
FIRST PRE-HEARING MEETING MINUTES

HOROWHENUA DISTRICT COUNCIL ~ LEVIN LANDFILL ~ REVIEW OF CONSENT CONDITIONS ~ HOKIO BEACH ROAD, LEVIN

PRE HEARING DATE Thursday 5 March 2009

VENUE Horowhenua District Council
 126 – 148 Oxford Street
 Levin

FACILITATOR Mr Richard Munneke (RM)

RECORDER Leana Shirley (LS) ~ Horizons Regional Council

ATTENDEES FOR HORIZONS REGIONAL COUNCIL

CONSULTANT
PLANNER Mr Dave Moule (DM) - Environmental Management Services Limited

CONSULTANT SENIOR
HYDROGEOLOGIST Mr Brett Sinclair (BS) – Golders & Associates Ltd

ENVIRONMENTAL
COMPLIANCE OFFICER Pita Kinaston (PK) – Horizons Regional Council

ATTENDEES FOR THE APPLICANT

GROUNDWATER
SCIENTIST Vanessa Dally (VD) ~ MWH New Zealand Limited

SENIOR CIVIL
ENGINEER Phil Landmark (PL) ~ MWH New Zealand Limited

ASSET MANAGER Braden Austin (BA) ~ Horowhenua District Council

OPERATIONS
MANAGER Waid Crockett (WC) ~ Horowhenua District Council

SOLID WASTE OFFICER Kerehi Wi Warena (KW) ~ Horowhenua District Council

BROOKFIELDS Andrew Cameron (AC) ~ Legal Counsel

SUBMITTERS

Malcolm Hadlum	Private Capacity
Christina Paton (CP)	Water and Environmental Care Association Inc
George Paton (GP)	Water and Environmental Care Association Inc
Albert (Bert) Judd (BJ)	Private Capacity

	Charles Rudd (CR)	Muapoko Co-operative Society and Neighbourhood Liason Group (NLG)
	Peter Everton (PE)	Everton Farm Ltd & NLG member
	Rachel Selby (RS)	Ngati Pareraukawa
	Pataka Moore (PM)	Ngati Pareraukawa
	Vivienne Taueki (VT)	Muaupoko Co-operative Society
NON-SUBMITTERS	Dean & Anne Johnson (DJ & AJ)	Private Capacity Water and Environmental Care Association
	Fred Diager (FD)	Care Association

ORIGINAL AGENDA

HOROWHENUA DISTRICT COUNCIL ~ LEVIN LANDFILL ~ REVIEW OF CONSENT CONDITIONS ~ HOKIO BEACH ROAD, LEVIN

APPLICATION NO.	6009, 6010, 6011, 7289 and 102259
APPLICANT	Horowhenua District Council
CONSENT TYPE	6009 - Discharge to Land (solid waste) 6010 – Discharge to Land (Leachate) 6011 – Discharge to Air (contaminants) 6012 – Water Permit (stormwater diversion) 7289 – Discharge to Land (liquid waste) 102259 – Discharge to Land (stormwater)
REVIEW DETAIL	In April 2005, Manawatu Wanganui Regional Council engaged Kingett Mitchell (now Golder Associates) to undertake a review of the consent conditions associated with the above resource consents for the Levin Landfill held by Horowhenua District Council. The review document recommended a number of changes to consent conditions. The review document was then reviewed by MWH Ltd on behalf of Horowhenua District Council (HDC) in September 2005. MWH subsequently produced a report addressing the proposed review of conditions and contesting a number of proposed condition changes. By July 2006 Golder Associates Ltd provided a response to the proposed review changes to the resource consents for the Levin Landfill and that report forms the basis for the changes proposed as part of the review process.

ORIGINAL AGENDA

1. Opening and Introductions.
2. Brief outline of summary document to set context and provide background to review.
3. Outline of main issues as identified by Horizons Regional Council *(this will involve discussion as to whether all parties agree with the issues as identified)*.
4. Discussion on each issue individually.
5. Summary of discussion, including points of agreement or disagreement.
6. Conclusion and confirmation of process from this point forward.

MINUTES

NOTE: Some of the following notes are not necessarily in the order of actual proceedings as it is more logical to group points raised accordingly to the issue to which they relate.

RM opened the pre-hearing at 9:50 am and outlined the proposed order of events for the day. It was proposed that the meeting follow the following format:

- DM to report on planning side of review process and discuss the existing consents and proposed conditions changes and issues
- BS to talk about the technical issues with input from HDC technical expertise
- PK to go through compliance report produced and circulated at meeting
- 12:30 Lunch
- 1 pm onwards Discussion regarding NLG

NOTE: It was noted that 3 meeting attendees, Fred Diager and Dean and Anne Johnson had not formally submitted on the review of consent conditions. This was raised with the applicant's counsel, and AC advised that HDC had no issues with the 3 non-submitters being present.

FD questioned the need for AC to be present for legal representation given the nature of the meeting and the substantial cost to HDC to have AC present.

RM advised that it was up to HDC to choose who was present to represent them and continued to progress with the meeting.

Planning report

DM read from the background summary document produced and distributed prior to the pre-hearing meeting. DM advised that the main focus of the meeting would be to look at environmental outcomes related to adverse effects pursuant to section 128 of the Resource Management Act which outlines the review process.

DM provided an overview of those technical reports produced to date, which is summarised as follows:

In April 2005 Horizons Regional Council engaged Kingett Mitchell (now and hereon referred to as Golder Associates) to undertake a review of the Levin Landfill consent conditions. The resulting report, 'Levin Landfill Review of Consent Conditions Summary Report' (August 2005), recommended a number of changes to the current consent conditions.

The Golder Associates report was then reviewed by MWH NZ Ltd on behalf of the Horowhenua District Council (HDC) who indicated that the summary report was received by HDC in September 2005. A report entitled 'Horowhenua District Council – Levin Landfill Review of Resource Consent Conditions' (February 2006) was then produced by MWH addressing the proposed revised conditions and challenging a number of the recommended changes.

In July 2006 Golder Associates prepared a report in response to the matters raised in the February 2006 MWH report. Following some input from Horizons staff, a subsequent report was prepared by Golder in October 2006 outlining further changes to the conditions of consent.

Copies of the July and October 2006 Golder reports were then reviewed by MWH who indicated that the reports were not received until September 2008 (when the review was publically notified). MWH then prepared a report, entitled "Levin Landfill – Commentary on the Kingett Mitchell July 2006 Report & Review of Resource Consent Conditions", dated November 2008.

DM noted that the October 2008 MWH report had not yet been reviewed by Golder and hence a final technical report to which the review of consent conditions can be based is yet to be produced. DM noted that the final technical report from Golder will be made available to all parties once completed. This report will outline the technical issues and resolutions to date.

PE raised concerns regarding neighbours being given access to the report.

RM assures PE that once the report is finalised a copy will be sent to all submitters.

DM discussed the scope of the review. DM noted that there are 5 consents that are subject to review and each consent has a number of specific conditions that the review encompasses. DM read out the issues and conditions to be considered in the Review as per point 10 of his pre-circulated report.

CR queried whether the Neighbourhood Liason Group (NLG) condition will be changed or deleted.

DM confirmed that only specific conditions can be assessed in the review process, and the conditions pertaining to the NLG (Conditions 32-34) are not included in the review. This obviously does not preclude discussion about the compliance with these existing conditions and the overall effectiveness of the NLG with HDC.

VT stated that she does not think that the Hearing Committee should be limited to issues raised in the PCE's report. What about cultural issues?

RM advised that the hearing committee can only review what is defined in the RMA. The scope of the review is relatively confined.

DM advised that Sections 6, 7, 8 can still be taken into account when undertaking a review in the substantive decision making component (Section 104).

BA noted that the Parliamentary Commissioner for the Environment (PCE) only has advisory powers in this circumstance. It was however noted that the PCE reporting on this matter will help inform the review process and the associated technical reporting.

RM noted that effects and planning scope had been adequately covered and that the discussion would move to the technical effects. Phil Landmark (PL) to give overview.

Technical effects overview

PM questioned whether the review undertaken in 2005 was an internal review.

DM advised that it was not a formal review of conditions per se, as the Regional Council was simply seeking advice by way of technical report to assist in the decision making as to whether a formal review of conditions was actually warranted, and also help inform any decision on notification.

BA noted that Horowhenua District Council had been in discussions with Horizons Regional Council, however no formal notification of the review had occurred at that stage.

PM questioned why the review process has gone down notification path.

RM advised that the PCE report highlighted issues and there was enough community interest to go through this process.

AC made note of the fact that the review condition states that a review can be initiated by HRC in 2005 and 2010. Consent conditions do not currently allow for a review to be notified in 2008 however, HDC will not stand in way of the review.

FD stated that he thinks that we are all here due to extreme non-compliance by HDC and the resulting public outcry. FD noted that conditions were originally signed off by affected parties on the basis of HDC complying with consent conditions, however this has not been honoured.

RM advised that it is important that it be identified whether it is the consent conditions or compliance that is at fault. RM noted that the objective of the pre-hearing meeting was to review the conditions of consent.

PE clarified why there is so much distrust between the submitters and council. He noted that it goes back to mediation meetings between submitters and HDC where residents were warned that they would be charged costs if their claims were described as vexatious in the Environment Court. PE stated that once the whole process was over HDC tried to sue the residents involved. PE advised that there is a high level of distrust.

CR stated that he thinks that the upcoming report should be on the table for the pre-hearing meeting.

RM advised that everyone around the table would receive a copy of the report once finalised.

PM requested assurance that a report will be received before the hearing.

DM advised that currently there is a hearing set for 30 March 2009 to 1 April 2009. He noted that if the report is out too late then the hearing will be deferred to a more appropriate date, in order to give all parties a chance to review the document.

Phil Landmark:

PL advised that Golders will be producing a report of where HDC and HRC are at with regards to the process.

PL discussed the agreements and disagreements between HDC and HRC and the PCE report to date as follows:

AREAS OF AGREEMENT

HDC agree that they should be installing more testing wells. The elevated area up-gradient of the landfill, where the forest is, will provide a good base for raw quality water testing to measure against.

HDC agree that if wells (in particular 'D' wells) are destroyed by the landfill, then they need to be replaced. The D3 well has been destroyed and needs to be replaced. The D1 well may not be destroyed at this stage.

HDC agree with Golders monitoring requirements.

HDC agree to the sampling of BOD₅, coliforms. A report will be done if sampling identifies degraded water quality.

HDC agree that the landfill cap is a phytocap that requires further study to determine the best method of capping. This will be undertaken for both the old and the new landfill.

RM questioned whether there are existing problems surrounding the current landfill cap.

PL noted that the main concern is that too much water is permeating into unlined landfill.

HDC agree that landfill plans for next stage construction need to be reviewed by an independent engineer.

HDC agrees that all buildings need to be adequately ventilated.

HDC agree that they must notify HRC and the NLG when disposal of liquid waste is to occur.

HDC agree that liquid waste disposal will occur on lined landfill only.

HDC agree that any surface water that comes into contact with landfill be considered leachate.

AREAS OF DISAGREEMENT:

HDC do not want heavy metals etc to be tested.

HDC only agree to undertake soil sampling around the irrigation area, they do not agree to sample around the bores.

PL noted that HDC add no irrigation is occurring into the tree areas currently.

PL made note regarding the hydraulic connectivity between deep and shallow aquifers

With regards to the geo-synthetic clay liner, HDC consider that it should not be assessed based on the thickness of the liner rather it should be assessed based on the mass of the liner.

MH raised a question regarding monitoring of the Hokio Stream and the contingency plan for when contaminants enter water.

PL advised that once reported on, HDC will discuss measures for dealing with contamination.

MH stated that the contaminants will eventually break down and enter the stream.

VD advised that in the Hokio Stream metals etc are present before the landfill site and that there are no actual effects on the Stream from the landfill at this stage.

MH stated that he would like to know what the mitigation measures are before it happens.

VD advised that it would take a long time for the contaminants to enter the surface water and HDC would be aware of potential contaminants well before as a result of monitoring the test bores and would have plenty of time to come up with an appropriate contingency plan.

Brett Sinclair acting for HRC added the following comments to PL's statements above:

The water quality monitoring system is based on a system of monitoring bores.

There is some uncertainty around the understanding of groundwater systems in the area and hence the effects on it. Currently unable to tell what background water quality actually is.

There should be a quarterly analysis of base contaminants. Once in groundwater system they do not break down.

If HDC need to actively mitigate, they will have space to do it. The early warning bores allow for a certain amount time for the plume to travel to monitoring bores. It may take years for the plume to move which gives HDC plenty of time to assess its likely effects and their options.

Recommend that trigger wells be replaced and added as landfill expands. The idea is to enable mitigation measures to have time to be developed.

It is important to note that the trigger wells are not compliance wells. It was HDC's responsibility to monitor the trigger wells in order to identify contamination and deal with it before it reaches the boundary.

The wells onsite at the Levin Landfill are reacting to indicator species, there is an increasing trend. This trend has been over several years. The source is the old landfill – any unlined landfill will leach contaminants.

Monitoring at the site has been designed around an indicator set of parameters and an intensive set of parameters. The intensive set are monitored less as this is very expensive.

There is a question around separation of early warning wells and compliance wells. At the site there are very few deep wells which cover only a small corner of the site. The PCE report notes that the management of unlined landfills is dependant on the systems in place.

Recommendations

1. Is implied that the management system is pro-active. There is a linear trend, it can be assumed that if the trend keeps going then there is an issue. The unlined landfill needs to be managed – minimise seepage through the groundwater profile.
2. Leachate losses in stormwater drains can be missed. The issue with not undertaking quarterly monitoring is that if a one-off event of leachate discharge occurs, then the event may be missed. This is a management issue.

MH made note that contaminants and leachate entering stormwater drains is an issue. Over a three month period there was dead shellfish for 1 km below the discharge point either side of the stream. Stormwater is another big issue. MH indicates that he is still concerned about the lack of mitigation and contingency plans.

RM questioned whether there are standard approaches for mitigation or will they need to be designed specifically.

BS advised that there are options available, however the options have to be specifically fit to the site. Golder expressed concern about the phytocap. This type of system requires constant monitoring and management. If the person monitoring the site is the landfill operator then they will need to adequately manage the site in order to identify issues before they affect the groundwater system.

BA questioned whether all contaminants from the unlined landfill would eventually get released.

