TPJ Partnership Cleanfill

Monitoring Programme

Annual Report

2022-2023

Technical Report 2023-16

Working with people | caring for Taranaki

Taranaki Regional Council

Taranaki Regional Council
Private Bag 713
Stratford

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Executive summary

TPJ Partnership (the Partnership) operates a cleanfill located on Rainie Road at Hawera, in the Inaha catchment. The cleanfill material discharged at the site is predominantly construction and demolition waste. This is not typical for cleanfills in the region, which normally only accept minor amounts of acceptable materials from this type of waste stream.

This report for the period July 2022 to June 2023 describes the monitoring programme implemented by the Taranaki Regional Council (the Council) to assess the Partnership's environmental and consent compliance performance during the period under review. The report also details the results of the monitoring undertaken and assesses the environmental effects of the Partnership's activities.

Overall, during the monitoring period, an improvement in TPJ Partnership's environmental performance was required and the Partnership demonstrated a good level of administrative performance.

The Partnership holds two resource consents, which allow it to discharge cleanfill and inert materials onto and into land, and to install piping in unnamed tributaries of the Inaha Stream. These consents include a total of 30 conditions setting out the requirements that the Partnership must satisfy.

The Council's monitoring programme for the year under review included four inspections and five water samples collected for physicochemical analysis. Notification was received prior to discharges where required. In the 2019-2020 to 2021-2022 years there had been ongoing liaison with the Partnership required. This was due to issues with notifications not containing all the information required by the conditions of the consent or where the suitability of material for cleanfill was uncertain. These issues were resolved during the year under review.

The monitoring showed that the cleanfill area was well managed during the year, with no unacceptable materials found on site. Sampling indicated that the cleanfill may be contributing to small increases in metal concentrations immediately downstream of the area of the site that had been filled, but these did not persist further downstream.

During the year, the Partnership demonstrated a high level of environmental performance and a good level of administrative performance with the resource consents as defined in Appendix II. However, overall an improvement was required in the Partnership's environmental performance, as an abatement notice and infringement notice were issued in relation to a discharge of silt and sediment to an unnamed stream during earthworks at the property. In relation to the Partnership's administrative performance, although the contents of the Management Plan have been agreed and been put into practice, a copy of the final version of the plan has not yet been provided to Council.

For reference, in the 2022-2023 year, consent holders were found to achieve a high level of environment performance and compliance for 878 (87%) of a total of 1007 consents monitored through the Taranaki tailored monitoring programmes, while for another 96 (10%) of the consents a good level of environmental performance and compliance was achieved. A further 27 (3%) of consents monitored required improvement in their performance, while the remaining one (<1%) achieved a rating of poor.

In terms of overall environmental and compliance performance by the consent holder over the last several years, this report shows that the consent holder's performance in relation to the cleanfilling operation has improved, particularly with regard to improved control of the material brought onto the site for disposal.

This report includes recommendations for the 2023-2024 year, including a recommendation relating to an optional review of consents 10202-1 in June 2024.

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1 Introduction

1.1 Compliance monitoring programme reports and the Resource Management Act 1991

1.1.1 Introduction

This report is for the period July 2022 to June 2023 by the Taranaki Regional Council (the Council) on the monitoring programme associated with resource consents held by TPJ Partnership (the Partnership). The Partnership operates a cleanfill situated on Rainie Road at Hawera, in the Inaha catchment.

The report includes the results and findings of the monitoring programme implemented by the Council in respect of the consents held by the Partnership that relate to discharges of cleanfill and inert materials to land, and the land use consent held by the Partnership to install piping in unnamed tributaries of the Inaha Stream. This report is the 2nd site specific annual report to be prepared by the Council. Prior to this, during the period 2015-2021, the Council produced six combined Regional Cleanfill Monitoring Programme Annual Reports that included the Partnership's cleanfill site.

1.1.2 Structure of this report

Section 1 of this report is a background section. It sets out general information about:

- consent compliance monitoring under the *Resource Management Act 1991* (RMA) and the Council's obligations;
- the Council's approach to monitoring sites though annual programmes;
- the resource consents held by the Partnership in the Inaha catchment;
- the nature of the monitoring programme in place for the period under review; and
- a description of the activities and operations conducted at the site.

Section 2 presents the results of monitoring during the period under review, including scientific and technical data.

Section 3 discusses the results, their interpretations, and their significance for the environment.

Section 4 presents recommendations to be implemented in the 2022-2024 monitoring year.

A glossary of common abbreviations and scientific terms, and a bibliography, are presented at the end of the report.

1.1.3 The Resource Management Act 1991 and monitoring

The RMA primarily addresses environmental 'effects' which are defined as positive or adverse, temporary or permanent, past, present or future, or cumulative. Effects may arise in relation to:

a. the neighbourhood or the wider community around an activity, and may include cultural and social-economic effects;
b. physical effects on the locality, including landscape, amenity and visual effects;
c. ecosystems, including effects on plants, animals, or habitats, whether aquatic or terrestrial;
d. natural and physical resources having special significance (for example recreational, cultural, or aesthetic); and
e. risks to the neighbourhood or environment.

In drafting and reviewing conditions on discharge permits, and in implementing monitoring programmes, the Council is recognising the comprehensive meaning of 'effects' in as much as is appropriate for each activity. Monitoring programmes are not only based on existing permit conditions, but also on the obligations of the RMA to assess the effects of the exercise of consents. In accordance with Section 35 of the RMA, the Council undertakes compliance monitoring for consents and rules in regional plans, and maintains an overview of the performance of resource users and consent holders. Compliance monitoring, including both activity and impact monitoring, enables the Council to continually re-evaluate its approach and that of consent holders to resource management and, ultimately, through the refinement of methods and considered responsible resource utilisation, to move closer to achieving sustainable development of the region's resources.

1.1.4 Evaluation of environmental performance

Besides discussing the various details of the performance and extent of compliance by the consent holder, this report also assigns a rating as to the Partnership's environmental and administrative performance during the period under review. The rating categories are high, good, improvement required and poor for both environmental and administrative performance. The interpretations for these ratings are found in Appendix II.

For reference, in the 2022-2023 year, consent holders were found to achieve a high level of environment performance and compliance for 878 (87%) of a total of 1007 consents monitored through the Taranaki tailored monitoring programmes, while for another 96 (10%) of the consents a good level of environmental performance and compliance was achieved. A further 27 (3%) of consents monitored required improvement in their performance, while the remaining one (<1%) achieved a rating of poor.[1]

1.2 Process description

The Partnership was granted consent 10202-1 on 26 January 2016 to discharge cleanfill to land in the vicinity of an unnamed tributary of the Inaha Stream, and where there is potential for contaminants to enter the stream. The site is located at Rainie Road, Hawera and is surrounded by farmland. The material is being used to fill up a gully covering a horizontal area of up to 1 ha (Figure 1), which contains approximately 160 m of an unnamed tributary of the Inaha Stream. The approximate fill area is shown in the figure below. The full extent permitted is shown in the consent (Appendix I).

The application indicated that the cleanfill material would predominantly be construction and demolition waste. This is not typical for cleanfills in the region, which normally only accept minor amounts of acceptable materials from this type of waste stream.

As a result consent 10202-1 contains additional conditions that require:

- notice to Council and provision of discharge material details prior to discharge, so that the Council has the opportunity to monitor the works for compliance with consent conditions (condition 6); and
- record keeping that includes details of the source, nature and volumes of the materials discharged to allow effective monitoring of the operation and any associated effects on the surrounding environment (condition 7).

