

**IN THE MATTER OF**

**The Resource Management Act 1991**

**and**

**Discharge permits held by Horowhenua District Council in relation to the operation of the Levin Landfill (Horizons Regional Council References 6009, 6010, 6011, 7289 and 102259);**

**And**

**A notice of review issued by Horizons Regional Council on 30 October 2015 pursuant to section 128 (1) (a)(iii) of the Act;**

**And**

**An application by Horowhenua District Council pursuant to section 127 of the Act to change or cancel some of the conditions of Discharge Permits 6009, 6010, 6011 and 7289.**

## **FINAL REPORT TO HEARING PANEL 12.09.16**

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### **1. Report Purpose**

This report is provided in accordance with section 99(5) of the Act and summarises the outcomes of discussions since the 6<sup>th</sup> April 2016 pre-hearing meeting. In summary, time has not allowed all outstanding issues to be completely resolved and dispute remains between the consent holder and other parties on primary issues.

### **2. Recap**

A pre-hearing meeting was held on 6<sup>th</sup> April 2016 to which all submitters were invited. My report of the outcomes of that meeting was forwarded to Horizons on 14<sup>th</sup> April 2016. For completeness, my 14.04.16 report is Attachment 1 to this final report.

All parties to the 6<sup>th</sup> April pre-hearing meeting agreed to the establishment of an independently-facilitated forum to discuss:

- i. The management of waste inputs to the landfill including separation of different types of waste that have different potential for hazard or leachate;
- ii. Ways to optimise operation of the landfill in terms of landfill best practice;
- iii. Membership of the NLG;
- iv. Measures that can be used to minimise odour;
- v. Cultural and environmental impacts;
- vi. How to monitor the contractor's performance in managing the landfill and in implementing best practice as agreed, including how to identify and respond to or resolve breaches by the landfill contractor of landfill management best practice;
- vii. The conditions of consent that pertain to these matters.

The forum has been called '*Whakawatea*'. On behalf of submitters, five of the community representatives active on the Neighbourhood Liaison Group agreed to represent the interests of submitters at Whakawatea. By agreement, Whakawatea comprises those community representatives plus staff representatives of Horizons and the District Council (consent holder). The District Council has assisted by making funds available for the set-up, hosting, my facilitation fees and some of the on-going costs of participants. The forum has met five times:

- 11<sup>th</sup> July 2016 (by telephone to discuss and agree set-up arrangements and membership)
- 19<sup>th</sup> July 2016 (at Ngātokowaru Marae)
- 26<sup>th</sup> July 2016 (at Ngātokowaru Marae)
- 2<sup>nd</sup> August 2016 (at Horowhenua District Council offices Levin)
- 15<sup>th</sup> August 2016 (at Horowhenua District Council offices Levin)

I provided an interim report on progress up until (and including) the 26<sup>th</sup> July meeting. For completeness, that is included as Attachment 2 to this final report. I also include in Attachment 3 the approved minutes of the 19<sup>th</sup> and 26<sup>th</sup> July (previously circulated) and of the 2<sup>nd</sup> August 2016 meeting (not previously circulated). Minutes of the 15<sup>th</sup> August meeting have not yet been generated due only to my unavailability – for which I apologise.

In the absence of minutes from the 15<sup>th</sup> August meeting, I can report on the actions that were agreed at the 2<sup>nd</sup> August meeting:

- i. **Questions for water quality experts:** the additional questions generated on 02.08.16 were communicated to the water quality experts and addressed by them in their joint witness statement;
- ii. **Joint media statement:** discussed in section 4 below (no progress);
- iii. **Expert conferencing:** there was some confusion about exactly who would be advising the District Council on water quality matters. It transpired that the expert the Council had been relying on was not available. Time was tight towards the hearing so the available experts (for Horizons and submitters) engaged in a conferencing session. The District Council subsequently engaged Olivier Ausseil and a second, full-complement, session of water quality expert conferencing was held (the output of which is the circulated joint witness statement);
- iv. **Website information:** Horizons has since improved its website;
- v. **Neighbourhood Liaison Group:** one of the Community Representatives helpfully drafted a paper on scope and structure for the NLG however, time has not permitted advancing that to a set of draft terms of reference;
- vi. **Compliance:** Andrew Bashford invited the Community Representatives on Whakawatea to a meeting with Horizons' Compliance Team to discuss landfill compliance. Unfortunately, the District Council was not invited to that meeting which has resulted in the District Council staff feeling that the information shared at the

meeting was one-sided. The Community Representatives found the meeting helpful and the compliance record is addressed in full in Mr Stuart Standen's statement of evidence on behalf of Horizons.

### **3. Progress on Primary Matters of Interest**

All of the matters intended to be discussed at Whakawatea have been discussed but only some have been resolved. I report below in italics against the list of tasks set at the 6<sup>th</sup> April pre-hearing meeting:

#### **i. The management of waste inputs to the landfill including separation of different types of waste that have different potential for hazard or leachate:**

*There has been robust discussion at all Whakawatea meetings about the different aspirations of the community and the District Council with respect to what waste is accepted at the landfill and how it is managed on receipt. The outcome sought by community representatives is that the landfill is closed in the shortest time practicable and that the site is remediated. Their view is also that no waste should be accepted at the landfill from outside the District and that the District's own waste should be, first, minimised through reduction and recycling and that any residual waste should be transferred to the Bonny Glen regional facility at Marton.*

*It was agreed at the 6<sup>th</sup> April 2016 pre-hearing meeting that closure of the landfill was not an option the District Council was prepared to countenance or discuss at Whakawatea. However, recognising that it is a burning issue for submitters, District Council staff have engaged in candid discussion at Whakawatea about the rationale for the Council's intention to maintain the landfill for the life of its current consents.*

*The diametrically opposed positions of community representatives and the District Council will, I expect, continue to dominate any discussions between the parties. However, whilst the aim of landfill closure has been an underlying theme of their engagement at Whakawatea, the community representatives have participated constructively with the District Council staff to identify improvements that might address adverse effects arising from continued deposition of waste at the landfill. There is currently a strong basis for confidence that any future Neighbourhood Liaison Group will be able to continue to work constructively together on improvements to the landfill.*

#### **ii. Ways to optimise operation of the landfill in terms of landfill best practice:**

*As noted above, there has been robust discussion of improvements that could be made. Some agreement was reached about the wording of conditions relating to odour management which I discuss below.*

**iii. Membership of the NLG:**

*All Whakawatea participants agree that the Neighbourhood Liaison Group should continue albeit with clearer guidelines. No agreement was reached on exactly who should participate in the NLG but there was agreement about the issues that have caused problems for the group. The key issues are agreed to be issues for all participants equally:*

- changes in personnel attending;*
- no clear agenda;*
- no clear terms of reference;*
- irregular meetings;*
- too many attendees;*
- lack of focus on landfill issues.*

*A start was made in suggesting workable terms of reference but time has not allowed that discussion to be completed. The Panel can be confident, however, that with a little more discussion, workable terms of reference could be determined by agreement. My view is that the successful functioning of any future Neighbourhood Liaison Group will depend on terms of reference being agreed jointly. Further discussion between the parties is required to achieve this.*

**iv. Measures that can be used to minimise odour:**

*Assisted by the joint witness statement of the air quality experts, Whakawatea agreed on some changes to management and monitoring practices that should be reflected in conditions of consent. I detail those in Attachment 4.*

**v. Cultural and environmental impacts:**

*The clear view of community representatives is that the continued operation of the landfill interrupts the relationship tangata whenua have with this place and that the ongoing discharge of leachate by whatever means to the surrounding environment is culturally offensive and profoundly diminishes the mauri of the Hokio Stream catchment. I observe that the District Council struggles with these concepts. No progress has been made at Whakawatea in terms of addressing cultural concerns.*

*As reflected in expert evidence that will be presented to the hearing, the District Council and submitters disagree on the extent to which the operation of the landfill creates adverse environmental air and water quality effects.*

