

## CONDITIONS APPENDED TO LEGAL SUBMISSIONS

1. The following table sets out the conditions as proposed in Mr Bashford's Section 42A Officer's Report that HDC agrees with, agrees with subject to minor amendment or disagrees with.

	Discharge Permit 6010	Discharge Permit 6011	Discharge Permit 6009	Discharge Permit 7289	Discharge Permit 102259
<b>Agree</b>	5, 9, 10, 15(f), 18- 27.	3(c), 3(f), (noting that Mr Saidy will comment on the practicalities of complying with this condition), 3(h), 3(i), 3(j), 3(k), 3(n), 6E, 6F	8, 14, 14(m), 14, 28(d), 29	5	7, 9, 18
<b>Agree subject to minor amendment</b>		3(e), 3(g), 3(l), 3(m), 3(p), 6B, 6C, 6D			
<b>Disagree</b>	2. 2A, 3H and 3p, 11(a), 11(aa), 30	3(d), 3(o), 6A, 7	31, 32- 34,	19	5, 19

2. The following table is a comparison table of the different versions of conditions that have been proposed, including those proposed in the Notice of Review, HDCs response and the s127 application, conditions as recommended in the section 42A reports (based on the HDC response, submissions and JWS) taken from Andrew Bashford's section 42A Officer's Report.
3. Hywel Edwards' evidence appends a table with two additional columns setting out the condition as proposed by the Planning section 42A report and HDC's response to the section 42A report, including where necessary conditions that the HDC recommends be inserted into the conditions of consent.
4. This table appended to the legal submissions inserts an additional column setting out HDC's confirmed position following further consideration of the relevant issues and receipt of submitters' evidence.

### Discharge Permit 6010 – discharge landfill leachate onto and into land

Condition Number	Horizons Notice of Review	HDC Response to Review	HDC s127 Application	Section 42A recommendation by Mr Bashford	Condition as amended in section 42A report	HDC current position	HDC's confirmed position
Condition 2			<del>Landfill leachate shall not contaminate adjoining land.</del>	I consider that this condition is still relevant to the overall management of leachate on the site and recommend that it be retained. As outlined by Mr Standen, at paragraph 31 of his report, there are potential situations where the condition may be required to avoid or mitigate effects on the environment.	Landfill leachate shall not contaminate adjoining land.	HDC disagrees with Condition 2 as per the Officer's Report and submits that this should be deleted in its entirety.  As discussed in the evidence of Mr Olivier Ausseil, Stephen Douglass and Gallo Saidy condition 2 (as interpreted by Horizons) and condition 2A discussed below: <ul style="list-style-type: none"> <li>a. Fail to reflect the history of the consents and the conditions</li> <li>b. Leachate discharge beyond the site into Tatana Drain was an anticipated effect (and an actual effect) of the original consent and its conditions</li> <li>c. There are no measurable</li> </ul>	Maintains position - disagree

Condition Number	Horizons Notice of Review	HDC Response to Review	HDC s127 Application	Section 42A recommendation by Mr Bashford	Condition as amended in section 42A report	HDC current position	HDC's confirmed position
						<p>effects of leachate on Hokio Stream</p> <p>d. Avoidance as required is impossible, as agreed by the water quality experts in their conferencing, and the condition as interpreted by Horizons nullifies the grant of consent.</p> <p>For these reasons condition 2 should be deleted.</p>	
New Condition 2A	<u>Within six months of the commencement date of the decision of the 2015 review of conditions, the consent holder shall cease the discharge of landfill leachate to the Tatana Drain.</u>	<del>Within six months of the commencement date of the decision of the 2015 review of conditions, the consent holder shall cease the discharge of landfill leachate to the Tatana Drain.</del>		<p>It is noted that Submitter 160 suggested a change to this proposed new condition as follows:</p> <p><i>Within six months of the commencement date of the decision of the 2015 review of conditions, the consent holder shall cease the discharge of <u>any</u> landfill leachate <del>to</del> <u>from</u> the Tatana Drain <u>into the Hokio Stream</u>.</i></p> <p>The suggested condition does not take into account the effects on the water quality and aquatic life in the Tatana Drain itself. The quality of water within the drain is severely compromised and it is considered that efforts are required to rectify this issue. It is not unusual for unlined landfills to have cutoff drains installed to intercept leachate and for that leachate to be disposed of through a means where it has less impact on the environment.</p> <p>I recommend that the condition as proposed in the Notice of Review be inserted into the Permit.</p>	<u>Within six months of the commencement date of the decision of the 2015 review of conditions, the consent holder shall cease the discharge of landfill leachate to the Tatana Drain.</u>	<p>HDC disagrees with proposed condition 2A as per the Officer's Report for the reasons discussed above and submits that this proposed condition be deleted.</p> <p>Despite suggested changes in his report the officer has not made these changes to the proposed condition.</p> <p>The changes suggested in the officer's report (but not the conditions) are also opposed for the reasons above, especially that there is no evidence of adversely effects on the stream associated with any discharge of leachate from the drain.</p>	<p>Maintains position - disagree</p> <p>We note that the reference to Mr Bashford's suggested changes to the condition in the previous column is incorrect and that those changes were suggested by a submitter.</p>
Condition 3H and 3p	Proposed change to Table C to include a new surface water monitoring location called 'Tatana Drain (TD1)'.	<p>HDC agrees with the proposed and also proposes various minor changes to Tables A, B, C and D under condition 3:</p> <ul style="list-style-type: none"> <li>Amend the frequency</li> </ul>		<p>I agree with the changes that HDC has proposed in its first bullet point.</p> <p>Mr Brown has recommended more frequent monitoring so that it is undertaken on a monthly basis between November to April</p>	The Permit Holder shall commence the following monitoring programme: <u>[tables A-F]</u>	<p>HDC agrees with extra monitoring as agreed in the water quality experts joint statement and set out in the evidence of Dr Ausseil and Mr Douglass. However, HDC does not agree to the monitoring being set between</p>	<p>Maintains position. HDC agrees with the additional monitoring proposed by Dr Ausseil and Mr</p>

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	<p>Proposed change to Table D to include a new surface water monitoring location called 'TD1' having location 'Tatana Drain'.</p>	<p>description for the Deep Aquifer (Table A), Shallow Aquifer (Table B) Monitoring Wells, and Water Monitoring Locations (Table C) since the "2 year" and "1 year" periods were completed following the 2010 review.</p> <ul style="list-style-type: none"> <li>• Include the sampling of bore G2s in Table B since this is currently occurring.</li> <li>• Include for sampling of a second new surface monitoring location called 'TD2' within Tatana Drain in Table C.</li> <li>• In Table D, amend the locations for bores G1s and G1d, and include bore G2s and surface water monitoring locations of Tatana Drain.</li> </ul>		<p>(inclusive). I recommend that changes are made to Table C to accommodate this, and have included such changes in the condition schedule in Appendix 2.</p> <p>I agree with the proposed changes as outlined in the second, third and fourth bullet points, and recommend that those changes be made to the relevant tables in Condition 3.</p>		<p>November and April as 20 years data would have picked this up, it is at the lowest flow events only and the flow of the Hokio Stream is controlled by a weir at the exit of Lake Horowhenua.</p> <p>HDC agrees with the recommendations of Dr Olivier Ausseil as follows:</p> <ul style="list-style-type: none"> <li>(a) A new "upstream" monitoring site should be added on the Hokio Stream. This site should be located upgradient of any groundwater influx from the closed landfill area. This site should be monitored at the same frequency and for the same analytes as the other surface water monitoring sites;</li> <li>(b) One regular surface water quality monitoring site should be added on the Tatana Drain, at the Southeast corner of the drain (i.e. where it angles away from the fenceline and towards the road/Hokio Stream), as recommended in the JWS;</li> <li>(c) SVOC/VOC analysis of the groundwater bores located downgradient of the landfill should be undertaken annually as a matter of course (as opposed to triggered by previous results), and full results reported in the quarterly/annual reports;</li> <li>(d) Mercury should be added to the list of analytes in surface water samples; and</li> <li>(e) Surface water monitoring should be maintained at the current frequency (quarterly).</li> </ul>	<p>Douglass. HDC disagrees with the requirement for monthly reporting between November and April.</p>

Condition Number	Horizons Notice of Review	HDC Response to Review	HDC s127 Application	Section 42A recommendation by Mr Bashford	Condition as amended in section 42A report	HDC current position	HDC's confirmed position
Condition 5			The results of monitoring under Conditions 3 and 4 of this Permit shall be reported to the Regional Council by <del>31 August</del> <u>30 September</u> each year for the duration of this Permit.	Agreed. Mr Standen has reviewed this proposed change and is satisfied that it will not cause any concerns to the compliance monitoring of the consent. I recommend that the proposed change be accepted.	The results of monitoring under Conditions 3 and 4 of this Permit shall be reported to the Regional Council by <del>31 August</del> <u>30 September</u> each year for the duration of this Permit.	HDC agrees with the condition as per the Officer's Report.	Maintains position – agree
Condition 9			The Permit Holder shall report the results of the monitoring to the Neighbourhood Liaison Group by <del>31 August</del> <u>30 September</u> each year for the duration of the Permit.	Agreed. Mr Standen has reviewed this proposed change and is satisfied that it will not cause any concerns to the compliance monitoring of the consent. I recommend that the proposed change be accepted.	The Permit Holder shall report the results of the monitoring to the Neighbourhood Liaison Group by <del>31 August</del> <u>30 September</u> each year for the duration of the Permit.	HDC agrees with the condition as per the Officer's Report.	Maintains position - agree
Condition 10			<del>10 If a laboratory is used for water quality analyses which do not have independent accreditation for the parameters measured, then on each sampling occasion duplicate samples from a least one sampling location shall be analysed by a laboratory with independent accreditation for the parameters measured. Continued analysis by the unaccredited laboratory shall be at the discretion of the Regional Council.</del>	Mr Standen has reviewed this proposed change and discussed it at paragraphs 34 to 36 of his report. I agree with his analysis and recommend that the condition be replaced with the following:  <i>All analyses on water quality samples shall be carried out by an IANZ accredited laboratory.</i>	<del>If a laboratory is used for water quality analyses which do not have independent accreditation for the parameters measured, then on each sampling occasion duplicate samples from a least one sampling location shall be analysed by a laboratory with independent accreditation for the parameters measured. Continued analysis by the unaccredited laboratory shall be at the discretion of the Regional Council. All analyses on water quality samples shall be carried out by an IANZ accredited laboratory.</del>	HDC disagrees with the condition as per the Officer's report.	Change of position - HDC now agrees with this condition.
Condition 11(a)	Should any shallow aquifer groundwater <del>and surface water</del> parameters tested for under Condition 3 of this consent exceed the Australian and New Zealand Environment and Conservation Council Water Quality Guidelines (2000) for Livestock Watering, the Permit Holder shall report to the Regional Council as soon as	Should any shallow aquifer groundwater <del>and surface water</del> parameters tested for under Condition 3 of this consent exceed the Australian and New Zealand Environment and Conservation Council Water Quality Guidelines (2000) for Livestock Watering, the Permit Holder shall report to the Regional Council as soon as		In his report, Mr Brown has observed that the ANZECC guidelines for Livestock Watering do not provide for the values assigned to the Hokio Stream its tributaries (including the Tatana Drain). He states that more appropriate standards would be the ANZECC guidelines for the level of protection of 95% of species. This is consistent with the changes to the conditions as recommended in the Notice of Review and I recommend that the words “and surface water” be removed from the	Should any shallow aquifer groundwater <del>and surface water</del> parameters tested for under Condition 3 of this consent exceed the Australian and New Zealand Environment and Conservation Council Water Quality Guidelines (2000) for Livestock Watering, the Permit Holder shall report to the Regional Council as soon as practicable on the significance of the result	HDC disagrees with the condition as per the Officer's Report.	Maintains position - disagree

