

BEFORE THE CANTERBURY REGIONAL COUNCIL

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of a hearing by the
Canterbury Regional
Council Hearing Panel
on the proposed
Canterbury Land and
Water Regional Plan

**STATEMENT OF EVIDENCE OF JAMES HAMILTON COURT FOR
Z ENERGY NEW ZEALAND LIMITED, BP OIL NEW ZEALAND LIMITED AND MOBIL
OIL NEW ZEALAND LIMITED (The Oil Companies)**

4 February 2013

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1. INTRODUCTION

Qualifications and experience

1.1 My full name is James Hamilton Court. I am the Remediation Management/Project Manager at BP Oil New Zealand Limited and have been in this role since June 2011. I have over 17 years resource management experience. Prior to my position at BP I have worked in the following roles:

- (a) 10 years as a policy adviser at the Ministry for the Environment (**MfE**) where I led the development of water quality and contaminated land guidelines and national environmental standards;
- (b) 2 years as an environmental scientist at Montgomery Watson Harza where my work involved project managing oil industry environmental work; and
- (c) 5 years as a resource consents officer for the Waikato Regional Council where I processed and monitored resource consents.

1.2 My role at BP primarily involves managing the company's soil and groundwater environmental responsibilities as well as providing more general environmental advice to the business.

1.3 I have the following academic qualifications:

- (a) Bachelor of Science – University of Waikato 1993; and
- (b) Master of Science (Honours) – University of Waikato 1995.

1.1 Although I work directly for BP, this evidence is provided on behalf of Z Energy New Zealand Limited, BP and Mobil Oil New Zealand Limited (**Oil Companies**).

1.2 I have seen and read the relevant parts of the Section 42A Report (**Officers' Report**).

Scope of evidence

- 1.3 This evidence addresses Schedule 5 of the Oil Companies' submission. In particular, I consider the appropriateness of a proposed new discharge rule for contaminated land, sought to be included in the proposed Land and Water Regional Plan (**pLWRP**) by the Oil Companies.

Code of Conduct for Expert Witnesses

- 1.4 I have read the Environment Court's code of conduct for expert witnesses and agree to comply with it. I have prepared my statement of evidence accordingly. I confirm that my evidence is within my area of expertise and that I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

2. EXECUTIVE SUMMARY

- 2.1 New Zealand has a legacy of soil contamination caused by the past use of hazardous substances. The contaminants at many of these sites can migrate into adjacent soils and water, and have the potential to have adverse effects on people, property and the environment beyond the boundary of the site.
- 2.2 While we now have a National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**Contaminated NES**) at the time of disturbance, subdivision and landuse, controls on discharges from contaminated land are largely either absent or inadequate.
- 2.3 In my view, the pLWRP, through its catch-all discretionary discharge Rule 5.6, proposes no improvement to this situation. Rule 5.6 gives no direction or certainty as to when resource consent would be required, and if required, when it may no longer be needed.
- 2.4 Rule 5.6 is likely to impose further barriers to what is already a costly and complex activity by: confusing the selection of best practicable remediation options, stifling investment by industry in cleaning up sites, and imposing additional and unnecessary compliance costs.

2.5 The Oil Companies consider that rules in plans need to encourage and enable the remediation of sites as the outcomes of these activities are often beneficial to people, the environment and the wider community. One of the main ways councils can assist the remediation of legacy land is through clear and comprehensive regulatory controls.

2.6 The Oil Companies seek proposed rules for discharges from contaminated land. In my view, these two new rules would provide certainty as to when resource consent is required through specific contaminant thresholds and compliance boundaries that are protective of both human health and the environment.

3. NEW DISCHARGE RULE FOR CONTAMINATED LAND

3.1 The Oil Companies' submission seeks the inclusion of two new rules in the pLWRP that address discharges from land that has hazardous substances in it¹. The Rules sought are as follows:

Rule X Contaminated Land Discharges

*The discharge of contaminants from land that has a hazardous substance(s) in it that is onto or into land in circumstances which may result in those contaminants entering water is a permitted activity provided **one** of the following conditions are met:*

- (i) *The concentration of contaminants in groundwater is:*
- ***Either 50 metres from the source or at the property boundary (whichever is the lesser distance); and***
 - ***Anywhere it is intersected by surface water or bore used for the abstraction of water (excluding water bores)***

¹ These discharges involve what might be termed "passive" discharges, in that the original release or discharge of contaminants to land which has resulted in the contaminated site occurred some time ago. The discharge therefore involves contaminants within the soil being entrained in groundwater or stormwater and being discharged beyond the property boundary.