**vi. How to monitor the contractor's performance in managing the landfill and in implementing best practice as agreed, including how to identify and respond to or resolve breaches by the landfill contractor of landfill management best practice:**

*The topic has been discussed in broad, but not specific, terms and no specific agreements have been reached that would have relevance for consent conditions.*

**vii. The conditions of consent that pertain to these matters:**

*The agreement by participants to allow air quality and water quality experts to engage in witness conferencing and to abide the experts' agreements has provided a useful basis for addressing disputed conditions. However, the time frame and my own availability have not allowed Whakawatea a complete discussion of changes to conditions informed by the joint witness statements. In particular, the conferencing of water quality experts was delayed whilst the District Council secured an appropriate expert and I received the joint witness statement on 5<sup>th</sup> September. Since that time, we have not been able to reconvene Whakawatea to discuss water quality matters or the detailed wording of changes to air quality conditions. I detail in Attachment 4 the only agreements reached to date about conditions (addressing only odour management).*

*It is unfortunate that agreement could not be reached on the wording of disputed changes to conditions. The process has required considerable work by all and there has not been enough time to draw all discussions to a proper close. I apprehend that the Whakawatea participants are close to agreement on many of the formerly disputed conditions that are the subject of the s. 127 and s. 128 proceedings. With a little more time, and some clear direction, my view is that they could achieve considerable agreement.*

**4. Joint Media Statements**

Apart from the establishment of Whakawatea, the second issue the parties agreed to action at the 6<sup>th</sup> April pre-hearing meeting was the release of a joint media statement. The purpose of this statement was to address adverse media messages communicated previously by the District Council about the work of the Community Representatives. This became an exercise in attempting to draft a media statement by committee – and failed to generate a written statement. However, the exercise served to demonstrate that participants of a Neighbourhood Liaison Group can severely damage their working relationship by unilaterally making adverse comments about fellow participants. Plainly, the adverse comments made earlier this year by the District Council had a very detrimental impact on the willingness of Community Representatives to continue to work with District Council staff. However, the Community Representatives have been prepared to embrace the 'fresh start' theme of Whakawatea and remain committed to working collaboratively with the District Council on any future Neighbourhood Liaison Group. The terms of reference for a Neighbourhood Liaison Group might usefully provide some guidance on matters such as:

- The availability of monitoring information;
- Shared and public access to monitoring information and Council reports on the landfill;
- Publication of the minutes and outcomes of the Group's work.

**5. The Name 'Whakawatea'**

Acknowledging that the name *Whakawatea* was agreed at the 6<sup>th</sup> April 2016 pre-hearing meeting, there is some disquiet about the name. This was drawn to my attention only recently.

I understand that there are alternative meanings of the word that are not consistent with the original intent. If the Neighbourhood Liaison Group (or any forum) is to continue into the future, I recommend that consideration be given to assigning a different, more appropriate, name.

## **6. Summary**

By way of summary, I reiterate my earlier comments that the Whakawatea participants are close to agreement on many of the formerly disputed conditions that are the subject of the current proceedings. It is regrettable that more progress could not be achieved on agreed wording. However, with a little more time, and some clear direction, my view is that the Whakawatea participants could achieve considerable agreement.



Christine Foster

Facilitator

12<sup>th</sup> September 2016

**ATTACHMENT 1**

**S. 99(5) REPORT FROM THE 6<sup>TH</sup> APRIL 2016 PRE-HEARING MEETING**





**IN THE MATTER OF**

**The Resource Management Act 1991**

**and**

**Discharge permits held by Horowhenua District Council in relation to the operation of the Levin Landfill (Horizons Regional Council References 6009, 6010, 6011, 7289 and 102259);**

**And**

**A notice of review issued by Horizons Regional Council on 30 October 2015 pursuant to section 128 (1) (a)(iii) of the Act;**

**And**

**An application by Horowhenua District Council pursuant to section 127 of the Act to change or cancel some of the conditions of Discharge Permits 6009, 6010, 6011 and 7289.**

## **REPORT TO HEARING PANEL ON PRE-HEARING MEETING**

**HELD 6<sup>th</sup> APRIL 2016**

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<b>Pre-Hearing Venue:</b>	Ngātokowaru Marae, 580 Hokio Beach Road, Levin
<b>Meeting Date and Time:</b>	Wednesday 6 <sup>th</sup> April 2016, commencing with a Powhiri at 9.00 am. The meeting closed at 5.05 pm that day.
<b>Attendance:</b>	The persons who attended all or part of the pre-hearing meeting are listed in Attachment 1 to this report.
<b>Facilitator:</b>	Christine Foster (a consultant resource management practitioner)

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### **1. Background**

Horizons Regional Council (*Horizons*) served on Horowhenua District Council (*HDC*), by letter dated 30<sup>th</sup> October 2015, notice of its intention to review identified conditions of Discharge Permits 6009, 6010, 6011, 7289 and 102259 held by HDC.

HDC lodged an application dated 25<sup>th</sup> November 2015 seeking to change some and cancel other conditions of Discharge Permits 6009, 6010, 6011, 7289 pursuant to section 127 of the Act.

HDC's s.127 application requested that the s.127 application be processed at the same time as Horizons' notice of review of conditions of HDC's discharge permits. Horizons combined

the public notification of both the s. 128 notice of review and the s. 127 application into one public notice dated 11<sup>th</sup> December 2015. The closing date for submissions on the s. 128 notice of review and the s. 127 application was Friday 29<sup>th</sup> January 2016. Horizons received 169<sup>1</sup> submissions on the combination of s.128 notice of review and s.127 application. One submitter asked not to be heard. All other submitters either asked to be heard or did not specify whether they wished to be heard or not.

Horizons invited submitters to a pre-hearing meeting by email and letters dated 17<sup>th</sup> March 2016. The invitation was issued to all submitters except the one submitter who had explicitly stated that he did not wish to be heard.

I was contracted by Horizons to facilitate (not chair) the pre-hearing meeting held on 6<sup>th</sup> April 2016.

In accordance with the tikanga of Ngāti Pareraukawa, who hosted the meeting at Ngātōkōwaru Marae, the proceedings of the pre-hearing meeting followed a powhiri and refreshments provided by the hosts. Formal discussion of the matters relevant under section 99 of the Act commenced at 10.30 am in the Whare Tipuna at the marae.

Section 99 (3) of the Act provides Horizons the discretion to *require* persons to attend a pre-hearing meeting. Horizons did not require any person to attend the meeting. All attendance was voluntary and not all submitters were present. No apologies were recorded.

## **2. Without Prejudice Discussion**

Section 99 (5) of the Act requires that this report '*not include anything communicated or made available at the meeting on a without prejudice basis*'. At the outset of the pre-hearing meeting I proposed, and it was agreed by all persons present, that:

- (a) Nothing would be included in this report on the pre-hearing meeting without the authorisation of all persons present; and
- (b) With the exception of matters explicitly authorised by all attendees for release, no part of the discussion at the meeting would be communicated to any other party or publicised or relied upon or voiced in any legal submissions, evidence or presentations to the forthcoming hearing of the s.127 review application and s.128 notice of review.

## **3. Agreed Outcomes**

Many submitters had requested in their submissions that pre-hearing meeting(s) be held and had requested that there be an 'open agenda' for any pre-hearing meeting. I note that a large number of submissions were lodged by email using a 'campaigns@good.do' web-based electronic form. The submissions generated in this manner consistently requested pre-hearings and an open agenda for discussion at pre-hearing meeting(s). These submissions also explicitly requested an opportunity to discuss at a pre-hearing meeting the option of decommissioning the landfill.

The agenda of matters for discussion at the pre-hearing meeting were generated at the meeting by the people present. This resulted in an agenda of twenty items that the parties

<sup>1</sup> Counting the 2 from the Royal Forest and Bird Protection Society as individual submissions

agreed warranted discussion, including the matter referred to in the 'campaigns@good.do' submission forms (that is, decommissioning the landfill).