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	practicable on the significance of the result and, where the change can be attributed to landfill leachate, consult with the Regional Council to determine if further investigation or remedial measures are required.	practicable on the significance of the result and, where the change can be attributed to landfill leachate, consult with the Regional Council to determine if further investigation or remedial measures are required.		condition.	and, where the change can be attributed to landfill leachate, consult with the Regional Council to determine if further investigation or remedial measures are required.		
New Condition 11(aa)	<u>Should any surface water parameters tested for under Condition 3 of this consent, including the Tatana Drain location, exceed the Australian and New Zealand Environment and Conservation Council Water Quality Guidelines (2000) for 95 per cent protection levels for Aquatic Ecosystems the Permit Holder shall report to the Regional Council as soon as practicable on the significance of the result. Where the change can be attributed to landfill leachate the Consent Holder shall consult with the Regional Council to determine if further investigation or remedial measures are required.</u>	<del>Should any surface water parameters tested for under Condition 3 of this consent, including the Tatana Drain location, exceed the Australian and New Zealand Environment and Conservation Council Water Quality Guidelines (2000) for 95 per cent protection levels for Aquatic Ecosystems the Permit Holder shall report to the Regional Council as soon as practicable on the significance of the result. Where the change can be attributed to landfill leachate the Consent Holder shall consult with the Regional Council to determine if further investigation or remedial measures are required.</del>		As per the above, it is considered that the ANZECC guidelines for the level of protection of 95% of species is the appropriate standard to apply to the Hokio Stream and Tatana Drain. I recommend that this condition be incorporated into the consent.	<u>Should any surface water parameters tested for under Condition 3 of this consent, including the Tatana Drain location, exceed the Australian and New Zealand Environment and Conservation Council Water Quality Guidelines (2000) for 95 per cent protection levels for Aquatic Ecosystems the Permit Holder shall report to the Regional Council as soon as practicable on the significance of the result. Where the change can be attributed to landfill leachate the Consent Holder shall consult with the Regional Council to determine if further investigation or remedial measures are required</u>	HDC disagrees with the condition as per the Officer's Report.  As discussed above and in the evidence of Olivier Ausseil, this condition should not apply to the Tatana Drain and should be worded as follows:  For toxicants measured in surface water samples of the Hokio Stream, the median concentration of the samples taken over the preceding 24 months shall be compared with the trigger values for toxicants at the 95% species protection level provided in the 2000 ANZECC Guidelines table 3.4.1 (page 3.4-5). Should the median concentration of any toxicant exceed the relevant trigger value, Permit Holder shall assess whether the change can be attributed to landfill leachate.  Where the change can be attributed to landfill leachate the Consent Holder shall consult with the Regional Council to determine if further investigation or remedial measures are required.  The results of the above investigations shall be reported in the annual monitoring report required.	Maintains position - disagree
Condition 15(f)			The Permit holder shall submit an annual report to the Regional Council by <del>31 August</del> <u>30 September</u> each year for the duration of this Permit documenting the condition of the unlined landfill and any	Agreed	The Permit holder shall submit an annual report to the Regional Council by <del>31 August</del> <u>30 September</u> each year for the duration of this Permit documenting the condition of the unlined	HDC agrees with the condition as per the Officer's Report	Maintains position - agree

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			<p>maintenance carried out during the previous year. The annual report shall address but not be limited to those aspects listed in Conditions 15(a) to (e) above. The annual report shall include a plan of the unlined landfill specifically documenting the shape of the closed landfill and any changes during the previous year. [The annual report can be written in conjunction with the annual report required as part of Condition 14 for Consent Number 6009].</p>		<p>landfill and any maintenance carried out during the previous year. The annual report shall address but not be limited to those aspects listed in Conditions 15(a) to (e) above. The annual report shall include a plan of the unlined landfill specifically documenting the shape of the closed landfill and any changes during the previous year. [The annual report can be written in conjunction with the annual report required as part of Condition 14 for Consent Number 6009].</p>		
Condition 18			<p><del>The rate of application of leachate irrigated to land shall not exceed 200 kg Nitrogen/hectare per year.</del></p>	<p>Mr Standen has considered the proposed deletion of conditions 17 through to 24 and conditions 26 and 27 relating to the irrigation of leachate on the landfill site. Mr Standen notes that HDC has not irrigated to the site for approximately five years. HDC states that leachate has been treated at the Levin WWTP since about 2009.</p> <p>Mr Standen has recommended a condition to prohibit the discharge of leachate onto or into land. I agree that a condition limiting discharges to land on the site is required. Discharge Permit 6010 authorises the discharge of leachate to land, and the cancellation of conditions 17 to 24 and 26 and 27 will mean that there are no controls to any future discharges of leachate to land. It is noted that the irrigation of leachate can only apply to leachate collected from the lined landfill. Therefore I recommend a condition be imposed to replace the cancelled conditions that states:</p>	<p><del>The rate of application of leachate irrigated to land shall not exceed 200 kg Nitrogen/hectare per year. The Permit Holder shall ensure that no leachate from the lined landfill is irrigated or otherwise discharged to land.</del></p>	<p>HDC agrees with the change. This reflects HDC's section 127 application to delete discharge of leachate to ground conditions as per the evidence of Phillip Landmark that no leachate has been irrigated to land since 2009 and HDC does not intend to do so in the future.</p>	<p>Maintains position - agree</p>

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				The Permit Holder shall ensure that no leachate from the lined landfill is irrigated or otherwise discharged to land.			
Condition 19			<del>There shall be no ponding or runoff of leachate on or beyond the irrigation areas.</del>	As above	<del>There shall be no ponding or runoff of leachate on or beyond the irrigation areas.</del>	HDC agrees with the deletion of the condition as per the Officer's Report.	Maintains position - agree
Condition 20			<del>Subject to Condition 19 of this permit, application of leachate on to soil shall not exceed 50 millimetres per day. Notwithstanding, the maximum rate of application shall not exceed 5 millimetres per hour.</del>	As above	<del>Subject to Condition 19 of this permit, application of leachate on to soil shall not exceed 50 millimetres per day. Notwithstanding, the maximum rate of application shall not exceed 5 millimetres per hour.</del>	HDC agrees with the deletion of the condition as per the Officer's Report.	Maintains position - agree
Condition 21			<del>There shall be no discharge of offensive or objectionable odour at or beyond the legal boundary of the Levin Landfill property as shown on Figure 1 resulting from leachate.</del>	As above	<del>There shall be no discharge of offensive or objectionable odour at or beyond the legal boundary of the Levin Landfill property as shown on Figure 1 resulting from leachate irrigation.</del>	HDC agrees with the deletion of the condition as per the Officer's Report.	Maintains position - agree
Condition 22			<del>Should the quality of leachate being irrigated exceed the STV parameters set out in the Australian and New Zealand Environment and Conservation Council Water Quality Guidelines (2000) for metals in Irrigation Water the Permit Holder shall report to the Regional Council as soon as practicable on the significance of the result and in consultation with the Regional Council determine if further investigation or remedial measures are required.</del>	As above	<del>Should the quality of leachate being irrigated exceed the STV parameters set out in the Australian and New Zealand Environment and Conservation Council Water Quality Guidelines (2000) for metals in Irrigation Water the Permit Holder shall report to the Regional Council as soon as practicable on the significance of the result and in consultation with the Regional Council determine if further investigation or remedial measures are required.</del>	HDC agrees with the deletion of the condition as per the Officer's Report.	Maintains position - agree
Condition 23			<del>The daily volume of leachate irrigated to land shall be metered and recorded.</del>	As above	<del>The daily volume of leachate irrigated to land shall be metered and recorded.</del>	HDC agrees with the deletion of the condition as per the Officer's Report.	Maintains position - agree

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Condition 24			<del>The Permit Holder shall make regular and at least weekly, inspections of the irrigation system, including pumps, pipes, irrigators and vegetation to ensure that the system is operating efficiently and that vegetation is in good health.</del>	As above	<del>The Permit Holder shall make regular and at least weekly, inspections of the irrigation system, including pumps, pipes, irrigators and vegetation to ensure that the system is operating efficiently and that vegetation is in good health.</del>	HDC agrees with the deletion of the condition as per the Officer's Report.	Maintains position – agree
Condition 26			<del>A plan of the leachate irrigation system shall be prepared to the satisfaction of the Regional Council's Environmental Protection Manager nine months prior to placement of refuse on the lined landfill. The plan shall include: a. A map showing areas to be irrigated; b. Design of the recirculation, treatment and irrigation systems; c. Contingency measures in case of failures in the irrigation system; d. Criteria for installing aerators in the leachate pond; e. Assessment of options for recirculating leachate over the lined landfill; f. Assessment of groundwater profile beneath the irrigation area and effects leachate irrigation will have on groundwater; g. Groundwater and soil monitoring programme, including a map showing sampling locations; and  a. Any other relevant matter.</del>	As above	<del>A plan of the leachate irrigation system shall be prepared to the satisfaction of the Regional Council's Environmental Protection Manager nine months prior to placement of refuse on the lined landfill. The plan shall include: a. A map showing areas to be irrigated; b. Design of the recirculation, treatment and irrigation systems; c. Contingency measures in case of failures in the irrigation system; d. Criteria for installing aerators in the leachate pond; e. Assessment of options for recirculating leachate over the lined landfill; f. Assessment of groundwater profile beneath the irrigation area and effects leachate irrigation will have on groundwater; g. Groundwater and soil monitoring programme, including a map showing sampling locations; and h. Any other relevant matter.</del>	HDC agrees with the deletion of the condition as per the Officer's Report.	Maintains position – agree
Condition 27			<del>The Permit Holder shall keep a log of: a. The dates and times of leachate irrigation; b. The total volume of leachate irrigated daily;</del>	As above	<del>The Permit Holder shall keep a log of: a. The dates and times of leachate irrigation; b. The total volume of leachate irrigated daily;</del>	HDC agrees with the deletion of the condition as per the Officer's Report.	Maintains position – agree



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			<p><del>e. The volumes of leachate irrigated to specific areas;</del>  <del>d. Weather and ground conditions during irrigation;</del>  <del>e. Observations made during the weekly inspections of the pump, irrigation system and irrigation areas; and</del>  <del>f. Repairs and maintenance carried out on the irrigation system.</del></p> <p><del>Copies of this log shall be forwarded to the Regional Council's Environmental Protection Manager on 28 February and 31 August of each year that the irrigation system is operated.</del></p>		<p><del>e. The volumes of leachate irrigated to specific areas;</del>  <del>d. Weather and ground conditions during irrigation;</del>  <del>e. Observations made during the weekly inspections of the pump, irrigation system and irrigation areas; and</del>  <del>f. Repairs and maintenance carried out on the irrigation system.</del></p> <p><del>Copies of this log shall be forwarded to the Regional Council's Environmental Protection Manager on 28 February and 31 August of each year that the irrigation system is operated.</del></p>		
Condition 30			<p>The Regional Council <del>shall</del> <b>may</b> initiate a <del>publicly notified</del> review of Conditions 3, 4, 11 (a) – (e), 12, 13, 14, 24, 27, 28 and 29 of this permit <b>at ten yearly intervals after the commencement date of the decision of the 2015 review of conditions in April, 2015, 2020, 2025, 2030 and 2035, unless the Neighbourhood Liaison Group (NLG) agrees that a review is unnecessary.</b> The reviews shall be for the purpose of:....."</p>	<p>A number of submitters have expressed their objection to the changes proposed by HDC to the review conditions. I understand that the conditions were imposed on the various consents during the last review in 2010, by agreement between the parties, including the Regional Council.</p> <p>There are three elements to the proposed change. First is to remove the compulsory and publicly notified nature of the review and to replace it with a discretionary element. The second is to amend the possible frequency of the review and the third is related to the first and seeks to remove the discretionary powers granted to the NLG.</p> <p>Even though the condition was introduced into the consents by way of agreement, there is now an application before Horizons to amend it. In my opinion, s128 provides a discretion to the consenting authority as to whether it will review the conditions of</p>	<p>The Regional Council <del>shall</del> <b>may</b> initiate a <del>publicly notified</del> review of Conditions 3, 4, 11 (a) – (e), 12, 13, 14, 24, <del>27</del>, 28 and 29 of this Permit in October 2015 and April 2020, 2025, 2030 and 2035, <del>unless the Neighbourhood Liaison Group (NLG) agrees that a review is unnecessary.</del> The reviews shall be for the purpose of:...</p>	HDC disagrees with the condition as per the Officer's Report.	Maintains position –disagree