BS advised that the contents of the landfill will break down over time. Some contents are inert and will not go anywhere. Others will break down quickly if there is enough oxygen present. BS discussed two options that have been looked at internationally:

1. Do not cap the landfill. Know that after a certain amount of time that landfill material will become inert.
2. Line it, seal it, and enclose it. Contents of the landfill will stay there; however the time it takes for the contents to become inert is longer.

BJ questioned why landfills are always sited on river banks. Who monitors leachate and who manages the effects. After all these years our knowledge is still incorrect.

VT questioned how accurate the monitoring is. What about the leachate going into other unmonitored areas. VT noted that there is a very intricate groundwater system in the area.

VD advised that she had spent the last 12 months analysing the groundwater system in the area and that as a result she is getting a good idea of shallow groundwater systems. However, VD mentioned that the knowledge of the deeper groundwater system is still poor and she would like to get a better idea of the system.

VT made note that the subject area being looked at is only a small piece of the overall system.

FD put a question forward to BA – how many trigger wells have been put in?

BA deferred the question to PL, how many wells are intended to be put in.

PL made note that the report did not request the number of wells to be put in. However HDC are happy to put in trigger wells.

FD question why HDC disagree to monitor heavy metals and organochlorides?

PL advised that HDC disagree to testing of additional heavy metals and organochlorides.

VD made note that there is already a lot of testing to be done and the additional testing would be expensive.

CP directed the following question to HRC. Are HRC satisfied that the District Council Tradewaste Bylaw has been successful in reducing contamination/heavy metals. Are HRC satisfied given the knowledge of the groundwater system.

DM responded by saying that in normal circumstances if this was a new consent application that HRC could give some weight to the bylaw as an 'other matter' pursuant to Section 104 of the RMA. However in this case HRC are limited to specific consent conditions so any weight applied to the bylaw will be limited in this case.

BA advised that with regards to the tradewaste bylaw, the only possible linkage to the landfill system is the leachate generated going to landfill.

KW advised that waste acceptance criteria is based on household waste only, it is not inclusive of hazardous waste. HDC try to restrict the types of material going into the landfill. KW made note that HDC can only do as good as the community is prepared to do.

BA noted that it is hard to restrict all hazardous materials which can be present in domestic refuse. Large industrial waste is not accepted.

BA advised that Levin and Kapiti have the same systems in place and are keeping an eye on industrial users.

VT made reference to the fact that there is a lot of stuff in household refuse that could be classed as hazardous. There is no actual checking of refuse therefore no control.

RM made note that there is limited education which may increase the volume of hazardous waste in domestic refuse.

BA advised that HDC are happy to look at greater education for the public.

KW made two points as follows:

1. the Waste Minimisation Act gives more enforceability to councils for waste; and
2. A waste minimisation plan will be developed in consultation with the public.

VT highlighted that there is increasing frustration regarding the classification of the Levin landfill as a regional landfill. There are concerns regarding the rubbish coming from other areas.

RM noted that this is a hard issue to deal with and would like to park it for now.

CP considered that the tradewaste bylaw is very important and is relevant to the issues at hand.

KW made note with regards to the shellfish death. He pointed out that this occurred after a storm event and after an algal bloom which may have contributed to the shellfish death.

DJ asked whether HDC were planning on monitoring any drinking bores down gradient of the landfill as he and his wife own a property down-gradient of the landfill and draw drinking water from a bore on their property.

BA confirmed that HDC will investigate and look at the subject bore.

DJ noted that he had not seen anyone come out and monitor the bore and is concerned that the water quality of the bore may be degraded.

BA advised that there is no reason to believe that any contaminants are leaving the landfill site based on current monitoring.

VD advised that she was still unsure of where the property and well are located.

DJ advised that he would like someone to come out and look at the well and test the water quality.

RM noted that he would like a commitment from HDC that someone will go out and look at the well.

BA agreed to committing to going out and looking at and potentially monitoring the wells

VD questioned whether the wells drew from a surface water body or whether they tapped into the groundwater system.

DJ advised that he was unsure however he considers that it is common sense and courtesy to investigate the wells regardless. He referred to HDC as having a moral responsibility in this regard.

BA noted that the leachate is currently still being transferred to the Levin sewage treatment plant (STP).

VT questioned whether the leachate is treated.

BA advised that the leachate is oxidised at the landfill then put through the full treatment process at the STP.

PE questioned the logic behind HDC putting in a pipeline before they can even use it.

BA added that HDC had been told by a consent officer that they could proceed with putting in the pipeline and discharging leachate without consent. Were later told that they would need consent.

VT questioned whether neighbours would be notified regarding the consent for the discharge of leachate from the pipe.

AC mentioned that it was understood by HDC that the consent would be processed on a non-notified basis.

RS questioned the willingness of HDC and HRC to notify submitters and neighbours.

VT requested that submitters be notified and informed of the process.

RM advised that there is a level and way of notification. HRC still has to make the decision of who to notify.

PE stated that if the pipe broke then the leachate would enter the Hokio Stream.

FD stated that he had an issue regarding the level of consultation by council when things are happening at the landfill.

KW advised that if anything happens on the landfill then notice will be put out to the Neighbourhood Liaison Group (NLG).

PL noted that Condition 13 of consent 6010 does not say who's responsibility it is to monitor the bores. HDC are happy to monitor the bores if within radius. **BA requested that the condition relating to the monitoring of the groundwater condition be tightened up to make it more specific.**

RM made note that there is still the potential to defer the hearing.

RS stated that over the past 3 hours of the meeting there has been an increased sense of frustration regarding participation in the meeting. RS suggested that maybe over lunch the committee could come up with a way that allows people to be participatory.

RM advised that after lunch there would more round table discussion regarding the NLG and that the purpose of this morning was to get through the technical side of the review.

PL noted that certain consent conditions had not been touched on by Golder Associates. HDC feel that the following should be changed:

1. the landfill management plan – needs to be changed and a landfill after close management plan needs to be developed
2. comments from PCE report not currently included that HDC agree with and would like reflected in consent conditions:
 - a. PCE report recommends that a review of the site operations contract needs to be undertaken as there has been changes in the way that the site is operated.
 - b. PCE report recommends that effective consultation with the NLG needs to be maintained. HDC agrees with this.
 - c. Contract monitoring work – needs to be well defined and responsibility clear. It is appropriate that the scope of the work and responsibility is defined.
 - d. Site design – appropriate waste criteria. The current criteria are outdated and HDC would like to amend the criteria to reflect more recent documents.
 - e. The design process needs to be reviewed. HDC have no issues with providing calculations to measure the depth of the leachate on the top of the liner.
3. Comments from the PCE report that HDC do not agree with:
 - a. Local Government Act and Waste Minimisation Act cover issues.

MH stated that HDC needs to develop clear responsibilities for providing information to the NLG.

RM set out the order of events to occur after from here on in:

1. Compliance data
2. Submitters/NLG issues

CR stated that he considers that the monitoring of wells was not done properly and that a biomass study needs to be done monthly. CR also considered that there are two levels of groundwater that need to be monitored as well.

Compliance data

Pita Kinaston (PK) read to his report circulated at the start of the meeting.

PK read from the conclusions section (pg 11) of his report and made the following notes:

1. There has been an inconsistent approach from HRC with regard to compliance of consent conditions.
2. The installation of an impermeable cap in the new landfill would be appropriate
3. Leachate was discovered to be discharged from the cell on 3/10/06. A breakout was caused and leachate was discharged. Remedial measures were put in place however HRC considers that this was not done in a timely manner.
4. Ineffective maintenance of the drain caused leachate to leach.

CP questioned why leachate goes to landfill when it is supposedly recycled.

BA advised that the leachate builds up and that the excess is what is trucked off site.

KW advised that leachate in the new landfill areas is contained. It does not go into stormwater ponds. BA advised that the NLG was told this in a NLG meeting and that it should be minuted.

PE advised that the NLG are not against the ideas however they would like to have input.

MH notes that the leachate pipeline is a measure to deal with leachate. He questioned the number of tanker loads that go to landfill.

KW advised that there are 3 series of lifts and that approximately 1,000m³ of leachate is taken off the top of the landfill. KW advised that the pH level of the leachate has been tested and has a pH of 6.7.

RM advised that testing has been done on the leachate and shows that contaminants are present but they are not overly bad.

CP questioned that if the leachate is suitable for stock drinking water then why not irrigate it?

RM advised that HRC is currently still assessing whether the effects of the leachate are minor or not.

BA advised that the leachate will get more concentrated over time which is why HDC do not want to spread it to land.

MH noted that the leachate is run-off from tip and the contamination and concentration is variable.

AC noted that if the level of contamination is acceptable then it will be discharged to the pot. If not then HDC will look at alternative measures.

RM noted that he will make available to submitters the science behind the leachate.

One submitter made note of a drain unidentified by HDC called Waiwiri Stream.

RS noted that all of the experts have been talking about the science however there has been no reference to any greater expertise in the form of Maori culture or local knowledge.

PK listed his recommendations as below:

1. Inconsistencies with compliance and inspections – more frequent inspections
2. Unannounced inspections after extreme weather events
3. Consistent approach between authorities – new approach matrix to be developed
4. NLG consent conditions 32-34 terms of reference for meetings to be developed.
5. Clarify what information needs to be given to the NLG

CR question who will be setting the terms of reference

PK advised that they would be set as part of a consultative process.

FD asked whether the operator was responsible for upholding consent conditions, if so is a better operator required?

BA advised that he believes that the current operators are good however given the information given in the PCE report suggests otherwise.

FD stated concerns regarding the capping of the landfill. He is concerned about whether the operator knows what they are doing.

BA advised that the operators all have guidelines to follow but ultimately HDC is responsible for ensuring compliance with consent conditions

RM questioned whether consent conditions are apart of the contractors contract.

BA stated that he was unsure and would check whether the operator knows about consent conditions and is abiding by them as part of the contract.

AC noted that there are issues of liability if consent conditions enforced by the operator as the consent holder is HDC.

RM suggested that payment of the operator could be contingent upon meeting consent conditions.

BA advised that a review of the contract would take place once the review of consent conditions had been completed.

Neighbourhood Liaison Group (NLG)

FD noted regarding conditions 32 and 33a which relate to consultation with the NLG. FD noted that HDC fulfilled their requirements regarding these conditions in the first few years of consent however over the past few years consultation has been very slack.

MH questioned if HDC were allowed to go from a District Landfill to a Regional Landfill without consent and liaising with the NLG.

RM advised that HDC did not require a new consent based on the volumes.

BA did not think that meeting with the NLG regarding moving to a regional landfill was apart of the consent conditions.

RM advised that consent conditions do state that HDC are to consult with the NLG regarding the progress towards a Regional Landfill.

MH stated concerns regarding increased traffic and the impact this is having on the public. MH questioned the potential for a meeting with the NLG in retrospect to deal with these issues.

KW advised that there was a meeting with the NLG to see what the community wants from HDC. It should be minuted.

BA advised that there should only be an additional 3-4 trucks on top of the normal load from the transfer station.

KW advised this number should drop off later in the year.

General terms of NLG

RS advised that they are unhappy with the current membership restrictions. Ngatukirau want to be more involved.

PE believes that all original submitters should be included in the NLG.

CP questioned the definition of the NLG. WECA believes that it has to be inclusive of all people who have an interest and are affected.

KW noted that the PVE report outlines restrictions of numbers of people in the NLG.

RM noted that it is normally quite hard for people to come to meetings and cannot understand the reasoning behind the restriction.

It was also noted that Condition 32 specifically refers to those parties which are "eligible" to be members of the NLG. This did not preclude further discussion between parties, as 32(c) states "other parties who are invited from time to time, by the permit holder".

BA stated concerns about too many people turning up and the effectiveness of the meeting being compromised.

PE stated that the NLG should include all original and subsequent submitters. The idea is for the NLG to have an input.

FD suggested that HDC could include what is happening in their current information brochure to reduce numbers at the meetings.

BA thought that this was a good idea.

CP stated that the council needs to be as inclusive as possible and can't understand why the council would not want to reduce workload by putting out all of the information available.

BA considered that HDC would like to discuss the information more than just provide the information.

RM discussed the idea of using an independent facilitator. AC said that HDC had no objection to providing an independent facilitator to the NLG. BA suggested using Tony Cordegaast. PE said that they just want to be consulted with, an independent facilitator would be too expensive.

CR suggested that resource consent conditions to maintain and clean the road should be included. He also noted that there is a drain that goes along the Hokio Beach road which enters the Arawhata Stream.

PE would like testing done on his bores as he is largest landowner bordering the landfill.

BA advised that HDC would look into it.

BA Midwest must comply with the landfill management plan. HDC will make sure that contractors comply with landfill management plan in order to comply with consent conditions. In order to do this HDC needs to ensure that the Landfill Management Plan complies with consent conditions.

RM stated that in terms of enforcement HRC can go after both consent holder and contractors.

NLG Conditions 32 & 33 + PCE Report

CP stated that she would like to see penalisation of HDC for not liaising with the NLG.

MH and RS discussed the issues surrounding commercially sensitive documents. It was suggested that the Council could just comment and say that they are currently negotiating re changing landfill to regional.

CP stated that they would like a resolution to condition 34D(i).

RS suggested that NLG could advise HDC of NLG members so that HDC can adequately uphold Condition 34D.

BA advised that HDC are happy to open up NLG membership to all who think they should be involved.

DM noted that Condition 34 is not part of review, therefore BA agrees to use Condition 34D(i) as it is intended to be used in relation to Condition 32(c).

RS extended an invitation to HDC to hold NLG meetings at the marae, and potentially a second pre-hearing meeting.

MH questioned the cost of taking refuse to the Bonny Glen landfill. BA advised that it is cheaper to drop off at Levin. AC noted that the economics of landfilling are very complex and that HDC have been very diligent in ensuring that it is economic for the rate payer.

MH questioned the impact of the landfill on the surrounding land value and tourist industry.

CP discussed the potential of all regional refuse going to bonny glen rather than Levin. BA was reluctant due to the amount of money that the landfill brings in.

CR made note of the fact that he considers that there has been a breach RMA regarding the notification of iwi when remains or artefacts are discovered. CR knows of a number of midden sites that have not been identified yet. **CR and KW are to sit down and identify all midden sites in vicinity.**

PM questioned the need for all of this information to be re-discussed in the hearing. Does not want to go away and have what was said today dismissed. PM would like a set of draft conditions based on matters discussed today so that submitters do not need to re-state issues.

RM advised that minutes would cover everything

CP questioned whether consent terms are able to be discussed in the review.

