

## **Submission on Proposed National Environmental Standard for Assessing and Managing Contaminants in Soil.**

To: The Ministry for the Environment

**Submitter:** Winstone Aggregates, a division of Fletcher Concrete Infrastructure Ltd

### **Background**

Winstone Aggregates appreciates this opportunity to lodge a submission on the above mentioned Proposed National Environment Standard.

Winstone Aggregates is a division of Fletcher Concrete & Infrastructure Ltd (Winstone). Winstone is New Zealand's largest manufacturer and distributor of aggregates and sand for roading, ready mix concrete, concrete product manufacturers, and to building and civil engineering customers.

Cleanfill operations are also an important component of the business, particularly with regards to quarry site rehabilitation. It is important that material accepted does not pose an unacceptable risk or inappropriately limit the future use of that site, therefore Winstone has a strong interest in the future use and management of contaminated land in New Zealand.

### **Overall Submission**

Winstone supports the development and application of the National Environmental Standard in principle but has concerns with the proposed document in its current form. Winstone has concerns in particular regarding the policy objective being restricted to ensuring land is safe for human use and the lack of a framework for assessing and managing environmental risk. Specific concerns and relief sought are outlined below.

### **Specific Submissions**

1. The NES in its current form does not account for environmental risk. The criteria for which are often more precautionary than human health Soil Guideline Values (SGV). There will continue to be uncertainty for developers and regulators alike with varying guideline values used throughout different regions across the country. Remediation carried out at a site in accordance with the NES in its present form may need to be revisited at a later time based on Regional Council requirements, creating costly delays for land use proposals. The NES needs to encompass environmental risk as well as human health. Without this the current inconsistencies and disjointed approach to managing contaminated land in NZ will continue and may potentially be exacerbated.
2. If SGV are not to be provided for environmental protection then consideration should be given to providing this guidance in the form of a national guideline rather than a NES. This could then progress to a NES as more relevant and rigorous supporting data is obtained.

3. The NES does not differentiate between naturally occurring and anthropogenic contaminants. Inorganic elements in soils of volcanic origin can be considerably higher than in non volcanic materials. Allowances should be made for naturally occurring species that may exceed the proposed SGV without the requirement for resource consent or remediation.
4. There are no SGV for some common contaminants of concern including nickel, zinc and chlorinated aliphatic hydrocarbons. The list of priority contaminants should be extended to include SGV for these.
5. The SGV provided cover soils only and it is unclear whether these values are intended to also relate to sediments. As well as providing SGV for environmental receptors the pathways of surface and groundwater exposure should also be considered and appropriate guidelines prepared and provided.
6. Any national database containing information on contaminated sites should be made available for public viewing. A reliance on council hard copy files is problematic in that they are not always kept up to date and can be time consuming to obtain from councils. This public access would aid decision making and form part of the acceptance checking process for cleanfill operators when considering the acceptability of material from sites undergoing development.
7. Winstone agree with the requirement to prepare a phase 1 investigation prior to a change in land use. The trigger for this should not be based solely on the fact that activities on the HAIL have occurred on site as many council records will not be accurate enough to determine this.
8. Much emphasis is placed on the involvement of 'qualified and experienced practitioners' without defining these qualities. A comprehensive nationally recognised accreditation system should be developed in conjunction with the NES to ensure practitioners maintain high standards and consistency.

Winstone would appreciate the opportunity to provide further input into any of these matters if at all possible.

  
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Date

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