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				<p>consent or not. Section 128 does not require that a review take place. Reviews of conditions can be costly and are often seen to derogate the rights of the consent. Therefore, it is appropriate that a discretion remains in place as to whether to initiate a review or not. With regards to notification, s130(3) of the RMA specifies that s95 to 95G (which set out the notification decision process) apply to reviews. Whether to review the conditions of consent or to notify a review should rely on the provisions provided for that purpose in the RMA and not be overridden by a consent condition. In this respect, I agree with the proposed change to replace the word "shall" with "may" and to remove the words "publicly notified".</p> <p>I do not agree with the requested change to ten yearly intervals for when a review can take place. In my view the current issues of odour and the daylighting of leachate only seem to have come to light since the previous review in 2010. The landfill site is an active site and things can change within a short time period. I consider that five years continues to be an appropriate for potential reviews.</p> <p>With the removal of the compulsory nature of the review, the discretionary power provided to the NLG becomes redundant. As such I agree with its removal.</p>			

**Discharge Permit 6009 – discharge solid waste to land**

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC response to Planning s42A Officer's Report	HDC confirmed position
Condition 8			The Permit Holder shall	Agreed – same reasons as	The Permit Holder shall	HDC agrees with the condition	Maintains position

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC response to Planning s42A Officer's Report	HDC confirmed position
			develop and implement a procedure for the landfill operator, such that potentially hazardous material, as listed in Annex 1 attached to and forming part of this permit, will not be accepted for disposal at the Levin landfill without specific authorization. The Operations Manager of the Horowhenua District Council, or some other designated person, is able at their discretion to accept quantities of such wastes. The waste shall be accompanied by a Hazardous Waste Manifest, as listed in Annex 1, which will form part of the permanent record and shall be reported <del>by</del> to the Regional Council by <del>31 August</del> <b>30 September</b> each year for the term of this Permit.	discussed in relation to conditions 5 of Discharge Permit 6010.	develop and implement a procedure for the landfill operator, such that potentially hazardous material, as listed in Annex 1 attached to and forming part of this permit, will not be accepted for disposal at the Levin landfill without specific authorization. The Operations Manager of the Horowhenua District Council, or some other designated person, is able at their discretion to accept quantities of such wastes. The waste shall be accompanied by a Hazardous Waste Manifest, as listed in Annex 1, which will form part of the permanent record and shall be reported <del>by</del> to the Regional Council by <del>31 August</del> <b>30 September</b> each year for the term of this Permit.	as per the Officer's Report.	- agree
Condition 14	The Permit Holder shall update the Landfill Management Plan in respect of the operations on the lined landfill to the satisfaction of the <del>Environmental Protection Regulatory</del> <b>Environmental Protection Regulatory</b> Manager at the Regional Council within six months <del>of the completion of the review of the consents of the commencement date of the decision of the 2015 review of conditions of consent.</del> The Landfill Management Plan shall include, but not be limited to:...	Agreed		Recommend that the proposed changes are made to the condition.  The air quality experts have agreed that an odour management plan (OMP) should be prepared and referenced in the consent conditions. It would be logical to have the OMP incorporated into the Landfill Management Plan. As such, I recommend an additional clause to be added to condition 14 to require the inclusion of an OMP.	The Permit Holder shall update the Landfill Management Plan in respect of the operations on the lined landfill to the satisfaction of the <del>Environmental Protection Regulatory</del> <b>Environmental Protection Regulatory</b> Manager at the Regional Council within six months <del>of the completion of the review of the consents of the commencement date of the decision of the 2015 review of conditions of consent.</del> The Landfill Management Plan shall include, but not be limited to:...	HDC agrees with the condition as per the Officer's Report.	Maintains position - agree
Condition 14(m)		<del>The feasibility of carrying out greenwaste composting operations on top of the closed</del>		Agreed. Mr Standen has assessed this request at paragraph 37 of his report, and has noted that the	<del>The feasibility of carrying out greenwaste composting operations on top of the</del>	HDC agrees with deletion of the condition as per the Officer's Report.	Maintains position - agree

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC response to Planning s42A Officer's Report	HDC confirmed position
		<del>landfill shall be assessed. Where it is deemed to be feasible, the composting operations shall be incorporated into the Closed Landfill Aftercare Management Plan.</del>		feasibility study has been completed which concluded that the composting is not feasible. Therefore I recommend that the condition be cancelled as requested.	<del>closed landfill shall be assessed. Where it is deemed to be feasible, the composting operations shall be incorporated into the Closed Landfill Aftercare Management Plan.</del> An Odour Management Plan.		
Condition 14			".....The Permit holder shall submit an annual report to the Regional Council by <del>31 August</del> 30 September each year for the duration of this Permit documenting the condition of the unlined landfill and any maintenance carried out during the previous year. The annual report shall address but not be limited to those aspects listed in Conditions 14(n) to 14(r) above. The annual report shall include a plan of the unlined landfill specifically documenting the shape of the closed landfill and any changes during the previous year related to Condition 14(q) [The annual report can be written in conjunction with the annual report required as part of Consent Number 6010]	Agreed – same reasons as discussed in relation to conditions 5 of Discharge Permit 6010.	.....The Permit holder shall submit an annual report to the Regional Council by <del>31 August</del> 30 September each year for the duration of this Permit documenting the condition of the unlined landfill and any maintenance carried out during the previous year. The annual report shall address but not be limited to those aspects listed in Conditions 14(n) to 14(r) above. The annual report shall include a plan of the unlined landfill specifically documenting the shape of the closed landfill and any changes during the previous year related to Condition 14(q) [The annual report can be written in conjunction with the annual report required as part of Consent Number 6010]	HDC agrees with the condition as per the Officer's Report.	Maintains position – agree
Condition 28(d)		'A protective layer of sand 100 mm thick on the base overlain by a 300 mm thick gravel drainage layer, and on the sides <del>a protective layer of sand 300 mm thick that will be placed progressively as the landfill rises</del> slopes a confining layer of gravel 300 mm thick, lain on top		Agreed. Mr Standen addresses this requested change at paragraph 38 of his report. He states that the change has already been implemented, with Horizons approval. Therefore I recommend that the change to the condition be made as proposed.	A protective layer of sand 100 mm thick on the base overlain by a 300 mm thick gravel drainage layer, and on the sides <del>a protective layer of sand 300 mm thick that will be placed progressively as the landfill rises.</del> slopes a confining layer of gravel 300	HDC agrees with this condition as per the Officer's Report.	Maintains position – agree

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		<u>of a protective geofabric and geogrid, appropriately designed for the site conditions'</u>			<u>mm thick, lain on top of a protective geofabric and geogrid, appropriately designed for the site conditions.</u>		
Condition 29		<del>'Nine months prior to the placement of refuse on the lined landfill, the Permit Holder shall present a Management Plan to the Regional Council including the same items as those described in Condition 14 (a) to (m)'</del>		This condition has been complied with and is now redundant. I recommend that it be cancelled as requested.	<del>Nine months prior to the placement of refuse on the lined landfill, the Permit Holder shall present a Management Plan to the Regional Council including the same items as those described in Condition 14 (a) to (m)</del>	HDC agrees with the deletion of this condition as per the Officer's Report.	Maintains position – agree
Condition 31			The Regional Council <del>shall</del> <b>may</b> initiate a <b>publicly notified</b> review of Conditions 2, 8, 14 (a) to (m), 28, 29, 32, 33, and 34 of this permit <b>at ten yearly intervals after the commencement date of the decision of the 2015 review of conditions in April 2015, 2025, and 2035.</b> The reviews shall be for the purpose of:...	Agreed for the same reasons as discussed in relation to condition 30 of Discharge Permit 6010. In addition, I note that the HDC request in relation to this particular review condition has omitted part of the condition. I recommend that the reference to the NLG also be removed from the condition in a similar fashion to that recommendation for condition 30 of discharge permit 6010.	The Regional Council <del>shall</del> <b>may</b> initiate a <b>publicly notified</b> review of Conditions 2, 8, 14 (a) to (m), 28, <del>29</del> , 32, 33, and 34 of this permit <b>in October 2015 and April 2020, 2025, 2030 and 2035</b> <del>unless the Neighbourhood Liaison Group (NLG) agrees that a review is unnecessary.</del> The reviews shall be for the purpose of:...	HDC disagrees with the condition as per the Officer's Report.	Maintains position –disagree
Condition 32		<del>'The Permit Holder shall re-establish, chair, manage and conduct a Neighbourhood Liaison Group (NLG) in 2016. The following shall <u>each be eligible to be members</u> have one representative:</del> a. <del>Representation from</del> The Lake Horowhenua Trustees and Ngati Pareraukawa; b. The owners <del>and occupiers</del> of those properties adjoining the Levin Landfill property described as A through to N on Drawing 2181 <del>attached</del> ; c. <del>A technical advisor as appointed by the Permit Holder. Other parties who are invited from time to time as agreed by the</del>		Conditions 32 to 34 establish a community liaison group (NLG) outlining membership, frequency of meetings and roles and responsibilities. HDC have proposed to amend these conditions to rationalise membership of the group and to define a purpose for the group. A number of submitters are opposed to the changes to these conditions and see the changes as an erosion of rights and as an attempt to exclude the community voice from the decision making process.  In my experience, for such liaison groups to functionally operate they do need clear terms of reference that outline the groups purpose,	<del>32. The Permit Holder shall establish a NLG. The following shall be eligible to be members:  a. Representation from Lake Horowhenua Trustees and Ngati Pareraukawa;  b. The owners and occupiers of those properties adjoining the Levin Landfill property described as A through to N on Drawing 2181 attached;  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; and  d. A representative from each of the Horowhenua District</del>	HDC agrees with this condition as per the Officer's Report with the following exceptions:  HDC may have one representative but the condition needs to be clear that at the meeting, as the consent holder, it may have its relevant staff and contractors attend. It is important that the discussions of the NLG are heard directly by staff involved in the management and operation of the landfill.  New condition 32 entitling all adjacent owners and occupiers NLG membership.	Maintains position – largely disagree