Time did not permit discussion of all of the issues on the agenda. However, there was constructive discussion of two items:

- (a) A process by which to progress some questions and concerns about:
  - Landfill operational matters that influence environmental outcomes of concern to submitters; and
  - the consent conditions pertaining to those matters; and
- (b) A particular concern about publicly comments made by HDC's Chief Executive and HDC's Water and Waste Services Manager that the only reason for the s. 128 review, and the cost of that, is because the Neighbourhood Liaison Group (NLG) has requested it. The implication of the comments is that the community representatives on the NLG have unnecessarily caused the need for and cost of the review. The pre-hearing meeting agreed a way of moving forward, jointly and constructively, to put those adverse comments behind them.

I am authorised to report the following about those two matters:

#### **4. Process for Progressing Discussion of Operational Matters**

##### Preamble:

This discussion, at the pre-hearing meeting, arose in the context of whether and how waste (including 'e-waste' and hazardous or putrid waste) is sorted on arrival at the landfill, what processes are in place to distinguish wastes having different leachate potential, where different types of waste are placed within the landfill and how they are managed.

##### Agreed Outcomes:

- (a) HDC and submitters will hold a forum to discuss:
  - i. The management of waste inputs to the landfill including separation of different types of waste that have different potential for hazard or leachate;
  - ii. Ways to optimise operation of the landfill in terms of landfill best practice;
  - iii. Membership of the NLG;
  - iv. Measures that can be used to minimise odour;
  - v. Cultural and environmental impacts;
  - vi. How to monitor the contractor's performance in managing the landfill and in implementing best practice as agreed, including how to identify and respond to or resolve breaches by the landfill contractor of landfill management best practice; and
  - vii. The conditions of consent that pertain to these matters.
- (b) The forum will be facilitated by an independent facilitator mutually agreed by the current members of the NLG.
- (c) The forum will be open to submitters, HDC and Horizons representatives. HDC agreed that it will also include a representative of the landfill contractor who has on-the-ground

knowledge of how the landfill operates and how to optimise its management to address environmental effects;

- (d) Time Frame: The forum is to be held within 3 months of the pre-hearing meeting (that is, by 6<sup>th</sup> July 2016). The date of the forum will be set and advised to participants no later than 22<sup>nd</sup> April 2016. The date and time should be set to suit people who have work commitments (e.g. it should be held in the evening or on a weekend).
- (e) Responsibility for determining the date of the forum and for drafting the necessary arrangements lies with the NLG. Submitters were clear in their view that the task of preparing for the forum is a function of the NLG. I note that David Moore, a member of the NLG, undertook to work with Greg Carlyon to develop some draft ideas for circulation by the agreed date of 22<sup>nd</sup> April 2016). Arrangements for the forum are to be drafted by the NLG no later than 22<sup>nd</sup> April 2016. Arrangements will be finalised thereafter, in sufficient time to be circulated to all of the participants.
- (f) Forum Title: Towards the end of the meeting, Mr Dennis Emery suggested that the forum be named 'Whakawātea' – meaning, '*the opening up - the clearing away*' in reference to the opportunity the forum represents to start discussions afresh. The parties who were present at that point in the meeting agreed to that title.

## **5. Adverse Comments: Joint Press Release**

### Preamble:

The NLG is required by Condition 32 of Discharge Permit 6009 and Condition 5 of Discharge Permit 7289. Submitters are represented on the NLG as is HDC and Horizons. The submitters' concern is that HDC's Chief Executive and senior personnel have made comments that portray the position as being that there are no adverse environmental effects associated with the operation of the landfill and that the NLG (and, by implication, the community representatives on the NLG) has requested the review without cause and at considerable cost. That is not the agreed position between submitters and HDC. That appears to also not be accepted by Horizons, as evidenced by the amendments to conditions proposed by Horizons.

It was agreed at the pre-hearing meeting that the conditions requiring the current compulsory s. 128 review were inserted by agreement between the parties (including HDC and Horizons) to an historical appeal in relation to the discharge permits. The submitters' view is that, therefore, HDC ought to accept the validity of the review process and not make comments that are critical of other NLG members.

### Agreed Outcome:

All parties present agreed to the release of a joint media statement, on behalf of HDC, Horizons and the community members of the NLG, expressing the following:

*'Horowhenua District Council has acknowledged that there are issues (odour and leachate) with the Levin Landfill and will be working with the Neighbourhood Liaison Group (a group of community representatives, Horowhenua District Council and Horizons Regional Council) in order to achieve positive environmental outcomes.'*

*Horizons has initiated a review of the conditions of the landfill consents. This provides a good opportunity to address the issues that have been identified. There may be potential for agreements reached in these discussions to be a more effective use of the community's resources.'*

The last two sentences above are a reference to the Whakawātea forum discussed earlier and the hope of the parties that this forum will enable constructive discussion of meaningful ways in which the operation of the landfill can be fine-tuned to eliminate or minimise adverse environmental effects identified by submitters. The reference to 'community's resources' includes the resources of the two Councils.

## **6. Parties' Positions Remain Unchanged**

It is important to note that the agreed outcomes described above do not overcome the concerns raised by submitters in their submissions on the s.127 application and s. 128 review. Submitters were clear that they welcome the opportunity of the Whakawātea forum and are prepared to participate in that with an open mind. HDC representatives also emphasised their commitment to participating in good faith in the Whakawātea forum.

However, agreement to and participation in the Whakawātea forum does not overcome the concerns expressed by submitters in their submissions. All aspects of submitters' submissions remain valid. Similarly, HDC's agreement to participate in the Whakawātea forum has not yet resulted in any change in HDC's position in relation to the s. 127 application and the s. 128 notice of review.

All parties confirmed that they are open to the prospect of change in their respective positions as a result of discussions at the Whakawātea forum and, if that results, will be reported in due course.

## **7. Consequential Adjustment of Hearing Timetable:**

As a result of the agreement to progress the Whakawātea forum, the parties present at the pre-hearing meeting agreed that a postponement of the hearing would be sensible. HDC representatives confirmed that they were authorised to agree to the postponement and agreed to it. The parties present asked Mr Andrew Bashford (Horizons' Team Leader Consents) to postpone the hearing scheduled for 9<sup>th</sup> May 2016. Mr Bashford agreed and I understand that the necessary s. 37 extension of time has now been granted, postponing the hearing to enable the Whakawātea forum to proceed.



