

**Application
for change or cancellation of consent conditions
Under Section 127 of the Resource Management Act 1991**

This Application is applied to run concurrently with the review (2015) for Discharge Permits 6009,6010,6011,7289 and 102259 - Levin Landfill

CONSENT HOLDER

Horowhenua District Council
Private Bag 4002
LEVIN 5540

ADDRESS FOR ACTIVITY Hokio Beach Road, Levin	MAP REFERENCE S25:965-640, S25:968-647, S25:973-646 and S25:975-636
LEGAL DESCRIPTION Lot 3 DP 40743 Blk II Waitohu SD	Contact Person Warwick Meyer

The other consents held in relation to the Levin Landfill are Water Permit 6012 and Discharge to Air (flaring of landfill gas) App-2013016220.01 both Expiring in May 2037.

Details for change

Discharge Permit 6010

~~2 Landfill leachate shall not contaminate adjoining land~~

Discharge Permit 6010

- 5 The results of monitoring under Conditions 3 and 4 of this Permit shall be reported to the Regional Council by ~~31 August~~ 30 September each year for the duration of this Permit.
- 9 The Permit Holder shall report the results of the monitoring to the Neighbourhood Liaison Group by ~~31 August~~ 30 September each year for the duration of the Permit.
- 15 (f) The Permit holder shall submit an annual report to the Regional Council by ~~31 August~~ 30 September each year for the duration of this Permit documenting the condition of the unlined landfill and any maintenance carried out during the previous year. The annual report shall address but not be limited to those aspects listed in Conditions 15(a) to (e) above. The annual report shall include a plan of the unlined landfill specifically documenting the shape of the closed landfill and any changes during the previous year. [The annual report can be written in conjunction with the annual report required as part of Condition 14 for Consent Number 6009].

Discharge Permit 6010

~~10 If a laboratory is used for water quality analyses which do not have independent accreditation for the parameters measured, then on each sampling occasion duplicate samples from a least one sampling location shall be analysed by a laboratory with independent accreditation for the parameters measured. Continued analysis by the unaccredited laboratory shall be at the discretion of the Regional Council.~~

Discharge Permit 6009

- 8 The Permit Holder shall develop and implement a procedure for the landfill operator, such that potentially hazardous material, as listed in Annex 1 attached to and forming part of this permit, will not be accepted for disposal at the Levin landfill without specific authorization. The Operations Manager of the Horowhenua District Council, or some other designated person, is able at their discretion to accept quantities of such wastes. The waste shall be accompanied by a Hazardous Waste Manifest, as listed in Annex 1, which will form part of the permanent record and shall be reported ~~by~~ to the Regional Council by ~~31 August~~ 30 September each year for the term of this Permit.
- 14 ".....The Permit holder shall submit an annual report to the Regional Council by 30 September each year for the duration of this Permit documenting the condition of the unlined landfill and any maintenance carried out during the previous year. The annual report shall address but not be limited to those aspects listed in Conditions 14(n) to 14(r) above. The annual report shall include a plan of the unlined landfill specifically documenting the shape of the closed landfill and any changes during the previous year related to Condition 14(q) [The annual report can be written in conjunction with the annual report required as part of Condition 15 (f) for Consent Number 6010]

Discharge Permit 6010

~~Specific Conditions – Discharge leachate to ground from lined landfill~~

~~Environmental Effects~~

- ~~17~~ There shall be no disposal of leachate sludge from the pond onto irrigation areas. Leachate sludge shall be disposed of in accordance with Condition 26 of consent number 6009 and Condition 18 of consent number 7289.
- ~~18 The rate of application of leachate irrigated to land shall not exceed 200 kg Nitrogen/hectare per year.~~
- ~~19 There shall be no ponding or runoff of leachate on or beyond the irrigation areas.~~
- ~~20 Subject to Condition 19 of this permit, application of leachate on to soil shall not exceed 50 millimetres per day. Notwithstanding, the maximum rate of application shall not exceed 5 millimetres per hour.~~
- ~~21 There shall be no discharge of offensive or objectionable odour at or beyond the legal boundary of the Levin Landfill property as shown on Figure 1 resulting from leachate.~~