The proposal to operate a greenwaste facility at the site has not been pursued.

[1] The Council has used these compliance grading criteria for more than 19 years. They align closely with the 4 compliance grades in the MfE Best Practice Guidelines for Compliance, Monitoring and Enforcement, 2018

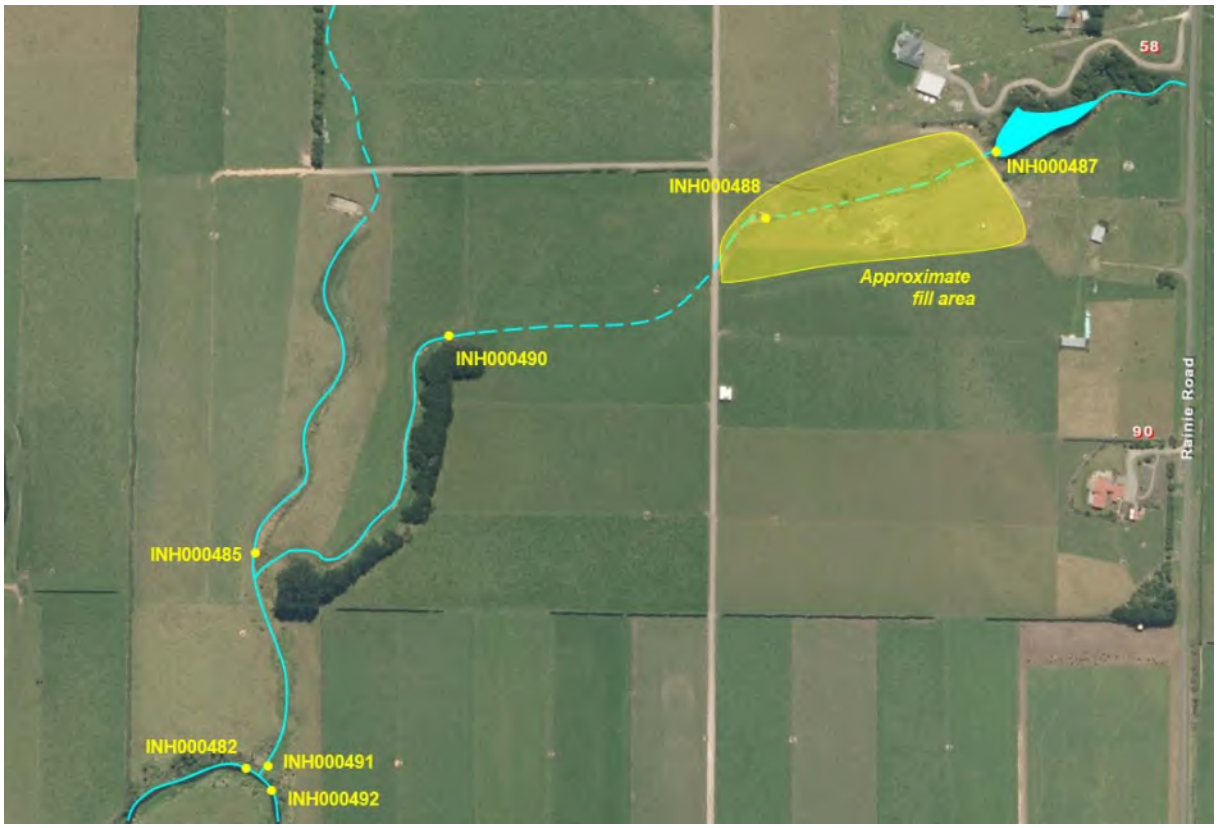

Figure 1 TPJ Partnership's cleanfill and sampling sites at Rainie Road, Hawera

Consent 10209-1 was also granted on 26 January 2016, to allow piping of two unnamed tributaries of the Inaha Stream. The piping consent is for 675 m of piping of two unnamed tributaries of the Inaha Stream which had been undertaken without the necessary authorisation. In addition the consent provided for the future piping of another 45 m section of the stream (Figure 2). The proposed 45 m long piping is to be undertaken in associated with the discharge of contaminants to land being assessed under application 10202 and it is expected that the proposed piping will be completed over a three year period, depending on how long it takes to fill the gully. An application to vary this consent was received and a varied consent granted on 12 June 2019 to change the date by which the riparian planting needed to be completed.

In terms of the piping undertaken prior to the granting of the consent, approximately 115 m of piping was undertaken in about 2012, while the remaining (approximately 600 m) was undertaken at different stages over an 18 year period. There was little, if any, information provided to Council regarding the nature of the fill used above these culvert pipes.

An application to change the consent was received on 7 July 2020 to allow for the disposal of steel provided that it is encased in concrete and painted construction material such as timber and concrete on the condition that it does not contain lead.

The application was put on hold awaiting further information. The changed consent was granted on 6 November 2020. Changes were made to the conditions of the previous version of the consent in order to limit the potential effects of the additional construction and demolition materials provided for. These included conditions that:

- prohibited the disposal of painted material that had not been shown to be free of lead;
- clarified the requirements of the prior notification of the discharge of materials other than virgin excavated material, and record keeping;
- required the provision, maintenance and adherence to a Council certified site Management Plan; and
- included provision for the consent to be reviewed following notification in June of any year.

The proposed piping indicated in Figure 2 below was installed during the year under review.

