

Submission

By the: Northland Regional Council

On

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

To: Ministry for the Environment, PO Box 10362, Wellington 6143

1. The Northland Regional Council (Council) thanks the Ministry for the Environment for the opportunity to make a submission on the proposed National Environmental Standard for Assessing and Managing Contaminants in Soil (NES).
2. The Council supports the policy objective outlined in the NES but offers recommendations outlined below.

Submission:

1. The Council submits that the NES should state as clearly as possible that the NES applies only to District Council functions and does not override the provisions, standards or requirements of regional plans relating to environmental contaminants and/or contaminated land.
2. Specifically, in relation to the 'Permitted activity – subsurface investigations' proposal (Section 4.1.2; pg 25), Council submits that the NES should make it very clear that the permitted activity does not negate the need for compliance with (or consents required) other provisions in regional plans relating to environmental contaminants, discharges and/or associated standards and terms thereof. Council also submits that the permitted activity sub surface investigation provision include a requirement to notify the relevant regional council prior to works commencing to ensure environmental concerns can be addressed and provisions of regional plans can be complied with. For example; regional plans may require associated stormwater controls, discharge consents and/or that standards and terms be met in undertaking the investigations, particularly if as suggested, the NES provides for removal of 'underground tanks' as a permitted activity. Council supports the requirement that the results of the investigations (and subsequent reports) be provided to regional councils so that land use registers can be updated as required.

3. While it is recognised that the values in Table A2:1 (Inorganic Substances) identify soil guideline values for human health purposes, significant adverse environmental effects are still likely below these contaminant levels. Therefore, the NES should be very clear that it is not an 'applicable national environmental standard' for the purposes of part b of the definition of contaminated land in the RMA. If this clarification is not provided, then it could be argued that the NES contaminant levels (SGV's) would define contaminated land (i.e any land with contaminant levels below those thresholds could not be considered contaminated land) and restrict wider environmental regional and district council functions. The majority of sites currently on the Northland contaminated sites register would not meet the proposed threshold for contaminated land.
4. Council submits that the NES should also be applied to plan changes to rezone land or change land use. This will avoid inappropriate rezoning of potentially contaminated land to more sensitive uses without consideration of human health impacts.
5. The Northland Regional Council does not wish to be heard in support of this submission.

Signed: _____

Vaughn Cooper
Acting Strategy and Planning Director
Private Bag 9021
Northland Regional Council
Whāngārei Mail Centre
WHĀNGĀREI 0148

Dated: _____