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		<p><del>Permit Holder and/or the NLG, including but not limited to original submitters; and</del></p> <p>d. <del>A representative from each of the Horowhenua District Council and the Regional Council, being consent authorities.</del></p> <p>e. <u>The Permit Holder (in addition to the representative nominated under 32(d))</u>.</p>		<p>membership and the respective roles and responsibilities of the members.</p> <p>With respect to Condition 32, I note that the Lake Horowhenua Trustees and Ngati Pareraukawa are different entities and should be listed separately to make it clear that each entity is entitled to membership of the NLG. I disagree with the proposed exclusion of occupiers of properties adjacent to the landfill from the NLG. Owners and occupiers need to be considered when assessing effects of activities on people and I do not see why occupiers cannot be involved in the on-going consultation processes available through an NLG. I consider that the group should be set up for the members and that technical representation could be on a 'when and as needed' basis as agreed by the group members. I consider that HDC and Horizons ought to be listed separately as they are separate organisations. I agree that the permit holder should have representation, but only if the permits are not held by HDC.</p> <p>Amended wording to reflect the above is included in the condition schedules attached in Appendix 2.</p>	<p><del>and the Regional Council, being consent authorities.</del></p> <p><u>The Permit Holder shall re-establish, chair, manage and conduct a Neighbourhood Liaison Group (NLG) in 2016. Representation on the NLG shall be available to all owners and occupiers of the properties adjoining the Levin Landfill property, described as A through to N on Drawing 2181. In addition, the following entities shall each be eligible to have one representative on the NLG:</u></p> <p><u>a. The Lake Horowhenua Trust,</u></p> <p><u>b. Ngati Pareraukawa,</u></p> <p><u>c. Manawatu-Wanganui Regional Council</u></p> <p><u>d. Horowhenua District Council</u></p> <p><u>e. The Permit Holder (if a different entity from HDC)</u></p> <p><u>Technical advisors may be invited to NLG meetings if deemed necessary, and only by agreement from the active members of the NLG.</u></p>	<p>New condition 32 – Requiring agreement of NLG to invite technical advisors to NLG meetings. Experts should be present to the meeting as required and appropriate. Parties should bear the cost of such technical advisors; HDC will make its advisors available to talk to the NLG as reasonable. It is likely to prevent the attendance of technical advisors at NLG meetings and therefore the dissemination of information that can make an invaluable contribution toward resolving issues. The proposed s42A wording of NLG "agreement" of "active members" is uncertain and is likely to increase disputes.</p> <p>As discussed in the evidence of Mr Gallo Saidy the challenges in resolving issues through the NLG will continue if large numbers of people attend NLG meetings. The experience of the Whakawatea Forum is that a smaller group of people, reporting back to the community, works much better.</p> <p>Condition 32 should be worded as follows:</p> <p>The Permit Holder shall re-establish, chair, manage and conduct a Neighbourhood Liaison Group (NLG) in 2016. The following shall each be eligible to have one representative:</p> <p>a. The Lake Horowhenua Trustees;</p> <p>b. Ngati Pareraukawa;</p> <p>c owners of the properties</p>	

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						<p>adjoining the Levin Landfill property, described as A through to N on Drawing 2181.</p> <p>d. a technical advisor as appointed by the Permit Holder</p> <p>e. Manawatu-Wanganui Regional Council</p> <p>f. Horowhenua District Council</p> <p>g. The Permit Holder (if a different entity from HDC)</p> <p>Technical advisors as appointed by the Permit Holder may be invited to NLG meetings if the Permit Holder considers it would assist the discussion with the NLG.</p> <p>The permit holders staff and contractor shall be able to attend and watch the NLG meetings and assist on the invitation of the permit holder's representative.</p> <p>The representatives on the NLG are responsible for reporting back to their members and interested parties. The permit holder will make (unless confidential) the reports and information provided to the NLG, and the minutes of the NLG available on its website.</p> <p>The permit holder is responsible solely for the reasonable costs of administering the NLG, such as providing a venue and drafting up minutes.</p>	
Condition 33		<p><a href="#">The purpose of the NLG is solely to review and provide comment to the Permit Holder on environmental and monitoring results in relation to environmental mitigations at the Levin landfill in accordance with the conditions of consent. The Permit Holder may accept or</a></p>		<p>Condition 33, as it currently stands, specifies the meeting frequency. HDC have proposed to include a defined purpose for the NLG and to delete two existing provisions that requires meetings on a more frequent basis for the first 18 months of establishment.</p>	<p>33. The Permit Holder shall:</p> <p><u>a. Convene one meeting one month after the commencement of the consents 2015 review of conditions;</u></p> <p><u>b. Thereafter at intervals of six months for the first 18</u></p>	<p>HDC disagrees with this condition as per the Officer's Report.</p> <p>Condition 33 should be worded as follows:</p> <p>The Permit Holder shall hold</p>	<p>Maintains position - disagree</p>

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		<p><u>reject any comments with reasons to be provided to the NLG.</u> The Permit Holder shall:</p> <p>a. <del>Convene one meeting one month after the commencement of the consent;</del></p> <p>b. <del>Thereafter at intervals of six months for the first 18 months after the date of exercising the consent; and</del></p> <p>c. <del>Thereafter</del> Hold meetings at intervals of no more than 12 months unless 80% of the people attending a meeting agree that changes to the intervals are acceptable.'</p>		<p>In my opinion, the purpose for the NLG is likely better placed in Condition 34, which currently defines roles and responsibilities. In addition the purpose of the NLG as proposed is very limited and, in my view, unlikely to achieve outcomes of any significance.</p> <p>I also consider that it will likely be beneficial for the NLG members to meet more frequently than once per year, especially during the period of time after the commencement of this review when it is likely that there will be a reasonable amount of activity in bedding in to the amended condition of consent. I recommend that conditions 33(a) and (b) remain, but with amendments to require meetings to be held at those frequencies after the commencement of this Review.</p> <p>Recommended wording is included in the condition schedules attached in Appendix 2.</p>	<p><u>months after the date of exercising the consent commencement of the 2015 review of conditions; and</u></p> <p><u>c. Thereafter at intervals of no more than 12 months unless 80% of the people attending a meeting agree that changes to the intervals are acceptable.</u></p>	<p>meetings of the NLG at intervals of no more than 12 months.</p>	
Condition 34		<p>'The Permit Holder shall:</p> <p>a. Supply notes of each meeting to the Group Members;</p> <p>b. Forward an annual report to members <del>and as sent to the Regional Council and the District Council;</del></p> <p>c. Forward any other information to the Group Members, in accordance with the conditions of the consents; and</p> <p>d. The Permit Holder shall ensure the NLG members are:</p> <p>i. <del>Able to advise the Permit Holder of potential members of</del></p>		<p>As discussed above, I consider that the purpose of the NLG should be expressed in this condition. The purpose as proposed by HDC is limited. I consider that for the NLG to be successful, open discussion of issues that concern the community members of the group is required. In that respect the purpose should be widened to allow discussions of matters such as that provided for under conditions 34 (d)(v).</p> <p>I recommend that the purpose of the NLG is inserted into this condition and includes matters such as that listed under (v).</p> <p>I agree with the changes proposed to (b), and (d)(i). The changes to (b)</p>	<p><u>34. The purpose of the NLG is to provide a forum where:</u></p> <p><u>a. members can raise matters of concern regarding the landfill and its operation for discussion with the Permit Holder,</u></p> <p><u>b. members can raise any matter the NLG member believes the Permit Holder could address in order to meet the conditions of the consent(s),</u></p> <p><u>c. the Permit Holder can provide feedback as to any proposed changes and amendments to the consents,</u></p> <p><u>d. the Permit Holder can provide and discuss recent</u></p>	<p>HDC agrees with this condition as per the Officer's Report with the following exceptions:</p> <p>Disagree with conditions 34(a) and (b). This purpose is too broad allowing the NLG to raise any matter of concern. These provisions are even broader than the current provisions. Without clearer guidance on what matters can be raised, the difficulties with the NLG as discussed in the evidence of Mr Gallo Saidy will continue.</p> <p>Disagrees with conditions 34(v) and (vi). This gives the NLG wide ambit to raise any issue</p>	<p>Maintains position – largely disagree</p>



Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC response to Planning s42A Officer's Report	HDC confirmed position
		<p><del>the NLG.</del></p> <p>ii. Given the opportunity to inspect the operations on site on the occasion of NLG meetings, and/or on such other occasions as are agreed by the Permit Holder and Landfill Operator. The Permit Holder shall not unreasonably withhold such agreement. The Permit Holder shall grant the NLG members access to the landfill property, during working hours, subject to relevant health and safety regulations and the Management Plan.</p> <p>iii. 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 (and/or any consequential amendments).</p> <p>iv. Provided by the Permit Holder with a copy of all monitoring reports and other documentation relating to the non-commercially sensitive, environmental operation of the landfill, at the same time as such reports are provided to the Regional Council in accordance with the resource consents.</p> <p>v. <del>Able to raise with the</del></p>		<p>do not change the intention of the condition and simply make to clearer. Condition 34(d)(i) is no longer required because the proposed changes to condition 32 have defined the membership of the group.</p> <p>The change to (d)(ii) is unnecessary as the permit holder ought to have ultimate control over the site. In my view, arrangements for visitor entry to the site are a matter to be agreed between the permit holder and the landfill operator and not the NLG.</p> <p>Recommended wording is included in the condition schedules attached in Appendix 2.</p>	<p><u>compliance assessments and monitoring results</u></p> <p>To facilitate the above the Permit Holder shall:</p> <p>a. Supply notes of each meeting to the Group Members;</p> <p>b. Forward an annual report to members <del>and as sent</del> to the Regional Council <del>and the District Council</del>;</p> <p>c. Forward any other information to the Group Members, in accordance with the conditions of the consents; and</p> <p>d. The Permit Holder shall ensure the NLG members are:</p> <p><del>i. Able to advise the Permit Holder of potential members of the NLG.</del></p> <p>ii. Given the opportunity to inspect the operations on site on the occasion of NLG meetings, and/or on such other occasions as are agreed by the Permit Holder. The Permit Holder shall not unreasonably withhold such agreement. The Permit Holder shall grant the NLG members access to the landfill property, during working hours, subject to relevant health and safety regulations and the Management Plan.</p> <p>iii. 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 (and/or any consequential amendments).</p> <p>iv. Provided by the Permit</p>	<p>and requires the HDC to respond. Without refinement of the matters that can be raised by the NLG and refinement of the circumstances in which the HDC is required to respond to issues raised, the difficulties with the NLG as discussed in the evidence of Mr Gallo Saidy will continue.</p> <p>Condition 34 should be worded as follows:</p> <p>The purpose of the NLG is solely to review and provide comment to the Permit Holder on environmental and monitoring results in relation to environmental mitigations at the Levin landfill in accordance with the conditions of consent. The Permit Holder may accept or reject any comments with reasons to be provided to the NLG representatives.</p> <p>The Permit Holder shall:</p> <p>a. Supply notes of each meeting to the NLG representatives;</p> <p>b. Forward an annual report to NLG representatives as sent to the Regional Council;</p> <p>c. Forward any other information to the NLG representatives, in accordance with the conditions of the consents; and</p> <p>d. The Permit Holder shall ensure the NLG representatives are:</p> <p>i. Given the opportunity to inspect the operations on site on the occasion of NLG meetings, and/or on such other occasions as are agreed by the Permit Holder and Landfill Operator. The Permit Holder shall not unreasonably withhold such agreement. The Permit Holder</p>	