Christine Foster

Facilitator

14<sup>th</sup> April 2016



**ATTACHMENT 1**

**LIST OF PERSONS WHO ATTENDED THE PRE-HEARING MEETING  
HELD 06.04.16**





## Attendance List for Pre – Hearing Meeting held at the Ngati Ngatokowaru Marae on 6 April

Name	Affiliation	Contact
Joan Leckie	Forest & Bird	joan.leckie13@gmail.com
MIKE SMITH	WECA	WECA@RELYWATER@GMAIL.COM
Christina Paton	WECA	malimidwe@clear.net.nz
Margaret Jenne	WECA	jennes@xtra.co.nz
Stuart Standen	Horizons RC	stuart.standen@horizons.govt.nz
Logan Brown	HRC	logan.brown@horizons.govt.nz
Emma Hickey	HRC	emma.hickey@horizons.govt.nz
ANDREW BATHFORD	HRC	andrew.bathford@horizons.govt.nz
BERNADETTE CASEY	HOKIO	WELOVEHOKIO@GMAIL.COM
PETER THOMPSON	HOKIO	wehavehokio@gmail.com
Deborah Ryan	Jacobs for Horizons	deborah.ryan@jacobs.com
PETER EVERTON	NLS	063685105 LEVIN
Eddie Bisdée	Otago	bisdée@xtra.co.nz
Adrian Tull	Otago	ongaonganz@gmail.com
Worren King Te Awa	Rangitikei	TEAWA@xtra.co.nz
Kara Dentrice	Horizons	kara.dentrice@horizons.govt.nz
CYRIL ANDREWS	N.L.G.	06-3627-297
BRYAN TENITAVE	HRA WECA HEKA	0274440752
Phil Taneh	Mua Upoko	philtaneh@gmail.com
Anne Hunt	HRA	annehunt@inspire.net.nz
Peter Charles Hargrave	MAUPOKO	Viv
Charles Rudd	He Mokai o Papatūānuku	(06) 368 3567
Reynold Ball	MCDHB - MOW	Reynold.Ball@midcathaldb.govt.nz
Phillip Landmark	MWH New Zealand Ltd	phil.s.landmark@mwhglobal.com
Doug Boddy	MWH New Zealand Ltd	doug.boddy@mwhglobal.com
WARWICK MEYER	HDC	warwickm@horowhenua.govt.nz
Annie O'Connor	BF/HDC	annie.oconnor@buddlefindlay.com
David Allen	BF/HDC	david.allen@buddlefindlay.com
Gallo Saichy	HDC	gallos@horowhenua.govt.nz
Dennis Emery	Ngati Kaunhata Iwi	db.emery@xtra.co.nz
TE DEVONSHIRE	NGATI TE AHI	0274 972 983
Paddy Jacobs	Ngati Hahiwhi	paddy.jacobs.pj@gmail.com
Manure Devonshire	Ngati Manomano	manure69@xtra.co.nz
David Moore	Ngati Parekaukawa	davidmoore@xtra.co.nz
Rowiri Richmond	Ngati Parekaukawa	rowiri.richmond@twor-otaki.ac.nz
Greg Bennett	Environment Group	GREG@MECHANISGROUP.CO.NZ
Moham Hadlum	Ecotest Trust	hadlum@ibug.co.nz

[illegible]

**ATTACHMENT 2**

**INTERIM REPORT OF FACILITATOR DATED 11<sup>TH</sup> AUGUST 2016**



**To:** Submitters  
Horizons Regional Council and Horizons Regional Council Hearing Panel  
Horowhenua District Council

**From:** Christine Foster (Independent Facilitator)

**Date:** 11<sup>th</sup> August 2016

**Subject: Levin Landfill s. 128 Review of Conditions and s. 127 Application to Change Conditions  
UPDATE ON OUTCOMES OF WHAKAWATEA FORUM**

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This note provides a brief update on progress since the pre-hearing meeting held on 6<sup>th</sup> April 2016:

### **1. Establishment of Whakawatea Forum:**

At the 6<sup>th</sup> April pre-hearing meeting, it was agreed that a forum would be held to discuss a number of matters that were raised in submissions and highlighted by submitters at the pre-hearing meeting. It was not possible to engage in these issues at the necessary level of detail in the time available at the pre-hearing meeting. It was suggested at the pre-hearing meeting that the forum be named '*Whakawatea*' in recognition of it being an opportunity for fresh discussion of longstanding issues. Submitters who attended the pre-hearing meeting were clear that the task of preparing for the Whakawatea forum is a function of the community representatives on the landfill Neighbourhood Liaison Group (the *NLG*). It was agreed at the pre-hearing meeting that responsibility for setting up the Whakawatea forum would lie with the community members of the *NLG* under the guidance of David Moore (convenor of the community members of the *NLG*).

The community members of the *NLG* proposed a process and arrangements for set-up of Whakawatea in a letter to Horowhenua District Council in June. The letter suggested a preliminary meeting be held to confirm membership and arrangements for the Whakawatea forum and also requested Council funding to assist the work of the community members participating in Whakawatea. Horowhenua District Council helpfully agreed to provide funding to engage an independent facilitator (myself) and to support the work of the community representatives.

A preliminary meeting was held on 11<sup>th</sup> July 2016 at which arrangements were confirmed. In summary, it was agreed between the community members of the *NLG* and Horowhenua District Council that Whakawatea would comprise a maximum of:

- five community representatives (being community members of the *NLG*);
- three Horowhenua District Council staff responsible for management of the landfill;
- a representative of Horizons Consents and Compliance team as necessary; and
- Christine Foster as independent facilitator.

### **2. Funding of Technical Experts:**

Horowhenua District Council agreed that part of the funding intended to support Whakawatea can be used to pay for the time spent by three technical experts engaged by the community members of the *NLG* in preparation for and attendance at technical meetings that support the work of Whakawatea. This funding is to support the collaborative work of Whakawatea rather than the preparation of evidence to the September hearing.

### 3. Joint Media Statement:

The wording of a joint media statement was discussed at the pre-hearing meeting held on 6<sup>th</sup> April. It was also agreed at the 11<sup>th</sup> July set-up meeting that Whakawatea should issue a joint statement, providing an update on the setting up of Whakawatea and summarising the parties' various positions in relation to the operation of the landfill. In the event, it has not been possible to reach agreement between the community members of the NLG and Horowhenua District Council on the exact wording of a joint media statement. The members of Whakawatea have agreed that time has somewhat overtaken the original purpose of the joint media statement. However, this update provides a summary of the discussions that have been held and agreements reached at the Whakawatea forum.

### 4. Agreed Outcomes:

The Whakawatea forum has met three times over the short period since being set up (on 19<sup>th</sup> and 26<sup>th</sup> July and 2<sup>nd</sup> August). Discussion at those meetings has been constructive and has resulted in the following agreements:

- There are two topics of particular concern to submitters: odour and water quality (including leachate effects). The independent technical experts who are separately advising the community members of the NLG, Horowhenua District Council and Horizons Regional Council on these two topics will meet together before the hearing starts in September. This process is the 'caucusing' of experts referred to in the First Minute of Commissioners dated 2<sup>nd</sup> August 2016.
- There are six independent technical experts:

Independent Expert Adviser to:	On Air Quality:	On Water Quality:
<b>Community Members of the NLG</b>	<b>Louise Wickham</b> Air Quality Scientist employed by Emission Impossible Ltd, Auckland	<b>Kate McArthur</b> Water Quality Scientist employed by The Catalyst Group, Palmerston North
<b>Horizons Regional Council</b>	<b>Deborah Ryan</b> Air Quality Scientist employed by Jacobs, Auckland	<b>Logan Brown</b> Water Quality Scientist, employed by Horizons, Palmerston North
<b>Horowhenua District Council</b>	<b>Doug Boddy</b> Air Quality Scientist employed by MWH Stantec, Auckland	<b>Garrett Hall</b> Environmental Scientist employed by MWH Stantec, Auckland

**Note:** Individual submitters may also call other independent technical experts but those named above are the experts known to have been engaged by the Whakawatea members

- The independent technical experts have been asked to address the matters that are of particular concern to submitters as voiced by the community members of the NLG and framed as questions agreed at Whakawatea. At its 26.07.16 forum, Whakawatea produced two lists of questions (one about water quality (including leachate effects) and one about air quality (including odour)). These lists of questions have been forwarded to the technical experts for

them to address in their caucusing meetings. The lists of questions are attached to the 26.07.16 meeting record (attached);

- Where the technical experts address the questions that were agreed by the community members of the NLG and HDC at the Whakawatea forum, the community members of the NLG and HDC will accept and abide any agreed conclusions or outcomes reached by those technical experts in presenting their respective cases to the September hearing;
- Responding to concerns about how landfill leachate is collected, piped to and treated at the wastewater treatment plant, HDC invited the community members of the NLG to a site visit to the wastewater treatment plant and the 'Pot' irrigation area (which was very informative);
- Both HDC and the community members of the NLG agree that there is merit in retaining the NLG. HDC's representatives have clarified that HDC does not seek to remove the NLG – but does wish to see it have a clear purpose, terms of reference and membership. The community members of the NLG agree and have been tasked with drafting some terms of reference for the NLG for consideration at the next Whakawatea forum;
- Responding to concerns raised by community members of the NLG at the Whakawatea forum, Horizons Regional Council will make available to submitters all of the monitoring data and compliance records about the Levin landfill and will host a meeting with the community members of the NLG to discuss how the landfill is compliant in terms of the consent conditions (a date for that meeting has not yet been confirmed);
- It is appropriate to await the outcome of the independent technical experts' caucusing before examining in detail the wording of conditions that are the subject of review. The Whakawatea forum will examine these conditions in detail once the caucusing is completed and prior to the hearing scheduled for 19<sup>th</sup> September 2016.