AC/RM – no cannot. It is outside the scope of the Review.

BJ questioned how long the landfill would be able to cope before needing to be closed down and refuse sent to Bonny Glen. BA noted that it was in vicinity of consented term. Without adding regional refuse the landfill will never have filled up before the consent expired.

Wrap up:

RM advised that there are still a number of questions surrounding technical issues and therefore suggested that another pre-hearing be held once all of the information has been obtained and circulated. RM advised that nothing regarding the actual conditions relating to the NLG will be changed as part of the review, however discussions today have been constructive in reaching agreement as to the better working of the NLG within the intent of the existing conditions. The hearing is to be deferred and in its place a second pre-hearing will be scheduled. **The end of April was discussed as a timeframe for the second pre-hearing.**

CONCLUSION

It is noted that the pre-hearing meeting concluded without all technical issues being successfully resolved. It is intended that both experts from MWH and Golder work collaboratively to produce one final technical report outlining the agreed changes to the consent conditions. It is noted that any remaining points of difference will be noted also. A second pre-hearing was suggested to be held at the end of April by which time all documents/reports will have been circulated to all parties. It was suggested that depending on the outcome of the second pre-hearing meeting the Hearing will be deferred until a later date. All parties were in general agreement with this.

PRE-HEARING MEETING

HOROWHENUA DISTRICT COUNCIL ~ LEVIN LANDFILL ~ REVIEW OF CONSENT CONDITIONS ~ HOKIO BEACH ROAD, LEVIN

PRE HEARING DATE Monday 27 April 2009
VENUE Ngatokowaru Marae
580 Hokio Beach Road
Levin
FACILITATOR Mr Richard Munneke (RM)
RECORDER Leana Shirley (LS) ~ Horizons Regional Council

ATTENDEES FOR HORIZONS REGIONAL COUNCIL

CONSULTANT PLANNER Mr Dave Moule (DMoule) - Environmental Management Services Limited
CONSULTANT SENIOR HYDROGEOLOGIST Mr Brett Sinclair (BS) – Golders & Associates Ltd
ENVIRONMENTAL COMPLIANCE OFFICER Pita Kinaston (PK) – Horizons Regional Council

ATTENDEES FOR THE APPLICANT

SENIOR CIVIL ENGINEER Phil Landmark (PL) ~ MWH New Zealand Limited
ASSET MANAGER Braden Austin (BA) ~ Horowhenua District Council
SOLID WASTE OFFICER Kerehi Wi Warena (KW) ~ Horowhenua District Council
BROOKFIELDS Andrew Cameron (AC) ~ Legal Counsel

SUBMITTERS

Malcolm Hadlum	Private Capacity
Charles Rudd (CR)	Muapoko Co-operative Society and Neighbourhood Liason Group (NLG)
Caleb Royal	Ngati Pareraukawa
Rachel Selby (RS)	Ngati Pareraukawa
Pataka Moore (PM)	Ngati Pareraukawa
David Moore (DM)	Ngati Pareraukawa
Fred De-Jager (FD)	Chairman, Water and Environmental Care Association

PRE-HEARING MEETING

HOROWHENUA DISTRICT COUNCIL ~ LEVIN LANDFILL ~ REVIEW OF CONSENT CONDITIONS ~ HOKIO BEACH ROAD, LEVIN

APPLICATION NO.	6009, 6010, 6011, 7289 and 102259
APPLICANT	Horowhenua District Council
CONSENT TYPE	6009 - Discharge to Land (solid waste) 6010 – Discharge to Land (Leachate) 6011 – Discharge to Air (contaminants) 6012 – Water Permit (stormwater diversion) 7289 – Discharge to Land (liquid waste) 102259 – Discharge to Land (stormwater)
REVIEW DETAIL	<p>In April 2005, Manawatu Wanganui Regional Council engaged Kingett Mitchell (now Golder Associates) to undertake a review of the consent conditions associated with the above resource consents for the Levin Landfill held by Horowhenua District Council. The review document recommended a number of changes to consent conditions. The review document was then reviewed by MWH Ltd on behalf of Horowhenua District Council (HDC) in September 2005. MWH subsequently produced a report addressing the proposed review of conditions and contesting a number of proposed condition changes. By July 2006 Golder Associates Ltd provided a response to the proposed review changes to the resource consents for the Levin Landfill and that report forms the basis for the changes proposed as part of the review process. On Thursday 5 March 2009 a pre-hearing meeting was held at Horowhenua District Council. This meeting was closed at 3:30 pm that day as there were some technical issues that needed to be resolved. The intention was for both technical experts from MWH and Golder to work collaboratively to produce one final technical report outlining the agreed changes to the consent conditions and for this report to be circulated prior to the second pre-hearing meeting being held.</p>

ORIGINAL AGENDA

1. Welcome and Karakia (prayer) – (Rachel Selby, Chair of Ngatokorawu Marae Committee).
2. Introduction.
3. Facilitator to outline proceedings for the meeting.
4. Recap on review process and objective if the pre-hearing meeting.
5. Minutes of first pre-hearing meeting.
6. Summary of actions from first pre-hearing meeting.

7. Presentation of report entitled "Proposed Changes to Levin Landfill Consent Compliance Monitoring Conditions", prepared by Golder Associates, dated March 2009.
8. Consent holder's response to Golder Associates report.
9. General discussion on Golder Report.
10. Any residual issues.
11. Conclusion and confirmation of process from this point forward.
12. Karakia and closing of meeting.

MINUTES OF PRE-HEARING

NOTE: Some of the following notes are not necessarily in the order of actual proceedings as it is more logical to group points raised accordingly to the issue to which they relate.

- 1.0 PM formally opened the pre-hearing at 10:50 am
- 2.0 RM made note of the number of submitters not present at the meeting and advised that a hearing may need to be held for the submitters not present. RM advised that a lot of work has been done since the last pre-hearing meeting and the purpose of today would be to sort out as many issues as possible. This will mean that in the event that a hearing is required there will not be a need for a lot of technical reporting to be undertaken.
- 3.0 AC noted that with regards to the pre-hearing meeting, the benefit is that issues can be discussed in an open forum and that in HDC's point of view this as a positive step and that what HRC reports on remains alive for determination.
- 4.0 RM noted that the work done today can be taken to the hearing in the form of reports and meeting minutes.
- 5.0 FD made a point of clarification regarding his affiliation – FD is the Chairman of the Water and Environmental Care Association (WECA) and his last name is De-Jager.
- 6.0 PM questioned whether no expert witnesses would be required in the event that the review goes to a hearing due to the depth of technical issues to be discussed today.
- 7.0 RM advised that if a position was agreed to then no evidence would be needed, however, if a position is not agreed on today then technical evidence will be provided. RM noted that the aim of the second pre-hearing meeting is to get through the majority of technical issues. RM also made note that the technical issues are not a large part of the sub-issues and that the meeting minutes will be an important part of the evidence and the technical issues discussed.

- 8.0 BA noted that we wouldn't want to rule out that some technical issues may arise from what is discussed in the pre-hearing meeting today.
- 9.0 RM advised that today's meeting will follow the same process as the last pre-hearing meeting. There will be a discussion surrounding the technical issues to begin with and a discussion around any outstanding NLG issues after that. The discussion of technical issues will be as follows:
- 9.1 Discussion of HRC technical advice provided by Brett Sinclair; and
 - 9.2 Discussion of HDC technical advice in response to HRC advise.
- 10.0 BS noted that in the meeting between himself, PL and Vanessa Dally at the last pre-hearing meeting, they primarily discussed relatively small issues that are not as important as the original changes they had come up with. They all agreed to the proposed consent conditions circulated before the second pre-hearing meeting.
- 10.1 BS noted that he would like to discuss what has been achieved to date following discussions between himself and HDC technical staff. BS advised that the proposed changes to the consent conditions are highlighted in red in the Appendix of Golder document pre-circulated prior to the pre-hearing.
 - 10.2 BS noted that there has been a lot of focus put on consent 6001 as this relates to the loss of leachate and contaminants to water which is a big concern. There has been a lot of effort put into the proposed consent conditions so that they are clear and give HDC a clear understanding of where they are going and clear objectives.
 - 10.3 BS advised that the objectives of the proposed monitoring system and how this affects HDC, HRC and the submitters has been considered.
- 11.0 FD asked for clarification on whether this is the first time the submitters had seen the report and proposed changes.
- 12.0 BS advised that the report and proposed changes were sent out to all parties prior to the second pre-hearing meeting. BS confirmed that the development of the report was undertaken in liaison with HDC and HRC and he has aimed to make the conditions as flexible as possible so that the consent conditions are enforceable and HDC can comply. BS noted that he tried to allow some degree of flexibility and HDC have come back with suggestions and ideas. BS considers that this allows for a reasonable system that is going to work to be developed.
- 13.0 CR questioned how long the area would be monitored once use of the area had stopped.
- 14.0 BS advised that there would be 2 years of intensive monitoring required to begin with. If after two years of intensive monitoring nothing untoward has been picked up then a lighter monitoring programme would be imposed. There has been no stop point for monitoring discussed yet. BS noted that the lighter monitoring regime is not as expensive and monitoring should continue until there is no further use of the land.
- 15.0 CR questioned whether BS was well versed on leachate moving through the soil.
- 16.0 BS advised that he is reasonably well versed. He noted that some wells are located very close to the irrigation area and have been designed like that. It is of benefit to monitor frequently so that contamination can be identified as soon as possible so that it can be dealt with effectively. BS noted that the design of the landfill is adaptable and currently there are no additional early detection wells. The early detection wells and compliance wells are designed to let HDC know what is coming and respond by doing early mitigation work.
- 17.0 CR questioned what the mitigation work would entail.

- 18.0 BS advised that there are a number of measures available but that the appropriate mitigation measure to be used would have to be assessed on a case by case basis.
- 19.0 MH stated that he has great concerns surrounding mitigation measures as he is yet to hear anything specific regarding mitigation. MH noted that it seems like once a plume is on its way to the Hokio Stream there are no measures that will stop it.
- 20.0 BS advised that if there is to be a plume of toxic material then the toxic material would have to be let into the landfill. In the case that this happens the Leachate will be the first warning that something is not right. The plume will not go straight down into groundwater. BS noted that there is more focus on detecting pesticides etc in the leachate first.
- 21.0 MH stated that there are a lot of things going into the landfill that may not be picked up. If contaminants are detected in the leachate – what happens then?
- 22.0 BS advised that it depends on the expected concentrations and toxicity of the material. In the worst case scenario if a very toxic material is lost into the landfill, then it will be detected in the leachate first. The mitigation measure from here would be to chase the toxic material in the landfill and remove it.
- 23.0 MH - worst case scenario – 90% of material gets into aquifer?
- 24.0 RM noted that if we had a horror story like that then the leachate wouldn't be diverted. RM noted that MH's question was what does mitigation mean – can leachate be taken away if it is really bad.
- 25.0 BS advised that the leachate is currently taken away from the landfill.
- 26.0 PM questioned that in the event of a 'horror story' is there the ability to treat it?
- 27.0 BS advised that it depends on the 'horror story' – it will need to be assessed on a case by case basis.
- 28.0 CR noted that the easiest way to get rid of pesticides and other harmful household chemicals is to put it in a council bag where it then goes to landfill.
- 29.0 KW advised that all contractors have a list of all the acceptable material that can be bought into the landfill. He noted that there is an expectation of service providers not to accept any of the listed toxic materials. Rely on good faith to buy into the rules.
- 30.0 PM noted that in Kapiti there is no guarantee that they won't stick everything into council bags and into the truck. PM questioned whether the bags are checked.
- 31.0 BA advised that HRC has a regional programme for hazardous chemical collection. The Agri-chemical collection programme will catch some. He noted that it is possible that someone could sneak something in. Leachate should pick up presence of any hazardous contaminants though.
- 32.0 PM noted that in Kapiti there is no requirement to read brochures and sort waste which ultimately ends up in the Levin landfill.
- 33.0 AC asked PM if in his opinion more needs to be done to ensure that the Kapiti community is more aware.

- 34.0 RM advised that PM brought up the issue of materials being imported into the landfill in the last pre-hearing meeting.
- 35.0 DM stated it needs to be very clear and enforceable what can and can't go into the landfill.
- 36.0 RM noted that there are some other matters regarding whether contractors have a list in their contracts of materials that cannot enter the landfill and the lack of control over education in Kapiti.
- 37.0 KW advised that HDC meet monthly with contractors responsible for bringing up waste from Kapiti. KW stated that HDC are very strict with what can come in to the landfill and that transfer stations are used to sort out unacceptable waste. KW proposed the idea of using clear collection bags so that collectors are able to see what is coming from kerbside waste. KW advised that all material going into the landfill must meet the acceptance criteria.
- 38.0 RM questioned whether some sort of condition around collection and sorting measures to ensure that unacceptable waste does not enter the landfill. The transfer station to be used to sort and try to get rid of as much unacceptable waste as possible. Consent condition to support waste criteria control.
- 39.0 CR noted that he is interested in mitigation measures – as he knows for a fact that he has been able to throw old fertiliser containers etc into his collection rubbish. What happens if regardless of all the prevention measures, the fertiliser still gets through the liner?
- 40.0 BS advised that the idea is to detect the contamination as soon as possible. This is regulated through monitoring. If something is detected then there is a monitoring programme to deal with the contaminant. Leachate is disposed of off site. If there is concern around a possible increase or presence of a hazardous contaminant then the Council will need to chase it through the landfill and remove it.
- 40.1 What will be lost will be a very small component entering groundwater. A number of contaminants will have been detected and groundwater can be tested to determine if the contaminants have entered groundwater. It may be found that the contaminant does not reach groundwater.
- 40.2 It is important to note that a landfill liner will never work 100% perfectly long term. If it is noticed that a contaminant is being lost there will be vast notice before it affects groundwater. If the contaminant does reach groundwater – it is likely that it will be very dilute.
- 41.0 PL noted that he wished to backtrack and talk about the volumes of hazardous waste in the landfill. A sample of the amount of Hazardous waste picked up from kerbside pickup was undertaken. 10% of the refuse picked up was sampled. The bags were split open and categorised. 1% of the rubbish from these bags was considered hazardous waste that would not be accepted into the landfill.
- 41.1 PL advised that the landfill operator is educated in what can and can't come into the landfill. Contractors do not want the hazardous waste and will notify the District Council if any is detected.
- 42.0 MH stated that he is not convinced that this will prevent contamination entering water. He noted that it only takes minute volumes of chemicals entering the landfill and sooner or later it will come through and will enter the aquifer – then what?
- 43.0 RM noted that at the last pre-hearing meeting he asked BS and PL to look at the technical issues and to advise us of best practice measures in order to deal with issues. The purpose of using BS is to advise us as a technical expert.