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC response to Planning s42A Officer's Report	HDC confirmed position
		<p><del>Permit Holder, as necessary, any matter which the NLG member believes the Permit Holder should address in order to meet the conditions of the consent(s).</del></p> <p>vi. <del>Formally acknowledged and considered by the Permit Holder, with respect to NLG member's written suggestions to the Permit Holder on possible improvements to, or concerns about, the landfilling operations. Given reasons for any comments from the NLG at the annual meeting on environmental and monitoring results in relation to environmental mitigations at the Levin Landfill being rejected.</del></p> <p>vii. <del>Kept informed by the Permit Holder as to whether or not progress is being made towards a regional landfill.</del></p>			<p>Holder with a copy of all monitoring reports and other documentation relating to the non-commercially sensitive, environmental operation of the landfill, at the same time as such reports are provided to the Regional Council in accordance with the resource consents.</p> <p>v. Able to raise with the Permit Holder, as necessary, any matter which the NLG member believes the Permit Holder should address in order to meet the conditions of the consent(s).</p> <p>vi. Formally acknowledged and considered by the Permit Holder with respect to NLG member's written suggestions to the Permit Holder on possible improvements to, or concerns about, the landfilling operations.</p> <p>vii. Kept informed by the Permit Holder as to whether or not progress is being made towards a regional landfill.</p>	<p>shall grant the NLG representatives access to the landfill property, during working hours, subject to relevant regulations, including health and safety regulations, and the Management Plan.</p> <p>ii. Consulted prior to any review of the resource consents or any change of conditions pursuant to section 127 of the Resource Management Act 1991 (and/or any consequential amendments).</p> <p>iii. Provided with a copy of all monitoring reports and other documentation relating to the non-commercially sensitive, environmental operation of the landfill, at the same time as such reports are provided to the Regional Council in accordance with the resource consents.</p> <p>v. Given reasons for any comments from the NLG representatives at the annual meeting on environmental and monitoring results in relation to environmental mitigations at the Levin Landfill being rejected.</p>	

**Discharge Permit 6011 – discharge landfill gas, odour and dust to air**

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC's response to Planning s42A Officer's Report	HDC confirmed position
New Condition 3(c)	<u>From the commencement date of the decision of the 2015 review of conditions, the Consent Holder must place daily cover over the entire operational fill area by the end of each</u>	From the commencement date of the decision of the 2015 review of conditions, the Consent Holder must place daily cover over the entire operational fill		<p>The air quality experts have agreed on the following condition in respect of daily cover.</p> <p><i>From the commencement date of the decision of the 2015 review of conditions, the Consent Holder must</i></p>	<u>From the commencement date of the decision of the 2015 review of conditions, the Consent Holder must place daily cover over the entire operational fill area to a depth of at least 150 millimetres by</u>	HDC agrees with this condition as per the Officer's Report.	Maintains position – agree

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	<u>operating day. Daily cover may be 150mm of soil or clay generated on site or imported, but may also be one of a number of non-soil alternative daily cover options of an appropriate thickness where it can be demonstrated that they achieve a comparable level of control with respect to odour discharges, vermin, birds and litter. Raw sand cannot be used as daily cover.</u>	<del>area by the end of each operating day. Daily cover may be 150mm of soil or clay generated on site or imported, but may also be one of a number of non-soil alternative daily cover options. Daily cover shall be of an appropriate thickness where it can be demonstrated that they achieve a comparable level of control with respect to such that odour discharges, vermin, birds and litter are kept to a practicable minimum. Raw sand cannot be used as daily cover.</del>		<p><i>place daily cover over the entire operational fill area to a depth of at least 150 millimetres by the end of each operating day. Daily cover material may comprise of sand, soil or mulched woody material and should be applied to ensure effective odour control.</i></p> <p>I note that this wording may allow for the sole use of sand for daily cover. However, what ever the material used, it will be required to ensure effective odour control.</p> <p>I recommend that the above wording be inserted as new condition 3(c).</p>	<u>the end of each operating day. Daily cover material may comprise of sand, soil or mulched woody material and should be applied to ensure effective odour control.</u>		
New Condition 3(d)	<u>From the commencement date of the decision of the 2015 review of conditions, the Consent Holder must ensure that intermediate cover is placed over daily cover to close-off a fill area that will not receive additional lifts of waste or final cover for more than three months. The combined depth of cover, including daily cover, over the waste shall be a minimum of 300 millimetres. Raw sand can not be used as intermediate cover. Intermediate cover shall be stabilised within 20 working days of completion.</u>	<del>From the commencement date of the decision of the 2015 review of conditions, the Consent Holder must ensure that intermediate cover is placed over daily cover to close off a fill area that will not receive additional lifts of waste or final cover for more than three months. The combined depth of cover, including daily cover, over the waste shall be a minimum of 300 millimetres. Raw sand cannot be used as intermediate cover. Intermediate cover shall be stabilized within 20 working days of completion.</del>		<p>The air quality experts do not appear to have proposed any alternative wording in respect of intermediate cover. However, they have agreed that the use of raw sand is not a suitable material for intermediate capping.</p> <p>Therefore, I recommend that the wording proposed in the Notice of Review be inserted into the consent as new condition 3(d).</p>	<u>From the commencement date of the decision of the 2015 review of conditions, the Consent Holder must ensure that intermediate cover is placed over daily cover to close-off a fill area that will not receive additional lifts of waste or final cover for more than three months. The combined depth of cover, including daily cover, over the waste shall be a minimum of 300 millimetres. Raw sand cannot be used as intermediate cover. Intermediate cover shall be stabilised within 20 working days of completion.</u>	<p>HDC agrees with this condition as per the Officer's Report with the exception that raw sand should not be excluded as a material that can be used as intermediate cover, and that the condition should contain a differentiation between the terms 'intermediate cover', 'temporary cap' and 'final cap'.</p> <p>HDC does however agree with the position of the experts agreed at expert conferencing that sand alone does not provide adequate intermediate cover.</p> <p>HDC agrees with condition 3(d) as proposed in the evidence of Doug Boddy as follows:</p> <p>From the commencement date of the decision of the 2015 review of conditions, the Consent Holder must ensure that intermediate cover is placed over daily cover to close-off a fill area that will not receive additional lifts of waste or</p>	<p>Maintains position – disagree with condition proposed in Officer's Report but agree with condition proposed by Dr Boddy.</p> <p>Please note that the condition proposed by Dr Boddy that the HDC agrees with was proposed by Dr Boddy in the joint expert conferencing statement, not in his evidence as indicated in the previous column.</p> <p>The words underlined are additions inserted by Dr Boddy</p>

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC's response to Planning s42A Officer's Report	HDC confirmed position
						<p>final cover for more than three months. The combined depth of cover, including daily cover, over the waste shall be a minimum of 300 millimeters. Intermediate cover material should be applied to ensure effective odour control and should comprise of uncontaminated soil and mulched woody material, and include a clay layer on top of the intermediate cover. It is noted that this is likely to result in both partially-capped (temporary cap) and permanently-capped (final cap) areas. Intermediate cover shall be stabilized within 20 working days of completion, <u>and shall include a temporary or permanent cap on top of the intermediate cover.</u></p> <p>[Advice Note: The purpose of the temporary or permanent cap is to: <u>reduce water and air ingress; reduce fugitive odour emissions; improve the aesthetics of the landfill; improve the management of litter, vermin and birds; and improve the efficiency of the gas collection system.</u>]</p>	between the joint expert conferencing and filing of HDC's evidence.
New Condition 3(e)	<u>The Consent Holder must carry out monthly surface emission testing for all areas of the landfill with final or intermediate cover, and the bio-filter bed. The monitoring of surface emissions shall be undertaken utilising emission testing methods that have been given prior written certification as to their appropriateness by the Manawatu-Wanganui Regional Council's Regulatory Manager. The monitoring of surface emissions shall be</u>	The Consent Holder must carry out monthly surface emission testing for all areas of the landfill with final or intermediate cover, and the bio-filter bed. The monitoring of surface emissions shall be undertaken utilizing emission testing methods that have been given prior written certification as to their appropriateness by the Manawatu-Wanganui Regional Council's Regulatory Manager. The <u>monthly monitoring of</u>		<p>Ms Ryan has discussed this proposed condition at paragraphs 37 to 42 of her report. She agrees with HDC in that there will be practical difficulties in achieving the ideal weather conditions and agrees with the following wording, provided an advice note is attached to outline the preferable weather conditions.</p> <p><i>The Consent Holder must carry out monthly surface emission testing for all areas of the landfill with final or intermediate cover, and the bio-filter bed. The monitoring of surface emissions shall be undertaken utilizing emission testing methods that have been given prior written certification as</i></p>	<u>The Consent Holder must carry out monthly surface emission testing for all areas of the landfill with final or intermediate cover, and the bio-filter bed. The monitoring of surface emissions shall be undertaken utilizing emission testing methods that have been given prior written certification as to their appropriateness by the Manawatu-Wanganui Regional Council's Regulatory Manager. The monitoring of surface emissions shall not be undertaken during or immediately after heavy</u>	<p>HDC agrees with this condition as per the Officer's Report with the exception that the first sentence of the condition should distinguish between the landfill cells with daily cover, intermediate cover, temporary capping and final capping as proposed by Doug Boddy as follows:</p> <p>The Consent Holder must carry out monthly <u>monitoring for methane surface emission testing</u> <del>for</del> <u>across</u> all areas of the landfill with <u>intermediate cover, temporary capping, final capping</u> <del>or intermediate cover,</del> and <u>onsite buildings and structures bio-filter</u></p>	<p>Maintains position – agree subject to minor amendment.</p> <p>Please note that the condition proposed by Dr Doug Boddy which the HDC agrees with was proposed in Dr Doug Boddy's evidence.</p>

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	<u>undertaken following 72 hours with no rain and on any day where the average wind speed is less than 15 kilometres per hour.</u>	surface emissions shall <u>only</u> be undertaken following a 72 hour <del>period with no</del> <u>less than 75mm of rainfall</u> and on any day where the average wind speed is less than 15 kilometres per hour.		<p>to their appropriateness by the Manawatu-Wanganui Regional Council's Regulatory Manager. The monitoring of surface emissions shall not be undertaken during or immediately after heavy rainfall or during strong wind speed conditions, and the meteorological conditions at the time of the monitoring shall be provided in the monitoring report.</p> <p>I have recommended the above wording and drafted an advice note based on paragraph 42 of Ms Ryans report.</p>	<p>rainfall or during strong wind speed conditions, and the meteorological conditions at the time of the monitoring shall be provided in the monitoring report. Page 28 of 37</p> <p>[Advice Note: Favourable meteorological conditions for emission testing include those where weather and ground conditions are dry with less than 0.5 mm of rain having fallen for at least two days, and wind speed should be less than 25 km per hour ideally 5 – 10 km/hour.]</p>	<p>bed.</p> <p>HDC agrees with amendment to the Advice Note to Condition 3E as proposed in the evidence of Doug Boddy as follows:</p> <p>[Advice Note: Favourable meteorological conditions for emission testing include those where weather and ground conditions are dry with less than 0.5 mm of rain having fallen for at least two days, and instantaneous wind speed should be less than 25 km per hour ideally 5 – 10 km/hour.]</p>	
New Condition 3(f)	<u>Surface emissions of methane, as determined by testing carried out by condition 3(e) shall not exceed 5,000 parts per million (ppm) in any single location. An exceedance of the 5,000 ppm requires remedial action to be undertaken within 24 hours and retesting within 24 hours of remediation being completed. If the second testing results in a continued exceedance at the same location then an action plan shall be developed and implemented to reduce methane concentrations below 5,000 ppm and details provided to the Manawatu-Wanganui Regional Council advised within 48 hours of the retest.</u>	Agreed		<p>Even though this condition was agreed, the air quality experts have noted that the 5000ppm level is a health and safety limit based on the Lower Explosion Level rather than an environmental or odour based limit. The experts agree that lower trigger levels for methane should be incorporated as conditions of consent and have proposed the following:</p> <ul style="list-style-type: none"> <li>• 100 ppm for 'final cap' areas;</li> <li>• 200 ppm for 'intermediate cover' areas; and,</li> <li>• 5,000 ppm for onsite buildings and structures.</li> </ul> <p>The JWS directs one to Attachment A of the statement for a recommended condition. However, the levels in that document do not appear to align with that expressed above. As such, I have adapted the wording proposed in the notice of review to incorporate the levels noted above, acknowledging that further input will likely be required on the details of this condition.</p>	<p><u>Surface emissions of methane, as determined by testing carried out by condition 3(e) shall not exceed the following:</u></p> <p><u>100 parts per million (ppm) for final capped areas</u></p> <p><u>200 ppm for intermediate capped areas</u></p> <p><u>5,000 ppm for onsite buildings and structures.</u></p> <p><u>An exceedance of the above limits requires remedial action to be undertaken within 24 hours and retesting within 24 hours of remediation being completed. If the second testing results in a continued exceedance at the same location then an action plan shall be developed and implemented to reduce methane concentrations below the specified limits and details provided to the Manawatu-Wanganui Regional Council advised within 48 hours of the retest.</u></p>	<p>HDC agrees with this condition as per the Officer's Report, subject to the following minor amendments as proposed in the evidence of Doug Boddy:</p> <p>Surface emissions of methane, as determined by <del>testing</del> <u>monitoring</u> carried out by condition 3(e) shall not exceed the following trigger levels:</p> <ol style="list-style-type: none"> <li>100 parts per million (ppm) for final capped areas;</li> <li>200 ppm for <u>intermediate cover and temporary capped areas</u> <del>intermediate capped areas</del>;</li> <li>5,000 ppm for onsite <u>buildings</u> <del>buildings</del> and structures.</li> </ol> <p>An exceedance of the above limits requires remedial action to be undertaken within 24 hours and retesting within 24 hours of</p>	<p>Maintains position – agree with the parameters set by air quality experts in the joint witnessing statement. However, Mr Saily will talk to the practicalities of compliance with this condition as well as the limits attached to the Bonny Glen conditions.</p>