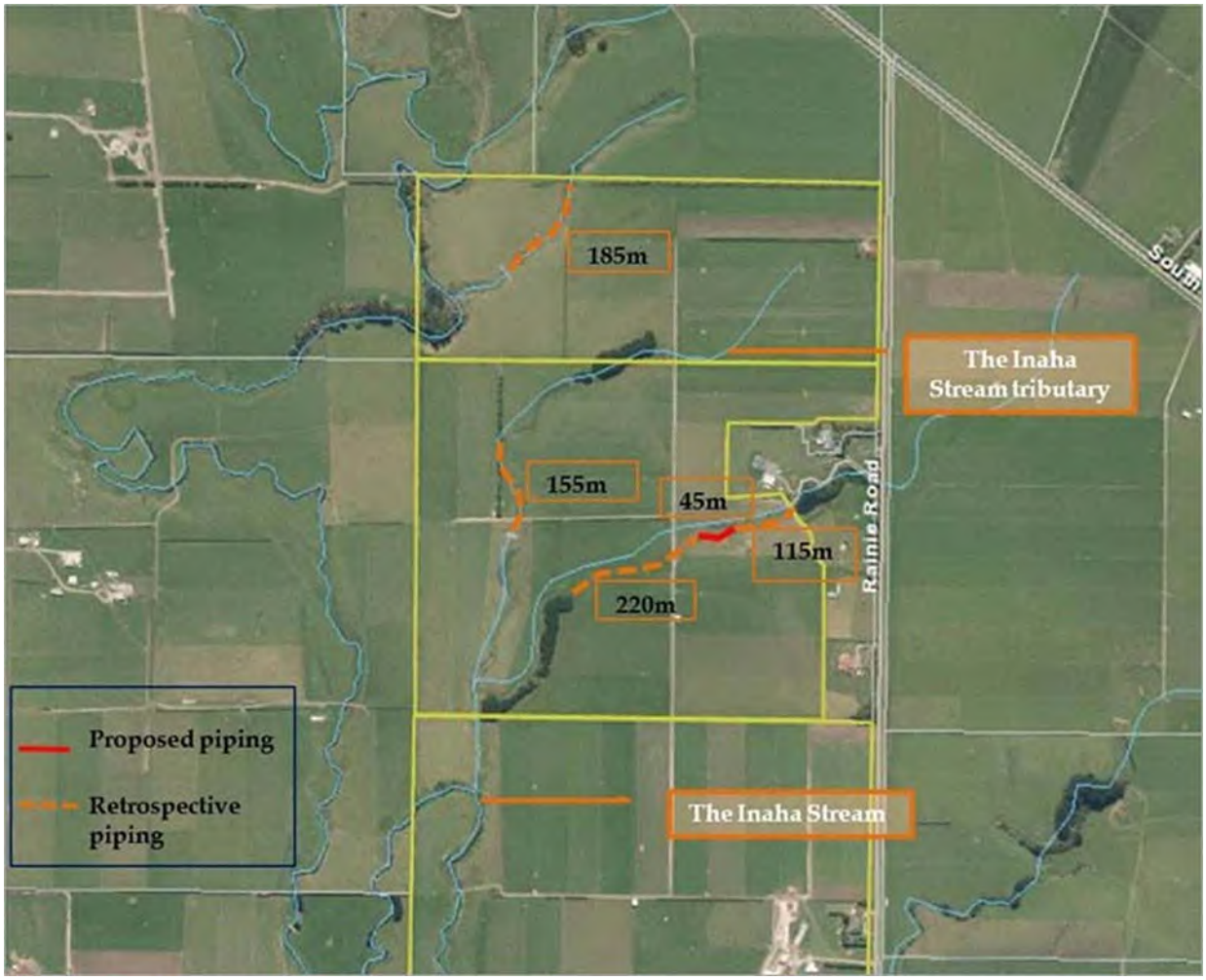

Figure 2 Map of TPJ Partnership retrospective and proposed piping

1.3 Resource consents

The Partnership holds two resource consents the details of which are summarised in the table below. Summaries of the conditions attached to each permit are set out in Section 3 of this report.

A summary of the various consent types issued by the Council is included in Appendix I, as are copies of all permits held by the Partnership during the period under review.

Table 1 Summary of resource consents held by TPJ Partnership cleanfill

Consent number	Purpose	Commencement	Review	Expires
Discharges of waste to land				
10202-1.1	To discharge cleanfill and inert materials onto and into land, where contaminants may enter into an unnamed tributary of the Inaha Stream	6 November 2020	June 2024	June 2035
Land use permits				
10209-1.1	To install piping in unnamed tributaries of the Inaha Stream, including associated streambed disturbance and reclamation	12 June 2019	June 2029	June 2035

1.4 Monitoring programme

1.4.1 Introduction

Section 35 of the RMA sets obligations upon the Council to gather information, monitor and conduct research on the exercise of resource consents within the Taranaki region. The Council is also required to assess the effects arising from the exercising of these consents and report upon them.

The Council may therefore make and record measurements of physical and chemical parameters, take samples for analysis, carry out surveys and inspections, conduct investigations and seek information from consent holders.

The monitoring programme for the TPJ Cleanfill site consisted of four primary components.

1.4.2 Programme liaison and management

There is generally a significant investment of time and resources by the Council in:

- ongoing liaison with resource consent holders over consent conditions and their interpretation and application;
- discussion over monitoring requirements;
- preparation for any consent reviews, renewals or new consent applications;
- advice on the Council's environmental management strategies and content of regional plans; and
- consultation on associated matters.

1.4.3 Site inspections

The site was visited four times during the monitoring period.

Inspections focused on site processes, the types of materials being accepted, stormwater control, and sediment control.

1.4.4 Chemical sampling

The Council undertook sampling of the water quality upstream and downstream of the discharge point and mixing zone.

Receiving waters (unnamed tributaries of the Inaha Stream) were sampled on two occasions, and the samples analysed for pH, conductivity, ammoniacal nitrogen, suspended solids, sulphate, arsenic, copper, lead, and zinc.

2 Results

2.1.1 Inspections

The Partnership's site was inspected four times during the period under review.

29 July 2022

The inspection was carried out in overcast conditions. On arrival, the site gates were unlocked and the site was reported to be well used. There were no unacceptable materials being present on site. It was found that there was, what appeared to be, a hand dug drain in the centre of the cleanfill allowing water to flow directly though middle of the fill site. The consent holder was informed that this was not best practice, as all stormwater should be directed around the site not though it. This matter was to be addressed. There was a digger operating on the side of the cleanfill area, which was completing drainage works that needed urgent attention due to a blocked pipe. As a result of this drainage work dirt, silt and sediment had entered a waterway below the site and it was noted that and a separate incident would be recorded. The details of this incident are summarised in Section 2.2. The consent holder was informed that this was a sampling round with the results to be advised separately.

5 January 2023

On arrival, the site gates were closed but not locked. Again, the site was found to be well used. There were no issues with silt, sediment, dust or odour at the time of the inspection and it was reported that the consent conditions were being complied with.

27 March 2023

The gates to the site were open on arrival. It appeared there had not been a lot of activity on the site since the previous inspection. There were no unauthorised materials present at the site and there were no issues with dust or odour at the time of the inspection. There was no discharge occurring and therefore no samples were obtained at this inspection. It was reported that the consent conditions were being complied with.

25 May 2023

The gates to the site were open and it was noted that the site was well used. The site was tidy and it was noted that works had been completed on piping the small section of stream below the tip face that is provided for under consent 10209-1.1. No unacceptable materials were located on the site, and there were no issues with dust or odour during this inspection.

2.1.2 Results of receiving water monitoring

Sampling of the receiving waters was conducted on two occasions during the year under review. The parameters routinely monitored at this cleanfill are pH, conductivity, ammoniacal nitrogen, suspended solids, sulphate, arsenic, copper, lead, and zinc. As the TPJ site is an atypical cleanfill, if any issues are found, initially an additional range of parameters will be monitored, with provision for the additional sampling sites to also be sampled if required (Figure 1). The results are presented in Table 2.

The results from July 2022 showed minor changes in ammoniacal nitrogen, arsenic, biochemical oxygen demand, conductivity, copper, total lead, sulphate and zinc in the sample collected immediately downstream of the cleanfill site. This indicates that there may be minor amounts of leachate discharging from the site. The sampling survey undertaken on 25 May 2023 showed that there were still some changes in the ammoniacal nitrogen, biochemical oxygen demand, conductivity, copper and zinc. Arsenic was not detected in any of the samples collected on this occasion. The results also showed that the contaminant concentrations had decreased at the compliance point and are indicative of effects that are minor, at most.

It is noted that following the installation of the additional piping permitted by consent 10209, sampling site INH000488 was within the piped stretch of the tributary at the time of the sampling survey on 29 May 2023. As there is a downstream monitoring site at the compliance point given in the consent, sampling at INH000488 will be discontinued.