- 44.0 MH stated that everyone needs to look at the big picture – studies show that landfills should not be in areas with any of the following characteristics:
- Porous country
 - Near streams
 - Near beaches.

The Levin landfill breaks all three of these criteria. It is in a very unique situation where the contents are not contained.

- 45.0 FD noted that realistically the tip will not be going away so the best option is to identify the best possible way of detecting potential issues and dealing with them.
- 46.0 RM requested for BS to give everyone an idea of the risks that the landfill poses to the environment.
- 47.0 BS noted the landfill will be constructed to best practice. The environment that the landfill is located in is not an ideal environment but the reality is that it is there. You would not normally construct a landfill on a porous sand aquifer but now that it is place we can only ensure that the best practices are in place to ensure the effects are minimised by management.
- 47.1 It is important to educate and monitor what comes in to the landfill – do not permit liquids to enter the landfill
- 47.2 It is important that the new landfill is constructed to the best standard possible to ensure leachate is caught and monitored as leachate is the first sign of any possible issues. BS noted that currently the leachate concentration is acceptable and could even potentially be irrigated to land. HDC need to have a clear 'Plan B' for the disposal of leachate and a fair idea what to do with the collected leachate.
- 47.3 BS noted that it will important for HDC to know how much leachate is being lost out of the landfill and where it is going. If contaminants are being lost from the lined landfill then they will be able to detect it and should know where it is going.
- 47.4 The treating of the contaminant is a management choice which is dependant on the concentration and type of contaminant. This can not be pre-determined. In a worst case scenario, the council have the option of removing the contaminant or potentially controlling it and mitigating it to stop it entering groundwater.
- 47.5 Removing the contaminant from the landfill is a very expensive option. It would be cheaper to treat the groundwater than to remove the contaminant.
- 47.6 There are several layers to deal with the contaminant before it is lost off site.
- 48.0 BA noted that there has to have been a number of failures through a number of systems. If this occurs, then HDC may need to excavate everything in the affected cell and move to a lined cell – this would cost a substantial amount of money, however it is a genuine way of removing the hazard and is not prohibitive.
- 49.0 PM asked what the total tonnage and percentage of hazardous material is that is accepted into the landfill each year.
- 50.0 BA advised that approximately 15,000 t/annum comes from Horowhenua, 15,000 t/annum comes from Kapiti which makes a total of 30,000 t/annum. Of this 30,000 t/annum approximately 1% of it is considered hazardous waste. This means that approximately 300 t/annum of hazardous waste enters the landfill.
- 51.0 KW noted that an analysis had been done in 2003 of Hazardous waste. KW to source this information during the lunch break.

- 52.0 RM requested that BS and PL draw a picture/diagram on the whiteboard of the old landfill vs the new landfill. RM questioned whether BS considered the monitoring and mitigation regime for the Levin landfill to be as good as we can get.
- 53.0 BS advised that he thinks it is – it leaves an opportunity for council to improve and to detect things as early as possible.
- 54.0 AC noted that the original advice given to HDC was from Tony Coordegast who is an expert in the landfill area.
- 55.0 PM asked for a copy of the alternate sites document. HDC's response was that no alternate sites were investigated.
- 56.0 BA advised that an investigation was undertaken for the Regional landfill.
- 57.0 AC noted that some informal sites were looked at, however this site had already been formally designated for the landfill
- 58.0 BA advised that HDC have the option of taking water to Bonny Glen. Eventually when the landfill closes all waste will go to Marton (approx 20-25 years) however this depends on how fast the landfill fills up.
- 59.0 DM noted that 2 cells have been built so far and questioned how many other cells are to be built.
- 60.0 PL advised that there are 5 stages (cells). Stage 1A (140,000 m³) and Stage 2 (140,000 m³) have been completed but still have stages 1B, 3, 4, and 5 to go. Stages 3, 4, 5 will hold approximately 800,000 tonnes. If not suitable then stages 3, 4, and 5 would not be built and the rubbish will go to Bonny Glen Landfill in Marton.
- 61.0 RM made note that this review is not related to capacity and timeframes.
- 62.0 MH questioned whether a cost analysis had been done for the development of the landfill vs stopping after stage 2 and going to Bonny Glen.
- 63.0 PL advised that they have undertaken a financial analysis which runs for the 35 years of consent plus another 30 years after closing to allow for afterlife care of the landfill.
- 64.0 MH stated that HDC has monopoly – could the cost of doing this escalate out of proportion compared to Bonny Glen?
- 65.0 BA advised that the rates to send out to Bonny Glen are comparable.
- 66.0 AC made note that there are procedures that HDC must follow – HDC must deliver service in a sustainable manner. At the moment the costs of sending the rubbish to Levin landfill are more attractive to rate payers.
- 67.0 BA – fees and charges – Midwest disposals are charged, they then charge the customers. Midwest are contracted to bring their waste to the landfill.
- 68.0 PM questioned whether there was \$5 million in the pot incase this all goes wrong.
- 69.0 BA advised that there is not – there are no insurance policies. The likelihood of it all going wrong is small less than 0.1%. HDC could evaluate the probability of this occurring and provide for it.

- 70.0 RM made note that HDC has consent to use and intends to use the site until 2037. The presence of the landfill itself is not in question but the environmental standards and conditions are.
- 71.0 CR questioned BS on whether he would be happy with the proposed mitigation measures if he was a neighbour to the landfill – what measures would he like to see.
- 72.0 BS confirmed that he would be but he would be looking at the numbers with the NLG and taking note of what was coming out of the landfill.
- 73.0 BA raised a new issue regarding the footprint of the landfill.
- 74.0 AC made note of the fact that HDC agree with what BS (HRC) is saying with regards to monitoring.
- 75.0 FD – questioned whether the monitoring programme is recommended or current. And requested that WECA be party to the monitoring programme.
- 76.0 RM adjourned the meeting for Lunch at 1pm
- 77.0 Pre-hearing re-convenes at 1:50 pm.
- 78.0 BS made note that monitoring well D3 was destroyed and is to be replaced. D1 was lost and has been found again. There is a new background water quality well proposed.
- 78.1 BS noted that there are a series of shallow wells (compliance wells) on the boundaries of the landfill – C1, C2, D4, B1, C1 and E2. These wells should identify if there is an issue however the issue should be detected before it gets to the outer compliance wells.
- 79.0 BA questioned - if compliance bores on the outside show an issue - is it likely that the closed landfill will be affecting this?
- 80.0 BS advised that if the closed landfill monitoring shows issues and new landfill does not then mitigation will be required at the old landfill.
- 81.0 DM noted that currently the wells on the NW side are already showing signs of a plume
- 82.0 BS advised that he thinks this may be 3 North of the landfill. The contaminants that are popping up are on the monitoring list which is showing that leachate is being lost.
- 83.0 DM noted that the last set of results were pretty bad and questioned whether BS has taken into consideration the pattern over the past 10 years.
- 84.0 BS noted that the contamination levels have not increased.
- 85.0 DM stated that it doesn't matter if it goes up or down the point is that it is still over.
- 86.0 CR noted that 2-3 years ago HDC data showed evidence of an imminent plume but after that the 6 monthly data was not done – no results were presented from this.
- 87.0 KW advised that HRC and the NLG have both been party to all of the reports.
- 88.0 DM noted that there is historical data present and is surprised that BS is unaware of it. Some reports showed high levels of contaminants – cadmium (Cd) etc.

- 89.0 BA advised that the landfill on the left of the access road is not lined – it would be a worry if nothing was picked up. It has been picked up that a plume is moving but the question is how strong the contaminants will get.
- 89.1 BS noted that it has been like this for a while and the level of contamination is not going to go up. It has been highlighted that the leachate is above NZ drinking water standards.
- 90.0 DM questioned what happens once the plume leaves the boundary? Do we have the right to take action against the Council?
- 91.0 BS advised that it depends on the effect to the party.
- 92.0 RM questioned when it becomes a matter requiring intervention.
- 93.0 BS advised that it depends. If taking groundwater from aquifer for drinking water and it does not meet the standards then there will be an effect.
- 94.0 DM questioned what would happen with the Stream
- 95.0 BS noted that the stream has been flat lined for a number of years.
- 96.0 PM questioned whether the level is too high – we need to protect the stream from being affected by the plume.
- 97.0 BS advised that the plume has been there for 10 years.
- 98.0 CR noted that it is very hard to measure all of the potential effects – particularly on the most sensitive organisms. Putting more landfill on the site will not make things any better.
- 99.0 RM noted that with regards to the old landfill it is not clear when the time to intervene is. HDC are happy at the moment due to stable trends.
- 100.0 BS noted that the question comes back to – if you take the groundwater plume away and can't see the effect and can't measure it then do you try to go and clean it up?
- 101.0 KW noted that Tony Coordegast calculated that changes in water quality would be seen within 5 years and that it will never get back to zero. Tony has given a set of indicators that we should be mindful of.
- 102.0 MH stated that his calculations show 50-150 years depending on the anaerobic nature of the pond – this is an ongoing thing that could go on for centuries.
- 103.0 KW noted that there is a map showing the bores within the landfill. A holistic approach needs to be taken and look all around the landfill. Landfill is not anaerobic.
- 104.0 RM summarised where the meeting had got up to at this point:
- Leachate from old landfill does not require intervention now and will drop
 - Submitters would like to see some action before it gets to the point of entering the stream.
- 105.0 Submitters requested that another expert to look at the evidence as the approach being used is not working and is exclusive logic.
- 106.0 RM noted that HRC has tried to get the best technical expert advise as possible. BS's view is that we are not chasing anything yet.

- 107.0 PM questioned whether if the submitters put down a bore and the water quality is affected as a result of the landfill then can they do something about it?
- 108.0 PL advised that BS has indicated that he has found that there is no onus on HDC to monitor groundwater bores in the area of the landfill. –HDC has sent letters asking a number of people who potentially have bores on their property whether they would like HDC to monitor their bores. Small response so far.
- 109.0 PK noted that groundwater contamination may not necessarily go to the Stream – it may go elsewhere (i.e may attach to the soils). Have to know where the contamination goes before setting in mitigation measures.
- 110.0 RM noted that from discussions today it appears that the monitoring strata to date is not showing anything alarming.
- 111.0 BA offered to put in a monitoring bore between the landfill and the stream in the road reserve.
- 112.0 RM asked if HDC would proffer this up as a condition of consent
- 113.0 BA agreed
- 114.0 CR questioned whether all data was going to be freely and readily available to all parties
- 115.0 RM noted that all data is to be made available to the NLG on a quarterly basis.
- 116.0 PL Confirmed that as soon as the information was available they would send it to the NLG
- 117.0 AC question whether it was possible to consider posting the reports on the HDC website so all can read it
- 118.0 The submitters agreed that this would be a good idea.
- 119.0 RM made note that at the last meeting there would be no restriction on who can be apart of the NLG – open and transparent.
- 120.0 BA updated the group as to what was happening with the leachate pipeline – it is going to be connected up to the wastewater treatment plant as this proved to be the cheapest option.
- 121.0 MH questioned whether HDC are aware of any problems when discharging leachate to the treatment plant.
- 122.0 BA advised that there will be less effect with the leachate stream coming in a steady amount rather than it entering in bulk amounts.
- 122.1 BA also noted that HDC are considering putting in a variation for the new landfill to vary the extent of the footprint.
- 122.2 HDC will discuss this proposal with the NLG when they have thought it out more.
- 123.0 KW stated that a report done in 2008 shows that the amount of potentially hazardous waste produced annually on a national level is 11%. This report is not exclusive to HDC.
- 124.0 RM adjourned the pre-hearing meeting for a tea break at 3:00 pm
- 125.0 The pre-hearing reconvened at 3:30 pm

- 126.0 RM advised that in this next stage of the meeting he would like everyone to look at the changes to the proposed conditions with the guidance of BS and PL.
- 127.0 PL advised that HDC are in **total agreement** of the proposed consent conditions as they stand.
- 128.0 BS pointed everyone to the changes in table A of the new changes. This enforces a water quality requirement/standard. If water quality changes = sampling frequency and monitoring will be increased.
- 128.1 BS noted that Table B has also changed significantly. Namely the monitoring of pesticides and semi-voc's are to be monitored annually. This requirement came from an issue raised by a submitter at the last pre-hearing meeting.
- 128.2 Table C outlines the number of other monitoring requirements and sites.
- 128.3 BS noted that there has been a change in the quality of the leachate coming out of the new landfill over the last few rounds of monitoring.
- 129.0 BS noted that a number of parameters had been added in table E – however the list of indicators has not changed as the current list is a very good list.
- 130.0 BA advised that this is due to the re-circulation of the leachate over the past 18 months – it has caused the concentration of the leachate to increase.
- 131.0 FD noted that new wells are to be installed, he questioned whether HRC will indicate which ones
- 132.0 PL advised that the consent conditions mean that the bores will be established in consultation with HRC.
- 133.0 AC noted that HDC have no interest in monitoring wells of no significance so will make sure that HRC gives their approval.
- 134.0 RM asked BS for a discussion regarding the critical mitigations.
- 135.0 MH requested some examples of mitigation measures
- 136.0 BS advised that this could include:
- Chasing the source
 - Taking contaminated groundwater out
 - Re-think capping
 - Reduce amount of water entering the closed landfill.
- BS advised that in an unlined landfill the capping is crucial to reducing the effects.
- 137.0 PM requested an update regarding the capping requirements for the old landfill.
- 138.0 PL advised that is has been capped off – consent conditions allow for the composting and sand material. It has been capped off with greywacke type capping material.
- 138.1 HDC are happy to review the current capping in a few years time to look at effectiveness
- 138.2 PL noted that the pine trees are part of the review – are they going to be helpful
- 139.0 PK voiced with HDC the need to the removal of the pine trees as part of compliance measures. PK recommends that the pine trees should be removed
- 140.0 BA stated that he is not convinced that taking the pine trees off will be beneficial.

