTOR TRADE ASSOCIATION

Submission to

Ministry for the Environment

On

**Proposed National Environmental Standard for
Assessing and Managing Contaminants in Soil**

Motor Trade Association Inc
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15 April 2010

Ministry for the Environment
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To whom it may concern,

Submission: Proposed National Environmental Standard for Assessing and Managing Contaminants in Soil

This submission is from:

Motor Trade Association Inc.
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The contact person in respect of this submission is:

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Thank you for the opportunity for MTA to provide comment on the Proposed National Environmental Standard for Assessing and Managing Contaminants in Soil.

Yours sincerely

A handwritten signature in black ink, appearing to be 'LJahnke', with a small horizontal line at the end.

Liezel Jahnke for:

Dougal Morrison
Advocacy and Training General Manager

Ministry for the Environment – Proposed National Environmental Standard for Assessing and Managing Contaminants in Soil

Introduction

The Motor Trade Association (Inc) (MTA), which represents about 4,100 businesses within the automotive industry and allied services, takes this opportunity to convey our views on the Proposed National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil (the Standard).

Members of our Association operate businesses including automotive repairers, collision repairers, service stations, vehicle importers and distributors and vehicle sales. Our members also employ in excess of 40,000 staff.

Submission

General comments

The majority of MTA members across the various sectors of the automotive industry are using and storing hazardous substances which can cause soil contamination, notably oils and fuels. Service stations are specifically included in the Ministry's Hazardous Activities and Industries List (HAIL) and all sectors on this list will be affected by the proposed new standards.

Service station members are particularly affected by requirements regarding contaminated land in the event of them closing or selling their sites or removing underground storage tanks. There seems to be a growing trend of service station operators taking on ownership of underground storage tanks, either buying existing tanks or retanking their sites, and with this comes liability for environmental damage.

The main components of the Standard and its impact on our members are discussed further below.

Specific Comments

Implementing the Proposed Standard

The Standard will provide guidance to territorial authorities on the appropriate use of land depending on the soil contamination and how relevant resource consent processes should be managed. The principle of managing contaminated land is not new and MTA members are already often responsible for investigating and cleaning up sites, but there are variations in how this is applied by different councils around the country. The Standard should provide more certainty and consistency to the process territorial authorities need to follow when considering proposed development, re-use or subdivision of contaminated sites, as set out in Section 7 of the consultation discussion document.

MTA supports this standardised approach and the greater consistency it will bring members dealing with contaminated land.

However, it is noted that due to the Standard being focused on human health-related contamination, many councils are likely to have further controls on soil contamination affecting ecology and water quality, which will continue to vary. Our members are still likely to be faced with multiple sets of controls which could erode the level of consistency and certainty the Standard aims to achieve.

Where site investigations are required, the adequacy of specialist reports to satisfy council requirements is highlighted. MTA supports the importance of the quality of work undertaken in this respect, but considers the requirement in the Standard for 'appropriately qualified and experienced practitioners' is somewhat vague and may prove problematic.

MTA submits that this could be alleviated by guidance material or an accreditation system, to assist potential applicants in employing appropriate practitioners who meet the requirement of the Standards to carry out site investigations.

Soil Guideline Values (SGVs_{Health})

The 12 priority contaminants for human health in the Standard include the petroleum hydrocarbon component benzo(a)pyrene (BaP) and a proposed SGV_{Health} for it and this is supported by MTA. For the remainder of petroleum hydrocarbons, the Standard refers to the existing controls under the *Contaminated Land Management Guidelines No.2 (MfE, 2003b)* and related values for petroleum hydrocarbon contamination dating from 1999.

MTA understands that there is an intent to review and update these other contaminated land guidelines and SGVs currently outside the scope of the Standard in the future, and look forward to a later opportunity to comment on these aspects.