- ~~22 — Should the quality of leachate being irrigated exceed the STV parameters set out in the Australian and New Zealand Environment and Conservation Council Water Quality Guidelines (2000) for metals in Irrigation Water the Permit Holder shall report to the Regional Council as soon as practicable on the significance of the result and in consultation with the Regional Council determine if further investigation or remedial measures are required.~~

Process Management

- ~~23 — The daily volume of leachate irrigated to land shall be metered and recorded.~~
- ~~24 — The Permit Holder shall make regular and at least weekly, inspections of the irrigation system, including pumps, pipes, irrigators and vegetation to ensure that the system is operating efficiently and that vegetation is in good health.~~

Monitoring and Reporting

- ~~26 — A plan of the leachate irrigation system shall be prepared to the satisfaction of the Regional Council's Environmental Protection Manager nine months prior to placement of refuse on the lined landfill.~~ The plan shall include:

- ~~a. — A map showing areas to be irrigated;~~
- ~~b. — Design of the recirculation, treatment and irrigation systems;~~
- ~~c. — Contingency measures in case of failures in the irrigation system;~~
- ~~d. — Criteria for installing aerators in the leachate pond;~~
- ~~e. — Assessment of options for recirculating leachate over the lined landfill;~~
- ~~f. — Assessment of groundwater profile beneath the irrigation area and effects leachate irrigation will have on groundwater;~~
- ~~g. — Groundwater and soil monitoring programme, including a map showing sampling locations; and~~
- ~~h. — Any other relevant matter.~~

- ~~27 — The Permit Holder shall keep a log of:~~

- ~~a. — The dates and times of leachate irrigation;~~
- ~~b. — The total volume of leachate irrigated daily;~~
- ~~c. — The volumes of leachate irrigated to specific areas;~~
- ~~d. — Weather and ground conditions during irrigation;~~
- ~~e. — Observations made during the weekly inspections of the pump, irrigation system and irrigation areas; and~~
- ~~f. — Repairs and maintenance carried out on the irrigation system.~~

~~Copies of this log shall be forwarded to the Regional Council's Environmental Protection Manager on 28 February and 31 August of each year that the irrigation system is operated.~~

Discharge Permit 6011

- 7 The Regional Council ~~shall~~ may initiate a ~~publicly notified~~ review of Conditions 3 and 6 of this permit ~~at ten yearly intervals after the commencement date of the decision of the 2015 review of conditions in April, 2015, 2020, 2025, 2030 and 2035, unless the Neighbourhood Liaison Group (NLG) agrees that a review is unnecessary.~~ The reviews shall be for the purpose of:....."

Discharge Permit 6010

- 30 The Regional Council ~~shall~~ may initiate a ~~publicly notified~~ review of Conditions 3, 4, 11 (a) – (e), 12, 13, 14, 24, 27, 28 and 29 of this permit ~~at ten yearly intervals after the commencement date of the decision of the 2015 review of conditions in April, 2015, 2020, 2025, 2030 and 2035, unless the Neighbourhood Liaison Group (NLG) agrees that a review is unnecessary.~~ The reviews shall be for the purpose of:....."

Discharge Permit 6009

- 31 The Regional Council may initiate a ~~publicly notified~~ review of Conditions 2, 8, 14 (a) to (m), 28, 29, 32, 33, and 34 of this permit ~~at ten yearly intervals after the commencement date of the decision of the 2015 review of conditions in April 2015, 2025, and 2035,.~~ The reviews shall be for the purpose of:

Discharge Permit 7289

- 19 The Regional Council may initiate a ~~publicly notified~~ review of Conditions 5, 9, 12 and 17 of this permit ~~at ten yearly intervals after the commencement date of the decision of the 2015 review of conditions in April 2015, 2025, and 2035,.~~ The reviews shall be for the purpose of: All Discharge Permits referred to above

We apply for any other consequential changes that result from the review and this 127 application such as number changes, annual reporting dates and Council officer title changes, etc.