- 141.0 MH advised that pine trees do not suck up very much water.
- 142.0 RM highlighted that HRC and HDC have different opinions regarding the effectiveness of the pine trees.
- 143.0 DM highlighted that there has been very slow progress with regards to the pine tree issue. DM considers that a new management plan needs to be developed for the management of the closed landfill.
- 144.0 RM noted that there is a bit of murk around the pine tree issues and admitted that in the past HRC have been a bit slack regarding the landfill.
- 145.0 AC is not convinced that there is a non-compliance issue regarding the capping and the pine trees and maintenance. HDC will facilitate a process where these issues can be met.
- 146.0 DM noted that HDC should make an effort to undertake best practice regarding the capping of the landfill rather than the minimum required by consent conditions.
- 147.0 RM assured the group that HRC will sort out these issues. There has been an overly cautious approach to compliance in the past – this is not the case now.
- 148.0 PK noted that he conducted an inspection of the landfill in early April and ruled that compliance of the consent conditions is appropriate. However he questions the appropriateness of the capping.
148.1 HRC opinion is that pine trees are not suitable.
- 149.0 AC noted that there are differences in opinion between HDC and HRC regarding capping and the pine trees
- 150.0 RS questioned who in the end makes the decision re the capping
- 151.0 RM noted that condition 14 can be altered
- 152.0 BS noted that using a phytocap is risky – phytocap has to be designed exactly right to work well.
- 153.0 DM noted that he is not convinced that the action taken to date re the capping is satisfactory. The whole landfill system needs to be looked at as a whole.
- 154.0 PL pointed everyone to condition 25 (9) which deals with the capping of the old landfill. He advised that the capping of the old landfill is quite expensive – approximately \$200,000.
- 155.0 PM noted that this should have been provided for in the budgeting of the landfill – council responsibility.
- 156.0 BA noted that the environmental risks of not getting the capping right on the unlined landfill are quite high.
- 157.0 RM noted that at this point it appears that we have hit a major issue with regards to the capping of the old landfill that cannot be addressed today. A discussion between HDC and HRC needs to happen as there are some effects that can be managed by this review. The results of the capping discussions will be passed on to the NLG
- 158.0 MH requested a timeframe for this discussion

159.0 BA suggested that it will be resolved before the hearing.

160.0 RM suggested reconvening in 4-6 weeks to get action on this. The next pre-hearing meeting will continue on from condition 8.

161.0 Next meeting proposed to be held on 18 June 2009 at Ngatokowaru Marae.

CONCLUSION

It is noted that the pre-hearing meeting concluded without all technical issues being successfully resolved, particularly issues surrounding the capping of the old landfill. It is intended that both experts from HDC and HRC work collaboratively to come to an agreement regarding the acceptable capping of the old landfill. Another pre-hearing meeting was suggested to be held on 18th June from 2:30 pm onwards at the Ngatokowaru Marae to discuss the outcome of the capping discussions and continue to discuss the proposed changes to conditions. It was suggested that depending on the outcome of the pre-hearing meeting the Hearing will be deferred until a later date. All parties were in general agreement with this.

PRE-HEARING MEETING

HOROWHENUA DISTRICT COUNCIL - LEVIN LANDFILL - REVIEW OF CONSENT CONDITIONS - HOKIO BEACH ROAD, LEVIN

PRE HEARING DATE Thursday 18 June 2009

VENUE Ngatokowaru Marae
580 Hokio Beach Road
Levin

FACILITATOR Mr Richard Munneke (RM)
RECORDER Leana Shirley (LS) - Horizons Regional Council

ATTENDEES FOR HORIZONS REGIONAL COUNCIL

**CONSULTANT SENIOR
HYDROGEOLOGIST** Mr Brett Sinclair (BS) – Golders and Associates Ltd

**ENVIRONMENTAL
COMPLIANCE OFFICER** Pita Kinaston (PK) – Horizons Regional Council

ATTENDEES FOR THE APPLICANT

SENIOR CIVIL ENGINEER Phil Landmark (PL) - MWH New Zealand Limited

ASSET MANAGER Braden Austin (BA) - Horowhenua District Council

SOLID WASTE OFFICER Kerehi Wi Warena (KW) - Horowhenua District Council
Vanessa Dally (VD) – Horowhenua District Council

CADET Joe Fletcher (JF) – Horowhenua District Council

BROOKFIELDS Andrew Cameron (AC) - Legal Counsel

SUBMITTERS

Malcolm Hadlum (MH) Ecofest Trust representative

Charles Rudd (CR) He Mokai Papatuanuku

Fred De-Jager (FD) and Bert Judd (BJ) Water and Environmental Care Association (WECA)

Rachel Selby (RS) Ngati Pareraukawa

Pataka Moore (PM) Ngati Pareraukawa

David Moore (DM) Ngati Pareraukawa

Dean Frank (DF) Ngati Pareraukawa

Marokopa Wiremu Matakatea Horowhenua Lake Trustees

PRE-HEARING MEETING

HOROWHENUA DISTRICT COUNCIL - LEVIN LANDFILL - REVIEW OF CONSENT CONDITIONS - HOKIO BEACH ROAD, LEVIN

APPLICATION NO.s	6009, 6010, 6011, 7289 and 102259
APPLICANT	Horowhenua District Council
CONSENT TYPE	6009 - Discharge to Land (solid waste) 6010 – Discharge to Land (Leachate) 6011 – Discharge to Air (contaminants) 6012 – Water Permit (stormwater diversion) 7289 – Discharge to Land (liquid waste) 102259 – Discharge to Land (stormwater)
REVIEW DETAIL	<p>In April 2005, Manawatu Wanganui Regional Council engaged Kingett Mitchell (now Golder Associates) to undertake a review of the consent conditions associated with the above resource consents for the Levin Landfill held by Horowhenua District Council. The review document recommended a number of changes to consent conditions. The review document was then reviewed by MWH Ltd on behalf of Horowhenua District Council (HDC) in September 2005. MWH subsequently produced a report addressing the proposed review of conditions and contesting a number of proposed condition changes. By July 2006 Golder Associates Ltd provided a response to the proposed review changes to the resource consents for the Levin Landfill and that report forms the basis for the changes proposed as part of the review process. On Thursday 5 March 2009 a pre-hearing meeting was held at Horowhenua District Council. This meeting was closed at 3:30 pm that day as there were some technical issues that needed to be resolved. The intention was for both technical experts from MWH and Golder to work collaboratively to produce one final technical report outlining the agreed changes to the consent conditions and for this report to be circulated prior to the second pre-hearing meeting being held. On Monday 27 April 2009 a pre-hearing meeting was held at Ngatokowaru Marae. It is noted that the pre-hearing meeting concluded without all technical issues being successfully resolved, particularly details surrounding the capping of the old landfill. It is intended that both experts from HDC and HRC work collaboratively to come to an agreement regarding the acceptable capping of the old landfill. Another pre-hearing meeting was suggested to be held on 18 June from 2:30 pm onwards at the Ngatokowaru Marae to discuss the outcome of the capping discussions and continue to discuss the proposed changes to conditions. It was suggested that depending on the outcome of the pre-hearing meeting the Hearing will be deferred until a later date. All parties were in general agreement with this.</p>

ORIGINAL AGENDA

1. Welcome and Karakia (prayer) – (David Moore).
2. Introduction.
3. Facilitator to outline proceedings for the meeting.
4. Recap on review process and objectives of the pre-hearing meeting.
5. Minutes of second pre-hearing meeting.
6. Summary of actions from first pre-hearing and second meeting.
7. Continued discussion on proposed consent conditions
8. Any residual issues.
10. Conclusion and confirmation of process from this point forward.
11. Karakia and closing of meeting.

MINUTES OF PRE-HEARING

NOTE: Some of the following notes are not necessarily in the order of actual proceedings as it is more logical to group points raised accordingly to the issue to which they relate.

- 1.0 DM formally opened the pre-hearing at 10:40 am with a karakia
- 2.0 RM outlined the three main issues.
 1. Good progress has been made on the monitoring regime and largely happy with recommended conditions.
 2. NLG function has been discussed thoroughly and it is envisaged that communications between parties will improve. Anyone can be in group Horowhenua District Council to open.
 3. Capping of landfill and old landfill capping. The conditions are not as specific as we would have liked. We are up to discussing new / amended capping conditions designed by PL and BS.
- 3.0 PL and BS to discuss capping conditions.
- 4.0 DM has made 10 point summary of issues to date that he would like to distribute.
- 5.0 MH would like to discuss decommissioning of the landfill before 35 years.
- 6.0 CR concerned about refuse on roads entering waterways etc.

- 7.0 KW need to get contractors in to manage refuse dropped off trucks. Questions around whether HRC or HDC deal with this due to the link to water.
- 8.0 Rubbish along roadside not part of conditions. Review of conditions regarding rubbish on road side.
- 9.0 DF groundwater – heaps of promises – KW only rang two days ago. KW promises that HDC would carry out testing.
- 10.0 DF not taking from groundwater and HDC's focus is on users of groundwater. Can test DF's surface water as part of this as the property is so close to landfill.
- 11.0 DF's surface water take to be sampled and tested when study of all other wells, that have agreed to be tested, is carried out.
- 12.0 DF does not have bore but draws surface water.
- 13.0 KW timeframe for study to be done – 3-4 week period to do testing. DF's property to be included in study.
- 14.0 BA – KW to go ahead and test 20 bores and already have permission for DF's property.
- 15.0 AC sampling to be started / collected within four weeks. Two weeks for sampling and four weeks for results.
- 16.0 Three months until results – 10 weeks.
- 17.0 DM discussion paper handed out at meeting. DM read through main points.
- 17.1 Concerned that cell 1 is leaking – implications for further on down the track.
- 17.2 Options requested:
- Ceasing landfill operations until it is determined if it is leaking
 - More monitoring wells need to be installed
 - If proved to be leaking, empty out cell 1 and reline.
- 17.3 Concerned about Hokio Stream.
- 17.4 Concerned about capping of old landfill. Believe that capping should be impervious, made of best material possible. Cost should not be an issue.
- 17.5 Toxic waste issue. Needs to be reduced, prevent toxic waste entering landfill agreement with KCDC to reduce level of toxic waste.
- 17.6 Hazardous waste process to be agreed to.
- 17.7 Comprehensive management plan for old landfill.
- 17.8 Question regarding stormwater coming off old landfill.
- 17.9 Treatment and disposal of leachate – Levin Waste Water Treatment Plant not designed to deal with heavy metal contaminants.
- 17.10 Hokio Stream protection from pollution.
- 17.11 Landfill management plan both Councils. PCE report noted concerns regarding management plan of landfill.
- 17.12 Object in principle to accepting rubbish outside of district.
- 18.0 AC requests time to talk about issues raised by DM so HDC can respond efficiently.
- 19.0 Hearing adjourned for 15 minutes at 11.35 am to allow HDC to talk.
- 20.0 Recommenced at 12.00 pm.

- 21.0 AC
- 21.1 Sand aquifer issue - groundwater / leachate issue related to capping.
21.2 Capping of old landfill issue – agreement to be reached.
- 22.0 VD leachate – D1 and D2 cells high levels of metals. Need to wait for upgradient well to determine whether metals coming from landfill. Possibility that monitoring bore D1 may be damaged. D1 needs to be flushed out to determine quality of groundwater not the water sitting in the bore.
- 23.0 FD how do they compare with previous testing?
- 24.0 VD D1 was covered during the construction of the leachate pond and has not been sampled over the 4 – 5 years, so no testing to compare against.
- 25.0 FD main concerns around testing and monitoring.
- 26.0 BS The monitoring regime is to be implemented once conditions agreed to. HDC needs to determine whether D1 can be used. If it can be used two years of comprehensive testing needs to be done to determine know water quality. This can then drop down to quarterly indicator testing.
- 27.0 AC raised points of rate of surface water plume.
- 28.0 DM advised that he was very concerned about the level of contamination in D1 and D1 bores (downstream of Cell 1). He advised that he thought we could use D5, D4 as background bores.
- 29.0 RM noted that the data at this stage is not robust as there is not an adequate upstream bore and data in the near future will give a more robust idea of what is happening. We should be focusing on reviewing the conditions.
- 30.0 FD requested that the landfill should be slowly closed down and more money put into recycling centres with all refuse going to Bonny Glen landfill.
- 31.0 RM advised that this forum is to look at the current conditions up for review and to get the best possible conditions formulated.
- 32.0 DM advised he was concerned that monitoring is viewed as the only way forward and that there is a lack of action on for improvements / mitigation after concerning monitoring results.
- 33.0 FD questioned D1 results and when they proposed the next testing.
- 34.0 VD advised that they would test next month (July). She advised that they were going to flush the bore out to get an idea of the background water quality. They would treat as if testing new bore which takes longer than usual.
- 35.0 CR asked if the bore positions were based on assumptions. He questioned whether there should be biomass studies done in relation to the groundwater. There is a potential for groundwater flow to be flowing south (opposite to surface water).
- 36.0 PM asked how long it would take for irrigation to reach bores.
- 37.0 VD advised that it would take approximately 10 years and that any irrigation carried out on the site should not be showing up in the bores yet.
- 38.0 DM requested dates for further sampling.