Table 2 Receiving environment results for tributaries of the Inaha Stream in relation to the TPJ cleanfill

Parameter	Unit	29 July 2022		25 May 2023		
		IND000487 Above cleanfill (upstream)	IND000488 (downstream)	IND000487 Above cleanfill (upstream)	IND000488 (downstream)	IND000490 At compliance point (downstream)
Ammonia (NH_3)	g/m^3	<0.00005	0.00191	0.00010	0.00098	0.00020
Ammoniacal-N (NH_4)	g/m^3	<0.01	0.23	0.029	0.162	0.037
Arsenic (dissolved)	g/m^3	<0.001	0.0093	<0.0010	<0.0010	<0.0010
Arsenic (total)	g/m^3	<0.0011	0.0104	<0.0011	<0.0011	<0.0011
BOD (total)	$g\ O_2/m^3$	0.7	1.6	0.8	1.1	0.5
Conductivity	mS/m	35.1	62.0	38.2	92.2	41.0
Copper (dissolved)	g/m^3	0.0015	0.0056	0.0006	0.0039	0.0008
Copper (total)	g/m^3	0.00175	0.0078	0.00068	0.0049	0.0008
Iron (dissolved)	g/m^3	0.05	0.02	0.04	<0.02	0.06
Iron (total)	g/m^3	0.131	0.36	0.097	1.06	0.178
Lead (dissolved)	g/m^3	<0.00010	0.00011	<0.00010	<0.00010	<0.00010
Lead (total)	g/m^3	<0.00011	0.00109	<0.00011	0.00020	<0.00011
pH	pH	7.2	7.5	7.1	7.2	7.2
Sulphate	g/m^3	38	109	42	78	41
Suspended solids	g/m^3	<3	13	<3	21	<3
Temperature	°C	13.3	13.4	13.7	16.2	16.0
Zinc (dissolved)	g/m^3	0.0026	0.056	<0.0010	0.020	0.0018
Zinc (total)	g/m^3	0.0027	0.0078	<0.0011	0.162	0.037

2.1.3 Liaison with Partnership

The Partnership is required to contact Council regarding the disposal of material, particularly when there is any doubt about whether or not it is acceptable under the conditions of the consent. Changes to consent 10202-1 clarified that the notification to Council is required at least two working days prior to the discharge of any material other than virgin excavated material. The condition, which also includes a list of the minimum information that is to be provided in the notification, was effective from 6 November 2020.

Council received multiple notifications of intent to discharge throughout the 2022-2023 monitoring period. These notifications of intention to discharge were assessed for suitability for cleanfill and further discussion with the Partnership and/or cleanfill customers was undertaken. In the early part of the year under review, where necessary, further contact was made to ensure that all the information required by the consent was provided to Council and that the materials were suitable for disposal.

Consent 10202-1 requires that the site be operated in accordance with a Management Plan. After ongoing liaison and discussion with the Partnership, the content of this Management Plan was agreed in July 2021. A check of Council records shows that the Council is still awaiting the finalised version of the plan to be provided.

2.2 Investigations, interventions, and incidents

The monitoring programme for the year was based on what was considered to be an appropriate level of monitoring, review of data, and liaison with the Partnership. During the year matters may arise which require additional activity by the Council, for example provision of advice and information, or investigation of potential or actual causes of non-compliance or failure to maintain good practices. A pro-active approach, that in the first instance avoids issues occurring, is favoured.

For all significant compliance issues, as well as complaints from the public, the Council maintains a database record. The record includes events where the individual/organisation concerned has itself notified the Council. Details of any investigation and corrective action taken are recorded for non-compliant events.

Complaints may be alleged to be associated with a particular site. If there is potentially an issue of legal liability, the Council must be able to prove by investigation that the identified individual/organisation is indeed the source of the incident (or that the allegation cannot be proven).

Table 3 below sets out details of any incidents recorded, additional investigations, or interventions required by the Council in relation to the Partnership's activities during the 2022-2023 period. This table presents details of all events that required further investigation or intervention regardless of whether these were found to be compliant or not.

Table 3 Incidents, investigations, and interventions summary table

Date	Details	Compliant (Y/N)	Enforcement Action Taken?	Outcome
29 Jul 2022	During unrelated monitoring it was found that silt and sediment from earthworks in relation to drainage had discharged into an unnamed stream at a property at Rainie Road, Hawera. Investigation found that there were no silt and or sediment controls installed at the time of inspection	N	An abatement notice was issued requiring silt and sediment controls to be installed. An infringement notice was also issued	Abatement notice complied with

3 Discussion

3.1 Discussion of site performance

During the year under review, the cleanfill appeared to be well maintained, with no unacceptable materials found at the site. There were no issues noted in relation to odour or dust. Council was notified of discharges being undertaken at the site.

The content of the Management Plan was agreed in July 2021, however a copy of the finalised plan has not been provided to Council.

The piping provided for in consent 10209-1.1 was completed during the year under review.

3.2 Environmental effects of exercise of consents

During inspections, no significant adverse effects on the environment were observed as a result of the cleanfill operation.

Sampling indicated that the cleanfill may be contributing to small increases in metal concentrations downstream of the site but these increases did not persist further downstream and were minor, at most.

3.3 Evaluation of performance

A tabular summary of the consent holder's compliance record for the year under review is set out in Tables 4 and 5.

Table 4 Summary of performance for TPJ Partnership's cleanfill consent 10202-1

Purpose: ***To discharge cleanfill and inert materials onto and into land, where contaminants may enter into an unnamed tributary of the Inaha Stream***		
Condition requirement	**Means of monitoring during period under review**	**Compliance achieved?**
1. Notify at least seven days prior to commencement of fill operations	Review of Council records and inspections. Previously complied with	N/A
2. Discharge fill in permitted area only	Inspections	Yes
3. Only discharge cleanfill and/or inert materials	Inspections	Yes
4. No discharge of prohibited materials listed in the consent	Inspections	Yes
5. Negative lead test required to discharge painted material	Inspections and review of consent holder and Council records	Yes
6. If the acceptability of a substance is uncertain, obtain approval from the Council	Inspection and review of Council records	Yes
7. Notify Council at least two days prior to any discharge on site. Notifications to include specific information	Review of Council records and inspections	Yes

Purpose: *To discharge cleanfill and inert materials onto and into land, where contaminants may enter into an unnamed tributary of the Inaha Stream*		
Condition requirement	**Means of monitoring during period under review**	**Compliance achieved?**
8. Record discharger, source, nature, volume and date of any discharges and provide information to Council if requested	Inspection, check of Council records	Yes
9. Install and maintain stormwater diversion drains	Inspections	Yes
10. Minimise effects on water	Inspections and sampling	Yes
11. Capping, contouring and stabilisation requirements	Inspections	Yes
12. Limits on effects in receiving waters	Inspections and sampling	Yes
13. From 31 December 2020 site to be operated in accordance with Management Plan prepared by consent holder and certified by Council	Liaison with consent holder and review of Council records	No. Plan contents agreed. Copy of final version of the plan not received
14. Adopt best practice	Inspections	Yes
15. Lapse period	Consent has been exercised	N/A
16. Optional review provision re environmental effects in June each year	Next option for review June 2024	N/A
Overall assessment of environmental performance in respect of this consent		**High**
Overall assessment of administrative performance in respect of this consent		**Good**

N/A = not applicable

Table 5 Summary of performance for TPJ Partnership's culvert installation consent 10209-1.1

Purpose: *To install piping in unnamed tributaries of the Inaha Stream, including associated streambed disturbance and reclamation*		
Condition requirement	**Means of monitoring during period under review**	**Compliance achieved?**
1. Specifies area where pipe can be laid and piped reach filled	Inspection	Yes
2. Specifies minimum pipe diameter	Inspection	Yes
3. Re-contour to define secondary flow path	Inspection	Yes