Reasons for Change

Permit 6010, Condition 2

Condition 2 is the condition that was referred to by HRC when they alleged that a “significant non-compliance” had occurred on account of Leachate in groundwater surfacing within the drain on Tatana’s property.

In *HRC’s Compliance Report* this non-compliance has been rescinded and the condition graded as “*Comply – Full*”.

Nevertheless, it is considered that there are good reasons **for amending or deleting this condition** the origin of which is outlined in MWH’s report on the water quality within the drain on Tatana’s property previously submitted to HRC.

In summary:

1998 Hearing Committee Decision

- The 1998 consent decision recorded a submission by Mr Ivan Jones, adjacent landowner of the property now known as “Tatanas’ property”.
- Mr Jones was concerned that water ponding on his property was due to the discharge of Leachate from the old landfill.
- HDC agreed to install a drain on the landfill site adjacent to the property boundary.
- The requirement to install a drain was imposed by way of Condition 3, which stated:

“The Permit Holder shall construct and maintain a drain along the north-western boundary of the existing landfill site, by 30 June 1998. The drain shall be designed to capture Leachate running off the site on to neighbouring properties. The exact location of the drain shall be determined in consultation with Regional Council, but shall be at or about the position defined in Fig 2 attached to this consent”.

- The drain referred to in Condition 3 (of 1998 consent decision) is the Tatanas’ property drain.
- It was deliberately constructed to intercept overland flow of Leachate from the old landfill.
- The fact that it was constructed on the adjoining property and not within the landfill site was something that the condition contemplated as it provides for the exact location to be determined after the consent was granted.
- Condition 3 was subsequently removed from the final consent conditions (2002 Environment Court Order), however it provides useful information on how preceding Condition 2 of the consent should be interpreted.
- When Condition 2 (see wording above) is read together with Condition 3, Condition 2 should be interpreted to apply to contamination of adjoining land by way of overland flow of Leachate.
- The Hearing Committee’s report noted (1998, p15): “...groundwater has been contaminated by the existing landfill. Both Mr Bekesi and Mr Robertson agree that the shallow groundwater is naturally low in quality and has limited potential use...”
- The contamination of shallow groundwater by the old landfill was clearly recognised by the Hearings Committee at the time of granting the application and that given little or no impact on the Hokio Stream was not considered to be of concern.

2002 Environment Court Order

- The 1998 Horizons Hearing Committee's consent decision was appealed to the Environment Court but the parties reached an agreed settlement.
- Consent was subsequently granted by the Environment Court by way of a Consent Order in 2002.
- Condition 3 of the 1998 decision is not included in the 2002 decision, probably because the drain had already been installed by this time.
- Condition 2 is retained as a consent condition, however given that the drain was installed on the neighbouring property it appears that there was no consequential change made to Condition 2 to acknowledge the fact that some Leachate may flow over a small part of the neighbouring property and within the drain and therefore it should be deleted.

Permit 6010 Conditions 5, 9 & 15(f) Permit 6009 Conditions 8 & 14

Currently annual reports are prepared for delivery in August and they cover monitoring completed in July and October the previous year and January and April in the current year. What we would like to do is combine a quarterly monitoring report with the annual report and therefore reducing the number of potential reports prepared and vetted by both HRC and HDC.

ie. the Annual report will cover October, January, April and July monitoring with the July monitoring being part of the annual report. When changed the 1st annual report with the new date of September will cover 5 monitoring periods rather than 4 periods.