- 39.0 PK advised that the next quarterly monitoring was due to in July (every three months).
- 40.0 BA advised that a new monitoring bore can be installed after the 1 July, budgeted for the next financial year. From there, subject to availability of well drillers, it could be approximately four weeks to repair one bore, put in up gradient monitoring bore and put in bore on access road.
- 41.0 DM requested that trends showing increasing contaminants is looked into before trigger points are reached .
- 42.0 MH stated that there were no clear indications of what will happen if the trends do reach trigger point.
- 43.0 PK advised trigger levels were based on the ANZECC guidelines 2000 and were not toxicity levels but a trigger well before any toxic effect occurred.
- 44.0 BS advised that they were required to prevent the decrease in water quality in the Hokio Stream. He noted that the choices were:
- 44.1 determine exactly which contaminant they are interested in;
 - 44.2 can pump and treat groundwater going through well;
 - 44.3 can did up landfill where contaminant is coming from and inject neutralising agent in.
- He noted that the decisions are based on the type of issue and appropriate to type of mitigation.
- 45.0 FD questioned VD if the bore sittings were appropriate and are there enough?
- 46.0 VD advised there were enough and some of the bore positions were not 100% ideal but the positioning of the new bores would be an improvement.
- 47.0 KW advised that he has engaged drilling engineers to drill D3 so will look at other bores as soon as possible depending on conditions.
- 48.0 CR questioned if the monitoring was for two years only.
- 49.0 BS advised no, it is dependant on groundwater quality with new bores requiring comprehensive monitoring for two years then dropping back to indicator testing He said there was no point at which monitoring actually stops. He further noted that monitoring continues in perpetuity for landfills.
- 50.0 Summary – Morning: After lunch the meeting will move on to conditions particularly capping and summarise the meeting held on 4 June 2009 at Horizons Regional Council regarding the capping of the old and new landfills.
- 51.0 Lunch 1.10 pm.
- 52.0 Meeting reconvened at 2.10 pm.
- Capping of old landfill
- 53.0 PL that four tests have been done, the test results were:
- 1×10^{-7}
 - 1×10^{-6}
 - 1×10^{-5}
 - Fine sands and silts = $1 \times 10^{-4-5}$
 - Coarse sands = 1×10^{-2}

PL advised that the layer on top is 150 – 200 mm thick and is clayey gravel material. The depth of capping varied from 530 mm to 850 mm

PL advised HDC propose:

- 53.1 Pine trees – not sure that pine trees are best vegetation cover, also work needs to be done on undulations. Trees and gorse need to be removed to allow for earthworks.
 - 53.2 Re-shape cap – minimum grade of 1:40 (original design). Annual topographic survey to see if topography is changing. Closed landfill aftercare management proposed.
 - 53.3 Propose that capping be met to at least 700 mm deep as recommended by BS. Uncertain about permeability standard will put on silty soil cap.
- 54.0 MH asked if they considered 1:20. Will they consider a steeper slope in future?
- 55.0 PL advised that yes the new landfill will be much steeper.
- 56.0 FD asked if the new capping would be in addition to old.
- 57.0 PL advised they would not be adding 700 mm to the whole site, he would be making sure that whole landfill has a capping material of at least 700 mm. He further noted that the new vegetation will allow for movement over landfill so new cracks etc can be investigated.
- 58.0 BS noted that the timeframe for the capping needs to be formalised at the end of the review.
- 59.0 BA advised that two years would be achievable financially.
- 60.0 DM requested that there is urgency around capping and that he thought that financial constraints should not be the only reason for setting a timeframe and that two years was too long.
- 61.0 BJ questioned if they had considered where the leachate is going after the capping. He asked whether they know what is in the old landfill?
- 62.0 PL noted that the issue being raised has been thought about due to it being unlined. Monitoring will identify issues when they arise and what response takes place depends on the on issue.
- 63.0 KW advised that two years allows for HDC to complete work.
- 64.0 MH asked if there were any figures, in relation to slumping, from when it closed to now. He noted that he was concerned about settling.
- 65.0 PL advised there will be ongoing settlement which will require ongoing maintenance.
- 66.0 MH questioned whether cleanfill could be used to develop / build up the landfill and put the cap on top of that to minimise the need for ongoing maintenance.
- 67.0 PL advised that using cleanfill in this manner that had not been considered as it would be expensive to bring the cleanfill in and it is important to observe what is happening with slumping so that repairs to the cap can be made when necessary. He advised that they were initially looking at putting on a silty material top layer. He noted that most water is taken off by evapotranspiration rather than run-off which is why the type of vegetation is very important.
- 68.0 DM put forward a 18 – 20 month timeframe for capping.
- 69.0 RM noted that it was still awhile until the review is finalised. He advised that we can have a commitment that capping will begin before review is finalised.

- 70.0 AC noted they can start clearing vegetation and building up undulations and develop the appropriate slope (phase 1).
- 71.0 BA noted that HDC had a budget to investigate generation options from gas and that capping will need to include this activity.
- 72.0 BJ requested that the landfill site never be used for recreation sites.
- 73.0 RM stated that this was beyond the parameters of the review so they cannot look into this question.
- 74.0 Meeting referred to Appendix A – page 8/27.
- 75.0 PL noted that condition 14 (for lined landfill) was written in this way so that the conditions leave the option open for a phytocap.
- 76.0 FD questioned if putting in a phytocap was a good idea for this landfill given the level of maintenance / management.
- 77.0 PL advised that whatever cap was used maintenance would be ongoing.
- 78.0 BA noted that money was set aside for ongoing maintenance of the lined landfill cells once closed.
- 79.0 PL Said PK and LS advised Condition 15 is not up for review so may need to be changed to condition 14 B but in the meantime it would be referred as condition 15.
- 15 a and b allows for stormwater runoff towards drains.
- 15(c) Proposed that whole landfill meets at least 700 mm depth standard. Permeability standard – proposing that 1×10^{-7} is appropriate for material coming in for capping..
- 80.0 BS noted that the second part of condition 15 c is to add another means of reducing infiltration.
- 81.0 PL agreed to ensure that material coming into the landfill meets the permeability standard 1×10^{-7} . Condition still to be reworded. Condition 25 sets out timeframe for capping of closed area of the new landfill (four months).
- 82.0 PL condition 15(d) grass / tussock type of vegetation cover.
- 83.0 PL condition 15(e) allowance to make sure cap is surveyed to monitor settlement of cap.
- 84.0 PL Condition 16 no change.
- 85.0 PL Condition 17 provides opportunity to allow for irrigation of leachate in the event that cannot pipe to the waste water treatment plant. Relatively redundant.
- 86.0 PL Condition 18 restricts leachate discharge (condition 17) due to nitrogen loading rate (200kgN/ha/yr).
- 87.0 DM Concerned around suitability of waste water treatment plant to cope with contaminants present in leachate.
- 88.0 PL discussions occurring at HDC regarding treating heavy metals before entering the wastewater treatment plant.
- 89.0 RM review of the wastewater treatment plant coming up in the near future.

- 90.0 PL Condition 20 needs rewording as it is suppose to show re-circulation of leachate through the landfill.
- 91.0 MH Concerns were raised around potential for leachate to be irrigated to irrigation areas on eastern side of the landfill and that the leachate will enter groundwater (moving west).
- 92.0 RM noted the 200 kgN/ha/yr was not a large volume. Condition 20 to be reworded to be more transparent.
- 93.0 PL Condition 25(b) to be removed as covered by Condition 14(c).
- 94.0 Meeting referred to Appendix material for next condition up for review. Which is Consent 6009 condition 14.
- 95.0 PL Page 14/27 14 (m) through to (r) – conditions will be changed to reflect conditions in consent 6010 15.
- 96.0 Page 15/27 – condition 27 allows for stages of the new landfill to be revised by independent.
- 97.0 FD commented on the waste acceptance criteria from Kapiti and wanted to know what was in place,
- 98.0 KW advised that they were working with KCDC regarding the waste acceptance criteria and setting up a rule set for waste acceptance.
- 99.0 AC advised that HDC will work on the acceptance criteria until they are satisfied with refuse coming in – this will involve the NLG. Acknowledgment was made that will never get 100% exclusion of hazardous waste.
- 100.0 BA advised that HDC were willing to work with KCDC on a acceptance criteria and discuss progress with NLG. The waste minimisation strategy will also be brought to NLG.
- 101.0 RM requested a round table of submitters on how they thought the pre hearings were going
- 102.0 CR the conditions are full of ambiguity and feels the conditions should be put in plain English.
- 103.0 MH advised that it was a good opportunity but was still of opinion that tip should not be there.
- 104.0 DF advised that he thought his issue has been resolved and KW would be out to his farm on Friday.
- 105.0 FD thought issues raised on the table had been well discussed.
- 106.0 DM advised that he felt reassured. He noted he still had issues to be covered regarding:
- 106.1 leachate plume issue
 - 106.2 NLG issue – don't think has worked well in past
 - 106.3 Concerned about possible leaching on cell 1.
- The capping issues were sorted well.
- 107.0 RM closed the meeting with the following points:
- 107.1 to be mindful of getting resolution to this process.
 - 107.2 finalise conditions as discussed today and send out to parties.
 - 107.3 Parties to come back to HRC about issues they still wished to discuss.
 - 107.4 From there decide whether another meeting / hearing is needed.

CONCLUSION

- 108.0 HRC will have two weeks to get conditions finalised. Conditions to be sent out in the third week. Submitters will have 10 working days to respond.
- 109.0 Set date down for a summary / conclusion meeting. This will be included in the covering letter.
- 110.0 Ngatokowaru Marae available for next meeting.
- 111.0 Meeting closed at 4.20 pm.
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PRE-HEARING MEETING

HOROWHENUA DISTRICT COUNCIL – LEVIN LANDFILL – REVIEW OF CONSENT CONDITIONS – HOKIO BEACH ROAD, LEVIN

PRE HEARING DATE Friday 14 August 2009

VENUE Horowhenua District Council
126-148 Oxford Street
Levin

FACILITATOR Mr Richard Munneke (RM)
RECORDER Leana Shirley (LS) - Horizons Regional Council

ATTENDEES FOR HORIZONS REGIONAL COUNCIL

CONSULTANT PLANNER Mr Dave Moule (DJM) – Environmental Management Services

CONSULTANT SENIOR
HYDROGEOLOGIST Mr Brett Sinclair (BS) – Golders and Associates Limited

ATTENDEES FOR THE APPLICANT

CONSULTANT SENIOR CIVIL
ENGINEER Phil Landmark (PL) – MWH New Zealand Ltd

ASSET MANAGER Braden Austin (BA) – Horowhenua District Council

LEGAL COUNSEL Andrew Cameron (AC) – Brookfields Lawyers

SUBMITTERS

Fred De-Jager (FD) Chairman, Water and
Environmental Care Association
(WECA)

Albert (Bert) Judd (BJ) Private Capacity

Peter Everton (PE) Everton Farm

Charles Rudd (CR) Muapoko Co-operative Society

Malcolm Hadlum (MH) Ecofest Trust representative

Pataka Moore (PM) Ngati Pareraukawa

David Moore (DM) Ngati Pareraukawa

George Paton (GP) Private Capacity and WECA
representatives

Christina Paton (CP) Private Capacity and WECA
representatives

OTHER ATTENDEES Dean Frank (neighbouring land owner)
Joe Fletcher (HDC Cadet)

PRE-HEARING MEETING

HOROWHENUA DISTRICT COUNCIL - LEVIN LANDFILL – REVIEW OF CONSENT CONDITIONS – HOKIO BEACH ROAD, LEVIN

APPLICATION NO. 6009, 6010, 6011, 7829 and 102259

APPLICANT Horowhenua District Council

CONSENT TYPE 6009 - Discharge to Land (solid waste)
6010 – Discharge to Land (Leachate)
6011 – Discharge to Air (contaminants)
6012 – Water Permit (stormwater diversion)
7289 – Discharge to Land (liquid waste)
102259 – Discharge to Land (stormwater)

APPLICATION DETAIL In April 2005, Manawatu Wanganui Regional Council engaged Kingett Mitchell (now Golder Associates) to undertake a review of the consent conditions associated with the above resource consents for the Levin Landfill held by Horowhenua District Council. The review document recommended a number of changes to consent conditions. The review document was then reviewed by MWH Ltd on behalf of Horowhenua District Council (HDC) in September 2005. MWH subsequently produced a report addressing the proposed review of conditions and contesting a number of proposed condition changes. By July 2006 Golder Associates Ltd provided a response to the proposed review changes to the resource consents for the Levin Landfill and that report forms the basis for the changes proposed as part of the review process. On Thursday 5 March 2009 a pre-hearing meeting was held at Horowhenua District Council. This meeting was closed at 3:30 pm that day as there were some technical issues that needed to be resolved. The intention was for both technical experts from MWH and Golder to work collaboratively to produce one final technical report outlining the agreed changes to the consent conditions and for this report to be circulated prior to the second pre-hearing meeting being held. On Monday 27 April 2009 a second pre-hearing meeting was held at Ngatokowaru Marae. It is noted that the pre-hearing meeting concluded without all technical issues being successfully resolved, particularly details surrounding the capping of the old landfill. It is intended that both experts from HDC and HRC work collaboratively to come to an agreement regarding the acceptable capping of the old landfill. A third pre-hearing meeting was held on 18 June from 10 am to 4:20 pm at the Ngatokowaru Marae to discuss the outcome of the capping discussions and continue to discuss the proposed changes to conditions. It was suggested that depending on the outcome of the pre-hearing meeting the Hearing will be deferred until a later date. All parties were in general agreement with this.

AGENDA

1. Opening and Introductions.
2. Facilitator to outline proceedings for the meeting.
3. Recap on review process and objectives of the pre-hearing meeting.
4. Continued discussion on proposed consent conditions.
5. Discussion of any remaining issues.
6. Conclusion and confirmation of process from this point forward.

MINUTES OF PRE-HEARING

NOTE: Some of the following notes are not necessarily in the order of actual proceedings as it is more logical to group points raised accordingly to the issue to which they relate.

1.0 INTRODUCTION, OPENING AND GENERAL QUERIES

- 1.1 RM opened the pre-hearing meeting at 10:20 am and outlined the proposed meeting structure for the day as follows:
 - 1.1.1 Clarification of remaining technical and planning issues;
 - 1.1.2 Discussion of any other outstanding issues;
 - 1.1.3 Not planning to go through condition by condition as this has been covered in past pre-hearing meetings.
- 1.2 RM referred to the letter sent out to submitters dated 9 July 2009 which requested that submitters consider the draft conditions attached to the letter and respond to Dave Moule in writing by 24 July 2009 with any feedback/comments/ recommended further amendments to the conditions. RM noted that no feedback was received.
 - 1.2.1 DM advised that he considered the paper handed out by himself at the last pre-hearing meeting sufficiently outlined his/Ngati Pareraukawa's outstanding issues with regards to the review and considered this handout a response to the letter dated 9 July 2009.
- 1.3 BJ queried whether leachate is going to the Pot or not.
 - 1.3.1 BA confirmed that it is.
- 1.4 MH noted that some of the issues being raised by the submitters are not within the scope of the review and questioned what forum is available to discuss these issues and get them heard.
 - 1.4.1 RM noted that the only way to do this is by way of political persuasion through the Long Term Council Community Plan (LTCCP) process.
- 1.5 MH noted that the true cost of the landfill has not been made available to the public.
 - 1.5.1 BA advised that he would be able to get some figures together regarding the true costs of the landfill and present them at a NLG meeting. He noted that some information relating to contracts would need to be emitted from this analysis for commercial sensitivity reasons.

- 1.6 DM noted that the PEC Report has made note of requiring a plan for the commissioning/decommissioning of the landfill. DM queried whether HDC had addressed this and whether submitters could be involved in this.
- 1.6.1 BA noted that the long term waste strategy is for Levin's waste to go to the Bonny Glen landfill.
 - 1.6.2 DM queried whether there was a possibility of the waste being sent to Bonny Glen earlier.
 - 1.6.3 RM noted that if monitoring shows issues then there is a possibility that relocation to Bonny Glen may occur earlier.