For completeness, I attach copies of the meeting records of the 19.07.16 and 26.07.16 Whakawatea meetings. The draft meeting record for the 02.08.16 meeting has not yet been endorsed as authorised by the Whakawatea members but will be circulated once that has occurred (at the next Whakawatea meeting).

This update and the attached meeting records provides an interim update and will, in due course, be incorporated into my report to the Hearing Panel for the purposes of section 99 (5) of the Resource Management Act 1991.

Christine Foster  
Independent Facilitator Assisting Whakawatea





**ATTACHMENT 3**

**MINUTES OF WHAKAWATEA MEETINGS HELD**

**19.07.16, 26.07.16 & 02.18.16**



Item	Matters Discussed and Agreed Actions:	Action Due By:
1. <b>Joint Media Statement</b>	<p>There was a strong feeling that the words CF had drafted had watered down the impact of the issues the NLG and submitters had wanted to highlight. <b>ALL AGREED</b> DM and submitter representatives will draft some amendments then send those to GS and team at HDC.</p>	<p><b>DM, MH, CM, CR, MS, GC – Thursday 21.07.16</b></p>
2. <b>Long Term Landfill Options</b>	<p>There was a discussion between the parties of HDC's current long term strategy of retaining and continuing to operate the landfill in the current location and HDC's reasons for that. Unsurprisingly, there were no agreements reached on the merits of that strategy. HDC commissioned MWH to prepare a report in 2015. The NLG was supplied with a summary of that report and requested a full version of it. <b>GS AGREED</b> to supply to the NLG representatives a fully copy of the MWH report. HDC has commissioned a further review of landfill options. Morrison Low has been briefed. The NLG representatives requested a copy of the terms of reference for the Morrison Low review. <b>GS AGREED</b> to find out from HDC whether the terms of reference can be made available to the NLG and to report back.</p> <p>Some facts about the landfill:</p> <ul style="list-style-type: none"> <li>– the current operator's contract expires in 2021;</li> <li>– the capacity (remaining life) of the landfill depends on the rate of filling and is estimated to be to 2032 or 2033;</li> <li>– typically each year, approximately 30,000 to 35,000 tonnes of waste is deposited at the landfill;</li> <li>– if the landfill accepts only material from the Horowhenua District, it could have capacity for another 40+ years out to 2037;</li> </ul>	<p><b>GS asap (sent to GC 20.07.16)</b></p> <p><b>GS 26.07.16 or earlier</b></p>

	Item	Matters Discussed and Agreed Actions:	Action Due By:
		<ul style="list-style-type: none"> <li>– if it continues to accept waste material from Kāpiti Coast District, it will have less long term capacity until about 2033;</li> <li>– last year approximately 20,700 tonnes of waste came from Kāpiti and 13,700 tonnes from Horowhenua District;</li> <li>– landfill cells have been designed on the basis of continued acceptance of Kāpiti waste;</li> <li>– Horizons consents expire 2037;</li> <li>– HDC's decisions about the long term existence of the landfill are based on direct financial costs only but GS advised this includes the costs of improvements and operational costs for addressing environmental effects (however, it does not include non-monetised costs or values such as environmental effects that are authorised by the consents or non-compliance effects).</li> </ul> <p>GS has asked the NLG to write down what it wants by way of a review of the long-term landfill options. <b>ALL AGREED</b> that DM, MH, GC, CM, MS, CR would write that down and supply that to GS as the basis for further discussion.</p>	<p><b>DM, MH, GC, CM, MS, CR by 23<sup>rd</sup> or 24<sup>th</sup> July (before next meeting 26.07.16)</b></p>
3.	<b>Conferencing of Technical Experts</b>	<p>There was a discussion about how the expert evidence would be coming together to inform the 19<sup>th</sup> September 2016 hearing. The community members of the NLG are planning to call technical experts to address odour (Louise Wickham) and water quality (Kate McArthur). GS indicated that HDC will be relying on Horizons odour and water quality experts and was not planning to itself call experts in those specialist fields. HDC will be calling a planner (Rob Leiffering).</p> <p><b>ALL AGREED</b> that it would be useful to have the water quality and odour experts engage in pre-hearing conferencing to try to identify the matters on which they agree and those on which they disagree.</p> <p><b>ALL AGREED</b> that this Whakawatea forum should frame up the relevant questions for those experts to address in conferencing.</p> <p><b>ALL AGREED</b> that GC will forward to GS the CVs of Louise Wickham and Kate McArthur; and GS will confirm the names of all of the experts HDC intends to call to present evidence.</p> <p><b>ALL AGREED</b> that, provided the technical experts address questions Whakawatea frames up as relevant, all parties (HDC and submitter representatives) will accept and abide the agreed outcomes or opinions that result from the conferencing of technical experts.</p>	<p><b>ALL to draft questions they consider are relevant before 26.07.16</b></p> <p><b>GC by 22.07.16 GS by 22.07.16</b></p>

	Item	Matters Discussed and Agreed Actions:	Action Due By:
4.	<b>Funding of NLG Representatives' Work on Whakawatea</b>	<p>GS confirmed that he accepts the proposal set out in the Catalyst letter of 19.07.16 provided:</p> <ul style="list-style-type: none"> <li>a) Any jointly-agreed opinions of the technical experts that are achieved at conferencing are accepted and abided by the community representatives of the NLG; and</li> <li>b) The questions to experts for conferencing are formulated by Whakawatea.</li> </ul> <p><b>DM, MH, MS, CM and CR AGREED to the above terms.</b>  <b>GS, WM and PG AGREED to accept the proposal on the above terms.</b></p> <p>DM will send the Catalyst proposal to GS as a proposal from the community members of the NLG (it's currently a proposal from the Catalyst Group to David Moore). GS will confirm in writing to DM that the proposal is accepted on the above basis.</p>	<p><b>DM asap</b>  <b>GS asap once received</b></p>
5.	<b>CF Consulting Ltd Proposal</b>	GS advised that he accepts the proposal set out in the CF Consulting Ltd letter of 18 <sup>th</sup> July 2017. CF will turn that into a short-form contract with HDC.	<b>CF asap</b>
6.	<b>Leachate</b>	There was brief discussion about how leachate is mobilised via groundwater and the purpose and efficacy of the 'Tatana' cut-off drain. No matters were agreed. However, it was <b>AGREED BY ALL</b> that all members of Whakawatea will formulate questions to the relevant water quality experts and HDC's wastewater engineering advisers about what changes can be made on site to address the adverse effects of leachate and about the actual impacts of leachate in the down-gradient groundwater and in the Hokio Stream downstream of the landfill site.	<b>ALL asap and before next meeting on 26.07.16</b>
7.	<b>Odour</b>	There was brief discussion about odour impacts but the time available did not permit conclusion of the discussion. However, it was <b>AGREED BY ALL</b> that all members of Whakawatea will formulate questions to the relevant odour experts and HDC's wastewater engineering advisers about what changes can be made on site to address odour experienced beyond the landfill site boundary.	<b>ALL asap and before next meeting on 26.07.16</b>
8.	<b>CF Actions</b>	<p>CF will talk to Andrew Bashford at Horizons:</p> <ul style="list-style-type: none"> <li>a) to find out what approach the Hearing Panel is taking to pre-hearing directions;</li> <li>b) about whether and how Horizons will be addressing impacts on tangata whenua values in the s. 42A report(s); and</li> <li>c) about the proposed conferencing of experts (seeing as this involves Horizons experts).</li> </ul>	<b>CF asap and before next meeting on 26.07.16</b>
9.	<b>Next Meeting</b>	<b>Tuesday 26<sup>th</sup> July 2016 at 1.00pm at Ngātokowaru Marae</b>	