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						remediation being completed. If the second round of testing results in a continued exceedance at the same location then an action plan shall be developed and implemented to reduce methane concentrations below the specified limits and details provided to the Manawatu-Wanganui Regional Council advised within 48 hours of the retest.	
New Condition 3(g)	<u>Records of surface emission testing must be included in the Annual Report and provided to Manawatu-Wanganui Regional Council on request.</u>	Agreed		This has been agreed by HDC and I recommend that it be inserted into the consent as new condition 3(g).		HDC agrees with this condition as per the Officer's Report, subject to the minor amendment proposed in the evidence of Doug Boddy for clarification and consistency as follows:  Records of surface emission <del>testing</del> <u>testing monitoring for methane</u> must be included in the Annual Report and provided to Manawatu-Wanganui Regional Council on request.	Maintains position – agree subject to minor amendment.
New Condition 3(h)	<u>Within six months of the commencement date of the decision of the 2015 review of conditions, the leachate collection chamber must be vented to a bio-filter. The bio-filter must be designed by a suitably qualified and experienced person.</u>	Agreed		The air quality experts consider the proposed condition to be appropriate. I recommend that it be inserted into the consent as new condition 3(h).		HDC agrees with this condition as per the Officer's Report:	Maintains position – agree
New Condition 3(i)	<u>The Consent Holder must employ an appropriately qualified person to undertake a comprehensive assessment of the bio-filter performance on an</u>	<u>The Consent Holder must employ a suitably qualified person to undertake a comprehensive assessment of the bio-filter performance on an</u>		The air quality experts have agreed that an annual assessment of the bio-filter is appropriate. I recommend that the wording as proposed in the Notice of Review be inserted into the consent as new condition 3(i).	<u>The Consent Holder must employ an appropriately qualified person to undertake a comprehensive assessment of the bio-filter performance on an annual basis. The assessment shall include, but</u>	HDC agrees with this condition as per the Officer's Report:	Maintains position – agree

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	<u>annual basis. The assessment shall include, but not be limited to, an evaluation of the media size distribution and composition and effectiveness in removing contaminants.</u>	<del>annual</del> a two-yearly basis. The assessment shall include, but not be limited to, an evaluation of the media size distribution and composition and effectiveness in removing contaminants.			not be limited to, an evaluation of the media size distribution and composition and effectiveness in removing contaminants.		
New Condition 3(j)	<p><u>The Consent Holder shall measure and record the following parameters:</u></p> <ul style="list-style-type: none"> <li><u>Continuous display of differential pressure for the bio-filter;</u></li> <li><u>Weekly recording of pressure across the bio-filter bed;</u></li> <li><u>Weekly general observations of the bio-filter condition, including weed growth, compaction and short circuiting;</u></li> <li><u>Quarterly media moisture content of the upper two thirds layer for the first two years of operation and then six-monthly thereafter;</u></li> <li><u>Quarterly monitoring of the pH of the bio-filter bed media in the upper two thirds layer for the first two years then six monthly thereafter.</u></li> </ul>	<p><del>The Consent Holder shall measure and record the following parameters:</del></p> <ul style="list-style-type: none"> <li><del>Continuous display of differential pressure for the bio-filter;</del></li> <li><del>Weekly recording of pressure across the bio-filter bed;</del></li> <li><del>Weekly general observations of the bio-filter condition, including weed growth, compaction and short circuiting;</del></li> <li><del>Quarterly media moisture content of the upper two thirds layer for the first two years of operation and then six-monthly thereafter;</del></li> </ul> <p><del>Quarterly monitoring of the pH of the bio-filter media in the upper two thirds layer for the first two years and then six monthly thereafter.</del></p>		<p>The air quality experts have recommended the following wording for proposed condition 3(j):</p> <p><i>The Consent Holder shall maintain the biofilter, measure and record the following parameters:</i></p> <ul style="list-style-type: none"> <li><i>Daily visual inspection of the state of the biofilter bed, particularly for signs of any short-circuiting, clogging of the bed, compaction and weed growth.</i></li> <li><i>Daily inspection of the inlet gas fan and ductwork and any maintenance;</i></li> <li><i>Continuous display of differential pressure for the biofilter;</i></li> <li><i>Weekly recording of pressure across the biofilter bed;</i></li> <li><i>Weekly inspection to check for odour at the biofilter (i.e. assessment of odour intensity in accordance with the most up to date good practice guidance for assessing and managing odour).</i></li> <li><i>Weekly monitoring and recording of the biofilter media moisture content;</i></li> <li><i>Monthly monitoring and recording of the pH of the biofilter media;</i></li> <li><i>Quarterly raking and loosening of the biofilter media, or as otherwise required, to reduce the potential for short-circuiting, clogging of the bed, compaction and weed growth.</i></li> </ul>	<p>The Consent Holder shall maintain the biofilter, measure and record the following parameters:</p> <ul style="list-style-type: none"> <li><u>Daily visual inspection of the state of the biofilter bed, particularly for signs of any short-circuiting, clogging of the bed, compaction and weed growth.</u></li> <li><u>Daily inspection of the inlet gas fan and ductwork and any maintenance;</u></li> <li><u>Continuous display of differential pressure for the biofilter;</u></li> <li><u>Weekly recording of pressure across the biofilter bed;</u></li> <li><u>Weekly inspection to check for odour at the biofilter (i.e. assessment of odour intensity in accordance with the most up to date good practice guidance for assessing and managing odour).</u></li> <li><u>Weekly monitoring and recording of the biofilter media moisture content;</u></li> <li><u>Monthly monitoring and recording of the pH of the biofilter media;</u></li> </ul>	HDC agrees with this condition as per the Officer's Report:	Maintains position – agree

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				I recommend that the above condition be inserted as new condition 3(j).	<ul style="list-style-type: none"> <li>Quarterly raking and loosening of the biofilter media, or as otherwise required, to reduce the potential for short-circuiting, clogging of the bed, compaction and weed growth.</li> </ul>		
New Condition 3(k)	<p><u>The Consent Holder must ensure that the bio-filter and bed complies with the following limits at all times:</u></p> <ul style="list-style-type: none"> <li><u>The air flow rate shall not exceed 100 cubic metres per hour per metre of bed;</u></li> <li><u>The pH of the filter material shall be between 6 and 8 pH units;</u></li> <li><u>An even distribution of gas flow through the filter bed; and</u></li> <li><u>There shall be no short circuits of untreated air through and filter bed.</u></li> </ul>	<p><del>The Consent Holder must ensure that the bio-filter and bed complies with the following limits at all times:</del></p> <ul style="list-style-type: none"> <li><del>The air flow rate shall not exceed 100 cubic metres per hour per metre of bed;</del></li> <li><del>The pH of the filter material shall be between 6 and 8 pH units;</del></li> <li><del>An even distribution of gas flow through the filter bed; and</del></li> <li><del>There shall be no short circuits of untreated air through the filter bed.</del></li> </ul>		<p>The air quality experts have recommended the following wording for proposed condition 3(k):</p> <p>The Consent Holder must ensure that the biofilter and bed complies with the following limits at all times:</p> <ul style="list-style-type: none"> <li>Pressure drop across the biofilter shall be less than 100 mm water gauge;</li> <li>Biofilter media moisture content shall be between 40-60% moisture content;</li> <li>The air flow rate shall not exceed 100 cubic metres per hour per square metre of biofilter media;</li> <li>The pH of the filter material shall be between 6 and 8 pH units;</li> <li>An even distribution of gas flow through the filter bed; and</li> <li>There shall be no short circuits of untreated air through and filter bed.</li> </ul> <p>I recommend that the above condition be inserted as new condition 3(k).</p>	<p>The Consent Holder must ensure that the biofilter and bed complies with the following limits at all times:</p> <ul style="list-style-type: none"> <li>Pressure drop across the biofilter shall be less than 100 mm water gauge;</li> <li>Biofilter media moisture content shall be between 40-60% moisture content;</li> <li>The air flow rate shall not exceed 100 cubic metres per hour per square metre of biofilter media;</li> <li>The pH of the filter material shall be between 6 and 8 pH units;</li> <li>An even distribution of gas flow through the filter bed; and</li> <li>There shall be no short circuits of untreated air through and filter bed.</li> </ul>	HDC agrees with this condition as per the Officer's Report:	Maintains position – agree
New Condition 3(l)	<p><u>Within one month of the commencement date of the decision of the 2015 review of conditions, the Consent Holder shall investigate and identify the odour source identified in the MWH report titled Continuous Ambient Air Quality</u></p>	<p><del>Within one month of the commencement date of the decision of the 2015 review of conditions, the Consent Holder shall investigate and identify the odour source identified in the MWH report titled Continuous Ambient Air Quality</del></p>		<p>Ms Ryan has briefly discussed proposed conditions 3(l), 3(m) and 3(n) at paragraphs 51 to 52 of her report. She has not made any specific recommendations other than to state that she does support the need for further investigation and control of odours. In its response, HDC has proposed to investigate the odour source to the north west of the landfill</p>	<p><u>If, after 12 months of the commencement date of the 2015 review of conditions, the Manawatu-Wanganui Regional Council determines that odour is causing adverse effects on the environment, the Permit Holder shall investigate and identify the odour source identified in the MWH report</u></p>	HDC agrees with this condition as per the Officer's Report subject to the minor amendment proposed in the evidence of Doug Boddy as follows:	Maintains position – agree subject to minor amendment.