Permit 6010 Conditions 10

Council uses Eurofins ELS for its laboratory testing which is not accredited for Volatile Fatty Acids, however they follow an approved APHA method and follow the same laboratory practice as if this was an accredited test.

We have looked on the IANZ website and the only laboratory in NZ with accreditation for VFA is Hills Laboratory but they are using an in-house IC method and results are not comparable. Therefore no lab in NZ has accreditation for the APHA method. The only reason Eurofins have not been accredited for this test is that it is a low volume analysis for them and there are no other laboratories to do comparisons with.

This is not a common test for them. Their method reference, Volatile Fatty Acid - APHA 22nd Edition Method 5560C. Results are reported as acetic acid equivalent.

Hills cannot be used for a comparison as they report the VFA differently to ELS and the methodology is not comparable and therefore the condition can not be achieved practicably and should be deleted.

No discretion has been shown by Horizons as offered in the Condition.

Permit 6010 Conditions 17-27

Council no longer discharges Leachate to ground at the Landfill and wishes to surrender these conditions. Since about 2009 Leachate has been treated at the Wastewater treatment plant in Levin. Any emergency requirements could be disposed of by sucker truck to the treatment plant which is common practice at other landfills.

Permit 6011,6010,6009,7289 Conditions 7,30,31 & 19

The concurrent review of the conditions for the Landfill allows these type of review conditions to be reviewed within Discharge Permit 102259 but does not in the other Landfill permits referred to in this application.

Therefore the proposed alteration requested within the review should also be reflected in all permits associated with the Landfill and should be subsequently amended.

The wording of these conditions was amended in 2010 on two main accounts. Firstly, it was changed from "*horizons.mw... may initiate a review of...*" to (emphasis added) "*The Regional Council shall initiate a publicly notified review of ...*" Secondly, the following clause was added in 2010: "*...unless the Neighbourhood Liaison Group (NLG) agrees that a review is unnecessary...*"

The changes to these conditions in 2010 were technically speaking, those other conditions that were not subject to review in 2009/2010 but as indicated in HRC's *Levin Landfill Review of Conditions Report* (reference 7), "*Horowhenua District Council, in the spirit of trust and inclusion, had magnanimously agreed to change a number of consent conditions which were technically beyond the scope of the Review*".

It would appear, however, that the changes to these conditions are now being used as a mechanism to force a review and because of the issues with the NLG such reviews are confrontational, as opposed to working in a spirit of trust and inclusion which was originally intended.

In this current environment of distrust, it is also clear that there are problems with interpreting the wording "*...unless the NLG agrees...*"

The NLG has grown since the 2010 review as other parties have been invited to meetings. Under such circumstances it has been easy to "stack" the NLG with parties who oppose the Permit Holder's viewpoint. There is limited guidance within the consent conditions on how NLG meetings are to be conducted, other than the frequency at which they should be held. Neither is there guidance for determining what constitutes an "agreement" within the NLG. Is it a majority vote, or a unanimous vote? If the former, then how does one determine representation from the various parties attending the meetings?

It should be noted, that there should be some accountability that the consent does actually cover mitigation of the environmental effects resulting from the landfill due to the fact there has been 14 years of deliberations over the conditions since 1994 with the last review being completed in 2010. ie the consent has been operating since 2002 (13 years) and we have already had 14 years of deliberations.

In light of these issues, it is recommended that the wording be changed to extend the review period at the discretion of those "charged" with environmental protection and monitoring.

All Discharge Permits referred to above

Other amendments should include Any consequential changes that result from the review and this 127 application such as number changes, annual reporting dates and officer title changes, etc.

Assessment of Environmental effects

None of the proposed changes have any effect on the environment and in fact by removing the discharge of Leachate to the Landfill site it ensures that the Leachate is further treated before being discharged to land.

To this end all proposed changes in this application should be granted.



Signature of Applicant Date 25- 11- 2015
for Horowhenua District Council

Kindly invoice Horowhenua District Council the deposit of \$787.50