2.0 HEARING/PRE-HEARING RELATED QUERIES

- 2.1 RM asked submitters to think about whether or not they would like to go to a hearing, based on draft conditions and pre-hearing meeting discussions.
- 2.2 CP questioned whether submitters will be notified if a change of conditions is applied for. CP requested that a condition be added specifying that no change of conditions occurs without full consultation with submitters.
- 2.2.1 AC suggested that Condition 34 d. iii could be reworded to require consultation with the NLG prior to any review of the resource consents or any change of conditions pursuant to Section 127 of the Resource Management Act (and/or any consequential amendments).
- 2.3 RM made the following points with regards to the review process:
- 1. He requested that all parties enter into the pre-hearing process in good faith; and
 - 2. This consent is a review of specific consent conditions and RM considers that over the 3 pre-hearing meetings all involved have worked within the review parameters in a creative way.
- 2.4 RM asked HDC to pass out the monitoring results they had brought to the meeting and discuss the results with the group.

3.0 MONITORING RESULTS

- 3.1 PL discussed the proposed well locations as shown on Plan G002 and noted that shallow well D3 is an early detection well which will monitor Stage 1A of the new landfill. It is proposed that a new deep well will be located on Peter Everton's property to monitor background water quality. PL advised that HDC are currently waiting on quotes from various well drillers for the well drilling.
- 3.1.1 DM questioned the appropriateness of the location of the top shallow well (BHG2). DM considers that this well will not meet the intent behind it.
 - 3.1.2 PL advised that this well can be relocated if need be, however its location was chosen to show the flow of the leachate. PL requested BS opinion.
 - 3.1.3 BS advised that he considers the well's current location to be acceptable for what HDC are trying to achieve with it. BS advised against locating the well in the northern property recognised as a contaminated site.
 - 3.1.4 CR stated that he considers that there should be a monitoring point to the northwest of the site.
- 3.2 PL advised that of the people who replied to HDC's nearby well monitoring letter and requested monitoring of their wells, 10 have been chosen as shown on Plan D010.
- 3.3 RM queried whether there needed to be a condition around the sign off of the new wells to ensure that they are constructed to the appropriate depths to be most effective.

- 3.3.1 All submitters were in general agreement that a condition around this would be unnecessary as they would trust that the experts will drill the wells to the appropriate depths.
- 3.4 PE noted his concern about water holes used for drinking water becoming contaminated and would like to see some more monitoring wells to indicate the water quality in nearby drinking holes.
 - 3.4.1 BS/PL advised that there are some wells in place southwest of the landfill which achieve this purpose and would consider it unnecessary to put more down.
 - 3.4.2 BA noted that it may be necessary to put some additional wells down towards PE's property in the future as the landfill moves into its footprint to the west.

4.0 MONITORING RESULTS (July 09) DISCUSSION

- 4.1 PL discussed the draft monitoring results from July 2009 with the group. He noted that there have been exceedences of the drinking water standards with Iron and Aluminium, however these exceedences are not unusual. PL advised that he would expect Boron to be elevated if there was leachate present in the water.
 - 4.1.1 BS advised that Aluminium is not a reliable indicator of leachate and noted that it doesn't take much clay to cause a jump in Aluminium concentrations.
 - 4.1.2 BS advised that he would expect all samples to be dissolved not total.
- 4.2 RM questioned:
 - 1. What has actually been monitored;
 - 2. At what concentration of Aluminium should we be alarmed;
 - 3. Do the current consent conditions specify that analyses for nutrients and metals should be for dissolved concentrations.
 - 4.2.1 AC and BS confirmed that the conditions do specify by way of asterisks beneath the various tables in condition 3.
- 4.3 RM noted that the results presented today are in a draft phase and are only for well C1 and DF's well. The final version of these results is to be produced in a report due at the end of August 2009.
- 4.4 MH noted that it is very important that the NLG understand what these results mean.
 - 4.4.1 RM advised that an HRC staff member will be present at the NLG meeting to ensure the results are understood.
- 4.5 CP questioned how far back the data comparisons will go
 - 4.5.1 BS noted that the longest data set dates back to 1994, comparisons will be made by way of graphing the data back to this date.

5.0 WHERE TO FROM NOW (PLANNING)

- 5.1 DJM outlined the process from this pre-hearing meeting onwards. He advised that if full agreement could not be reached today that the review would proceed to a hearing, where he will produce a hearing report detailing the outcome of all pre-hearing meetings for the hearings panel to consider. DJM noted that this has been a unique and effective process due to the number of pre-hearing meetings held. He noted that it is important to recognise that the technical matters associated with this review have reached common ground with HDC and HRC being in agreement with regards to the conditions as they stand. A hearing would not follow the same format as the pre-hearing meetings and the focus of the hearing will be specifically on consent conditions within the parameters of the review.
- 5.2 DM questioned what would happen if future monitoring highlights an issue

DJM advised that it is difficult to take this matter into consideration in this review as it is hard to predict what may happen. These considerations could be addressed in a future review if monitoring shows an issue, although every effort would be made now to try and address future scenarios.

6.0 CONDITION RE-WORDING

6.1 DM requested that the word 'may' stipulated in the review conditions be changed to 'will' in order to provide certainty that any issues are reviewed.

6.2 CP referred to pg 19, condition 34 d(iii) and queried whether the NLG would be able to apply for a change of condition. DM advised that they could not. CP stated that she considers that all original submitters should be notified in the event that a change of consent conditions is applied for. CP suggested the following rewording to Condition 34 d(iii):

The Permit Holder shall ensure that members of the NLG shall be consulted by the Permit Holder as a group prior to any review of the resource consents or any change of conditions pursuant to section 127 of the Resource Management Act 1991 applied for outside of any review timeframe.

6.3 CR noted that condition 5 on Page 23/24 should say to *each* nominated member of the NLG. It was suggested and agreed to by the group that the condition should be reworded to read as follows:

Each nominated member of the Neighbourhood Liaison Group shall be notified in writing by post.

7.0 REVIEW CONDITIONS

7.1 It was noted in the pre-hearing meeting that the submitters would like reviews to be mandatory. It was suggested and agreed to by all parties including HDC that the Review conditions could be reworded as follows:

1. The Regional Council shall initiate a publically notified review of Conditions ... of this permit in April 2015, 2020, 2025, 2030 and 2035, unless the Neighbourhood Liaison Group (NLG) agrees that a review is unnecessary.

7.2 BA advised that HDC agree to this rewording of the review condition but would like to omit the requirement for a review to occur in 2010 (as above).

8.0 NLG CONDITIONS

8.1 The following changes to condition 32 (a) and (c) on page 18 have been proposed and agreed to by the group:

*32 (a) Representation from Lake Horowhenua Trustees **and Ngati Pareraukawa***

*32 (c) Other Parties who are invited from time to time **as agreed** by the permit holder **and/or the NLG, including but not limited to original submitters.***

The above change to Condition 32 (a) and 32 (c) was agreed to by the Permit Holder.

8.2 CR raised an issue with regards to the reference to *iwi* in condition 30 on page 17/18. CR feels that this condition should be more specific and should include other parties but was unsure who should be included and how the condition should be reworded.

It was agreed that this condition would stay as it is now and the matter would be addressed between the relevant parties at some time in the future.

8.3 AC recommended that conditions 32 – 34 be added into the review conditions so that they are included in the next review.

9.0 MONITORING CONDITIONS

9.1 PL noted that Table B on page 3 needed the following changes to be made to it:

1. Well C3 needs adding into list of wells in first line of row 1
2. for well B3 – add the letter 's' representing '*south*'
3. Well D3 needs adding into list of wells in first line of row 4 – also add the letter 'r' representing '*replacement*'.

9.2 PL noted that Table D on page 5 needed the following changes to be made to it:

1. for well B3 – add the letter 's' representing '*south*'
2. for well D3 – add the letter 'r' representing '*replacement*'.

10.0 SUBMITTERS

RM asked all submitters to discuss their thoughts on the process so far, any unresolved issues they may have and whether they would like to proceed to a hearing or withdraw their wish to be heard.

10.1 FD (speaking on behalf of WECA) advised that WECA would like to be part of the NLG and considers this to be an eye opening process.
FD confirmed that he would withdraw his wish to be heard.

10.2 BJ agreed with FD's comments and considers that everything is based on trust.
BJ confirmed that he would be happy to withdraw his wish to be heard.

10.3 PE noted that this has been a good process and is looking forward to future trust.
PE confirmed that he would be happy to withdraw his wish to be heard

10.4 CR queried whether a copy of today's proceedings and changes will be sent to all parties.
RM confirmed that everything would be sent out and that the changes made as a result of today's meeting are set in stone.
CR confirmed that based on the proceedings to date he would be happy to withdraw his wish to be heard.

10.4 CP advised that she does not believe that any of the issues raised in WECA's submission have been addressed.

10.4.1 RM noted that the letter dated 9 July 2009 sent out to all parties requested feedback from the submitters with regards to any unresolved issues in their submissions. RM noted that nothing was received by WECA or George or Christina Paton in response to this letter.

10.4.2 CP advised that she cannot agree to sign off until paperwork from today's proceedings are received.

10.5 MH suggested that NLG have a meeting to discuss the process before signing off on the conditions.

10.6 PM and DM advised that there are outstanding issues raised in the document produced on behalf of Ngati Pareraukawa at the last pre-hearing meeting which still have not been resolved. DM also advised that he has to discuss the changes with the Hapu before being able to make a decision. He advised that the next meeting will be on 24 August 2009.

10.5 DM raised concerns that nothing has been committed to. In the event that something happens in the future, want to prevent it happening.

- 10.5.1 RM advised:
 1. the review does not cater for that circumstance;
 2. It appears that we are traversing outside of the scope of the review and will need to proceed to a hearing.
- 10.6 MH stated that he considers that we have resolved 99% of the issues raised and the remaining issues just need some careful thought to get around.
- 10.7 BS advised that the monitoring system at the Levin Landfill is better than most similar sites in the country. BS advised that it will be important for the District Council to know what mass load is on parameters from the compliance wells. Have limits set on water quality in shallow wells and water quality in the stream. BS advised that the 2015 review is much wider in scope and can address these issues.
- 10.8 RM suggested that all parties go away and put their minds to the threshold of effects issue and potentially come up with a solution.
- 10.9 DM advised that he would like HDC to consider point 9 (2) of his document produced on behalf of Ngati Pareraukawa regarding the above issue.
- 10.10 RM suggested the following actions following on from today's meeting
 1. a letter similar to the letter dated 9 July 2009 with withdrawal form attached;
 2. NLG meeting to discuss un-resolved issues
 3. Hold a short 2 hour meeting (early September) without experts after pre-hearing meeting # 4 minutes and revised conditions have been sent out.

Meeting finish 2:45 pm

CONCLUSION

11.0 A letter with attachments documenting today's proceedings and a withdrawal form attached to be sent out prior to 24 August 2009.

12.0 Meeting to be organised and held in the second week of September without experts present.

The meeting concluded at 2:45 pm.

PRE-HEARING MEETING
HOROWHENUA DISTRICT COUNCIL - LEVIN LANDFILL - REVIEW OF CONSENT
CONDITIONS - HOKIO BEACH ROAD, LEVIN

APPLICATION NO.s 6009, 6010, 6011, 7289 and 102259

APPLICANT Horowhenua District Council

CONSENT TYPE 6009 - Discharge to Land (solid waste)
6010 – Discharge to Land (Leachate)
6011 – Discharge to Air (contaminants)
6012 – Water Permit (stormwater diversion)
7289 – Discharge to Land (liquid waste)
102259 – Discharge to Land (stormwater)

REVIEW DETAIL In April 2005, Manawatu Wanganui Regional Council engaged Kingett Mitchell (now Golder Associates) to undertake a review of the consent conditions associated with the above resource consents for the Levin Landfill held by Horowhenua District Council. The review document recommended a number of changes to consent conditions. The review document was then reviewed by MWH Ltd on behalf of Horowhenua District Council (HDC) in September 2005. MWH subsequently produced a report addressing the proposed review of conditions and contesting a number of proposed condition changes. By July 2006 Golder Associates Ltd provided a response to the proposed review changes to the resource consents for the Levin Landfill and that report forms the basis for the changes proposed as part of the review process.

On Thursday 5 March 2009 a pre-hearing meeting was held at Horowhenua District Council. This meeting was closed at 3:30 pm that day as there were some technical issues that needed to be resolved. The intention was for both technical experts from MWH and Golder to work collaboratively to produce one final technical report outlining the agreed changes to the consent conditions and for this report to be circulated prior to the second pre-hearing meeting being held.

On Monday 27 April 2009 a pre-hearing meeting was held at Ngatokowaru Marae. It is noted that the pre-hearing meeting concluded without all technical issues being successfully resolved, particularly details surrounding the capping of the old landfill. It is intended that both experts from HDC and HRC work collaboratively to come to an agreement regarding the acceptable capping of the old landfill.

On Thursday 18 June 2009 the pre hearing was held at Ngatokowaru Marae. The issues to do with the capping of the old landfill were resolved. Ngati Pareraukawa tables memo of the concerns they have. HRC agreed to installing the following monitoring bores – up gradient bore, replacement for the central bore near the new cells and a one between the landfill and Hokio Stream. The bore locations would be confirmed by technical experts. The majority of conditions have now been worked through. HRC are to send out a draft of the proposed conditions and submitters will have 10 working days to respond. The date for the summary conclusion meeting to be advised in a letter to submitters.

MINUTES OF PRE-HEARING

NOTE: Some of the following notes are not necessarily in the order of actual proceedings as it is more logical to group points raised accordingly to the issue to which they relate.