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	<u>Monitoring for Hydrogen Sulphide – Levin Landfill and dated 10 July 2015.</u>	<del>Monitoring for Hydrogen Sulphide – Levin landfill and dated 10 July 2015.</del>		<p>site.</p> <p>Given the mitigation actions that are occurring on the site (installation of bio-filter, more robust capping and re-instatement of the gas flare), I am of the view that any such investigations into an alternative unknown odour source are probably best put aside at this stage. I consider that it is likely more productive and effective to address the known odour sources before being distracted by more investigations into unknown sources of odour.</p> <p>As such, I recommend that proposed conditions 3(l) to 3(n) be inserted into the consent but with amended wording to only require them to be actioned if the odour issue has not been resolved within 12 months after the commencement date of the 2015 review.</p>	<u>titled Continuous Ambient Air Quality Monitoring for Hydrogen Sulphide – Levin Landfill and dated 10 July 2015.</u>	shall investigate and identify the <del>odour source identified potential odour source</del> discussed in the MWH report titled Continuous Ambient Air Quality Monitoring for Hydrogen Sulphide – Levin Landfill and dated 10 July 2015.	
New Condition 3(m)	<u>The Consent Holder shall remediate the odour source identified in condition 3(l) should the source be located on the Levin Landfill property.</u>	<del>The Consent Holder shall remediate the odour source identified in condition 3(i) should the source be located on the Levin Landfill property.</del>		As above	<u>The Consent Holder shall remediate the odour source identified in condition 3(l) should the source be located on the Levin Landfill property</u>	HDC agrees with this condition as per the Officer's Report subject to the minor amendment proposed in the evidence of Doug Boddy as follows:  The Consent Holder shall remediate the odour source identified in condition 3(l) should the source be located on the Levin Landfill property <u>and, in the opinion of a Regional Council Enforcement Officer, there is the potential for the discharge of odour from this source to be noxious, dangerous, offensive, or objectionable beyond the property boundary.</u>	Maintain position – agree subject to amendment.
New Condition 3(n)	<u>The Consent Holder shall provide a report to Manawatu-Wanganui Regional Council and the Neighbourhood Liaison Group within 20 working days of condition 3(m)</u>	<del>The Consent Holder shall provide a report to Manawatu-Wanganui Regional Council and the Neighbourhood Liaison Group within 20 working days of condition 3(m)</del>		As above.	<u>The Consent Holder shall provide a report to Manawatu-Wanganui Regional Council and the Neighbourhood Liaison Group that outlines the remediation actions taken and outcomes within 20 working</u>	HDC agrees with this condition as per the Officer's Report:	Maintains position – agree

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	<u>being completed.</u>	<u>being completed</u>			days of condition 3(m) being completed.		
New Condition 3(o)				Although not proposed in the Notice of Review, it has become obvious from reviewing Ms Ryan's s42A report and the air quality expert JWS that the collection and flaring of landfill gas is one of the key components of controlling odour from the site (see paragraph 72 of Ms Ryan's report and question 1 in the JWS). As such I have recommend that a new condition be imposed that requires the installation and use of a landfill gas flare on the site at all times. It is acknowledged that HDC already has a resource consent for a flare However, there is no requirement that it actually be used and the existing consent could well be surrendered if HDC decided they no longer wished to pursue that option.	<p><u>Within 6 months of the commencement date of the 2015 review of conditions, the Permit Holder shall install a landfill gas collection system and flare on the site. The gas collection and flare shall be maintained and utilised at all times.</u></p> <p>[Advice Note: HDC holds Discharge Permit 106798 for discharges from the flare.]</p>	HDC agrees with this condition as per the Officer's Report, but opposes the time frame proposed.	Maintains position – agree subject to an amendment to the timeframe. HDC seeks that the HDC have 12 months from the commencement date of the 2015 review of conditions to install a landfill gas collection system and flare on the site.
New Condition 3(p)				Again, not proposed in the Notice of Review; however, the air quality experts have agreed that certain matters should be outlined in an Odour Management Plan (OMP) (see question 6 of the JWS). I have recommended a new condition to require the development of an OMP and for it to be incorporated into the overall Landfill Management Plan.	<p><u>Within 2 months of the commencement date of the 2015 review of conditions, the Permit Holder shall prepare an Odour Management Plan (OMP) that includes:</u></p> <p><u>i. Design specifications for daily, intermediate and final capping</u>  <u>ii. Methodology for monthly boundary monitoring</u>  <u>iii. Methodology for monthly surface monitoring for methane</u>  <u>iv. Methodology for biofilter monitoring</u>  <u>v. Odour control practices relating to the leachate pond</u>  <u>vi. Odour control practices for the working face of the landfill</u>  <u>vii. Maintenance and use guidelines for the gas collection system and flare.</u></p>	HDC agrees with this condition as per the Officer's Report, subject to the minor amendments proposed in the evidence of Doug Boddy as follows: ... <u>i. Design specifications for daily, intermediate and final capping</u> <u>daily cover, intermediate cover, temporary capping and final capping.</u> ... <u>iii. Methodology for monthly surface monitoring</u> <u>monthly field odour monitoring for methane</u> ... <u>vii. Maintenance and use guidelines operational and maintenance procedures for the gas collection system and flare.</u> Further HDC disagrees with the proposed timeframe.	Maintain position – agree subject to minor amendment.  Please note that the condition proposed by Dr Doug Boddy that the HDC agrees with has not been included in his evidence.
New	<u>The Consent Holder shall</u>	Agreed		Given that HDC has agreed to this	<u>The Consent Holder shall</u>	HDC agrees with this condition as	Maintains position

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Condition 6A	<u>nominate a liaison person to manage any air quality complaint received. The name and contact details of the liaison person shall be provided to the Manawatu-Wanganui Regional Council's Regulatory Manager. The Consent Holder shall ensure a liaison person is available at all times to respond to odour or dust complaints.</u>			condition I recommend that it be incorporated as new condition 6A.	<u>nominate a liaison person to manage any air quality complaint received. The name and contact details of the liaison person shall be provided to the Manawatu-Wanganui Regional Council's Regulatory Manager. The Consent Holder shall ensure a liaison person is available at all times to respond to odour or dust complaints.</u>	per the Officer's Report with the following exceptions:  As per letter from Doug Boddy to Deborah Ryan dated 4 August 2016 it is recommended that condition 6A be amended so that the HDC is not required to have a person available at all times to respond to odour or dust complaints. This is impracticable and unrealistic.  Condition 6A should be inserted as follows:  <u>The Consent Holder shall nominate a liaison person to manage any air quality complaint received. The name and contact details of the liaison person shall be provided to the Manawatu-Wanganui Regional Council's Regulatory Manager. The Consent Holder shall ensure a liaison person is available to respond to odour or dust complaints in a reasonable manner as per Condition 6B.</u>	– agree subject to amendment that the HDC staff member not be required to be available at all times as this is impracticable.
New Condition 6B	<u>The Consent Holder shall ensure any complaint received from a member of the general public regarding odour or dust is responded as soon as practicable and within 24 hours of the complaint being received, or at a time mutually agreeable with the party making a complaint.</u>	<u>The Consent Holder shall ensure that any complaint received from a member of the general public regarding odour or dust emanating from the landfill site is responded investigated as soon as practicable and within 24 hours of the complaint being received, or at a time mutually agreeable with the party making the complaint.</u>		Ms Ryan has discussed the proposed conditions at paragraph 55 of her report and states that the HDC version provides more clarity.  Therefore I recommend that the HDC wording be inserted into the consent as new condition 6B	<u>The Consent Holder shall ensure any complaint received from a member of the general public regarding odour or dust emanating from the landfill site is investigated as soon as practicable and within 24 hours of the complaint being received, or at a time mutually agreeable with the party making a complaint.</u>	HDC agrees with the condition as per the Officer's Report with the following exceptions:  As per letter from Doug Boddy to Deborah Ryan dated 4 August 2016 it is recommended that condition 6B be amended so that the word "emanating" is replaced with the word "originating".  Condition 6B should be inserted as follows:  <u>The Consent Holder shall ensure any complaint received from a member of the general public regarding odour or dust originating from the landfill site is investigated as soon as practicable and within</u>	Maintain position – agree subject to minor amendment.

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC's response to Planning s42A Officer's Report	HDC confirmed position
						24 hours of the complaint being received, or at a time mutually agreeable with the party making a complaint.	
New Condition 6C	<u>The Consent Holder shall notify a Manawatu-Wanganui Regional Council Consents Monitoring Officer as soon as practicable after becoming aware of any offensive or objectionable odour, or any complaint from a member of the public regarding odour.</u>	The Consent Holder shall notify a Manawatu-Wanganui Regional Council Consents Monitoring Officer as soon as practicable after becoming aware of any offensive or objectionable odour emanating from the landfill, <del>or any complaint from a member of the public regarding odour.</del> <u>An explanation as to the cause of the incident and details of any remedial and follow-up actions taken shall also be provided to the Regional Council Consents Monitoring Officer."</u>		Ms Ryan has discussed the proposed conditions at paragraph 55 of her report and states that the HDC version provides more clarity.  Submitter 160 (MidCentral District Health Board) have requested that the Medical Officer of Health be notified of complaints at the same time as the Regional Council so as to enable the DHB to be better informed to communicate with the public if required. I do not see any particular issue with this.  Therefore I recommend that the HDC wording be inserted, with an amendment referencing to the Medical Officer of Health, into the consent as new condition 6C	<u>6C. The Consent Holder shall notify a Manawatu-Wanganui Regional Council Consents Monitoring Officer and the Midcentral District Health Board's Medical Officer of Health as soon as practicable after becoming aware of any offensive or objectionable odour emanating from the landfill. An explanation as to the cause of the incident and details of any remedial and follow-up actions taken shall also be provided to the Regional Council Consents Monitoring Officer.</u>	HDC agrees with the condition as per the Officer's Report with the following exceptions:  As per letter from Doug Boddy to Deborah Ryan dated 4 August 2016 it is recommended that condition 6C be amended so that the word "emanating" is replaced with the word "originating".  Condition 6C should be inserted as follows:  <u>6C. The Consent Holder shall notify a Manawatu-Wanganui Regional Council Consents Monitoring Officer and the Midcentral District Health Board's Medical Officer of Health as soon as practicable after becoming aware of any offensive or objectionable odour originating from the landfill. An explanation as to the cause of the incident and details of any remedial and follow-up actions taken shall also be provided to the Regional Council Consents Monitoring Officer.</u>	Maintain position – agree subject to minor amendment.
New Condition 6D	<u>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 ceases. Thereafter, the frequency on inspection shall be determined in consultation with the Manawatu-Wanganui Regional Council. The</u>	The Consent Holder must undertake monthly odour surveys around <del>the boundary of the site, particularly</del> those sections of the boundary that are between the landfill and residential houses, until such time as discharges of refuse to the landfill ceases. Thereafter, the frequency on inspection shall be determined in consultation with the Manawatu-Wanganui		The air quality experts have discussed boundary monitoring in question 6 of the JWS. There is agreement that such monitoring is required at multiple locations, upwind and downwind of the landfill. They also note that applying the German VDI standard 3940 in full is not practicable and that the method is generally adapted in NZ.  As such, I recommend wording similar to that as proposed in the Notice of Review, but referencing an amended VDI 3940 method as certified by Horizons Regulatory Manager. I acknowledge that the wording of this	<u>6D. 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 ceases. Thereafter, the frequency on inspection shall be determined in consultation with the Manawatu-Wanganui Regional Council. The monitoring shall be undertaken using a modified German VDI</u>	HDC agrees with the condition as per the Officer's Report with "agreed" being changed to "certified" Subject to the amendment proposed in the evidence of Doug Boddy as follows:  The Consent Holder must undertake monthly odour surveys field odour investigations at the working face, at the areas with intermediate cover, temporary capping and final capping and around the boundary of the site, particularly those sections of the	Maintain position – agree subject to amendment.