Purpose: *To install piping in unnamed tributaries of the Inaha Stream, including associated streambed disturbance and reclamation*		
Condition requirement	**Means of monitoring during period under review**	**Compliance achieved?**
4. Specifies dimensions of secondary flow path	Not assessed	N/A
5. Specifies installation methods	Not assessed	N/A
6. Maintain pipe and secondary flow path to prevent blocking	Not assessed	N/A
7. Notify Council at least two days prior to work commencing	Notification received as required	Yes
8. Fencing and riparian planting to be completed by 1 August 2020	Technical compliance previously achieved (2021-2022)	N/A
9. One-off payment to enhance wetland and stream habitat	Check of Council records. To be invoiced in 2023-2024 year	N/A
10. Take all practicable steps to minimise increased sedimentation and turbidity during installation	Not assessed	N/A
11. No burying of vegetation within 20 m of pipes	Not assessed	N/A
12. Stabilise earthworks areas as soon as practicable following completion of soil disturbance	Not assessed	N/A
13. Stop work upon discovery of archaeological remains	Not assessed	N/A
14. Optional review provision re environmental effects	Next review option June 2029	N/A
Overall assessment of environmental performance in respect of this consent		**High**
Overall assessment of administrative performance in respect of this consent		**High**

N/A = not applicable

Table 6 Evaluation of environmental performance over time

Year	Consent no	High	Good	Improvement req	Poor
2015-16	10202-1, 10209-1	2	-	-	-
2016-17	10202-1, 10209-1	2	-	-	-
2017-18	10202-1, 10209-1	2	-	-	-
2018-19	10202-1	1	-	-	-
2019-20	10202-1	-	-	1	-
2020-21	10202-1	-	-	1	-
	10209-1		1	-	-
2021-22	10202-1	-	-	1	-
	10209-1	-	1	-	-
2022-23	10202-1.1	1			
Totals		8	2	3	0

During the year, the Partnership demonstrated a high level of environmental performance and a good level of administrative performance with the resource consents as defined in Appendix II. However, overall an improvement was required in the Partnership's environmental performance, as an abatement notice and infringement notice were issued in relation to a discharge of silt and sediment to an unnamed stream during earthworks at the property. In relation to the Partnership's administrative performance, although the contents of the Management Plan have been agreed and been put into practice, a copy of the final version of the plan has not yet been provided to Council.

3.4 Recommendations from the 2021-2022 Annual Report

In the 2021-2022 Annual Report, it was recommended:

1. That in the first instance, monitoring of discharges from Partnership's cleanfill in the 2022-2023 year continue at the same level as in 2021-2022.
2. That should there be issues with environmental or administrative performance in 2022-2023, monitoring may be adjusted to reflect any additional investigation or intervention as found necessary.
3. That the option for a review of resource consents 10202-1.1 and 10209-1 in June 2023, as set out in conditions of the consents, not be exercised, on the grounds that the current conditions are adequate.

These recommendations were implemented.

3.5 Alterations to monitoring programmes for 2023-2024

In designing and implementing the monitoring programmes for air/water discharges in the region, the Council has taken into account:

- the extent of information already made available through monitoring or other means to date;
- its relevance under the RMA;

- the Council's obligations to monitor consented activities and their effects under the RMA;
- the record of administrative and environmental performances of the consent holder; and
- reporting to the regional community.

The Council also takes into account the scope of assessments required at the time of renewal of permits, and the need to maintain a sound understanding of industrial processes within Taranaki exercising resource consents.

The only planned change to the 2023-2024 monitoring programme is the removal of site INH000488 from the sampling surveys.

It should be noted that the proposed programme represents a reasonable and risk-based level of monitoring for the site in question. The Council reserves the right to subsequently adjust the programme from that initially prepared, should the need arise if potential or actual non-compliance is determined at any time during 2023-2024.

3.6 Exercise of optional review of consents

Resource consent 10202-1.1 provides for an optional review of the consent in June 2024. Condition 16 allows the Council to review the consent for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of the resource consent, which either were not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.

Based on the results of monitoring in the year under review, and in previous years as set out in earlier annual compliance monitoring reports[2], it is considered that there are no grounds that require a review to be pursued.

[2] For 2015-2016 to 2020-2021 years refer to the Regional Cleanfill Monitoring Programme Annual Reports

4 Recommendations

1. That in the first instance, monitoring of discharges from TPJ Partnership's cleanfill in the 2023-2024 year continue principally at the same level as in 2022-2023, but with the removal of site INH000488 from the sampling surveys.
2. That should there be issues with environmental or administrative performance in 2023-2024, monitoring may be adjusted to reflect any additional investigation or intervention as found necessary.
3. That the option for a review of resource consents 10202-1.1 in June 2024, as set out in condition 16 of the consents, not be exercised, on the grounds that the current conditions are adequate.

Glossary of common terms and abbreviations

The following abbreviations and terms may be used within this report:

Conductivity	Conductivity, an indication of the level of dissolved salts in a sample, usually measured at 25°C and expressed in mS/m.
g/m^3	Grams per cubic metre, and equivalent to milligrams per litre (mg/L). In water, this is also equivalent to parts per million (ppm), but the same does not apply to gaseous mixtures.
HAIL site	A site that has had activities undertaken on it that are listed in Appendix C: Hazardous Activities and Industries List (HAIL) of the *User's Guide: NES for Assessing and Managing Contaminants in Soil to Protect Human Health*.
Incident	An event that is alleged or is found to have occurred that may have actual or potential environmental consequences or may involve non-compliance with a consent or rule in a regional plan. Registration of an incident by the Council does not automatically mean such an outcome had actually occurred.
Intervention	Action/s taken by Council to instruct or direct actions be taken to avoid or reduce the likelihood of an incident occurring.
Investigation	Action taken by Council to establish what were the circumstances/events surrounding an incident including any allegations of an incident.
L/s	Litres per second.
mS/m	Millisiemens per metre.
Mixing zone	The zone below a discharge point where the discharge is not fully mixed with the receiving environment. For a stream, conventionally taken as a length equivalent to 7 times the width of the stream at the discharge point.
NH_4	Ammonium, normally expressed in terms of the mass of nitrogen (N).
NH_3	Unionised ammonia, normally expressed in terms of the mass of nitrogen (N).
pH	A numerical system for measuring acidity in solutions, with 7 as neutral. Numbers lower than 7 are increasingly acidic and higher than 7 are increasingly alkaline. The scale is logarithmic i.e. a change of 1 represents a ten-fold change in strength. For example, a pH of 4 is ten times more acidic than a pH of 5.
Physicochemical	Measurement of both physical properties (e.g. temperature, clarity, density) and chemical determinants (e.g. metals and nutrients) to characterise the state of an environment.
Resource consent	Refer Section 87 of the RMA. Resource consents include land use consents (refer Sections 9 and 13 of the RMA), coastal permits (Sections 12, 14 and 15), water permits (Section 14) and discharge permits (Section 15).
RMA	*Resource Management Act 1991* and including all subsequent amendments.
Virgin excavated material	Virgin excavated materials (VEM) such as clay, soil and rock that are free of: • combustible, putrescible, degradable or leachable components; • hazardous substances or materials (such as municipal solid waste) likely to create leachate by means of biological breakdown; • products or materials derived from hazardous waste treatment, stabilisation or disposal practices; • materials such as medical and veterinary waste, asbestos, or radioactive substances that may present a risk to human health if excavated;

- contaminated soil and other contaminated materials; and
- liquid waste.

When discharged to the environment, cleanfill material will not have a detectable effect relative to the background

For further information on analytical methods, contact an Environment Assurance Manager.