	Item	Matters Discussed and Agreed Actions:	Action Due By:
1.	<b>Water Quality and Odour Expert Witnesses</b>	WM confirmed that HDC will be calling Doug Boddy (MWH) re odour and Rob Leiffering (MWH) re water quality. WM has circulated a brief biography on Rob Leiffering. GC has forwarded the CVs of Louise Wickham and Kate McArthur. CF will contact Rob Leiffering and get a CV from him.	<b>CF – see attached CV</b>
2.	<b>Joint Media Statement</b>	DM and other CNLG members crafted a revised version of the joint statement but there has been some email traffic indicating some disquiet that the result is too watered down. As a result, the draft has not yet been forwarded to HDC for consideration. DM shared with GS a printed copy at the meeting and GS indicated that some of the text would probably not get HDC endorsement. DM and the community members of the NLG will decide whether or not to pursue the publication of the joint statement and, if so, will provide some text to GS before next week's meeting. <b>ALL AGREED</b> that it would be good to provide some message to submitters and to the community through the media providing an update on the current Whakawatea workshops. However, there is concern about getting the wording right.	<b>DM, MH, CM, CR, MS before next meeting Tuesday 02.08.16</b>
3.	<b>Horizons RC</b>	CF has spoken with Andrew Bashford at Horizons: a) <b>Re whether the Panel will issue pre-hearing directions:</b> Andrew will confer with the Chairperson (who is currently out of the country) and will let the Chairperson know of the intention to have experts conference and about the questions to be generated by Whakawatea; b) <b>Re whether and how Horizons will be addressing impacts on tangata whenua values in the s. 42A report(s):</b> Andrew hadn't turned his mind to that yet but will do so. This update prompted a	<b>CF asap and before next meeting on 26.07.16</b>

	Item	Matters Discussed and Agreed Actions:	Action Due By:
		<p>discussion with GS about how HDC intends to address this matter (for example, whether any of the HDC witnesses would be addressing s. 6 (e ) of the RMA in their evidence). GS will speak with HDC's legal and planning advisers re this; and</p> <p>c) <b>Conferencing of experts:</b> (see point 5 below).</p>	
4.	<b>Long Term Landfill Options</b>	<p>We discussed last meeting HDC's commissioning of a financial review of landfill options (the 'Morrison Low report'). GS reported back that the terms of reference are not able to be made available to Whakawatea or to the public in general. The work is under way and will be addressing financial matters (and not the 4x bottom line social, environmental and cultural matters of concern to DM, MH, CM, CR and MS). GS will find out when the Morrison Low report is expected to be finalised and report back. GS anticipates that the report will be presented to the Council and that it will be available to the public (and Whakawatea) in due course but he will check and report back.</p>	<p><b>GS 02.08.16</b></p> <p><b>GS 02.08.16</b></p>
5.	<b>Conferencing of Technical Experts</b>	<p>CF reported that Andrew Bashford at Horizons agrees that conferencing of water quality and odour experts is a good idea and should occur before the Horizons experts finalise their statements of evidence for the hearing (due 19.08.16). Andrew will make Logan Brown and Deborah Ryan available for conferencing. CF advised Andrew that Whakawatea intended to formulate questions for those experts for conferencing and he looks forward to receiving those.</p> <p>Bearing in mind the date by which the Horizons' experts' evidence is due (19.08.16), the expert conferencing therefore needs to occur within the next couple of weeks. GS undertook to make contact with the HDC experts and with Andrew Bashford to get commitments for dates by which the experts will confer. It is important that they produce written joint statements resulting from their conferencing. GC noted that the experts may be able to achieve at least some of their conferencing by phone and email.</p> <p>GC suggested that there may be no need for the planning experts to conference at this stage. Their evidence to the hearing will be informed, anyway, by whatever the odour and water quality experts agree. GC suggested that it may be appropriate for him and Andrew Bashford and the HDC planner to conference following the odour and water quality conferencing.</p> <p>As intended at the 19.07.16 Whakawatea meeting, the group formulated questions for experts on two topics of particular interest to submitters: leachate and odour. <b>ALL AGREED</b> that the questions listed in Attachments 1 (leachate) and 2 (odour) to this meeting record should be communicated to Andrew Bashford at Horizons as soon as practicable and forwarded to the odour and water quality experts so</p>	<p><b>GS to make contact with Andrew Bashford and the HDC experts as a matter of urgency and pin down dates for the expert conferencing.</b></p>



	Item	Matters Discussed and Agreed Actions:	Action Due By:
		they can prepare for conferencing. GS confirmed that he is comfortable with the scope of the questions generated.	
6.	<b>Leachate Treatment Train and WWTP</b>	In the course of discussing questions for experts about leachate it became apparent that there is strong interest in understanding the treatment 'train' for leachate captured and piped from the landfill to the wastewater treatment plant. For example, interest in how the infrastructure works, what potential there is for leakage or spillage or diversion of leachate direct to the environment, how the leachate is treated, what the residual wastes are that result from that treatment and what happens to those. Community members of the NLG have not had an opportunity to visit the WWTP or be briefed in detail on that. <b>ALL AGREED</b> that it would be helpful to have a site visit and briefing on this at the WWTP. GS and PG confirmed that they would be happy to invite the community members of the NLG to the WWTP site for this and GS will liaise with DM re logistics for achieving that.	<b>GS to provide an update on logistics at the next meeting 02.08.16</b>
7.	<b>Next Meeting</b>	<b>Tuesday 2<sup>nd</sup> August 2016 at 1.00pm – to be hosted by HDC and venue to be confirmed.</b>	<b>GS to advise venue when confirmed</b>

**ATTACHMENT 1:  
QUESTIONS FOR WATER QUALITY EXPERTS  
RE EFFECTS OF LEACHATE EMANATING FROM THE LEVIN LANDFILL**

The following questions were generated during the Whakawatea Forum held 26<sup>th</sup> July 2016. The relevant water quality experts are asked to address the following questions and to confirm, in a written joint statement, the matters on which they agree and those on which they do not agree in answer to the questions:

1. What are the likely sources and flow paths of leachate from the landfill (that is from all parts of the landfill: the old capped area and the current operating landfill)?
2. What are the constituents of leachate that are of concern in terms of:
  - a) Human health?
  - b) Ecosystem health?
  - c) Flora and fauna and the habitats of fauna?
  - d) Whitebait, shellfish and the food chain generally?
3. Is the current landfill monitoring regime capable of detecting these constituents of concern?
4. What is the likely impact of Horizons RC's proposed Condition 2A?
  - a) What further on-site works or changes to landfill systems or infrastructure would be required to comply with the condition?
  - b) What will be the environmental outcome of implementing Condition 2A?
5. What monitoring or other work would be required to characterise the sources and flow paths of leachate from the landfill site (or, alternatively, is there sufficient information available to do so)?
6. What is the likely impact of the deposition of drain diggings generated by the creation of the Tatana Drain and the use of the Tatana Drain itself on groundwater and surface water quality?
7. What is the interaction between groundwater beneath the landfill and the Hokio Stream (and this question should explicitly address the interaction of landfill leachate that is potentially present in the groundwater and the Hokio Stream)?
8. What is the interaction between groundwater beneath and immediately adjacent to the landfill and down-gradient groundwater, including down-gradient groundwater and aquifers beneath Hokio Beach residential properties that could potentially be sources of drinking water?
9. What is the potential for leachate from the landfill to enter groundwater or aquifers that are used for human drinking water supply?
10. What is the potential for heavy metals (for example, but not exclusively, cadmium and mercury) from electronic waste in the landfill to emerge in future leachate from the landfill?