- 1.0 RM started the meeting with a recap of the last pre hearing. All the consent conditions have been assessed. There are some outstanding issues identified in a memo from Ngati Pareraukawa and it was decided to have another pre hearing to tie up any loose ends. RM has had discussions with Pataka and David Moore (Ngati Pareraukawa) and Christina Paton and would like to address their concerns. Pataka's concern is that a remediation plan should a leakage of contaminants occur needs to be prepared.
- 2.0 AC this (the remediation plan) should not be a problem, however, trigger levels need to be agreed to
- 3.0 MH the trigger should be anything going off site.
- 4.0 BA and VD agreed with the need to have trigger levels as to what would be a more than minor impact of the environment.
- 5.0 VD main concern is the Hokio Stream and what trigger level is appropriate – need to look at what levels of contaminants in groundwater and in the surface water and then use predictive modelling.
- 6.0 PL need to look at changes that have been made to condition 11. This requires predictive modelling annually.
- 7.0 MH this is the major issue and needs to be looked at.
- 8.0 RM main submitter (Ngati Pareraukawa / Pataka) not here therefore do we have faith in Pataka making sure this is addressed.
- 9.0 MH is happy with Pataka looking at this.
- 10.0 PE is happy with Pataka looking at this.
- 11.0 CR is happy to leave in the hands of Pataka , however, as per meat works who cannot have odour going offsite the landfill should have not leachate going off site. Also there is a real need to keep NLG informed. Feels that HRC did not fulfil there requirements – not good enough that no enforcement took place.
- 12.0 RM HRC has taken on board criticisms bought up by commissioners report and will improve their performance.
- 13.0 CR how does the review sit with One Plan? How does the review sit with the RMA changes?
- 14.0 RM One Plan and RMA changes have no impact on this review process.
- 15.0 CR happy that Pataka ensuring remediation plan is implemented.
- 16.0 BJ happy with Pataka, however, wants to know their opinions on the outcome of eth remediation plans. Is very concerned that another Awapuni landfill occurs. Should be going to Bonny Glenn – leachate will cause problems at this site.
- 17.0 RM are you happy with Pataka looking at this?
- 18.0 BJ Ok with this so long as Pataka's thoughts reflect those of WECA
- 19.0 OB agreed with BJ comments
- 20.0 Christina Patons concerns in an email to RM passed to all attendees

- 21.0 RM you all have Christina Patons concerns in front of you please read them and if you have any questions please ask, however, remember that these are Chrstitina's issues.
- 22.0 Everyone given a chance to read the email
- 23.0 CR Concerned over who can attend the NLG meetings
- 24.0 PK and RM advise this is an inclusive group that anyone can attend
- 25.0 CR Happy with this explanation
- 26.0 PE concerned over the trade-waste bylaw issue mentioned by Christina
- 27.0 BA In reference to Christinas email she mentions the trade-waste bylaw, which relates to liquid waste – no liquid waste goes to the landfill, however, everything entering the landfill is subject to the solid-waste bylaw.
- 28.0 BJ concerned over the major issue with leachate production. With all Kapiti's waste coming in this will cause issues – keep in mind the issues of the Manawatu River and the Awapuni Landfill – if landfills situated in places where leachate can enter surface water problems will occur.
- 29.0 MH agreed with BJ – where the landfill is situated is no good – leachate inevitable – the liners will eventually breakdown and leachate will come out. Should be looking at moving the landfill. Should be going to the state of the art landfill at Bonny Glenn.
- 30.0 BA This brings up two issues. Firstly the unlined landfill – not great but it is there so it has to be dealt with – unfortunately took ten years to get consent. Secondly lined landfill – intention to make sure it does not leach into the environment. Can our experts provide advice on what can happen with the liner and leachate .
- 31.0 PL HDPP liner is resistant to leachate, however, there have been none in operation for more than 30 years so is an unknown exactly what could happen in the future. Leachate strength dissipates over time with the breakdown process and should make it ok.
- 32.0 MH the landfill is still in the wrong place.
- 33.0 Need to focus on what the review can do, sure the landfill may not be in a great location but this is not part of the review.
- 34.0 PE in response to BA HDC did have taken on an old problem but the reason the consent took ten years was that there were a lot of people with real concerns.
- 35.0 BJ this is a big issue receiving waste from other districts and building the landfill in the wrong place.
- 36.0 MH There should be an entire review of how the HDC is managing the Horowhenua's environment.
- 37.0 BA happy for this to be brought to the attention of the state of the environment reporting by HDC/HRC.
- 38.0 MH this is a big issue and I feel HDC staff can do more they are the ones with the real power in the Council.
- 39.0 CR agrees with MH – why does the consent still allow irrigation outside the cells to take place – it shouldn't happen.
- 40.0 BA said the irrigation is kept in as a contingency as it may be required at some stage.
- 41.0 CR No sense in irrigating inside or outside the cells.
- 42.0 PL Two systems of irrigation exist. Firstly recirculation within he cells. The second is no irrigation outside the cells but could be used as a back up contingency.
- 43.0 BA confirmed that it would only be used as a contingency.

- 44.0 MH issue with why it would be used but accepts it as a contingency plan so long as NLG notified prior to it occurring.
- 45.0 BA could have a condition that NLG notified the irrigation is used.
- 46.0 CR if it is used monitoring needs to be carried out.
- 47.0 PL There are bores in the irrigation area that are currently monitored on a three monthly basis.
- 48.0 RM there is a need to formalise but should be an understanding that the NLG is notified.
- 49.0 PE in the proposed annual plan the area surrounding the landfill is high amenity with the landfill in the middle of it (tabled by PE) – appears this is a contradiction.
- 50.0 RM appears there is a lack of consistency with a proposed policy, maybe BA could take the concerns back to council. This sort of discussions could be included in the NLG meetings.
- 51.0 CR variation 1 in the district plan indicates that the HDC is in breach of their own plan.
- 52.0 RM this is not relevant here need to get back on track. Please read the memo from David Moule – Levin Landfill review of the consent conditions – Scope and I would like to address the submitters only.
- 53.0 12:45pm PK, BA, PL, VD, GO and AC stayed behind and the submitters meet with Richard in an adjacent room.
- 54.0 1:10pm reconvened
- 55.0 RM thanked everyone for a good session, this has been an excellent process and it is great to see how everyone has got on. Great that trust has now been re-established. Are all the submitters keen to sign off subject to Pataka looking at the remediation plan?
- 56.0 MH agreed with RM – really pleased with communication improvements and long may this continue. The dump is in the wrong place but is keen to move forward and sign off.
- 57.0 PE thanked RM for his input and thanks to BA. Happy to sign off and looks forward to a review in the future.
- 58.0 CR thanked RM and was alright with signing off.
- 59.0 BJ on behalf of WECA this has been a good review and a big thanks to RM who has done a great job. Will sign off subject to Pataka and David Moor signing off.
- 60.0 OB the best hearing I have been involved with.
- 61.0 RM thanked all the submitters. Advised that now the submitters present would sign off subject to agreement to Pataka and David Moore of Ngati Pareraukawa.
- 62.0 All submitters too be provided with notification of the outcome of the agreement with Ngati Pareraukawa, a copy of the minutes and the finalised consent conditions.
- 63.0 BA thanked all the submitters, advised he was pleased with their contribution and gave a commitment to move forward with this improved communication.
- 64.0 1:30pm Pre hearing concluded.

CONCLUSION

Review completed subject to sign off by Ngati Pareraukawa in relation to the remediation plan requirement.

All the submitters are to be provided with the results of the outcome of the agreement with Ngati Pareraukawa, a copy of the minutes and the finalised consent conditions.

PRE-HEARING MEETING

HOROWHENUA DISTRICT COUNCIL – LEVIN LANDFILL – REVIEW OF CONSENT CONDITIONS – HOKIO BEACH ROAD, LEVIN

PRE HEARING DATE Thursday 17 December 2009
VENUE Horowhenua District Council
126-148 Oxford Street
Levin
FACILITATOR Mr Richard Munneke (RM)
RECORDER Leana Shirley (LS) - Horizons Regional Council

ATTENDEES FOR THE APPLICANT

CONSULTANT SENIOR CIVIL ENGINEER Phil Landmark (PL) – MWH New Zealand Ltd
ASSET MANAGER Braden Austin (BA) – Horowhenua District Council

SUBMITTERS

Fred De-Jager (FD)	Chairman, Water and Environmental Care Association (WECA)
Albert (Bert) Judd (BJ)	Private Capacity
Peter Everton (PE)	Everton Farm
Charles Rudd (CR)	Muapoko Co-operative Society
David Moore (DM)	Ngati Pareraukawa
George Paton (GP)	Private Capacity and WECA representative
Christina Paton (CP)	Private Capacity and WECA representative

PRE-HEARING MEETING

HOROWHENUA DISTRICT COUNCIL - LEVIN LANDFILL – REVIEW OF CONSENT CONDITIONS – HOKIO BEACH ROAD, LEVIN

APPLICATION NO.	6009, 6010, 6011, 7829 and 102259
APPLICANT	Horowhenua District Council
CONSENT TYPE	6009 - Discharge to Land (solid waste) 6010 – Discharge to Land (Leachate) 6011 – Discharge to Air (contaminants) 6012 – Water Permit (stormwater diversion) 7289 – Discharge to Land (liquid waste) 102259 – Discharge to Land (stormwater)
APPLICATION DETAIL	<p>In April 2005, Manawatu Wanganui Regional Council engaged Kingett Mitchell (now Golder Associates) to undertake a review of the consent conditions associated with the above resource consents for the Levin Landfill held by Horowhenua District Council. The review document recommended a number of changes to consent conditions. The review document was then reviewed by MWH Ltd on behalf of Horowhenua District Council (HDC) in September 2005. MWH subsequently produced a report addressing the proposed review of conditions and contesting a number of proposed condition changes. By July 2006 Golder Associates Ltd provided a response to the proposed review changes to the resource consents for the Levin Landfill and that report forms the basis for the changes proposed as part of the review process. On Thursday 5 March 2009 a pre-hearing meeting was held at Horowhenua District Council. This meeting was closed at 3:30 pm that day as there were some technical issues that needed to be resolved. The intention was for both technical experts from MWH and Golder to work collaboratively to produce one final technical report outlining the agreed changes to the consent conditions and for this report to be circulated prior to the second pre-hearing meeting being held. On Monday 27 April 2009 a second pre-hearing meeting was held at Ngatokowaru Marae. It is noted that the pre-hearing meeting concluded without all technical issues being successfully resolved, particularly details surrounding the capping of the old landfill. It is intended that both experts from HDC and HRC work collaboratively to come to an agreement regarding the acceptable capping of the old landfill. A third pre-hearing meeting was held on 18 June from 10 am to 4:20 pm at the Ngatokowaru Marae to discuss the outcome of the capping discussions and continue to discuss the proposed changes to conditions. It was suggested that depending on the outcome of the pre-hearing meeting the Hearing will be deferred until a later date. All parties were in general agreement with this.</p>

AGENDA

1. Opening and Introductions.
2. Facilitator to outline proceedings for the meeting.
3. Recap on review process and objectives of the pre-hearing meeting.
4. Continued discussion on proposed consent conditions.
5. Discussion of any remaining issues.
6. Conclusion and confirmation of process from this point forward.

NOTES OF PRE-HEARING

NOTE: Some of the following notes are not necessarily in the order of actual proceedings as it is more logical to group points raised accordingly to the issue to which they relate.

1.0 INTRODUCTION, OPENING AND GENERAL QUERIES

1.1 RM opened the pre-hearing meeting at 3:05 pm and outlined the proposed meeting structure for the afternoon as follows:

- 1.1.1 Discussion of changes highlighted in the latest set of conditions pre-circulated and dated 10 November 2009; and
- 1.1.2 Discussion of any other outstanding issues and Ngati Pareraukawa's thoughts about the proposed conditions;

2.0 CONDITIONS.

2.1 PL read through all of the changes marked as yellow highlight in the conditions. The first few conditions were primarily minor wording changes and no opposition to these changes was made apart from one comment from Cristina Paton as follows:

- 2.1.1 CP referred back to Table E on page 5 and noted concerns about the presence of heavy metals and the possibility of these metals to be present in material dumped at the new landfill. CP therefore requested that the figures produced as a result of heavy metal sampling be compared to the Tradewaste Bylaw monitoring reports.
- 2.1.2 There was some opposition to this being undertaken as no tradewaste is allowed to enter into the new landfill therefore the comparison would be null and void.
- 2.1.3 CP later confirmed that Condition 34 (v) satisfies her concerns as noted above.

2.2 It was noted that some major changes had been made to Condition 11 as follows:

- 2.2.1 Conditions 11 b and 11 c – conditions have been added to produce another trigger level for parameters;
- 2.2.2 Condition 11 d.- has been changed to list the trigger levels for monitoring purposes. It was noted by PL that it has been calculated that it takes approximately 17 years for contaminants to move from the bore to the Hoki Stream. Condition 11 is designed to detect any issues through monitoring (11a and b) then 11c requires a plan to be implemented .

- 2.2.3 DM advised that it is Ngati Pareraukawa's position that the wording of Condition 11 d is at an acceptable level. Ngati Pareraukawa want to ensure that HDC have measures in place as soon as possible (i.e. over the next 5 years) to appropriately recognise and manage a plume and anything else that may occur.
- 2.3 Some concern was raised from submitters regarding Condition 11 e(vii), particularly around the Regional Council having the power to determine if an effect identified in from monitoring in Conditions 11 a-d is minor or not. As a result a condition has been developed to allow an independent expert to review the data and the Council's decision. The proposed condition reads as follows:
- 11 e (viii) Any decision made in relation to condition 11 e (vii) can be challenged within 3 months of Horizons Regional Council making the decision by the consent holder and/or any party of the NLG. The challenge shall require the Regional Council's decision to be independently peer reviewed by a suitably qualified and experienced person who's decision shall be binding within 3 months of receiving the challenge. The challenge must be notified by the Regional Council in writing.*
- 2.3.1 The wording of this condition was generally accepted by all parties present, with HDC requesting that their legal counsel review the condition before committing to it.
- 2.4 The wording of Condition 9 of consent 7289 was changed to delete the clause "if possible" from the condition. Condition 9 now reads:
- 9. The liquid material shall be placed in trenches which are no more than 2m wide, 1.5m deep and 5m long which are excavated in compacted refuse which is at least six months old and located within a lined landfill area.*

CONCLUSION

It was agreed that once a satisfactory resolution was reached with regard to the new Condition 11 (e) (viii) then all parties were generally agreeable that a full hearing would not be required and that there were no other outstanding matters.

It was noted that meeting minutes would be circulated prior to xmas.

It is important to note that the wording proposed for the new Condition 11 (e) (viii) was put forward in an impromptu manner without the benefit of time to carefully analyse its implications and linkages to the other conditions. For this reason, Dave Moule at Environmental Management Services has been asked to independently review the proposed wording to ensure that it is the most appropriate means to address those concerns raised.

In the event that any amendments are recommended, all parties will be forwarded the details of any such amendments with clear reasoning being provided as to the context and rationale behind such changes. Unfortunately, due to the impending summer break period, such a review has not been able to be concluded and as such contact will be made in the New Year to advise of progress and confirm the path forward.