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Appendix I

Resource consents held by TPJ Partnership

(For a copy of the signed resource consent
please contact the TRC Consents department)

Water abstraction permits

Section 14 of the RMA stipulates that no person may take, use, dam or divert any water, unless the activity is expressly allowed for by a resource consent or a rule in a regional plan, or it falls within some particular categories set out in Section 14. Permits authorising the abstraction of water are issued by the Council under Section 87(d) of the RMA.

Water discharge permits

Section 15(1)(a) of the RMA stipulates that no person may discharge any contaminant into water, unless the activity is expressly allowed for by a resource consent or a rule in a regional plan, or by national regulations. Permits authorising discharges to water are issued by the Council under Section 87(e) of the RMA.

Air discharge permits

Section 15(1)(c) of the RMA stipulates that no person may discharge any contaminant from any industrial or trade premises into air, unless the activity is expressly allowed for by a resource consent, a rule in a regional plan, or by national regulations. Permits authorising discharges to air are issued by the Council under Section 87(e) of the RMA.

Discharges of wastes to land

Sections 15(1)(b) and (d) of the RMA stipulate that no person may discharge any contaminant onto land if it may then enter water, or from any industrial or trade premises onto land under any circumstances, unless the activity is expressly allowed for by a resource consent, a rule in a regional plan, or by national regulations. Permits authorising the discharge of wastes to land are issued by the Council under Section 87(e) of the RMA.

Land use permits

Section 13(1)(a) of the RMA stipulates that no person may in relation to the bed of any lake or river use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed, unless the activity is expressly allowed for by a resource consent, a rule in a regional plan, or by national regulations. Land use permits are issued by the Council under Section 87(a) of the RMA.

Coastal permits

Section 12(1)(b) of the RMA stipulates that no person may erect, reconstruct, place, alter, extend, remove, or demolish any structure that is fixed in, on, under, or over any foreshore or seabed, unless the activity is expressly allowed for by a resource consent, a rule in a regional plan, or by national regulations. Coastal permits are issued by the Council under Section 87(c) of the RMA.

Discharge Permit

Pursuant to the Resource Management Act 1991
a resource consent is hereby granted by the
Taranaki Regional Council

Name of Consent Holder:	TPJ Partnership (Philip John & Tanya Nixon) 136 Rainie Road RD 11 Hawera 4671
Decision Date (Change):	6 November 2020
Commencement Date (Change):	6 November 2020 (Granted Date: 26 January 2016)

Conditions of Consent

Consent Granted:	To discharge cleanfill and inert materials onto and into land, where contaminants may enter into an unnamed tributary of the Inaha Stream
Expiry Date:	1 June 2035
Review Date(s):	June annually
Site Location:	30 Rainie Road, Okaiawa
Grid Reference (NZTM)	1701472E–5619162N Between 1701203E–5619066N & 1701547E–5619191N; Between 1701087E–5619299N & 1701111E–5619164N; and 1701203E–5619711N
Catchment:	Inaha

For General, Standard and Special conditions
pertaining to this consent please see reverse side of this document

General condition

a. The consent holder shall pay to the Taranaki Regional Council all the administration, monitoring and supervision costs of this consent, fixed in accordance with section 36 of the Resource Management Act 1991.

Special conditions

1. At least 7 working days prior to the commencement of the fill operation, the consent holder shall notify the Taranaki Regional Council of the proposed start date for the work. Notification shall include the consent number and a brief description of the activity consented and shall be emailed to worknotification@trc.govt.nz.

2. The discharge of cleanfill shall only occur in the area shaded on the plan attached.

3. The contaminants to be discharged shall be limited to cleanfill and/or inert materials. For the purposes of this condition, "clean fill and inert materials" are defined as materials consisting of any concrete, reinforced concrete with no protruding steel, cement or cement wastes, bricks, mortar, tiles (clay, ceramic or concrete), non-tanalised timber, porcelain, glass, gravels, boulders, shingles, fiberglass, plastics, sand, soils and clays, and/or tree stumps and roots, whether singly or in combination or mixture, or any other material (subject to condition 4) that when placed onto and into land will not render that land or any vegetation grown on than land toxic to vegetation or animals consuming vegetation.

   Advice Note: for the avoidance of doubt, sand, soils and clays include dewatered sand, soils and clays, not sourced from HAIL sites, as described in the email from Kathryn Hooper (Landpro Limited) to Kathleen Hudson (TRC), dated 29 October 2020, Council document reference 2628101.

4. The discharge of the following contaminants shall not occur: food wastes, paper and cardboard, grass clippings, garden wastes including but not limited to wastes containing foliage or other vegetation (other than tree stumps and roots as under condition 3), textiles, steel (other than reinforcing steel fully encased in concrete as permitted under condition 3), metals, painted materials containing lead-based paint or fillers or sealers or their containers, oils or greases or any liquids or sludges or their containers, any industrial process by-products other than as permitted under condition 3, any poisons or solvents or their containers, batteries, general domestic reuse not otherwise described, or any wastes with the potential to render land or any vegetation grown on the land toxic to vegetation or to animals consuming such vegetation.

5. No painted material shall be discharged unless testing has shown it to be free of lead.

6. If the consent holder is uncertain as to the acceptability or not of a certain material the consent holder shall obtain written approval from the Chief Executive, Taranaki Regional Council, prior to its discharge.

7. The consent holder shall notify the Chief Executive, Taranaki Regional Council at least 2 working days prior to the discharge of any material other than virgin excavated material. Notification shall be via the "notification of work" form on the Council's Website (http://bit.ly/TRCWorkNotificationForm) and shall include as a minimum:

   (a) the consent number;
   (b) a detailed description of the nature of the material with reference to the material listed in condition 3 (e.g. timber, painted concrete, cured bitumen, gib);
   (c) specific advice as to whether or not any painted material is proposed to discharged;
   (d) the source of the material;
   (e) specific advice if the material is sourced from from activities described in Appendix C: Hazardous Activities and Industries List (HAIL) of the *User's Guide: NES for Assessing and Managing Contaminants in Soil to Protect Human Health*[1] or subsequent documents;
   (f) the volume (or truck loads) of the material expected;
   (g) name, address and other contact details of the 'Discharger's'; and
   (h) the date and period of discharge.

8. For compliance monitoring purposes, the consent holder shall keep a record of the material discharged at the site. This record shall be maintained and provided to the Chief Executive, Taranaki Regional Council in a form and at a frequency that s/he may request. The record kept shall include as a minimum:

   (a) the information required to be provided by condition 7 (including information for virgin excavated material);
   (b) full details of testing for the presence of lead on painted materials, including the;
      (i) date of the test;
      (ii) method of testing;
      (iii) results of the testing;
      (iv) name of the person who undertook the testing;
   (c) results and methods used to ensure that any timber or wooden material is untreated and does not contain fillers, sealers or glues.

9. The consent holder shall ensure that the only source of water entering the fill is that of direct rainwater and the fill is isolated from any stormwater infiltration from the immediate catchment area.

10. The consent shall take all reasonable and necessary steps to minimise effects of the activity on water, including, but not limited to, the following:

   (a) installation and maintenance of diversion drains and retention devices to minimise stormwater infiltration into the filled area;
   (b) installation of sediment settling/maturation pond to treat discharges to the Inaha Stream tributary; and
   (c) placing interim cover of 100 mm of compacted clay on any exposed fill during periods of inactivity no more than 1 month.