11. What would be the indicators of contamination from e-waste in the landfill leachate contaminant profile (i.e. how would one monitor/measure for e-waste contamination in the future)?
12. What are the appropriate locations for monitoring the presence of landfill leachate in:
  - a) The groundwater (including groundwater near the coast and coastal Hokio Beach settlement);
  - b) The Hokio Stream;
  - c) The Tatana Drain (if this drain is to be retained).
13. What are the appropriate limits or standards for water quality in the Hokio Stream (bearing in mind the One Plan objectives, policies and Scheduled values for this catchment)?
14. What are the alternative and best practice methods for addressing landfill leachate?
15. In terms of RMA section 105, how would the experts characterise the sensitivity of the Hokio Stream and groundwater receiving environments?
16. What are the projected leachate contaminant concentrations and volumes of leachate over the long term likely to be generated from all parts of the landfill (i.e. including the old capped landfill and the current operating landfill)?
17. What, therefore, are the potential adverse effects on down-gradient groundwater and on the Hokio Stream?
18. How does that potential environmental outcome (under 17 above) align with the One Plan objectives, policies and Scheduled values for this water management unit?
19. What would be required to effectively intercept surface water and groundwater from the landfill site so as to comprehensively intercept, capture and divert leachate for treatment?
20. What would be the order of cost of the work required under 19 above?
21. What difference is there, in terms of impacts from landfill leachate present in either groundwater or in the Hokio Stream, for children as opposed to adults?
22. What effects would HDC's proposed in-stream and riparian planting of the Tatana Drain have in treating run-off of leachate from the landfill site?
23. In the Hokio Stream, what opportunities are there for 'biodiversity offset' type improvements to be made to improve water quality?
24. What facilities are available to HDC to treat all or any of the leachate from the landfill?
25. What is the treatment train for leachate treated via HDC's treatment facility?

**ATTACHMENT 2:  
QUESTIONS FOR AIR QUALITY EXPERTS  
RE ODOUR EFFECTS ARISING FROM THE LEVIN LANDFILL**

The following questions were generated during the Whakawatea Forum held 26<sup>th</sup> July 2016. The relevant air quality experts are asked to address the following questions and to confirm, in a written joint statement, the matters on which they agree and those on which they do not agree in answer to the questions:

1. What are the actual and potential sources of odour at the Levin landfill?
2. Based on the monitoring information available, does the landfill operation achieve compliance with the relevant consent conditions?
3. How does the record of complaints made by the Granges reconcile with the experts' assessments of compliance?
4. Where should odour monitoring occur within and beyond the Levin landfill site? And, should that monitoring be by way of 'grab' sampling (intermittent) or permanent in situ equipment monitoring?
5. Are the proposed Horizons RC and Horowhenua DC conditions of consent sufficient to effect appropriate monitoring of odour?
6. What methods do the experts recommend for monitoring, detecting and verifying the presence of odour beyond the boundary of the landfill site and, specifically, at the Grange property?
7. What will be the effect and effectiveness of the proposed Horizons RC and Horowhenua DC conditions of consent?
8. Proposed Condition 3 ( c ): What is an appropriate material for covering daily landfill operations in order to suppress odour?
9. Related to the above, is sand an appropriate material for suppressing odour? If sand is an appropriate material for covering landfill operations for the suppression of odour, what depth should be applied?
10. What are the actual and potential effects of long-term exposure to landfill odour (for example, as experienced at the Grange property)?
11. What odour-reduction performance is anticipated from the leachate-trap bio-filters and within what time frame should a result be expected?
12. What odour-reduction performance is anticipated from the flare proposed for the Levin landfill and within what time frame should a result be expected?

13. Can the anticipated performance outcomes for the bio-filters and flare be expressed as environmental outcomes or standards for the purposes of conditions?
14. Do the current proposed Horizons RC and Horowhenua DC conditions of consent appropriately express the expected outcomes for the bio-filters and flare? What adjustments to wording would be required to achieve that?
15. How should the following odour-mitigation equipment be operated and maintained so as to ensure achievement of the intended environmental outcome (described in 11 and 12 above):
  - a) The bio-filters?
  - b) The flare?
  - c) The landfill capping (daily capping of current landfill)?
16. Re complaints procedure: Is the proposed condition addressing complaints best practice? And, what is a best practice process for addressing odour complaints?
17. Is the flare Horowhenua DC proposes, in the location proposed, appropriate for this site?
18. What best practice measures are adopted at other NZ landfills that could be implemented at Levin to achieve compliance with the 'no offensive or objectionable odour' condition?
19. Are there particular types of waste that should be specifically identified, separated and disposed of separately within the landfill? And, does the Levin Landfill Management Plan adequately address this issue?



Item	Matters Discussed and Agreed Actions:	Action Due By:
1.	<p data-bbox="243 1096 492 1125"><b>Questions for Experts</b></p> <p data-bbox="519 1096 1274 1327">MS requested that the questions for water quality experts that were generated last meeting could be expanded to more comprehensively address leachate from the old (capped) landfill. MS and the other submitter representatives are particularly concerned about the potential for old agricultural chemicals and heavy metals to leach from the landfill. <b>ALL AGREED</b> to add to the list of questions for the water quality experts the following matters:</p> <p data-bbox="519 1360 1136 1390">Further to question 3 on the list of water quality questions:</p> <ul data-bbox="519 1394 1274 1831" style="list-style-type: none"> <li>a) Has the historical groundwater monitoring included testing to determine the presence of organic toxins and agrichemicals such as dieldrin, 24D, 24T, DDT, 'PCBs' and 'POPs'?</li> <li>b) What does the historical groundwater monitoring data tell us about the presence of the above chemicals of concern?</li> <li>c) Tables 'A' and 'B' in Condition 3 of Discharge Permit 6010 set out the groundwater monitoring locations, parameters and frequency for deep and shallow aquifer monitoring wells: Are the locations, parameters and frequency specified in Tables 'A' and 'B' sufficient to identify the presence of the chemicals of concern identified in question (a) above?</li> </ul>	<p data-bbox="1295 1360 1529 1596"><b>CF to provide the additional questions (a) to (d) to the water quality experts asap before they meet together for conferencing</b></p>

	Item	Matters Discussed and Agreed Actions:	Action Due By:
		<p>d) Table 'E' in Condition 3 of Discharge Permit 6010 defines the 'Comprehensive Analysis List': At what frequency should the monitoring of the parameters on that Comprehensive Analysis List be undertaken?</p> <p>There was also a question about whether the monitoring of the Comprehensive Analysis List should be tied in some way to the conditions requiring reviews of consent. However, this is more a question for planners than a question for water quality scientists. We have noted it and will address that when discussing the requested changes to the review conditions.</p> <p><b>ALL AGREED</b> that Andrew Bashford will arrange for someone at Horizons to collect up all available groundwater monitoring data that Horizons holds relating to the landfill and supply that to the water quality experts before they meet for conferencing next week.</p>	<p><b>CF to note and raise when the review conditions are discussed at Whakawatea.</b></p> <p><b>AB asap and before the water quality experts conference</b></p>
2.	<b>Joint Media Statement</b>	<p>The representatives of submitters and HDC have been unable to agree on the wording of a joint media statement. <b>ALL AGREED</b> that the opportunity has been somewhat lost and that it is going to be difficult to agree on wording that achieves all parties' aims. CF noted that the aims of submitters and of HDC are quite different. Submitters are wanting an acknowledgement by HDC that the submitters are not responsible for unnecessary costs associated with the review of conditions (rather, these are a requirement of the conditions that had been accepted by HDC). HDC's preference is that any joint statement simply focus on the positive work of Whakawatea that has occurred since the pre-hearing meeting.</p> <p>Notwithstanding those differences, <b>ALL AGREED</b> that it is essential that there be some communication from Whakawatea to all submitters updating them on what the forum has been working on since the pre-hearing meeting. <b>ALL AGREED</b> that the authorised minutes of the previous two Whakawatea forums should be made available to all submitters and that CF is to write a brief summary to accompany those. CF to coordinate with AB (Horizons has the mailing list for submitters).</p>	<p><b>DM, MH, CM, CR, MS before next meeting Tuesday 02.08.16</b></p> <p><b>CF ASAP</b></p>
3.	<b>Expert Conferencing</b>	<p>The Chairman of the Hearing Panel (Paul Rogers) is about to send to all submitters a minute advising all parties that expert conferencing is about to take place to ensure that any submitters who intend to call experts are on notice that their experts are welcome to participate in that conferencing. Also, AB has sent the questions generated last week to the Horizons experts. GC has forwarded those to the water quality and odour experts advising the community members of the NLG. GS and WM will ensure they are also forwarded to the HDC experts. CF advised that she had spoken to Rob Lieffering at MWH and that he had confirmed that his role would be as water quality expert. He also indicated he would have difficulty being available during the</p>	<p><b>CF asap and before next meeting on 26.07.16</b></p>