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC's response to Planning s42A Officer's Report	HDC confirmed position
	<u>monitoring shall be undertaken using a method that is consistent with the German VDI standard 3940 or subsequent method.</u>	Regional Council. The monitoring shall be undertaken using a method that is consistent with the German VDI standard 3940 or subsequent method.		condition may require some further edits.	<u>standard 3940 method as agreed by Horizons Regulatory Manager, or subsequent method.</u>	boundary that are between the landfill and residential houses, until such time as discharges of refuse to the landfill ceases. Thereafter, the frequency of <u>investigations on inspection</u> shall be determined in consultation with the Manawatu-Wanganui Regional Council. The monitoring shall be undertaken using a modified German VDI standard 3940 method as agreed by Horizons Regulatory Manager, or subsequent method.	
New Condition 6E	<u>The Consent Holder must carry out a weekly walk-over survey of all the landfill surfaces, including the area around the bio-filter and leachate pond. The purpose of the walk-over survey is to check for odour, cracks in the landfill cap surface and integrity of any gas collection or leachate pipework.</u>	<del>The Consent Holder must carry out a weekly walk-over survey of all of the landfill surfaces, including the area around the bio-filter and leachate pond. The purpose of the walk-over survey is to check for odour, cracks in the landfill cap surface and integrity of any gas collection or leachate pipework.</del>		Ms Ryan discusses this condition at paragraph 58 of her report and notes that HDC initially opposed the condition. However, HDC has since agreed to the condition with some minor amendments, primarily to replace the work survey with site inspection. Ms Ryan agrees with those amendments.  As such, I recommend that the following wording is inserted into the consent as new condition 6E.  <i>The Consent Holder must carry out a weekly walk over site inspection of all the landfill surfaces, including the area around the bio-filter and leachate pond. The purpose of the walk over site inspection is to check for odour, cracks in the landfill cap surface and integrity of gas collection or leachate pipework.</i>	<u>6E. The Consent Holder must carry out a weekly walk over site inspection of all the landfill surfaces, including the area around the bio-filter and leachate pond. The purpose of the walk over site inspection is to check for odour, cracks in the landfill cap surface and integrity of gas collection or leachate pipework.</u>	HDC disagrees with the condition as per the Officer's Report.	Change of position - HDC now agrees with this condition.
New Condition 6F	<u>The Consent Holder shall maintain a log of all inspections, investigations and actions taken in accordance with all monitoring and odour inspection conditions of this consent. The log shall be made available to the Manawatu-Wanganui Regional Council on request and submit a</u>	Agreed		Given that HDC has agreed to this condition I recommend that it be incorporated as new condition 6F.	<u>6F. The Consent Holder shall maintain a log of all inspections, investigations and actions taken in accordance with all monitoring and odour inspection conditions of this consent. The log shall be made available to the Manawatu-Wanganui Regional Council on request and submit a summary of all results and assessments presented in the</u>	HDC agrees with the condition as per the Officer's Report.	Maintains position - agree

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC's response to Planning s42A Officer's Report	HDC confirmed position
	<a href="#">summary of all results and assessments presented in the Annual Report.</a>				Annual Report.		
Condition 7			The Regional Council <del>shall</del> <b>may</b> initiate a <del>publicly notified</del> review of Conditions 3 and 6 of this permit <b>at ten yearly intervals after the commencement date of the decision of the 2015 review of conditions in April, 2015, 2020, 2025, 2030 and 2035, unless the Neighbourhood Liaison Group (NLG) agrees that a review is unnecessary.</b> The reviews shall be for the purpose of:....."	Agreed. For the same reasons as discussed for condition 30 of Discharge Permit 6010.	The Regional Council shall <del>may</del> initiate a <del>publicly notified</del> review of Conditions 3 and 6 of this permit in October 2015 and April 2020, 2025, 2030 and 2035, <del>unless the Neighbourhood Liaison Group (NLG) agrees that a review is unnecessary.</del> The reviews shall be for the purpose of	HDC disagrees with the condition as per the Officer's Report.	Maintains position - disagree

#### Discharge Permit 7289 – discharge liquid waste onto and into land

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC's response to Planning s42A Officer's Report	HDC confirmed position
Condition 5		The Permit Holder shall notify the Regional Council's <del>Environmental Protection Regulatory Manager and the Neighbourhood Liaison Group</del> <b>Environmental Protection Regulatory Manager and the Neighbourhood Liaison Group</b> as soon as practicably possible after receiving notification of the intention to dispose of waste at the landfill under the terms of this consent, or as soon as practicable following urgent disposal in accordance with Condition 3.  The Permit Holder shall detail the reason for the discharge, volume of discharge and timing of the discharge.		The changes update reference to Horizons Regulatory Manager to reflect a change to the role title and remove the requirement to notify the NLG members of such discharges. HDC have stated that this is an operational matter and that the NLG will be informed of such waste disposal in an annual report.  I agree that there appears to be little need to be notifying members of the NLG for such matters when the consent conditions clearly authorise the disposal of liquid waste in contingency conditions.  I recommend that the changes be made as requested.	The Permit Holder shall notify the Regional Council's <del>Environmental Protection Regulatory Manager and the Neighbourhood Liaison Group</del> <b>Environmental Protection Regulatory Manager</b> as soon as practicably possible after receiving notification of the intention to dispose of waste at the landfill under the terms of this consent, or as soon as practicable following urgent disposal in accordance with Condition 3.  The Permit Holder shall detail the reason for the discharge, volume of discharge and timing of the discharge.  <del>Each nominated member of the Neighbourhood Liaison Group shall be notified in writing by post.</del>	HDC agrees with the condition as per the Officer's Report.	Maintains position - agree

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC's response to Planning s42 Officer's Report	HDC confirmed position
		<del>Each nominated representative of the Neighbourhood Liaison Group shall be notified in writing by post.</del>					
Condition 19			The Regional Council <del>shall</del> <b>may</b> initiate a <b>publicly notified</b> review of Conditions 5, 9, 12 and 17 of this permit <b>at ten yearly intervals after the commencement date of the decision of the 2015 review of conditions in April 2015, 2025, and 2035.</b> The reviews shall be for the purpose of...	Agreed. For the same reasons as discussed for condition 30 of Discharge Permit 6010.	The Regional Council <del>shall</del> <b>may</b> initiate a <b>publicly notified</b> review of Conditions 5, 9, 12 and 17 of this permit in October 2015 and April 2020, 2025, 2030 and 2035, <del>unless the Neighbourhood Liaison Group (NLG) agrees that a review is unnecessary.</del> The reviews shall be for the purpose of:	HDC disagrees with the condition as per the Officer's Report.	Maintains position - disagree

#### Discharge Permit 102259 – discharge stormwater to land and potentially to groundwater via ground soakage

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC's response to Planning s42 Officer's Report	HDC confirmed position
Condition 5		<del>'The Permit Holder shall ensure that the inspect the stormwater system on a fortnightly basis, including all drains and ponds, is kept and clear it of refuse at all such times'.</del>		Mr Standen has assessed this proposed change at Paragraph 39 of his report. He does not agree with the changes as they would effectively permit refuse in the stormwater system for most of the time. I agree with Mr Standen in that it is important to keep the stormwater system clear of refuse. I also agree with the practical approach to compliance assessments for this condition. As such I recommend that his proposed change to condition 5 be rejected.	The Permit Holder shall ensure that the stormwater system, including all drains and ponds, is kept clear of refuse at all times.	HDC disagrees with the condition as per the Officer's Report.  As discussed in the evidence of Phillip Landmark it is impractical, hence the proposed changes. This is an absolute requirement that fails to reflect the nature of the landfill operation. The key environmental issue is not that there is no refuse but that what refuse may collect is cleared on a regular basis.  Condition 5 should be worded as follows:  The Permit Holder shall inspect the stormwater system on a fortnightly basis, including all drains and ponds, and clear it of refuse at such times.	Maintains position - disagree as it is impracticable and may invalidate the consents.
Condition 7	<del>There shall be no ponding in the stormwater soakage areas 12 hours after the last rain event.</del>	Agreed		Stormwater soakage areas are low lying areas where water may sit after heavy rain. It is unlikely that any effects on the environment arise from such ponding of stormwater. As such I	Condition 7 removed	Agree with removal of condition 7 as per Officer's Report.	Maintains position - agree

Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC's response to Planning s42 Officer's Report	HDC confirmed position
				recommend the removal of this condition.			
Condition 9		'As far as practically possible, the Permit Holder shall ensure that all stormwater from the existing landfill area is directed to <del>a</del> the centralised soakage areas <del>to the south of the existing fill,</del> as shown on <del>Plan C 102259</del> the latest version of the Stormwater Plan'.		Mr Standen has assessed this proposed change in his report and note that his reflects the current layout of the landfill. Therefore I recommend that this condition be changed as requested.	As far as practically possible, the Permit Holder shall ensure that all stormwater from the existing landfill area is directed to <del>at</del> the centralised soakage areas <del>to the south of the existing fill,</del> as shown on <del>Plan C 102259</del> the latest version of the Stormwater Plan.	HDC agrees with the condition as per the Officer's Report.	Maintains position - agree
Condition 18	Should any groundwater <del>and surface</del> water parameters tested for under Condition 14 of this consent exceed the Australian and New Zealand Environment and Conservation Council Water Quality Guidelines (2000) for Livestock Watering, the Permit Holder shall report to horizons.mw's Team Leader Compliance as soon as practicable on the significance of the result, and where the change can be attributed to the landfill operation, consult with horizons.mw's Team Leader Compliance to determine if further investigation or remedial measures are required.	No response or comment made.		This condition relates to groundwater sample collected under condition 14. Condition 14 does not require any surface water samples to be collected so the reference to surface water in this condition is unnecessary. I recommend that the condition be amended as proposed.	Should any groundwater <del>and surface</del> water parameters tested for under Condition 14 of this consent exceed the Australian and New Zealand Environment and Conservation Council Water Quality Guidelines (2000) for Livestock Watering, the Permit Holder shall report to horizons.mw's Team Leader Compliance as soon as practicable on the significance of the result, and where the change can be attributed to the landfill operation, consult with horizons.mw's Team Leader Compliance to determine if further investigation or remedial measures are required.	HDC disagrees with the condition as per the Officer's Report	Change of position - HDC now agrees with this condition.
Condition 19		'The Regional Council <del>shall</del> may initiate a publicly notified review of all conditions of this Permit in April 2015, <del>2020, 2025, 2030 and 2035</del> and thereafter at		Agreed. For the same reasons as discussed for condition 30 of Discharge Permit 6010.	The Regional Council <del>shall</del> may initiate a publicly notified review of all conditions of this Permit in October 2015 and April 2020, 2025, 2030 and 2035, <del>unless</del> the Neighbourhood Liaison Group	HDC disagrees with the condition as per the Officer's Report. ..	Maintains position - disagree



Condition Number	Notice of Review	HDC Response to Review	HDC s127 Application	Current Recommendations	Condition as amended in Planning s42A Officer's Report	HDC's response to Planning s42 Officer's Report	HDC confirmed position
		<p>ten yearly intervals (2025, and 2035) <del>unless the Neighbourhood Liaison Group (NLG) agrees that a review is unnecessary.</del> The reviews shall be for the purpose of:...</p>			<p>(NLG) agrees that a review is unnecessary. The reviews shall be for the purpose of:</p>		