[1] Ministry for the Environment (2012)

11. The consent holder shall ensure that exposed surfaces of the discharge area are progressively capped upon completion of each discharge activity and following the filling of the entire discharge area. The fill cap shall:

    (a) have a minimum layer of compacted clay, at least 300 mm thick and shall be covered with topsoil, no less than 100 mm thick;
    (b) be contoured to prevent ponding and promote runoff from the fill cap area; and
    (c) be stabilised and vegetated in a manner that withstands subsidence, erosion or scouring.

12. After allowing for reasonable mixing, at or about approximate grid reference (NZTM) 1701175E-5619050N, the discharge shall not, either by itself or in combination with other discharges, give rise to any or all of the following effects in the receiving water:

    (a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
    (b) any conspicuous change in the colour or visual clarity;
    (c) any emission of objectionable odour;
    (d) the rendering of fresh water unsuitable for consumption by farm animals;
    (e) any significant adverse effects on aquatic life.

13. At all times from 31 December 2020, and from the first discharge of any painted material or any concrete containing steel reinforcing, the site shall be operated in accordance with a 'Management Plan' prepared by the consent holder and approved by the Chief Executive, Taranaki Regional Council, acting in a certification capacity. The plan shall detail how the consent holder will manage the site to ensure that compliance with the conditions of this consent is achieved, and it shall include but not be limited to:

    (a) procedures and practices for ensuring that the consent holder has full knowledge of the types of material discharged;
    (b) full details of the testing method used to ensure that painted material discharged does not contain lead, including detail of;
        (i) the specific test used and why it is considered appropriate;
        (ii) the procedures for sampling and testing;
        (iii) how the consent holder is informed of the results of testing before it is discharged.
    (c) procedures and methods used to ensure that any timber or wooden material is untreated and does not contains fillers, sealers or glues.
    (d) procedures and methods used to ensure wet sand/soil and clay is adequately dewatered including setting and determining the appropriate moisture content.

    The consent holder shall review the Management Plan when directed by the Chief Executive, Taranaki Regional Council.

14. The consent holder shall at all times adopt the best practicable option or options (as defined in section 2 of the Resource Management Act 1991) to prevent or minimise any actual or potential effect on the environment arising from any discharge at the site.

15. This consent shall lapse on 31 March 2021, unless the consent is given effect to before the end of that period or the Taranaki Regional Council fixes a longer period pursuant to section 125(1)(b) of the Resource Management Act 1991.

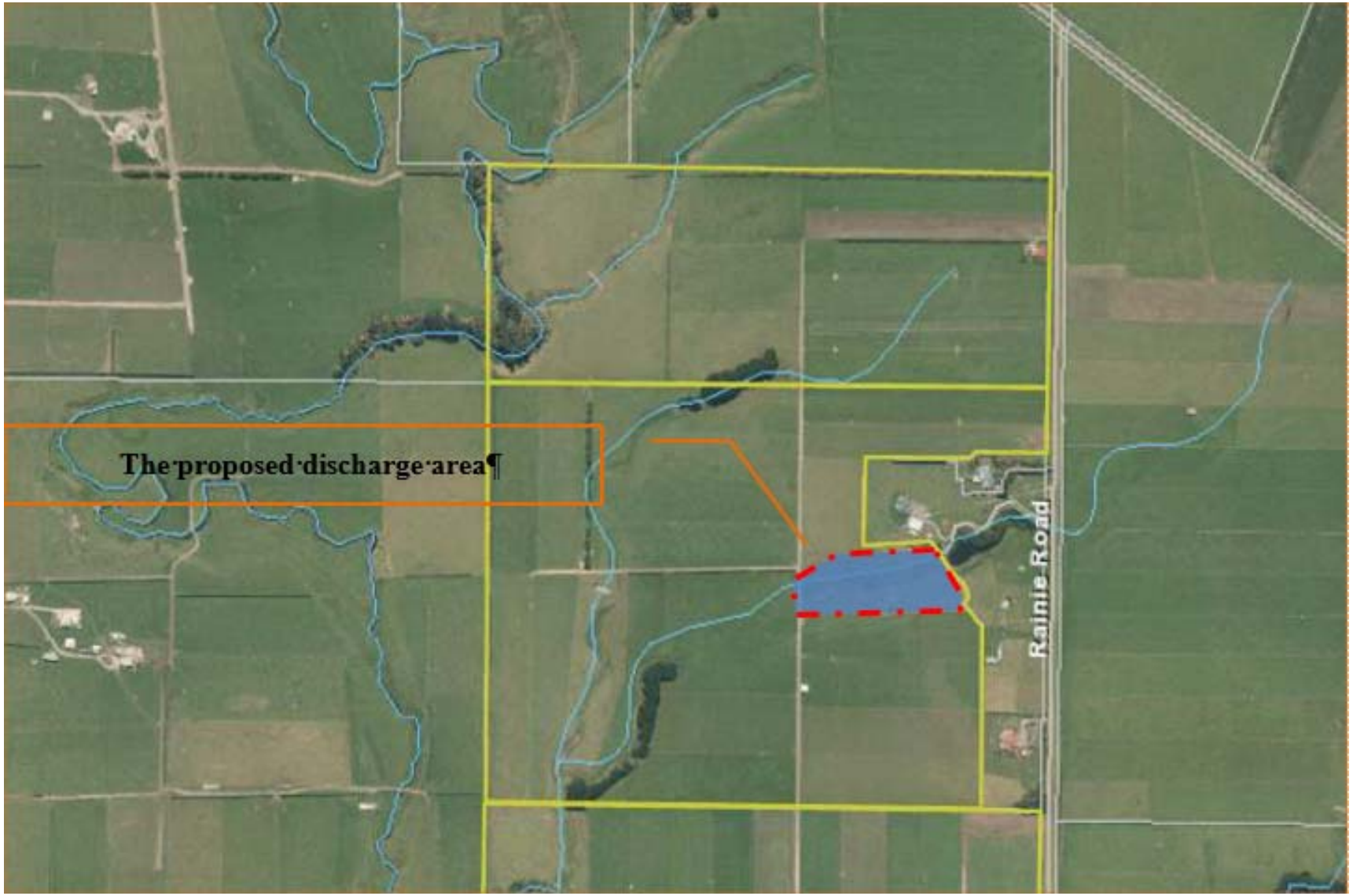
16. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Taranaki Regional Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review during the month of June each year, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.

Signed at Stratford on 6 November 2020

For and on behalf of
Taranaki Regional Council

A D McLay
Director - Resource Management

Appendix A: Location of discharge area



Land Use Consent

Pursuant to the Resource Management Act 1991
a resource consent is hereby granted by the
Taranaki Regional Council

Name of Consent Holder:	TPJ Partnership (Philip John Nixon) 136 Rainie Road RD 11 Hawera 4671
Decision Date (Change):	12 June 2019
Commencement Date (Change):	12 June 2019 (Granted Date: 26 January 2016)

Conditions of Consent

Consent Granted:	To install piping in unnamed tributaries of the Inaha Stream, including associated stream bed disturbance and reclamation
Expiry Date:	1 June 2035
Review Date(s):	June 2023 and June 2029
Site Location:	30 Rainie Road, Okaiawa
Grid Reference (NZTM)	Between: 1701203E - 5619066N and 1701547E - 5619191N 1701087E - 5619299N and 1701111E - 5619164N 1701203E - 5619711N and 1701100E - 5619566N
Catchment:	Inaha

For General, Standard and Special conditions
pertaining to this consent please see reverse side of this document

General condition

a. The consent holder shall pay to the Taranaki Regional Council all the administration, monitoring and supervision costs of this consent, fixed in accordance with section 36 of the Resource Management Act 1991.