	Item	Matters Discussed and Agreed Actions:	Action Due By:
		time when water quality expert conferencing is planned. WM undertook to check with MWH about Rob's availability. The intention is that the water quality and odour conferencing will be completed over the next couple of weeks (i.e. before 19 <sup>th</sup> August).	WM ASAP
4.	Information	There was a discussion about the accessibility of information held by Horizons about the Levin landfill review process. The website is not very usable and all relevant information is not currently available from it. AB undertook to circulate material to submitters (Whakawatea meeting minutes and CF's summary update). AB will also set up a file sharing facility so that submitters can access the consents, relevant monitoring reports and experts' joint conferencing outputs and evidence in due course.	AB ASAP
5.	Purpose of the Neighbourhood Liaison Group	<p>The changes requested by HDC to the conditions establishing the NLG are of particular concern to submitters (including the representatives present at Whakawatea). HDC and the submitter representatives <b>AGREED</b> that there is merit in the NLG continuing. HDC is concerned that NLG has not functioned effectively in the past. That has been caused, at times, partly because of the numbers and turnover of community representatives. Equally, DM/MH/CM/CR/GC observed that there have been numerous changes of staff in the HDC waste management team that have made continuity difficult.</p> <p>The community representatives consider that the NLG has potential to:</p> <ul style="list-style-type: none"> <li>a) Replace the need for formal reviews of conditions (if the NLG forum is providing a genuine opportunity to address on-going issues at the landfill);</li> <li>b) Maintain important institutional knowledge;</li> <li>c) Reduce or eliminate the need for enforcement and Court actions and costs (again, if the forum is providing a genuine opportunity for parties to jointly address landfill issues/effects).</li> </ul> <p>GS clarified that HDC also sees merit in the NLG continuing and that:</p> <ul style="list-style-type: none"> <li>d) If there are agreed boundaries set for the scope of the NLG, it could be an effective forum;</li> <li>e) If membership is limited to a small group with a defined purpose, it could achieve its objective of monitoring the implementation of the consent (HDC noted that it is important to remember that this is why the NLG was set up in the first place);</li> <li>f) There are ways in which the function of the NLG could be improved to better assist all parties.</li> </ul> <p>However, in recent times, <b>ALL AGREED THAT</b> the NLG has suffered a number of problems. The following problems were identified by various Whakawatea members (some were agreed by all as problems but others were identified as problems only by HDC or submitter</p>	

	Item	Matters Discussed and Agreed Actions:	Action Due By:
		representative) and potential solutions were suggested for only some of them – time prevented a more full discussion:	
		<p><b>Problems:</b></p> <ul style="list-style-type: none"> <li>– No agendas for meetings</li> <li>– Too many people</li> <li>– Changing people (no continuity of membership)</li> <li>– 'Chaos' since 2014</li> <li>– Different objectives/agendas held by different members</li> <li>– Irregular meetings</li> <li>– No terms of reference</li> <li>– Lack of direct communication from NLG to HDC councillors</li> <li>– Imbalance of power of participating members</li> <li>– Lack of focus on landfill issues</li> <li>– Inability to deal with wider environmental issues affecting the community surrounding the landfill</li> </ul> <p><b>Potential Solutions:</b></p> <ul style="list-style-type: none"> <li>– Pre-circulated mtg agendas</li> <li>– Agreed membership</li> <li>– Agreed membership</li> <li>–</li> <li>–</li> <li>– Regular meetings + agendas</li> <li>– Agreed Terms of Reference</li> <li>–</li> <li>–</li> <li>–</li> </ul>	
	<b>Purpose of the Neighbourhood Liaison Group continued</b>	<b>ALL AGREED</b> that DM/MH/MS/CM/CR/GC will draft some <b>terms of reference</b> and <b>specified membership</b> for the NLG, bearing in mind the discussion of issues today. That will be circulated to Whakawatea members by 10.08.16	<b>GC/DM 10.08.16</b>
6.	<b>Compliance</b>	There was discussion (questioning) of how Horizons makes decisions about whether the landfill's effects comply with the conditions of consent. <b>AB AGREED</b> to invite the community representatives (DM, MH, MS, CM, CR) and GC to a meeting at Horizons to discuss how the monitoring is done, what the monitoring record says and whether/how the landfill is compliant with consent conditions. The timing of this meeting is to coincide with the outputs from the expert conferencing (i.e. soon after 19 <sup>th</sup> August).	<b>AB ASAP (meeting to be held soon after 19.08.16)</b>
7.	<b>Next Meeting</b>	<b>Agreed we would try to meet next Thursday or Friday and HDC offered to host again.</b>	

## ATTACHMENT 4

### AGREED OUTCOMES – AIR QUALITY CONDITIONS DISCUSSED 15.08.16

#### Conditions of Air Discharge Permit 6011:

##### Proposed Horizons Condition 6D: Site Boundary Monitoring

Whakawatea participants jointly agreed that the words 'the boundary of the site, particularly' can be deleted. The condition would therefore read:

*The consent Holder must undertake monthly odour surveys around ~~the boundary of the site, particularly~~ those sections of the boundary that are between the landfill and residential houses, until such time as discharges of refuse to the landfill cease. Thereafter, the frequency on inspection shall be determined in consultation with the Manawatu-Wanganui Regional Council. The monitoring shall be undertaken using a method that is consistent with the German VDI standard 3940 or subsequent method.*

I also note that it was recommended that the German VDI standard 3940 method needs to be clarified somewhere in the condition(s).

##### Proposed Horizons Condition 6D – H<sub>2</sub>S Monitoring:

Horowhenua District Council staff agreed (15.08.16) to purchase a hand-held H<sub>2</sub>S monitor and to undertake H<sub>2</sub>S monitoring around the landfill site in the course of site odour monitoring. Whakawatea participants jointly agreed that the H<sub>2</sub>S monitor should be left with the Grange family when not in use for landfill site monitoring. Horowhenua District Council staff agreed (15.08.16) to put together a plan for the timing, location and duration of H<sub>2</sub>S monitoring and for the sharing of results of that monitoring.

##### Condition 3 ( c ): Definitions of 'Daily' and 'Intermediate' Cover

Whakawatea participants jointly agreed that the cover material needs to be appropriate to the intended purpose. Purposes include 'daily cover', 'intermediate cover' and 'permanent cover'. Participants agree that a clearer definition is required of 'daily' and 'intermediate' cover and agreed that the purpose of 'intermediate' cover is to suppress odour and, for that purpose, an appropriate soil type is required.

##### Proposed Horizons Condition 3D: Intermediate Cover

Horowhenua District Council staff accepted (15.08.16) the wording proposed on page 16 of the air experts' joint witness statement relating to the placement of intermediate cover.

##### Condition 3 (h): Biofilter

Whakawatea participants jointly agreed that the time frame for testing the efficacy of the biofilter should be a maximum of 6 months. It was also suggested that there should be some pre-flaring and post-flaring monitoring of H<sub>2</sub>S and methane.