Special conditions

1. This consent authorises the laying of piping and subsequently filling the piped reach in approximately 720 metres of stream bed between the following approximate (NZTM) grid references, in accordance with the details provided with the application. In the case of any contradiction between the application details and the conditions of this consent, the conditions of this consent shall prevail:

   a) 1701203E – 5619066N and 1701547E – 5619191N (185 metres);
   b) 1701087E – 5619299N and 1701111E – 5619164N (155 metres); and
   c) 1701203E – 5619711N and 1701100E – 5619566N (220 metres + 45 metres + 115 metres).

2. The proposed 45 metres long piping shall have diameter of no less 110 mm.

3. The area of works shall be recontoured to ensure that when the capacity of the pipes is exceeded, all excess water flows to clearly defined secondary flow paths (which generally follow the route of the reclaimed stream) into the unnamed tributary of the Inaha Stream.

4. The defined secondary flow path described in condition 3 above shall have a minimum bottom width of 5 metres, with side slopes no steeper than 1 vertical to 3 horizontal, on firm natural ground.

5. The consent holder shall ensure that:

   a) the pipes are laid in an excavated 'V' trench down each side of the stream bed;
   b) concrete manholes are installed at the upstream end of the proposed piping and connected to the upstream culvert;
   c) bunds, a minimum of 0.5 metre high and no steeper than 1 vertical to 5 horizontal, are placed across the surface depression directly downstream of each manhole on the piped line to capture surface flow into the manhole;
   d) the manholes have surface inlets; and
   e) the surface inlets are protected by silt cloth, to ensure that erosion is minimised, until such time as grass cover is achieved.

6. The piping and the secondary flow path shall be maintained to ensure they do not become blocked, and at all times, allow the free flow of water through.

7. The consent holder shall notify the Chief Executive, Taranaki Regional Council, in writing at least 2 working days prior to commencement of the works. Notification shall include the consent number and a brief description of the activity consented and be emailed to worknotification@trc.govt.nz.

8. The fencing and riparian planting specified in the Riparian Management Plan for the property shall be completed before 1 August 2020.

9. To remedy and mitigate the adverse environmental effects of this consent, the consent holder shall make a single payment of $3,200 (plus GST) to the Taranaki Regional Council as a financial contribution for the purpose of enhancing habitat in wetlands and small streams. The payment shall be made within three months of commencement of the work.

10. The consent holder shall take all practicable steps to minimise sedimentation and increased turbidity of the stream during installation of the piping, including by:

    a) completing all works in the minimum time practicable;
    b) avoiding placement of excavated material in the flowing channel; and
    c) keeping machinery out of the actively flowing channel, as far as practicable.

11. No vegetation shall be buried within 20 metres of the piped stream.

12. All earthwork areas shall be stabilised as soon as is practicable immediately following completion of soil disturbance activities.

    Note: For the purpose of this condition "stabilised" in relation to any site or area means inherently resistant to erosion or rendered resistant, such as by using indurated rock or by the application of basecourse, colluvium, grassing, mulch, or another method to the reasonable satisfaction of the Chief Executive, Taranaki Regional Council and as specified in Taranaki Regional Council's Guidelines for Earthworks in the Taranaki Region, 2006. Where seeding or grassing is used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once, on reasonable visual inspection by an Investigating Officer, Taranaki Regional Council, an 80% vegetative cover has been established.

13. In the event that any archaeological remains are discovered as a result of works authorised by this consent, the works shall cease immediately at the affected site and tangata whenua and the Chief Executive, Taranaki Regional Council, shall be notified within one working day. Works may recommence at the affected area when advised to do so by the Chief Executive, Taranaki Regional Council. Such advice shall be given after the Chief Executive has considered: tangata whenua interest and values, the consent holder's interests, the interests of the public generally, and any archaeological or scientific evidence. The New Zealand Police, Coroner, and Historic Places Trust shall also be contacted as appropriate, and the works shall not recommence in the affected area until any necessary statutory authorisations or consents have been obtained.

14. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Taranaki Regional Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review during the month of June 2023 and/or June 2029, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.

Signed at Stratford on 12 June 2019

For and on behalf of
Taranaki Regional Council

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A D McLay
Director - Resource Management

Appendix II

Categories used to evaluate environmental and administrative performance

Categories used to evaluate environmental and administrative performance

Environmental performance is concerned with actual or likely effects on the receiving environment from the activities during the monitoring year. Administrative performance is concerned with the Partnership's approach to demonstrating consent compliance in site operations and management including the timely provision of information to Council (such as contingency plans and water take data) in accordance with consent conditions.

Events that were beyond the control of the consent holder and unforeseeable (that is a defence under the provisions of the RMA can be established) may be excluded with regard to the performance rating applied. For example loss of data due to a flood destroying deployed field equipment.

The categories used by the Council for this monitoring period, and their interpretation, are as follows:

Environmental Performance

High: No or inconsequential (short-term duration, less than minor in severity) breaches of consent or regional plan parameters resulting from the activity; no adverse effects of significance noted or likely in the receiving environment. The Council did not record any verified unauthorised incidents involving environmental impacts and was not obliged to issue any abatement notices or infringement notices in relation to such impacts.

Good: Likely or actual adverse effects of activities on the receiving environment were negligible or minor at most. There were some such issues noted during monitoring, from self-reports, or during investigations of incidents reported to the Council by a third party but these items were not critical, and follow-up inspections showed they have been dealt with. These minor issues were resolved positively, co-operatively, and quickly. The Council was not obliged to issue any abatement notices or infringement notices in relation to the minor non-compliant effects; however abatement notices may have been issued to mitigate an identified potential for an environmental effect to occur.

For example:

- High suspended solid values recorded in discharge samples, however the discharge was to land or to receiving waters that were in high flow at the time;
- Strong odour beyond boundary but no residential properties or other recipient nearby.

Improvement required: Likely or actual adverse effects of activities on the receiving environment were more than minor, but not substantial. There were some issues noted during monitoring, from self-reports, or during investigations of incidents reported to the Council by a third party. Cumulative adverse effects of a persistent minor non-compliant activity could elevate a minor issue to this level. Abatement notices and infringement notices may have been issued in respect of effects.

Poor: Likely or actual adverse effects of activities on the receiving environment were significant. There were some items noted during monitoring, from self-reports, or during investigations of incidents reported to the Council by a third party. Cumulative adverse effects of a persistent moderate non-compliant activity could elevate an 'improvement required' issue to this level. Typically there were grounds for either a prosecution or an infringement notice in respect of effects.

Administrative performance

High: The administrative requirements of the resource consents were met, or any failure to do this had trivial consequences and were addressed promptly and co-operatively.

Good: Perhaps some administrative requirements of the resource consents were not met at a particular time, however this was addressed without repeated interventions from the Council staff. Alternatively

adequate reason was provided for matters such as the no or late provision of information, interpretation of 'best practical option' for avoiding potential effects, etc.

Improvement required: Repeated interventions to meet the administrative requirements of the resource consents were made by Council staff. These matters took some time to resolve, or remained unresolved at the end of the period under review. The Council may have issued an abatement notice to attain compliance.

Poor: Material failings to meet the administrative requirements of the resource consents. Significant intervention by the Council was required. Typically there were grounds for an infringement notice.